



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Japan and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of Japan was recently adopted by the Human Rights Council at its 37th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 106 countries during this cycle, Japan's presentation and responses, and the actions taken by Japan to implement the 125 recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in full in the annex to this letter.

I would like to highlight Japan's continued commitment to promote development cooperation and the establishment of a Sustainable Development Goals Promotion Headquarters in Japan to advance sustainable development goals domestically and internationally. I welcome Japan's contribution in advancing the implementation of economic, social and cultural rights in many parts of the developing world. I also acknowledge Japan's commitment to continue implementing measures for victims of the Fukushima nuclear accident, including to ensure the provision of medical and long-term nursing care systems and to develop the educational environment for children. In this regard, I encourage Japan to take all necessary measures to protect those victims, using the United Nations Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters of 2011.

I further acknowledge Japan's implementation of various measures to eradicate sexual exploitation of children and tackle sexual offences and human trafficking, such as formulating action plans and revising legislation to combat trafficking in persons.

I also encourage Japan to develop a national human rights action plan in order to achieve concrete action in the areas contained in the annex and to facilitate Japan's preparations for the fourth cycle of the UPR. The development of this national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities.

H E. Mr. Taro KONO
Minister for Foreign Affairs
Japan



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I further encourage Japan to strengthen its national mechanisms for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend that Japan use the practical guide that my Office released in 2016 on this topic and which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following their reviews. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I welcome Japan for submitting its mid-term report in January 2017 for the second cycle. I encourage Japan to submit a mid-term report, for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1 paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Japan to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc: Mr. Yoshifumi Okamura, Representative of the Government of Japan, Ambassador Extraordinary and Plenipotentiary for Human Rights

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- Continue to improve the national system of administration of justice, including guarantees for the rights of persons being held in detention, and authorise the defendant to immediately have access to a lawyer and to limit the detention period without charges to a maximum of 48 hours, as a step towards abolishing this system.
- Continue ongoing reforms in the field of justice and criminal procedure with a view to an in-depth review of the system of substitute detention (*daiyô kangoku*).
- Take adequate measures to effectively address violence against foreign, minority and indigenous women by prosecuting and sanctioning all forms of violence, and ensuring that victims have access to immediate means of redress and protection.

Fundamental freedoms and the right to participate in public and political life

- Review the legal framework governing broadcast media and, in particular, that the Government review and repeal Article 4 of the Broadcast Act. Continue to guarantee the independence of the media, including by reviewing the current legal framework governing the broadcast media and to strengthen media independence by removing the legal basis for undue government interference.
- Take into full consideration the recommendations made by the UN human rights mechanisms on hate speech
- Create an independent administrative body to regulate broadcast media.

Prohibition of all forms of slavery

- Thoroughly accept legal State responsibility for past crimes and take concrete measures to address them, including with respect to the issue of “comfort women”, while ensuring the right of the public to information in this regard. Take immediate and effective legislative and administrative measures to find a victim-centred resolution for “comfort women”, in particular, by acknowledging legal responsibility, and prosecuting and punishing perpetrators, as well as providing victims with full and effective redress and reparation.
- Intensify investigation, prosecution and adequate sanctions in all cases of human trafficking. Formulate a comprehensive anti-trafficking legal framework to prevent all forms of trafficking in persons, especially in order to protect women and children from exploitation. Ensure that the anti-human trafficking law protect human rights of migrants from violations by recruitment agencies, brokers and employers. Continue exerting further efforts to improve access of victims of trafficking and sexual violence to complaints mechanisms and protection services and adopt a specific action plan for the protection and compensation of victims.

Right to privacy and family life

- Refrain from the practice of surveillance and intrusion into the private lives of representatives of religious minorities.