
Advance unedited versionDistr.: General
3 November 2022

Original: English

Human Rights Committee**Concluding observations on the seventh periodic report of Japan***

1. The Committee considered the seventh periodic report of Japan¹ at its 3925th and 3926th meetings,² held on 13 and 14 October 2022. At its 3946th meeting, held on 28 October 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the seventh periodic report of Japan in response to the list of issues prior to reporting³ and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing after the dialogue.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative, policy and institutional measures:

- (a) Fifth Basic Plan for Gender Equality in 2020;
- (b) 2019 Act on the Payment of Lump-Sum Compensation to People who Underwent Eugenics Surgeries based on the Former Eugenic Protection Act;
- (c) 2018 Intensive Policy to Accelerate the Empowerment of Women;
- (d) 2018 Act on Promotion of Gender Equality in the Political Field;
- (e) 2018 Amendment of Art. 731 of the Civil Code to equalize the minimum age of marriage for men and women;
- (f) Adoption of Act No. 72 of 2017, partially amending the Penal Code pertaining to sexual offenses;
- (g) 2016 Amendment of the Criminal Procedure Code, allowing for new mandates for interrogation practices, including "mandatory video recording of interrogations in certain types of crimes";

* Adopted by the Committee at its 136th session (10 October to 4 November 2022).

¹ CCPR/C/JPN/7.

² See CCPR/C/SR3925 and CCPR/C/SR3926.

³ CCPR/C/JPN/QPR/7.

(h) 2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees;

(i) 2015 Act on Special Provisions for the Subsidiary Work and Working Hours of Correctional Medical Officers in 2015.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

4. The Committee notes the information provided by the State party on court cases that referred to the provisions of the Covenant, and on continuous training provided to judges and lawyers on international human rights law, including the Covenant and its interpretation through Committee's General Comments. However, it remains concerned about the lack of concrete information on efforts to provide continuous training and awareness raising among law enforcement officers, security forces, civil society actors and members of the general public about the Covenant and its applicability in domestic law. Furthermore, the Committee acknowledges the repeated commitment of the State party to seriously consider the ratification of the first Optional Protocol to the Covenant (art. 2).

5. The Committee recalls its previous recommendations⁴ and calls upon the State party to continue its efforts to provide continuous training and raise awareness among judges, prosecutors, lawyers, law enforcement officers, security forces, civil society actors and members of the general public about the Covenant and its applicability in domestic law. The State party should also give full effect to the Covenant in its domestic legal order and ensure that domestic laws are interpreted and applied in conformity with its obligations under the Covenant. Furthermore, the State party should ensure that effective remedies are available for violations of the rights protected under the Covenant. The State party should take further steps in view of acceding to the first Optional Protocol to the Covenant, which provides for the consideration of individual communications.

National human rights institution

6. While acknowledging the information provided by the State party regarding the continued discussions on the establishment of an independent national human rights institution, the Committee regrets the vague and general nature of the information provided and the lack of clear progress to establish such institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

7. The Committee reiterates its previous recommendations⁵ and calls upon the State party to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as a matter of priority, and allocate adequate financial and human resources to the institution.

Anti-discrimination legal framework

8. While noting that Article 14 of the Constitution contains a general non-discrimination clause establishing equality under the law for all individuals, the Committee remains concerned about the lack of comprehensive anti-discrimination legislation in line with the provisions of the Covenant. It regrets the lack of information from the State party regarding plans to adopt comprehensive anti-discrimination legislation (arts. 2, 20 and 26).

9. The State party should take all the measures necessary, including by adopting a comprehensive anti-discrimination law, to ensuring that its legal framework provides adequate and effective substantive and procedural protection against all forms of direct, indirect and multiple discrimination, including in the private sphere, on all the prohibited grounds under the Covenant, including colour, opinion, birth, sexual

⁴ CCPR/C/JPN/CO/6, para. 6 and CCPR/C/JPN/CO/5, para. 7.

⁵ CCPR/C/JPN/CO/6, para. 7 and CCPR/C/JPN/5, para. 9.

orientation, gender identity and other status, as well as access to effective and appropriate remedies for victims of discrimination.

Discrimination based on sexual orientation and gender identity

10. The Committee notes the measures taken by the State party to combat discrimination based on sexual orientation and gender identity and raise awareness on equal treatment. It is nonetheless concerned by the absence of explicit legislation prohibiting discrimination based on sexual orientation and gender identity. Furthermore, it is concerned by reports indicating that lesbian, gay, bisexual and transgender persons face discriminatory treatment, particularly in public housing, change of gender in the family register, access to legal marriage and treatment in correctional facilities (arts. 2 and 26).

11. **In line with the Committee's previous recommendations⁶, the State party should:**

(a) Intensify its awareness-raising activities to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons;

(b) Ensure that same-sex couples can enjoy all rights enshrined in the Covenant, including access to public housing and same-sex marriage, throughout the entire State party's territory;

(c) Consider eliminating unwarranted requirements for legal recognition of gender reassignment, including deprivation of reproductive organs or reproductive ability, and unmarried status;

(d) Take the necessary steps to ensure fair treatment of lesbian, gay, bisexual, and transgender inmates in correctional facilities, including by reviewing the 2015 Guidelines for Treatment of Transgender Inmates and their implementation to ensure solitary confinement is not used as the standard treatment for transgender inmates.

Hate speech and hate crimes

12. While welcoming the measures taken by the State party to combat discrimination and hate speech, including the adoption of both the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan (Hate Speech Elimination Act) and the Act on the Promotion of the Elimination of Buraku Discrimination in 2016, as well as the efforts to eliminate hate speech through education and awareness-campaigns, the Committee is concerned: (a) at the continued widespread racist discourse both online and offline against minorities and foreign nationals specifically targeting Chinese, Burakumin, Ryukyus, and other minority and indigenous groups and, in particular, Koreans and Japanese nationals of Korean descent, including by organizations and political groups as well as media platforms inciting discrimination through demonstrations, street protests and political speeches, some of which have been carried out in the name of election campaigns; (b) that the State party has not taken steps to explicitly criminalize acts of hate speech, hate crime, and incitement to discrimination, and that racially discriminatory motives are only defined as grounds potentially aggravating the punishment, to be determined by a judge; and (c) that current legislation does not provide adequate remedies to victims. (arts. 2, 19, 20 and 27).

13. **Reiterating its previous recommendations⁷, the Committee urges the State party to:**

(a) Consider expanding the scope of the Hate Speech Elimination Act to cover discriminatory speech and behaviour against all persons regardless of their origin;

(b) In accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression, consider amending the Criminal Code to introduce a separate definition and prohibition of hate crime, and to explicitly criminalize acts of online and offline hate speech on all prohibited grounds under the Covenant, including on the grounds of sexual orientation

⁶ CCPR/C/JPN/CO/6, para. 11.

⁷ CCPR/C/JPN/CO/6, para. 12.

and gender identity, and encourage the reporting of hate crimes and hate speech and ensure that such crimes are identified and registered, including through the establishment of a comprehensive disaggregated data-collection system;

(c) Combat intolerance, stereotypes, prejudice and discrimination towards vulnerable groups, including ethnic and religious minorities and lesbian, gay, bisexual and transgender persons, by, inter alia, increasing training for law enforcement officials, prosecutors and the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public;

(d) Strengthen the investigation capacity of law enforcement officials on hate crimes and hate speech, and ensure that all cases are systematically investigated, that perpetrators are held accountable, and that victims have access to full reparation.

Gender equality

14. The Committee welcomes the measures taken in the area of gender equality, including the amendments of articles 731 and 733 of the Civil Code, equalizing the minimum age of marriage for men and women, and reducing the period in which women are prohibited from remarrying after divorce from six months to 100 days, respectively. Furthermore, the Committee welcomes the information provided by the State party that in February 2022 an outline of a bill was proposed to abolish the waiting period for women to remarry after divorce. The Committee, however, remains concerned that provisions within the Civil Code may continue to promote inequality between men and women, inter alia, article 750 requiring married couples to have the same surname, which in practice often compels women to adopt their husband's surnames. While noting the adoption of the Act on Promotion of Gender Equality in the Political Field, promulgated and enforced in May 2018, and the Fourth Basic Plan for Gender Equality endorsed in December 2015, the Committee remains concerned that women remain underrepresented in decision-making positions at all levels of the executive and judicial branches, as well as in decision-making bodies in the private sector, and regrets the lack of information available regarding the participation of minority women, including Buraku, Ainu, and Zainichi Korean women (arts. 2, 3, 23 and 26).

15. Recalling the previous recommendations⁸, the State party should:

(a) Intensify its efforts to ensure effective equality between men and women in all spheres of society and life. In particular, it should take tangible steps to increase the representation of women, including minority and indigenous women, in decision-making positions at all levels of the executive and judicial branches and in the private sector;

(b) Strengthen strategies to raise public awareness with a view to combating gender stereotypes in the family and in society, including through the development and implementation of an updated Plan for Gender Equality, as well as through information and advocacy campaigns to ensure the correct interpretation of the law to avoid gender inequality in practice;

(c) Continue its efforts to combat stereotypes regarding the role of women and men in society are not used to justify violations of women's right to equality before the law, including through the amendment of articles 733 and 750 of the Civil Code.

Counter-terrorism measures

16. The Committee is concerned that the Act on Punishment of Organized Crime and Control of the Proceeds of Crime (the Anti-Conspiracy Law) sets a wide scope criminalizing 277 acts and including crimes apparently unrelated to terrorism and organized crime. The Committee is also concerned that the Anti-Conspiracy Law could unduly restrict fundamental rights enshrined in the Covenant, such as freedom of expression, right of peaceful assembly and freedom of association, and lead to violations of the right to liberty and security and the right to a fair trial (arts. 4, 9, 14, 17, 19, 21 and 22).

⁸ CCPR/C/JPN/CO/6, para. 8 and 9.

17. **The State party should consider amending the Anti-Conspiracy Law to remove the criminalization of acts that are unrelated to terrorism and organized crime. It should also adopt appropriate safeguards and preventive measures to ensure the application of the Anti-Conspiracy Law does not unduly restrict any rights under the Covenant.**

Violence against women, including sexual and domestic violence

18. The Committee welcomes the amendment of the Penal Code in June 2017 on sexual crimes to include its application to the crime of forcible sexual intercourse regardless of the sex of the offender and the victim, as well as the incorporation of other forms of intercourse and the ability to prosecute sex offenses without the victims' criminal complaint. It also notes the information received regarding the protective measures in place for victims of domestic and sexual violence and that, while not explicitly mentioned in the Penal Code, marital rape is also punishable by law. The Committee is concerned, however, by reports of a lack of awareness and adequate gender-sensitive training of law enforcement leading to the abuse and revictimization of women, especially migrant victims of sexual and domestic violence, as well as by reports of minimal effort from authorities to investigate cases of violence against women, as well as to investigate cases of disappearance of women. Furthermore, it is concerned by reports of limited assistance and support available to victims. The Committee regrets the lack of disaggregated data on violence against women, and that the State party has not made progress setting the age of sexual consent above 13 years (arts. 2, 3, 6, 7 and 26).

19. **Recalling the previous recommendations⁹, the State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls. In particular, it should take the necessary measures to:**

(a) **Further strengthen training, education and awareness-raising programmes on combating domestic violence for law enforcement officials, the judiciary, including the public prosecution, the Immigration Services Agency, as well as other relevant State departments and the general public;**

(b) **Facilitate and encourage the filing of complaints by victims and ensure that all acts of violence against women and girls, including cases of their disappearances, are promptly, thoroughly and impartially investigated, that steps are taken during investigations to avoid the revictimization of victims, that perpetrators are prosecuted and punished and that victims receive full reparation;**

(c) **Ensure that all victims, regardless of immigration status, are provided with prompt and adequate assistance, support services and protection;**

(d) **Establish a reliable system for the collection of statistical data on violence against women, disaggregated by race or ethnic origin, in order to effectively target measures to ensure their protection;**

(e) **Raise without further delay the age of consent for sexual activities.**

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment

20. The Committee regrets that the State party has not taken steps to abolish the death penalty or to limit the number of capital offences, nor has the intention to do so. The Committee remains concerned that several of the 19 capital offences do not comply with the Covenant's requirement of limiting capital punishment to the "most serious crimes", and that death row inmates continue to be kept in prolonged solitary confinement, including of up to 40 years before execution, and are subjected to intrusive 24-hour video surveillance. It also notes with concern the delegation's statements that inmates and their families are denied prior notice of the day of execution to protect their "psychological safety and peace-of-mind" and that said approach is "unavoidable". Furthermore, while noting the information provided regarding the careful revision of requests for retrial, the Committee is deeply concerned by reports of executions being carried out while requests for retrials were still pending. It is also

⁹ CCPR/C/JPN/CO/6, para. 10.

concerned by the lack of a mandatory system of review in capital cases as well as of an independent mechanism to monitor the mental health of inmates on death row (arts. 2, 6, 7, 9 and 14).

21. **Bearing in mind the Committee's general comment No. 36 (2018) and recalling its previous recommendations¹⁰, the State party should:**

(a) **Consider abolishing the death penalty and inform the public, as necessary, about the desirability of abolition, including through appropriate awareness-raising measures to mobilize public opinion towards the abolition of the death penalty. In the meantime, the State party should, consider establishing a moratorium and, as a matter of priority, reduce the number of capital offenses and ensure the death penalty be strictly limited to the most serious crimes, in accordance with the Covenant;**

(b) **Ensure that the death row regime does not amount to cruel, inhuman or degrading treatment or punishment by giving reasonable advance notice of the scheduled date and time of execution to death row inmates and their families with a view to reducing the psychological suffering caused by the lack of opportunity to prepare themselves for this event, refraining from imposing prolonged solitary confinement, and using the 24-hour video surveillance on death row prisoners only when and for the period strictly needed;**

(c) **Establish a mandatory and effective system of review in capital cases, with requests for retrial or pardon having a suspensive effect, ensuring that the mental health of death row inmates is reviewed by an independent mechanism, and guaranteeing the strict confidentiality of all meetings between death row inmates and their lawyers concerning requests for retrial;**

(d) **Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

22. While welcoming the affirmation of the State party that support will be provided to all internally displaced persons due to the Fukushima nuclear disaster, regardless of the distinction as "voluntary" or "mandatory" evacuees, the Committee remains concerned that the high threshold of exposure level set by the State party in Fukushima and the decision to cancel some of the evacuation areas give people no choice but to return to highly contaminated areas. It is also concerned by the termination of the free housing support for evacuees living outside of the evacuation zone, as well as the lack of information regarding measures put in place to ensure that, in practice, all internally displaced persons have access to the necessary support, whether or not they decide to return to their land. Furthermore, the Committee is concerned by reports of high numbers of children in Fukushima diagnosed with, or believed to have, thyroid cancer since the disaster (arts. 6, 12 and 19).

23. **Reiterating its previous recommendation¹¹, the State party should:**

(a) **Protect the life of all people affected by the nuclear disaster in Fukushima and lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk;**

(b) **Continue to monitor the levels of radiation and disclose that information to the people affected in a timely manner;**

(c) **Ensure that all internally displaced persons, regardless of the distinction as "voluntary" or "mandatory" evacuees or whether or not they decide to return to their land, have access to all of the necessary financial, housing, medical and other support, including by reactivating the free housing for evacuees living outside of the evacuation zone;**

(d) **Continue to evaluate the impact of the nuclear disaster on the health of persons exposed to radiation, including the possible correlation with the high**

¹⁰ CCPR/C/JPN/CO/5, para. 16-17 and CCPR/C/JPN/CO/6, para. 13.

¹¹ CCPR/C/JPN/CO/6, para. 24.

prevalence of cancer in children, and consider providing free, periodic, and comprehensive health checks for all persons exposed to radiation, including children.

Liberty and security of person and treatment of persons deprived of their liberty

24. The Committee takes note of the information provided by the State party regarding the strict procedures to determine involuntary hospitalization, as well as the review of all hospitalized persons with mental disabilities by the independent Psychiatric Review Board which can issue orders to improve treatment of individuals, including discharge. Nevertheless, the Committee is concerned by reports of an increasing number of hospitalizations in psychiatric institutions. While recognizing the efforts of the State party to address the abuse of persons with disabilities, it is also concerned that the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers does not extend to abuse taking place in medical institutions (arts. 7, 9 and 10).

25. Recalling the Committee's previous recommendations¹², the State party should:

(a) Continue its efforts to provide community-based or alternative services for persons with mental disabilities;

(b) Ensure that forced hospitalization is imposed only as a last resort, for the minimum period required, and only when necessary and proportionate for the purpose of protecting the person in question from harm or preventing injury to others;

(c) Ensure safeguards, including legal and all other necessary assistance, to protect the right to free and informed consent of all persons with disabilities;

(d) Intensify efforts to monitor, prevent and eradicate all forms of abuse against persons with disabilities in mental health institutions, both public and private, including by considering expanding the scope of the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers to include medical institutions;

(e) Guarantee the effective investigation and sanctioning of abuses across all relevant medical service providers and institutions, and provide full reparation to victims and their families.

26. While noting the information provided by the State party regarding the detention system, the Committee remains concerned about the lack of an entitlement to bail or a right to State-appointed counsel from the outset of deprivation of liberty, and that the State party has expressed that the implementation of a pre-indictment bail system is unnecessary. It is also concerned by reports that individuals are held in pretrial detention for periods exceeding those prescribed in domestic law, with a high acceptance rate of requests for extension and re-extension of detention, and that there continues to be, in practice, a lack of strict regulations regarding the conduct of interrogations as well as a limited scope of mandatory video recording for interrogations. Furthermore, the Committee remains concerned by the conditions of detention, especially the use of prolonged solitary confinement and the lack of access to adequate medical services for detainees, as well as denial of procedural guarantees such as access to counsel and contact with family, and denial of the right to vote (arts. 7, 9, 10, 14 and 25).

27. Recalling the previous recommendations¹³, the State party should adopt the measures necessary to guarantee that anyone arrested or detained enjoys, in practice, from the outset of the deprivation of liberty all fundamental legal safeguards enshrined in articles 9 and 14 of the Covenant and that the detention is in full conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including with regard to access to counsel, the right to contact family and the provision of medical attention when needed. It should also ensure that:

(a) Interrogations are entirely video-recorded, including prior to a formal arrest, and due consideration is given to apply audio-visual recording of interrogations in all criminal cases;

¹² CCPR/C/JPN/CO/6, para. 17.

¹³ CCPR/C/JPN/CO/6, para. 18.

(b) Prescribed periods of pretrial detention are respected to prevent excessive periods of detention;

(c) Non-custodial alternatives to detention, such as bail, are duly considered during pre-indictment detention;

(d) It reviews the total length of permissible solitary confinement for remand detainees, even if it is used as a measure of last resort, as well as regularly evaluate the effects of solitary confinement in order to further reduce it and to develop alternative measures where necessary;

(e) A complaint review mechanism, independent of the prefectural public safety commissions with the authority to promptly, impartially and effectively investigate allegations of torture and ill-treatment during interrogation, is available;

(f) In light of the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote, it considers reviewing its legislation denying convicted prisoners the right to vote.

Elimination of slavery, servitude and trafficking in persons

28. The Committee notes the information provided by the State party regarding its efforts towards addressing the human rights violations against the "comfort women". It regrets, however, that the State party has not made progress regarding the previous recommendations of the Committee and continues to deny its obligation, in accordance with the Covenant, to address the continuing violations of the victims' human rights. It also regrets the lack of criminal investigation and prosecution of perpetrators, and the lack of effective remedies and full reparation to all victims of past human rights violations (arts. 2, 7 and 8).

29. The Committee reiterates its previous recommendations¹⁴ and urges the State party to take immediate and effective legislative and administrative measures to ensure:

(a) That all allegations of human rights violations perpetrated by the Japanese military during wartime against the "comfort women" are effectively, independently and impartially investigated, that all available evidence is disclosed, and that perpetrators are prosecuted and, if found guilty, punished;

(b) Access to justice and full reparation to all victims and their families, including victims from other countries;

(c) Education about the issue, including adequate references in textbooks, and strong condemnation of any attempts to defame victims or to deny the events.

30. While noting the information provided by the State party and welcoming its efforts to combat trafficking in persons, the Committee is concerned about the lack of penalties proportionate to the seriousness of the acts committed, with many convictions ending with suspended sentences or the imposition of insignificant fines. In regard to the Technical Intern Training Programme, the Committee welcomes the information regarding the increase in the number of on-site inspections as a preventative measure against possible labour trafficking and other labour violations, however, it remains concerned about reports of the persistence of forced labour under the Technical Intern Training Programme (arts. 2, 7 and 8).

31. Recalling its previous recommendations¹⁵, the State party should continue its efforts to:

(a) Enhance victim identification procedures, particularly with regard to victims of forced labour, including within the Technical Intern Training Programme, and provide specialized training to all law enforcement officers, including labour inspectors;

(b) Establish an independent complaint mechanism and effectively investigate, prosecute perpetrators and, when convicted, impose penalties that are commensurate with the seriousness of the acts committed, all forms of trafficking in

¹⁴ CCPR/C/JPN/CO/6, para. 14.

¹⁵ CCPR/C/JPN/CO/6, para. 15 and 16.

persons, including cases of labour trafficking and other labour violations, including within the Technical Intern Training Programme.

Treatment of aliens, including refugees and asylum seekers

32. The Committee notes the responses of the State party in regard to the treatment of aliens, including refugees and asylum seekers, and welcomes the information on the development of an improvement plan on treatment in detention facilities, as well as the revision of the deportation procedure establishing the scheduled date of deportation to be at least two months after the delivery of notification on the decision. The Committee notes with interest that the State party is considering proposing an amendment bill to the Immigration Control and Refugee Recognition Act, stipulating alternatives to detention as well as the introduction of a system for recognizing eligibility for complementary protection. Furthermore, the Committee welcomes that the State party is willing to consider measures to avoid long-term detention. It remains concerned, however, at the alarming reports of suffering due to poor health conditions in immigration detention facilities, including resulting in the death of 3 detainees between 2017 and 2021, as well as of the precarious situations of the “Karihomensha”, individuals who have lost their resident status or visas and are out on “provisional release”, without options to work or obtain revenue. The Committee is also concerned by reports of the low rate of refugee recognition (arts. 7, 9, 10 and 13)

33. Taking into consideration the previous recommendations¹⁶, the State party should:

(a) Promptly adopt comprehensive asylum legislation, in line with international standards;

(b) Take all appropriate measures to guarantee that immigrants are not subject to ill-treatment, including through the development of an improvement plan, in line with international standards, on treatment in detention facilities, including access to adequate medical assistance;

(c) Provide the necessary support to immigrants under “provisional release” and consider establishing opportunities for them to engage in income-generating activities;

(d) Ensure that the principle of non-refoulement is respected in practice and that all persons applying for international protection are given access to an independent judicial appeal mechanism with suspensive effect against negative decisions;

(e) Provide alternatives to administrative detention and take steps to introduce a maximum period of immigration detention, and take measures to ensure that detention is resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered, and that immigrants are able to effectively bring proceedings before a court that will decide on the lawfulness of their detention;

(f) Guarantee adequate training of migration of border guard officials and immigration personnel to ensure full respect of the rights of asylum seekers under the Covenant and other applicable international standards.

Right to privacy

34. The Committee welcomes the information provided by the State party with reference to its efforts to provide compensation to those individuals whose personal information was leaked from the Tokyo Metropolitan police department, and notes the information provided relating to the six Digital Reform-Related Laws and the role of the Personal Information Protection Commission. It is concerned, however, about the wide-reaching powers of surveillance and the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities and access to personal data, including a lack of independent judicial oversight (art. 17).

¹⁶ CCPR/C/JPN/CO/6, para. 19.

35. **The State party should bring its regulations governing data retention and access, surveillance and interception activities into conformity with the Covenant, in particular its article 17, and ensure strict adherence to the principles of legality, proportionality and necessity. It should ensure that any interference with the right to privacy requires prior authorization from a court and is subject to effective and independent oversight mechanisms and that affected persons are notified of the surveillance and interception activities to which they are being subjected, where possible, and have access to effective remedies in cases of abuse. The State party should also ensure that all reports of abuse are thoroughly investigated and that such investigations, where warranted, lead to appropriate sanctions.**

Freedom of thought, conscience and religion and freedom of expression

36. The Committee reiterates its previous concern regarding the vague and open-ended concept of “public welfare” which could lead to restrictions on the rights to freedom of thought, conscience and religion or freedom of expression, as well as of the broad definition of the matters that can be classified as secret and general preconditions for classification within the Act on the Protection of Specially Designed Secrets. While it notes the information provided by the State party that no broadcasting licenses have been suspended to date, the Committee is concerned that the high criminal penalties set out in the Act on the Protection of Specially Designed Secrets, along with the sweeping powers granted to the government within the Broadcasting Act and the Radio Act to suspend operations of broadcasters, are generating a chilling effect on the activities of journalists and human rights defenders and leading to self-censorship (arts. 18 and 19).

37. **Recalling its previous recommendations¹⁷, the Committee calls on the State party to take all necessary measures to:**

(a) **Clearly define the concept of “public welfare” so as to ensure that any restrictions on freedom of thought, conscience or religion, or freedom of expression by reason of “public welfare” are in line with those permitted within the Covenant;**

(b) **Ensure that the Act on the Protection of Specially Designated Secrets and its application conform to the strict requirements of article 19 of the Covenant, inter alia by guaranteeing that the categories of information that could be classified are narrowly defined and any restriction on the right to seek, receive and impart information complies with the principles of legality, proportionality and necessity to prevent a specific and identifiable threat to national security, and that no individual is punished for disseminating information of legitimate public interest that does not harm national security;**

(c) **Promote plurality of opinions in the media and ensure that the media and media workers can operate free from undue State interference;**

(d) **Take all measures necessary to ensure the independence of the broadcasting and licensing authority;**

(e) **Ensure the effective protection of independent journalists and media workers against any form of intimidation and refrain from using civil and criminal provisions, including the provisions on extremism, as well as other regulations, as a tool to suppress critical reporting on matters of public interest.**

38. The Committee notes with concern the reports of restrictions of freedom of thought and conscience in the State party. It is concerned that as a result of passive, non-disruptive acts of non-compliance of teachers to stand and face the flag and sing the national anthem at school ceremonies, some have received punishment of up to six months suspension of duties. Furthermore, the Committee is concerned of the alleged application of force to compel students to stand during ceremonies (art. 18).

39. **The State party should guarantee the effective exercise of freedom of thought and conscience and refrain from any action that may restrict it beyond the narrowly**

¹⁷ CCPR/C/JPN/CO/6, para. 23.

construed restrictions permitted under article 18 of the Covenant. It should bring its legislation and practices into conformity with article 18 of the Covenant.

Right of peaceful assembly

40. While noting the information provided by the State party, the Committee remains concerned about information it has received from stakeholders indicating concerns of unjustifiable and disproportionate restrictions against protests and demonstrations by law enforcement, including excessive use of force and recording of protesters, imposed particularly on protests against the Diet and in Okinawa, and the arrests of protesters and journalists (arts. 19 and 21).

41. In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should:

(a) Ensure that all allegations of excessive use of force and arbitrary arrests and detentions by law enforcement officials during peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, punished and that the victims obtain full reparation;

(b) Provide law enforcement officials with appropriate training on the use of force, on the basis of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;

(c) Ensure the protection of peaceful demonstrators, human rights defenders and journalists covering peaceful demonstrations from threats, intimidation, harassment and attacks by private actors.

Rights of minorities

42. While noting the 2019 Ainu Policy Promotion Act, the Committee remains concerned regarding reports of discrimination and denial of the rights of Ainu as an indigenous group, the lack of recognition of the Ryukyu indigenous community and their rights, and denial of rights of Okinawan communities to engage in free, prior and informed participation in policies that affect them, the rights to their traditional land and natural resources, and the rights to educate their children in their own language. Furthermore, the Committee is concerned about reports of the discriminatory operation of policies, allegedly resulting in the exclusion of some Korean residents, who have been living in Japan since colonial times, and their descendants, and who should be recognized as a national or ethnic minority, from social security schemes and the exercise of political rights (arts. 26 and 27).

43. The State party should take further steps to fully guarantee the rights of Ainu and Ryukyu and other Okinawa communities to their traditional land and natural resources, ensuring respect for their right to engage in free, prior and informed participation in any policies that affect them and facilitating, to the extent possible, education for their children in their own language. It should also remove the barriers preventing Korean residents, who have been living in Japan since colonial times and their descendants, from accessing, inter alia, support programs and the pension scheme available to them, and consider amending the relevant legislation to allow resident Koreans and their descendants the right to vote in local elections.

Rights of the child

44. The Committee notes the explanation of the State party regarding the use of the terminology defining children born out of wedlock as "illegitimate" on certain official forms and welcomes the affirmation of the delegation that the State party is willing to consider the removal of such terminology, ensuring equal rights of all children. The Committee, while noting the information provided by the State party regarding the amendment and revisions of the Child Welfare Act, is concerned by reports of children being removed from their family without a court order and clear evidence of parental abuse, being placed in temporary custody at the Child Guidance Centers, often for prolonged periods, and that parents are unable to

present their case themselves during the appeal proceedings, in which a judge considers whether a writ of temporary care is needed to be issued. Furthermore, while acknowledging the responses provided by the State party on the matter, the Committee is concerned by reports received regarding frequent cases of “Parental Child Abduction”, domestic and international, and a lack of adequate responses by the State party (arts. 17, 23 and 24).

45. **The State party should:**

(a) **Ensure that its legislation and practices are in full compliance with article 24 of the Covenant and adopt protective measures aimed at removing all discrimination and stigma against all children;**

(b) **Amend the legislation to establish clear criteria for removal of a child from the family and introduce a mandatory judicial review for all cases to determine whether that is warranted, ensuring that children are separated from their parents as a measure of last resort only, when it is necessary for their protection and in their best interests, after hearing the child and the parents;**

(c) **Introduce the necessary measures to adequately respond to cases of “Parental Child Abductions” and ensure that decisions on custody of the child, whether domestic or international cases, take into account the best interests of the child and are fully implemented in practice.**

D. Dissemination and follow-up.

46. **The State party should widely disseminate the Covenant, its seventh periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

47. **In accordance with rule 75, paragraph 1, of the Committee’s rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 7 (National human rights institution), 33 (Treatment of aliens, including refugees and asylum seekers) and 45 (Rights of the child) above.**

48. **In line with the Committee’s predictable review cycle, the State party will receive in 2028 the Committee’s list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its eighth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.**
