

Summary of Report of JFBA Regarding the Third Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Article	Proposed Recommendations for the Concluding Observations	List of Issues	page(JFBA)
1	【A. The Ainu】 5. The State Party and the Hokkaido Government should make concrete effort to improve the social status of Ainu people, and should guarantee the rights of Ainu to receive education in their own language at schools and in other contexts.	3	6
	【B. Okinawa Issues】 a The State Party should make concrete advances in reducing the military bases in Okinawa.	/	7
	b The State Party should guarantee the rights of local residents to file a complaint to the court so that they can exercise their rights to claim compensation for damages when they suffer harm caused by the activities of US military forces.		
2	【A. Legal Characteristics of the Covenant and its Functions】 The State 13. Party should regard the legal characteristics of the International Covenant on Economic, Social and Cultural Rights not only as a political obligation, but also as a legal obligation which has a normative effect, and should actively adopt them in legislative and administrative processes.	1	9
	【B. The Principle of Prohibition on the Retrogressive Measures】 19. The State Party should respect the principle of prohibition on the retrogressive measures especially in the field of social security.	/	10
	【C. Teaching and Training Programmes on Human Rights】 22. The State Party should improve lectures and teaching programs on human rights in the judiciary and for law enforcement officials.		11
	【D. Government Responsibility toward Human Rights Infringements Caused by International Cooperation and International Activities of Private Entities such as Corporations】 a We request the Government to take concrete measures to realize the proportion of ODA against GNI at 0.7% in accordance with Japan's international commitment.		/
	b The State Party should place great importance on the realization of human rights as the main issue in their efforts for international cooperation, and should take measures accordingly.		
	c The State Party should consider effective measures to restrict the overseas economic activities of the private sector, individual persons and corporations that cause human rights violations.		
	【E. Issue of Unratified Major International Conventions】 a The State Party should ratify those optional protocols that stipulate the individual complaint mechanism, including that to Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, to the International Covenant on Civil and Political Rights, to the Convention on the Elimination of All Forms of Discrimination against Women and others, as well as declaring to accept the individual complaint mechanism stipulated in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of All Persons from Enforced Disappearances.	/	12
b The State Party should place great emphasis on the dissemination and implementation of the present Concluding Observations, make concrete plans for implementation, and establish mechanisms for monitoring and evaluation.	1		
【F. Civil Legal Aid System】 a The Government should provide civil legal aid to all natural persons including non-Japanese nationals who reside in Japan regardless of their resident status and domicile based on the Comprehensive Legal Support Act.	/	13	

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	b Administrative procedure with regard to refugee certification (including the procedure to appeal against the decision to exclude), forced deportation, and the revocation of resident status should be supported by the civil legal aid system based on the Comprehensive Legal Support Act.	/	13
	【G. Discrimination against Buraku】 31. The State Party should interpret that discrimination against Buraku is included in “descent” in the definition of discrimination in Article 1 Clause 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, following the recommendation from the Committee.	2,3	14
	【H. National Human Rights Institutions】 a The National Human Rights Institution should appropriately be established under the Cabinet Office, rather than within the jurisdiction of the Ministry of Justice in order to guarantee the independence of the Commission. b In order to guarantee the independence of the National Human Rights Institution, a system should be designed to secure adequate human resources and budget. c The Government should have enough manpower at a regional level, or should at least have enough personnel who belong to the Commission, and are able to direct and supervise staff at the regional offices. d It should also be provided that concerned administrative organs are duty-bound to cooperate with the Commission in cases of violations by themselves. e It should be provided that the National Human Rights Institution has the function of providing human rights relief, legislative and policy recommendations and human rights education according to the Convention or other established human rights standards.	1	15
	【A. Definition of Discrimination】 a Comprehensive legislation which prohibits discrimination against women including the following points, should be enacted. a.1 Discrimination against women is a violation of human rights. a.2 Provision for the definition of discrimination that includes indirect discrimination against women. a.3 Prohibition of all forms of discrimination against women including indirect discrimination. a.4 Provision for punitive measures for acts in violation of the provisions for prohibition of discrimination against women.	2	17
	b The Government limits the forms of indirect discrimination prohibited in the Equal Opportunity Law, as revised in April 2007 to only three listed in the ministerial ordinance; the Government should instead state make these as a list of examples. Additionally, the guidelines that stipulate that legal decisions shall be made according to the employment management category system set forth in Equal Opportunity Law should be eliminated.	2	
	【B. Gender Equal Society】 47. The State Party should implement temporary special measures including legislation to increase the representation of women in politics, public administration, judiciary, education, research and all other areas of public life in order to realize a gender equal society.	5	19
	【C. Disadvantaged Position of Women in the Labor Market】 a The Government should make it a priority to achieve de facto gender equality in labour market.		20

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3	b Dismissal of women and limited term employment for women on the grounds of pregnancy and childbirth is widespread, although it is against the law. The Government should take measures to prevent the illegal dismissal of women on the ground of pregnancy and childbirth, eliminate vertical and horizontal occupational segregation between women and men, and take concrete measures to close the wage gap between women and men, including special temporary measures.	5	20		
	c While consolidating the system for effective implementation and monitoring, and establishing the services for legal remedy including legal support and case management, the Government should impose effective punitive measures against discrimination against women such as sexual harassment in the workplace in both the public and private sectors.				
	【D. Strengthening the Function and Authority of the National Machinery for the Advancement of Women (currently the Gender Equality Bureau Cabinet Office)】 63. The State Party should make efforts to realize the recommendations set forth in para. 26 of the Concluding Observation of the Committee on the Elimination of Discrimination against Women for the sixth periodic report of Japan.	5	23		
	【E. Abolition of Discriminatory Legislation within the Civil Code on Marriage (including Discrimination against Illegitimate Children), the Penal Code, and the Anti-Prostitution Act】 E.1 Discriminatory Civil Code on Marriage (including Discrimination against Illegitimate Children) 66. The State Party should revise or eliminate discriminatory provisions in the Civil Code, including the six-month waiting period required for women but not men before remarriage, and fulfill the obligation as a State Party to international human rights law such as the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women, and should make a sincere and serious response to the international community.	/	/	24	
	E.2 Discriminatory Provision in the Penal Code and Anti-Prostitution Act a.1 The State Party should abolish Article 212 of the Penal Code, which penalizes abortion, immediately.			/	/
	a.2 The Government should show clearly how they will revise the future policy on prostitution, including the amendment and abolishment of Article 5 of the Anti-Prostitution Act which penalize prostitutes (mostly women) in effect by penalizing persons who “solicit” prostitution, following para. 39 of the Concluding Observations of the sixth periodic review of Japan by the Committee on the Elimination of Discrimination against Women.				
	【F. Minority Women】 78. The Government should conduct a comprehensive survey on the situation of minority women including indigenous Ainu women, Buraku women, Zainichi Korean women, and needs to collect information and statistical data especially on education, employment, health, social welfare, and exposure to violence. The results of the survey should be incorporated into concrete plans and policies to promote the rights of minority women.	/	/	27	
	【G. Sexual Minorities】 82. Appropriate measures, including legislation, should be taken to eliminate discrimination based on gender orientation and gender identity.			2	28
【H. Overcoming Gender Stereotypes】 85. The Government should take the following measures to eliminate negative stereotypes about the roles and responsibilities of women and men. a The Government should improve its efforts and take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, through awareness-raising and educational campaigns.	6	29			

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	b The Government should speedily complete a revision of all educational textbooks and materials to eliminate gender stereotypes.	6	29	
	c The Government should take measures, including the criminalization of verbal violence, to ensure that Government officials do not make disparaging remarks that demean women and contribute to the patriarchal system which discriminates against women.			
6	【A. Non-permanent Employment】 a In August 2012, a law was adopted that regulates and sets certain limits to fixed-term contracts for the first time. The law should, however, clearly stipulate that labor contracts should in principle be concluded for indefinite terms, and that fixed-term labor contracts could be permitted only in exceptional cases, in which there are reasonable grounds.	9	31	
	b Dispatch workers (workers who are employed by and paid wages by human resource agencies, but are dispatched to different companies to work) work under different chains of command in the workplace from that of their employers, and therefore the responsibilities of both become ambiguous. The principle of direct employment (the system in which workers work under direct chain of command of the employer) should be promoted.			
	c The principles of equal pay for work of equal value, as well as for equal treatment, are not established between regular and non-permanent employees (part-time workers, fixed term contract workers, dispatch workers and others), and non-permanent workers find it difficult to make a living from their pay. This inequality should be corrected.			
		【B. Measures for the Unemployed】 96. The State Party has adopted a very narrow definition regarding data on unemployment and on measures for the unemployed. The definition as well as the scope of the measures should be expanded.	8	32
		【C. Ensuring Equal Employment Opportunities for People with Disabilities】 a The status of people with disabilities working in sheltered employment should be recognized as workers.	4	33
		b Discrimination based on disabilities should be prohibited in all matters pertaining to any form of employment (including recruitment, hiring and employment conditions, continuation of employment, promotion as well as safe and healthy working conditions).		
		c Provision of reasonable accommodation in the workplace to people with disabilities should be ensured.		
		d In applying the employment quota system, which is the current system of hiring people with disabilities, the Government (Ministry of Health, Labour and Welfare) should desist from counting non-permanent employment as permanent employment.		
		【D. Right to Work for Non-Japanese Nationals】 a The State Party requires “civil servants engaging in exercise of public authority or in participation in the formation of public intent” to hold Japanese nationality in order to be hired. However, it should allow hiring of non-Japanese nationals in general national and other civil service positions, as well as promotion of those who are hired at the same level as Japanese nationals, unless there would be substantial difficulties in the performance of work when non-Japanese nationals are hired in those positions.	/	34
		b The Supreme Court should change its practice of not appointing non-Japanese as civil and family affairs conciliation commissioners as well as judicial commissioners for the reason of exercise of public authority. It should appoint a qualified person equally, regardless of nationality.		

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7	【A. Work-life Balance】 a The Government should take measures to realize equal pay for work of equal value, to resolve wage disparities between regular and non-permanent workers, and to improve the situation surrounding stable employment and prolonged working hours so that both women and men can live a fulfilling life with a better balance between work and family life.	10	37
	b The Government aims to increase the ratio of men taking childcare leave to 13% by 2020, but this target implies that even in ten or twenty years time, women will not be released from the burden of family responsibilities. It is necessary to take further measures to achieve work-life balance for both women and men.	10	37
	c The Government should expand measures for economic support for child rearing by reducing the cost for child care and by other means.		
	【B. The Elderly, Minimum Wage and Occupational Injury】 a The government should guarantee ongoing employment to employees who are over 60 years of age and wish to continue their employment in the same workplace.	11	39
	b The government should raise the minimum wage, to rectify the “inverted situation” where the state welfare benefits are higher than the minimum wage.		
	c The government should expand the scope of occupational injury claims covered by Industrial Accident Insurance, and all workers, irrespective of their form of employment, should be eligible for compensation for occupational injury and illness.	12	
	【C. Non-Japanese Nationals】 C.1 Right to Work of Non-Japanese Nationals Who Work without Authorization 119. Non-Japanese nationals who work without authorization (non-Japanese nationals without resident status or non-Japanese nationals who have resident status but not work authorization), are in an extremely vulnerable position, and are often unable to negotiate with their employers even in cases where they fail to receive their basic wages for fear of being reported to the immigration authorities, and being faced with forced deportation as a result. Japanese nationals and non-Japanese nationals with work authorization usually contact the Labour Standards Inspection Office for advice should such situation occur, but non-Japanese nationals without work authorization cannot make inquiries for such cases. Although the Government is aware of this situation, it has done little to publicize the provisions of the Labour Standards Act and the role of the Labour Standards Inspection Office. This situation represents a violation of Article 7 of the Covenant, which mandates the right to just and favorable working conditions; as well as Article 2(1) of the Covenant, which requires signatory states to respect human rights.	13	41
C.2 Labor Problems of Non-Japanese Industrial Trainees 124. Consideration should be given toward abolishing the Industrial Training and Technical Internship Programs and creating a new system in their place. This should include the creation of a status of residence that admits less skilled workers, as well as serious consideration regarding the pros and cons and the existing capacity in this regard. Such inquiries must also substantially guarantee the human rights of non-Japanese nationals in the country, protecting their basic labor rights and prohibiting discriminatory treatment in this regard. Consideration must be provided, moreover, toward the creation of a system directed toward a multi-ethnic and multi-cultural society, including measures wherein non-Japanese nationals are able to enter the country and remain here together with their families.	13	42	

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8	<p>【A. Labor Unions】 125. Civil servants' rights to organize, to collective bargaining and to industrial action should be recognized to the fullest extent possible. In particular, the right to organize as well as to collective bargaining of firefighters and prison staff should be recognized.</p>	/	45
9	<p>【A. Provisions to Prohibit Discriminatory Treatment in Domestic Laws (based on Disabilities)】 a An anti-discrimination law should be enacted, and the UN Convention on the Rights of Persons with Disabilities (CRPD) should be ratified speedily.</p>	4	48
	<p>b An analysis of concrete facts of what constitutes discrimination against people with disabilities should be conducted in various areas such as labor, education, transportation, housing, services, the judicial system and the right to political participation, based on the views of the people with disabilities themselves, and the results should be published.</p>		
	<p>c In order to ensure the effectiveness of the anti-discrimination law, an organ for providing remedies should be established at the same time as the legislation.</p>		
	<p>【B. Social Security of Retirees under 65 Years Old】 138. Under the current circumstances, in which the retirement age is not raised from 60 years of age, measures should be undertaken to ensure the income of the elderly until 65 years of age, when the provision of basic old age pension benefits starts, and to stabilize their lives.</p>	15	49
	<p>【C. Problems of Low Pensions and Persons without Pensions】 140. The Government should take effective measures to respond to the issue of low pensions and persons without pensions.</p>	/	50
	<p>【D. Income Gap between Men and Women, including the Pension Gap】 a A minimum guaranteed pension should be included in the public pension system.</p>	14	50
	<p>b The de facto gender inequality that exists in the pension system should be improved as much as possible.</p>	/	/
<p>【E. Pensions and Other Matters for Non-Japanese Nationals】 144. Regarding pensions and benefits under the "Law for Assistance to the Wounded and Sick Retired Soldiers, the Bereaved and Others," the non-payment of benefits to non-Japanese nationals who served in the Japanese military forces but whose nationality had changed after their home countries became independent, on grounds of lack of Japanese nationality, is a violation of Article 9 and Article 2 of the Covenant and should be corrected promptly.</p>	/	52	
<p>【F. Non-Japanese Nationals and National Health Insurance】 a The non-payment of old-age pension to resident Koreans over 60 years of age as of April 1, 1986 is a violation of Article 9 and Article 2 paragraph 2 of the Covenant. The State Party should pay such pension to the above resident Koreans, as it has paid Japanese nationals who were over 50 years of age at the time the National Pension scheme was created.</p>	/	53	
<p>b The non-payment of disability pension benefits to resident Koreans with disabilities who were over 20 years of age as of January 1, 1982 is a violation of Article 9 and Article 2 paragraph 2 of the Covenant. The State Party should pay such pension to the above resident Koreans with disabilities as it has paid Japanese nationals with disabilities who were over 20 years of age at the time the National Pension scheme was created.</p>			
<p>【G. Non-Japanese Nationals and National Health Insurance】 145. The employment assistance and social welfare systems should be improved so that those who are unemployed will not suffer difficulties in living, and can swiftly transfer to the next job.</p>	/	54	

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10	<p>【A. Violence against Women】</p> <p>A.1 Sexual Violence against Women</p> <p>a.1 A number of recommendations have been made with regard to the crime of rape: there should be an emphasis on consent when deciding whether it is rape or not, incest and marital rape should be defined explicitly as crimes, punitive measures should be implemented for the rape of men, and the State should raise the age of sexual consent from its current level of 13 years. The Government should examine the situation with regard to these issues, including a review of the constituent elements for the crime of rape and punitive measure for this crime.</p>	/	56
	a.2 Careful consideration should be made whether to eliminate the requirement for complaint from the victim as a constituent component of the crime of rape.	/	
	a.3 There should be special educational programs based on the gender perspective for judicial professionals dealing with rape cases such as judges, public prosecutors, investigators, and attorneys.	/	
	a.4 The government should publish the number of cases of marital rape which have resulted in a guilty verdict, and consider applying strict legislation to cases of marital rape.	/	56
	a.5 Regarding the problem of focusing on the victim’s previous sexual history during criminal proceedings, the introduction of effective measures including rape shield law and other legislation should be considered in addition to the regulations in the Control of Court Proceedings in the Code of Criminal Procedure and the Code of Criminal Procedure itself.	/	
	a.6 There should be proactive measures to reduce the burden on rape victims when they are required to prove their resistance against the assault. In order to protect the privacy of the victims and reduce their burden, proactive measures should be taken when cases go through the lay judge system.	/	
	a.7 The Government should improve the support system for victims of sexual violence. In particular, support for male (child) victims of sexual violence should be strengthened.	/	
	a.8 The Government should establish a special shelter for victims of sexual violence.	/	57
	a.9 An “emergency telephone counseling service for victims of spousal and sexual violence” was set up by the Government for a short period in 2011. The Government should consider the way in which they utilize the results of analysis of this project, including whether the service should be resumed and/or be provided in the long term, and take concrete measures based on the analysis.	/	
	<p>A.2 Sexual Harassment</p> <p>a.1 Equal Opportunity Law needs to be amended to include a provision which prohibits sexual harassment in explicit wording.</p>	/	
	a.2 An organization should be established to rescue victims promptly and appropriately, and the system should be improved and expanded.	/	
	a.3 Urgent clarification of actual situations of sexual harassment at workplaces, in academic, medical, social welfare, sporting environments and all other areas in society throughout Japan is required.	/	60
	a.4 National and local Governments should guide individual schools to take measures such as establishing complaint handling sections, implementing training targeted at teachers and staff, and gender-equal contents of educational curriculums.	/	
	<p>A.3 Issue of “Comfort Women”</p> <p>a.1 The State Party should hold talks with countries involved and should acknowledge legal responsibility for the “comfort women” issue as soon as possible.</p>	7	61

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	a.2 The State Party should acknowledge legal responsibility for the “comfort women” issue and restore the damage that has been made to the relationship of trust with human rights bodies as soon as possible through: legislation for compensation for the victims; apology to the victims; restoration of the victims' honour and dignity, including monetary compensation; and establishment of an investigative body to clarify the actual situation.	7	61
	【B. Employment of the Elderly】 169. It is necessary to take measures to prevent discrimination in recruitment on grounds of age.	/	63
	【C. Damage to the Consumer and Adult Guardianship】 172. Adult guardianship should be reformed to become a more user-friendly system in order to prevent fraudulent transactions and scams against elderly persons whose ability to make judgment is insufficient. 173. In addition, the Government should take measures to discover and prevent cases of wrongdoing by adult guardians through strengthening supervision and inspection of adult guardians by family courts and by other means. 174. Furthermore, the State Party should take measures to train layperson adult guardians (i.e., guardians appointed from family members, or other non-professionals).	/	63
	【D. Elderly Abuse and Adult Guardianship】 180. National and local Governments should take measures to identify abuse of the elderly, and in particular, towards the effective implementation of the Abuse of Elderly Act, should establish a procedure to handle cases when notification is received. Careful consideration needs to be taken when dealing with the elderly depending on the types of abuse they have suffered (physical abuse, financial abuse, and psychological abuse).	16	64
	【A. Public Assistance for Non-Japanese Nationals】 184. The treatment by the State Party of non-Japanese nationals who are settled in Japan, such as permanent residents, spouses of Japanese nationals, spouses of permanent residents and long-term residents, by which public assistance benefits are provided only within the framework of administrative budgetary measures, denying non-Japanese nationals' legal right to receive benefits and not applying any public assistance, including emergency medical care, to foreigners who are not long-term residents or who do not have resident status is a violation of Article 11 paragraph 1 and Article 2 paragraph 2 of the Covenant. The State Party should recognize the application of public assistance on an equal basis with Japanese nationals as much as possible, regardless of residence status.	/	66
	【B. Public Assistance for Persons Applying for Refugee Status】 185. The State Party's prohibition of persons who are recognized as refugees but are not qualified to work under the Immigration Control and Refugee Recognition Act from working until the decisions regarding their recognition are issued, while taking no measures to support their livelihood, is a violation of the right to an adequate standard of living under Article 11 of the Covenant. The Government should either allow the applicants to work, or ensure their livelihood through public assistance.	/	67
	【C. Forced Evictions】 189. The number of cases of forced eviction through execution by proxy of homeless people, as well as the circumstances that these were executed in should be surveyed, so that it can be verified whether there was a need or emergency, whether adequate alternative housing was provided, and whether actions were taken in accordance with appropriate procedures.	/	68

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11	<p>【D. Transition from Homelessness to Residential Living】 193. For people who are in a state of homelessness, and who cannot return to residential living by themselves, appropriate housing and support should be provided based on the principle of residential protection under the Public Assistance Act.</p>	22	69
	<p>【E. Public Housing Measures】 196. The housing policy should be strengthened based on the understanding that “the right to adequate housing” is a basic human right, so that all households can obtain appropriate stable housing not just by promotion of home-ownership, but through use of public housing and private rental housing.</p>	/	69
	<p>【F. Housing Policy for the Elderly, People with Disabilities and Others】 a In lifetime rental accommodation contracts for the elderly, cancellations by the lessor should be restricted by, for example, requiring stricter grounds for justification of cancellations by the lessor. Moreover, the conditions for live-in spouses and others to continue to use the accommodation should be eased.</p> <p>b The setting of the lump sum admission fee, which is paid when an elderly person moves into the accommodation, repayment standards and periods for private retirement homes or rental housing for the elderly should be improved so that they do not constitute unreasonable conditions due to the circumstances of the facility operators. It should be explicitly stipulated that the legal nature of advance payments are as deposits that cover only rent and service fees.</p> <p>c In order for people with disabilities to secure housing to live an independent life in the community, policies should be implemented so that conclusion of housing sales or rental contracts will not be denied, restricted, or treated unfairly for reasons of disabilities. Furthermore, active policies should be implemented to secure housing for people with disabilities in both public and private housing.</p>		21
	<p>【G. G. Global Warming Issues】 a The State Party should maintain the target of decreasing CO2 levels by 25% from 1990 levels by 2020, as declared by the then Prime Minister Hatoyama, It also must set the CO2 reduction rate for 2050 to at least 80% from 1990 levels, and should adopt specific reduction schedules after 2013, when the first commitment period under the Kyoto Protocol will conclude. It should also introduce, as early as possible, an emission trade system with a view to regulating the total volume of emissions, as well as a carbon tax according to CO2 emission levels with consideration for people on low incomes.</p>	/	72
	<p>b The State Party should set an ambitious target to introduce renewable energy, and should further improve conditions for expanding renewable energy for that purpose. Also, to promote expansion of renewable energy and measures on the demand side at an accelerated pace, the State Party should implement reform of the electricity system, including liberalizing the electricity industry and separating the generation and transmission of electricity.</p>		/
	<p>【A. Medical Care System】 A.1 Restrictions of Access to Medical Care due to Insufficiency in the Medical Care System a.1 The State Party should create and improve the regional medical care system, so that anyone can access necessary and adequate medical care in any area of Japan.</p> <p>a.2 The State Party should improve the current situation, which has been indicated as a “collapse of medical care,” particularly in emergency and perinatal care. It should prepare and implement measures at once to prevent situations in which patients are turned away from one medical institution after another.</p>		

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	<p>A.2 Restrictions of Access to Medical Care due to Economic Reasons</p> <p>a.1 The State Party should improve the current situation in which people are falling into arrears in payments of health insurance premiums by measures such as lowering the insurance premiums.</p> <p>a.2 The State Party should investigate individual cases of arrears of health insurance premium payments, and when the reason is due to poverty, remedial measures should be taken swiftly. The State Party should immediately plan and implement policies so that being without an insurance card would not hinder a patient from receiving a doctor’s consultation, even temporarily.</p>	24,25	75	
	<p>A.3 Patients’ Rights in Medical Care</p> <p>a.1 The State Party should adopt a law stipulating the rights of patients.</p> <p>a.2 The above law should have at its core the protection of the following rights of all people.</p> <p>i. The human dignity of the patient shall not be violated at any time.</p> <p>ii. The patient has a right to receive safe and high quality medical care on an equal basis.</p> <p>iii. The patient will not be discriminated against on grounds of disease or disabilities</p> <p>iv. The patient’s right to consent to, choose or refuse any medical act he/she may receive, after being fully informed, will be effectively protected.</p> <p>v. The patient will have the right to participate in normal social life and conduct a normal private life to the extent that is possible.</p> <p>vi. The State and local Governments have the responsibility to implement policies to protect the above rights.</p>			75
	<p>A.4 Harmful Effects of Medicine</p> <p>a.1 The State Party should amend the Pharmaceutical Affairs Law and should explicitly put in writing the State’s obligation to ensure safety of medicines.</p> <p>a.2 In order to realize citizens’ rights to receive information regarding the safety and effectiveness of medicines and drugs, the State Party should implement in full the public disclosure procedures based on Act on Access to Information Held by Administrative Organs, as well as establish and improve systems to fulfill the duty to actively provide information both from the State and pharmaceutical companies.</p> <p>a.3 The State Party should create a complaint system in which citizens can notify the State of the danger of certain medicines and drugs, and request emergency orders such as for suspension of sales or recall of the product. It should also create a system requiring the State to respond in writing after investigations within a certain period.</p> <p>a.4 The State Party should create an organization independent from the Ministry of Health, Labour and Welfare, with the participation of citizens and victims of harmful effects of medicines, which would monitor and assess the pharmaceutical administration in order to prevent the recurrence of harmful effects of medicine.</p>	/	77	
	<p>A.5 Issues Regarding Suicides</p> <p>a.1 The State Party should conduct a radical review of the labor law system and policy, which is expanding the use of non-permanent employment; improve social security, which should provide a safety net; as well as implement measures against suicides caused by overwork.</p>		26	78
	<p>a.2 The State Party should conduct as a national project a thorough study on the specific causes of suicide, clarify the background of the “health issues” that are thought to be major causes and motivations, and use the results in the preparation of a detailed policy on suicide prevention.</p>			

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	a.3 The State Party should build a network for suicide prevention, bringing together lawyers, medical care professionals, welfare workers and others, and play a central role in it. b Reasons		
	<p>【B.Psychiatric Care】</p> <p>a Psychiatric care in the State Party should be immediately improved. Measures should aim for the protection of the human rights of people with mental disabilities, and adequate psychiatric care policies. Medical care that is based in local communities and is directly connected to the places where the patients are living, that can be accessed voluntarily any time, anywhere, and has the personnel and physical systems in place, so that appropriate levels of care is ensured, should be at the basis of psychiatric care policies.</p> <p>b The exceptions in the Medical Care Act, which can only be seen as remnants of an age when hospitalization was the main form of treatment (for example, psychiatric departments have 1 doctor per 48 patients while other clinical departments have 1 per 16) should be abolished for private hospitals as well.</p> <p>c A survey by the Ministry of Health, Labour and Welfare indicated that there were 70,000 people who were “socially hospitalized”: who do not require hospitalization, but continue to stay because they cannot leave. Psychiatric care in local communities should be improved and strengthened, including the creation of personnel and physical infrastructure in order to solve the issue of “social hospitalization”.</p> <p>d In order to break from hospitalization-centered care and to achieve promotion of smooth social rehabilitation as well as continuation of medical care in local communities, personnel systems including occupational categories such as the Social Reintegration Coordinator under the Medical Treatment and Supervision Act should be strengthened, along with the various facilities that support social rehabilitation.</p> <p>e National and public mental health and welfare research institutions must be established around the country. These should play a key role, as well as act as coordinators in promoting psychiatric care and ensuring emergency psychiatric care in local communities. Such institutions should also be responsible for research, education and awareness-raising.</p>	/	81
	<p>【C.Medical Care in Detention Facilities】</p> <p>C.1 Medical Care and Health Issues in Detention Facilities under the Criminal Justice System, and under Immigration Control</p> <p>246. The State Party should ensure a system in which detainees in criminal justice facilities as well as immigration control centers can promptly receive appropriate medical treatment. For this purpose, it should strengthen organizational cooperation with external medical institutions, and should quickly begin the creation of a system to prevent deterioration of health due to suspension of medication or discontinuation of medical care while the patient is in detention.</p>	/	82
	<p>C.2 Protection of the Standard of Living of the Prison Inmates</p> <p>247. The State Party should immediately review and improve the standard of living and the medical system for prison inmates.</p>	/	83
	<p>【D. Induced Abortion】</p> <p>a The requirement of the consent of the patient’s spouse for induced abortions under Article 14 of the Maternal Protection Act should be reviewed for certain cases, such as domestic violence.</p> <p>b The situation of sterilization procedures conducted on people without their consent for “hereditary diseases” and other reasons under the former Eugenic Protection Act should be clarified, and the victims should be awarded apologies and compensation.</p>	/	84
12	<p>【E. Framework for Promotion of Reproductive Health】</p> <p>a.1 The Government should promote comprehensive sex education that encompasses reproductive health, including contraception, abortion rights, and rights to self-determination for pregnancy and reproduction for adolescent girls and boys. The Government should take specific measures to ensure that reproductive health education is included in the regular curriculum at school.</p>		85

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	<p>a.2 The Government should create a favourable environment for maternal healthcare. The Government should take measures to increase the number of doctors and midwives in obstetric care, and all efforts should be made to meet the needs for prenatal emergency care.</p>	/	85
	<p>【F. Remedies for Victims of Pollution】 a The Ministry of the Environment should amend the current standard for certifying patients with Minamata disease in order to recognize “patients with only sensory disturbances as patients of Minamata disease, when it cannot be denied that those symptoms are due to effects of methylmercury using assessment of past residence records.” Furthermore, the period of deciding whether a person is eligible for remedies as a victim of Minamata disease (Article 7 paragraph 2 of the “Law concerning with Special Measures for Compensation of Minamata Disease”) should not be limited to 3 years, but should be applied flexibly to suit the purpose of the Law.</p> <p>b The level of benefits under the Act on Asbestos Health Damage Relief should be brought in line with the levels of industrial accident insurance and of the Act on Compensation, etc. of Pollution-related Health Damage.</p> <p>c A new system of remedies should be created based on the “Polluter Pays” principle for victims of air pollution due to automobile exhaust fumes and other reasons.</p>	/	87
	<p>【G.Regulation of Chemical Substances and Related Matters】 257. Regarding hypersensitivity to chemical substances, the State Party should: (1) vest the administrative guidelines and other rules with legally binding force, (2) expand the scope of chemical substances covered by the regulation, (3) prioritize regulation for public and other facilities, and (4) regulate products that are sources of pollution. 258. Furthermore, the precautionary principle as well as producer responsibility should be strengthened regarding regulation of chemical substances. The precautionary principle is the principle in which, when there is a threat of health damage or destruction of the ecosystem - even when the risk caused by the chemical substance is scientifically uncertain - the chemical substance would be banned, or appropriate regulation including limitations in the use of the substance, and introduction of lower risk alternatives would be required by law, or promoted through economic incentives with appropriate timetables. The strengthening of producer responsibility requires producers to ascertain and provide information on the chemical substances contained in their products for the appropriate management of the process from production to disposal, report data regarding safety within a certain period on existing substances under production, and ban production and use of the substance when safety cannot be proven.</p>	/	
	<p>【H. Waste Materials】 a In order to ensure funding for measures against illegal waste disposal, the obligations of business operators discharging waste should be strengthened and clarified, a system should be established in which the industry as a whole reimburses the funds to counteract illegal disposal, or a mandatory insurance for waste treatment operators should be introduced.</p>	/	88
	<p>b The category of “stable-waste landfill” should be abolished, and the construction and maintenance management standards for waste processing facilities should be strengthened, such as the regulation of construction and operation of controlled final landfill site from the perspective of the protection of water sources.</p> <p>c There should be a major overhaul of the laws, focusing on a thorough review of the Waste Management and Public Cleansing Law, the Basic Act for Establishing a Sound Material-Cycle Society, and various other recycling laws, in addition to the establishment or strengthening of concrete obligations for business operators to control waste discharge as well as concrete obligations to restrict and control the use of hazardous substances. There should also be an obligation for producers of certain products to collect the products free of charge at the time of disposal for reuse.</p>	/	89
	<p>【I. Conservation of Water Quality】 a Restrictions on constructions of facilities such as golf courses and waste disposal sites should be introduced in water source areas.</p>	/	90

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	b In planning for construction of water resource development facilities such as dams or estuary barrages, overestimated demand forecasts should be revised, and the actual social trends including decreasing population should be taken into account when reviewing the plans.		90		
	c Discharge of wastewater from industrial plants including hazardous materials into sewers should be prohibited, and the size of the sewage treatment facilities should be appropriate to the characteristics of the area. Furthermore, the Sewerage Act and other laws related to sewage treatment should include provisions guaranteeing public participation.				
	【J. On Protection of Natural Environment】 a Provisions on the rights to environment and to enjoy nature should be explicitly stipulated in the Basic Environment Act.		91		
	b To prevent deterioration of the natural environment by development, there should be a legal system for mitigation methods that preserve the natural environment by avoidance, minimization and compensation of the environmental impact of the development, in that order of precedence. Development plans such as the reclamation work on Awase Tideland and other important wetlands as well as the surrounding areas should be suspended.				
	c In formulating and reviewing public works projects, effective procedures for public participation should be guaranteed by methods such as legislating a law that explicitly stipulates the right to public participation.		91		
	d The environmental impact assessment should be improved in the following areas. d.1 In environmental impact assessment procedures, preparation and publication of alternative proposals should be legally required. d.2 The construction of waste disposal facilities or projects related to capture and storage of carbon dioxide should be covered by the environmental impact assessment procedures. d.3 Regarding post-project survey procedures after the environmental impact assessment, concrete provisions such as those increasing the thoroughness of information disclosure and accountability, protecting the due process for public participation including communication on revisions and complaints, and enabling supervision by independent organs should be stipulated. Furthermore, a system should be created to enable implementation of corrective measures even after the start of a project if the results of the post-project survey show an error in the environment impact assessment				
	e A draft bill should be prepared that allows collective or group action by environmental organizations.				

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	<p>【K. Urban Environment】</p> <p>a The current laws and regulations regarding urban planning and construction should be radically revised, and an integrated legal system for urban matters should be formulated on the use of land, construction, urban transportation and landscape, including the following issues.</p> <p>a.1 The legislation should have the purpose of creating and maintaining a sustainable urban area, and protecting the right to continue living in comfort and mental wellbeing. It should cover all matters related to urban areas including use of land, construction, urban transportation and landscape, and should provide an integrated response to these issues.</p> <p>a.2 The protection of the global environment, protection of the landscape, protection of urban green areas, transition from an automobile-dependent society, consideration for children, the elderly, people with disabilities and others, vitalization of the local economy and local community and other such ideas should be explicitly included as basic principles. Drafting of urban planning, regulations and standards, examination of development and construction should be conducted according to these principles.</p> <p>a.3 Local autonomy should be expanded so that local governments can decide on their own regarding the contents and procedures for urban planning, regulation and standards as well as examination procedures for individual construction and development projects.</p> <p>a.4 The procedures for administrative appeal and judicial review should be radically revised to protect prompt and subjective public participation in formulating contents and procedures for urban planning, regulation and standards, as well as examination procedures for individual construction and development projects as the public’s right, and to guarantee the right to continue living in comfort and mental wellbeing.</p> <p>b A basic law on transportation, which explicitly stipulates people’s right of movement should be legislated, and a concrete quantitative target should be set regarding the proportion of public transportation in transportation in general, in order to improve public transportation.</p>		93
13&14	<p>【A. Right to Education for Children without Japanese Nationality, and Children with Roots Outside Japan】</p> <p>a The refusal to recognize the qualifications of students and graduates of schools and universities that impart an education that enables non-Japanese residents of Japan to preserve their native language and the culture of their country and ethnic group, who have completed education equivalent to the compulsory education, secondary education and university education set forth in Article 1 of Japan’s School Education Law, and the refusal to allow such students to take legally-sanctioned public employment certification exams and university entrance exams, violates Articles 6 and 13 and Article 2, paragraph 2 of the Covenant.</p> <p>b In regard to the application of various policy measures, such as accreditation of qualification for graduates to take entrance examinations to higher educational institutions, issuance of financial assistance for school attendance and tax incentives for charitable contributions, Japan should not disadvantageously discriminate against schools for non-Japanese nationals, and no exception should be made without rationale.</p> <p>c Regardless of whether the child or her/his legal guardian has official status of residence in Japan or not, the right to education, including admission to public schools, should be guaranteed to all children of non-Japanese nationals.</p>	28	96
13&14	<p>【B. Right to Education】</p> <p>a For elementary and secondary education, the Government should include within its criteria of free educational expenses not only tuition and textbooks, but also all other expenses such as other payments to school, transportation fees and extracurricular activity expenses.</p> <p>b For upper secondary education, the Government should take steps to ensure that private schools are also tuition-free in line with tuition-free measures taken for public schools.</p> <p>c For tertiary education, the Government should try to reduce the financial burden on parents.</p>	27	97

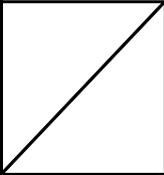
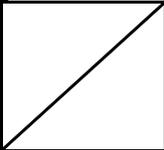
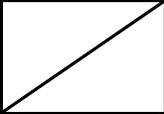
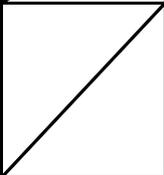
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	d The Government should expand its scholarship programs, and in particular, grant-type scholarships should be issued.		
	【C. Education for Children with Disabilities】		101
	a In principle, children with disabilities should have the right to be raised together with children without disabilities.		
	b Children with disabilities should not be discriminated against at educational institutions.		
	c Lack of rational care for children with disabilities should be considered discriminatory.		
	Special Report – Great East Japan Earthquake and Japan’s Nuclear Energy Policy 【C. Ensuring the Rights of Victims - Detail】 C.1 Livelihood and Employment Support for Disaster Victims		106
	a.1 The State Party and affected local governments should make the following efforts to improve living conditions at temporary houses. i. To continue distribution of food, daily necessities and medical services for disaster victims staying at temporary houses until they are self-sufficient. ii. To establish a remission system of water and electricity expenses to those that are unable to afford them. iii. To improve livelihood environment by measures such as establishment of medical institutions and nursing care service institutions within temporary housing complexes. iv. To provide additional personnel to prevent isolation of disaster victims. v. To monitor living conditions and take measures to improve the livelihood environment at temporary housing. vi. If defects in construction are found, to take drastic measures to find out the cause and prevent recurrence.		
	a.2 The State Party should either provide grants for livelihood recovery or lump sum payments for temporary home visits.		
	a.3 The State Party should expand and reinforce the consultation capacity of public employment security offices and the Labour Standards Bureau in the affected areas, as well as Labour Bureaus of prefectural governments across the nation in order to enhance supervision and direction of business owners. It should also promote partnership with experts from the local Bar Associations to expedite legal relief.		
	a.4 Counseling functions of public employment security offices in the affected areas needs to be strengthened. In addition to increasing deployment of experts and employment support, a framework should be established to provide thorough care to the disaster victims.		
	a.5 To fully meet the needs of evacuees staying in remote areas, the State Party and local governments should compile a national list of disaster victims, and actively share information to understand the precise whereabouts of disaster victims. Information on evacuation sites should be disclosed to service provider organizations working for the public benefit.		
	a.6 The State Party should provide necessary assistance to those families that were forced to evacuate and live apart in order to maintain their household. Local governments that host evacuees should make every effort to provide housing, create employment opportunities and refer jobs.		
	C.2 Ensuring Rights of Women, Children, Elderly Persons and Persons with Disabilities		108
	a.1 The Government should create evacuation centre guidelines that incorporate a gender-equal perspective.		
	a.2 Reconstruction plans and disaster management plans should be drafted based on outcomes of interviews with disaster victims who include women, elderly persons, children, non-Japanese nationals, persons with disabilities and sexual minorities, and organizations that support them, as well the results of thorough analysis of factors that created disparities in the damage situation.		

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	<p>a.3 Domestic Violence Consultation and Assistance Centers should be expanded in the affected areas. Furthermore, a Women’s Centre that could handle various issues such as medicine, child rearing, elderly care, labor and law should be established, and its functions strengthened.</p>	20	
	<p>a.4 In regard to community rebuilding, reconstruction of medical facilities, elderly care facilities and child care facilities should be prioritized. The State Party should provide financial assistance as deemed necessary.</p>		
	<p>C.3 Assistance to the Elderly and Persons with Disabilities a.1 Information on evacuees who are elderly and require nursing care as well as persons with disabilities should be collected through individual visits in order to thoroughly understand their living and health conditions. Collected information should be shared amongst concerned institutions and required assistance should be duly provided. a.2 Medical care, nursing care and psychological care should be fully provided to elderly and persons with disabilities. In order to realize this, assistance frameworks should be established in the affected areas. Special attention should be provided to elderly persons who are living alone.</p>		109
	<p>【E. Response to Fukushima Daiichi Nuclear Power Plant Accident and Nuclear Power Policy – Details】 E.1 Monitoring and Information Disclosure on the Status of Radioactive Contamination [related to Article 12-2(b) of the Covenant] a.1 The State Party should continue to monitor the levels of radiation contamination extensively throughout land and sea. It should also establish a system to continue monitoring of marine products. In particular, the Government should not delay in conducting a more detailed and in-depth monitoring survey in Fukushima Prefecture and its neighboring Prefectures. a.2 As regards disaster victims’ decision-making on whether to evacuate from their domiciles, stay or return, the Government should provide accurate information on current contamination levels, decontamination plans, and adequate prediction of mid- to long-term shifts in the contamination levels taking into account wind, rain and other possible transfer of radioactive substances. a.3 Concerning the decision on when to lift the designation of the Evacuation Areas, the State Party should set up a third-party organization comprised of independent scientists and local representatives who have no ties to the nuclear power industry. The relationship between the third-party organization and the authorities should be legally clarified. a.4 The State Party should fulfill its responsibilities set forth in the Law, and newly establish a legal system to make it obligatory to record minutes of all the discussions on the nuclear power plant accident.</p>		112
	<p>E.2 Health Checks and Health Management of the Public [related to Article 9, Article 12-2(b) of the Covenant] a.1 The State Party should conduct health control surveys and provide free medical services to check the external and internal radiation exposure of disaster victims who live in the areas where the public radiation dose exceeds 1 mSv per annum. Moreover, it should be made clear that the objective of these measures is not to “remove health concerns”, but rather “prevention, early detection and treatment of detrimental effects on health” a.2 The following improvements should be made before the health control survey of disaster victims is implemented. i. As much as possible, the target population should be surveyed face to face and interviewed in detail.</p>	23	

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	<p>ii. Detrimental effects of radiation exposure should not be limited to cancer and leukemia, and no remarks should be overlooked. As a minimum, blood tests, urine tests and whole-body counter exams should be carried out on all those who wish to be examined. In such cases, the detection limit should be set as low as possible.</p> <p>iii. Thyroid gland tests should not be limited to a supersonic wave test, but blood and urine should also be tested</p> <p>iv. For pregnant and nursing mothers, breast milk should be tested, and a follow-up study on newborns should be conducted.</p> <p>v. An appropriate comparative group should be selected.</p> <p>a.3 The State Party should acknowledge that disaster victims have the right to know their own radiation exposure dose. If a victim requests, the Government should measure internal exposure dose using equipment such as a whole-body counter, and use the obtained data to calculate the total accumulative dose up to now. Such data should be disclosed to the disaster victims and all the expenses should be borne by the Government.</p> <p>a.4 While the privacy of each disaster victim should be sufficiently respected, the results of health control surveys should be widely made available to academic institutions. The Ministry of Education, Culture, Sports, Science and Technology and the Ministry of Health, Labour and Welfare should immediately cancel their circular dated May 16, 2011 entitled “Conducting surveys and researches in the affected areas”. Furthermore, the results of health control surveys conducted by prefectures should be made widely available for medical and academic research, and survey opportunities should be given to multiple organizations.</p>		113
	<p>E.3 Health Checks and Health Management of Workers who were Engaged in Radiation-exposed Labor [related to Article 7, Article (b) of the Covenant]</p> <p>a.1 Specific measures should be implemented to accurately and swiftly provide information to workers on the long-term risks of working in a radiation-exposed environment and security measures against exposure.</p> <p>a.2 Health conditions of workers engaged in radiation-exposed work should be monitored in the long term.</p> <p>a.3 In cases where workers engaged in radiation-exposed work wish to receive health checks related to radiation exposure or receive medical treatment for illnesses that could have been caused as a consequence of exposure to radiation, the State Party should implement assistance measures such as abolishing medical expenses or providing financial support.</p> <p>a.4 The State Party should track down workers who have not received any exposure dose checks, as well as any missing names and contact information of workers who worked in a radiation-exposed environment after the Fukushima Daiichi Nuclear Power Plant accident.</p> <p>a.5 Criteria for industrial accident compensation insurance should be established for illnesses related to radiation-exposed work.</p>	    	116
	<p>E.4 Discrimination and Prejudice against Evacuees [related to Article 2-2 of the Covenant]</p> <p>290. The State Party and Fukushima Prefecture should cooperate and implement specific measures to expand the psychological care of the people of Fukushima and to prevent social discrimination against them .</p>		117
	<p>E.5 Decontamination [Article 11, Article 12- 2b) of the Covenant]</p> <p>a.1 The decontamination process is of a nature that does not decrease the actual amount of existing radioactive materials, but merely transfers radioactive materials from one place to another. The substantial limitation of environment cleanup by the current decontamination method should be acknowledged, and decontamination should only be carried out after appropriate prevention measures are implemented to prevent further pollution of the environment through the decontamination process, as well as countermeasures against exposure of workers.</p>		

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	<p>v. Criteria of compensation for evacuation from areas other than designated Evacuation Area (voluntary evacuation) should be fully revised. At minimum, all the residents from areas where more than 1.3 mSv (0.6 mSv per hour, above 5.2 mSv per annum) of radiation was detected in March should be made eligible to apply. For those areas where additional annual exposure dose exceeds 1 mSv, at least children, pregnant women and their family members should be made eligible.</p> <p>vi. In cases where a disaster victim is either a person with disability, an elderly person or suffers from chronic illness, uniform application of same criteria to these persons should not be tolerated, and appropriate compensation should be paid in accordance with the condition of damage suffered by each individual.</p> <p>vii. It should be acknowledged that decontamination of the Special Decontamination Area (Evacuation Area and Deliberate Evacuation Area) will take a very long time. Taking into account that the lifting of area designation should be done cautiously, various means should be considered, such as recovery of damage through relocation of livelihood spaces, including communities, or reconstruction of office buildings, or issuance of disaster compensation that will assist the early recovery of agriculture, forestry and fishery and other businesses.</p>	/	
	<p>a.2 Damage Compensation Procedure 291. As regards the Nuclear Power Damage Compensation Dispute Reconciliation Center, a new Act incorporating the following stipulations should be enacted to ensure its independence from the Government as a semi-legal organization.</p> <p>i. Arbitration against the accused entity should be made statutory to the Center's reconciliation proposal. Victims will not be bound by the arbitration, and unless Tokyo Electric Power Company takes the case to the court within certain time frame, settlement should be considered concluded as proposed by arbitration. In addition, it should be made clear that Tokyo Electronic Power Company must respect the submitted proposal and unless the proposal significantly lacks rationale, the Company must accept it.</p> <p>ii. Decisions by the Centre should be made in accordance with the law, case law, and guidance issued by the government panel addressing disputes over compensation for the nuclear accident. However, it should be made clear that the Government's compensation guidelines, such as compensation damage criteria, are not legally binding.</p> <p>iii. Based on the rule of certified ADR prescribed in the Act on Promotion of Use of Alternative Dispute Resolution (ADR Act), claims to the Centre should be invested with the legal effect of nullification of extinctive prescription.</p> <p>iv. As regards the positioning of the Centre within the Government, rather than placing it under the Ministry of Education, Culture, Sports, Science and Technology, which is partially responsible for nuclear power related administration, it is appropriate to place it under the Cabinet Office, which would enable the Center to have a certain independence from all the Ministries and Agencies. If a disaster victim has a disability, information dissemination and execution of rights should be appropriately assisted based on the nature of their disability.</p>	/	121
	<p>E.7 Prevention of Further Environmental Pollution [Article 12-2(b) of the Covenant] 292. Without delay, means to prevent further pollution of the sea and groundwater should be implemented, and an underground shield should be constructed at the Fukushima Daiichi Nuclear Power Plant.</p>	/	123
	<p>E.8 Revision of Nuclear Disaster Management Measures a.1 Unless the nuclear disaster management plans of the local governments of municipalities in the areas surrounding nuclear power plants are revised, and disaster prevention plans of nuclear power operators are duly revised, operation of existing nuclear reactors should not be permitted (including resumption of operation).</p>	/	124

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	a.2 The opinions of residents must be reflected in the nuclear disaster management plans of local governments of municipalities in the areas surrounding nuclear power plants. When nuclear power operators are drafting their disaster prevention plans, the opinions of residents and local governments (all local governments located within 80 kilometers of nuclear power installations) should be well reflected.	/	124
	E.9 Revision regarding safety regulation a.1 The Nuclear Regulation Authority must have independence and impartiality in its authority, budget and selection of personnel, and must disclose its information and be managed as a truly effective safety regulatory institution.	/	
	a.2 In order to establish an independent regulatory administration that can win trust from the people under the newly founded Nuclear Regulation Agency, the members of the Nuclear Regulation Authority should be selected from persons who have no ties to organizations promoting nuclear power policy. Similarly, as regards selection of staff members of the Nuclear Regulation Agency, exceptions should not be accepted in the so-called “no-return rule”, which should be strictly observed.	/	124
	a.3 Using the lessons learned from the Fukushima Daiichi Nuclear Power accident, guidelines on earthquake-proof safety, multiple damage, severe accidents, and decrepitude of facilities and machinery, should be revised to enhance counter-measures. Furthermore, backfitting (the act of making existing nuclear power facilities compliant to safety regulations in the new guidance) policy should be strictly observed.	/	125
	a.4 Until compliance with the new guideline is confirmed, existing nuclear power facilities should not be approved to resume operations.	/	
	E.10 Shift in the Nuclear Energy Policy a.1 New and additional construction of nuclear power plants (including those in the process of planning and construction) should be terminated, and nuclear fuel cycle facilities such as reprocessing factories and fast-breeder reactors should be immediately abolished. a.2 Of the existing nuclear power plants, 1) Fukushima Daiichi and Daini Nuclear Power Plants, 2) plants which may suffer damage from projected large-scale earthquakes, and 3) plants that had been operating for more than thirty years, should be immediately abolished. a.3 All nuclear power plants other than those above should be abolished as early as possible within the next ten years. Until they are abolished, safety standards should be widely and nationally discussed. Unless a plant is compliant with such safety standards, operation should not be approved (including resumption of suspended nuclear power plants). a.4 The core of the future energy policy should be the promotion of renewable energy, energy saving and efficiency of energy use.	/	126
	E.11 Export of Nuclear Power Plants 294. The State Party should immediately cease its export policy of nuclear power plants, as it causes unsolvable grave human rights violations and environmental problems to partner countries and their neighboring countries. The State Party should not enter any cooperation that would lead to use of nuclear power such as supply of nuclear substances, materials, facilities and technologies, or offers of labor.	/	127