

Report by the Japan Federation of Bar Associations regarding Paragraph 47 of the
Seventh Concluding Observations of the Human Rights Committee

October 14, 2025

Japan Federation of Bar Associations

In response to the Human Rights Committee's request in paragraph 47 of the concluding observations on the seventh periodic report of Japan (November 30, 2022, CCPR/C/JPN/CO/7) of the International Covenant on Civil and Political Rights (hereinafter referred to as "ICCPR") that the Government of Japan (hereinafter referred to as "GOJ") provide information on the implementation of the recommendations in paragraphs 7 (human rights institution independent of the government (national human rights institution)), 33 (treatment of aliens, including refugees and asylum-seekers) and 45 (rights of the child) by November 4, 2025, JFBA will provide the Committee with the following information on the latest status of the implementation of the same.

1 Regarding paragraph 7 of the concluding observations "human rights institution independent of the government (national human rights institution)"

(1) Content of recommendation

7. The Committee reiterates its previous recommendations, and calls upon the State party to establish an independent national human rights institution in accordance with the Paris Principles, as a matter of priority, and to allocate adequate financial and

human resources to the institution.

(2) Progress after publication of the concluding observations

There has been no particular progress in domestic movement related to the recommendation in paragraph 7 of the concluding observations since November 30, 2022. Not only has no bill been proposed, but there is also no particular information regarding any movement within the government toward such a proposal.

In this regard, since the recommendation made in the concluding observations on the fourth periodic report of Japan by the Human Rights Committee in 1998 (November 19, 1998, CCPR/C/79/Add.102), international human rights treaty bodies have consistently called on GOJ to establish a human rights institution independent of the government.

A Human Rights Protection Bill was submitted to the Diet in 2002, but was scrapped. JFBA opposed the content of this bill on the grounds that independence was not guaranteed. A Human Rights Commission Establishment Bill was submitted to the Diet in 2012, but it was scrapped due to the dissolution of the House of Representatives.

In 2008, GOJ responded to the recommendation in the Universal Periodic Review (UPR) concerning the establishment of a human rights institution independent of the government by stating that it “accepts to follow up.” Since then, GOJ has repeatedly responded in the same way to similar recommendations made by international human rights treaty bodies.

However, since the Human Rights Commission Establishment Bill was scrapped, no further action has been taken. Although GOJ responded by stating that it “accepts to follow up,” in reality, no follow-up efforts have been made.

In 2011, the UN Human Rights Council unanimously adopted the Guiding Principles on Business and Human Rights, setting out the responsibility of business enterprises to respect human rights, calling for access to effective remedies and urging states to strengthen their policies, including through legislation. In response, GOJ formulated the National Action Plan (NAP) in 2020 and published the Guidelines on Respecting Human Rights in Responsible Supply Chains in 2022. However, the “5.2 State-based remedy mechanism” in the Guidelines only points out the existing procedures for human rights remedies and makes no reference to the establishment of a human rights institution independent of the government. In 2023, the UN Working Group on Business and Human Rights under Human Rights Council conducted the country visit to Japan at the invitation of GOJ. The report strongly called for the establishment of a human rights institution independent of the government, but there has been no progress in establishing a human rights institution independent of the government.

(3) National human rights institution to be established in Japan

The national institutions required under the Paris Principles (including Article 1) must not be limited to implementing the human rights guaranteed by each country’s national constitution, but must serve to implement and realize the human rights guaranteed under international human rights law within a domestic context. Nevertheless, in a bill approved by the Cabinet and submitted to the Diet in 2012, there was no clear provision on the “competence and responsibilities” required by the Paris Principles (including Article 1).

In the future, when a Human Rights Commission Establishment Bill is again approved by the Cabinet and submitted to the Diet, the “competence and responsibilities” required

under the Paris Principles should be stipulated. The composition of a national human rights institution, and the appointment and independence of its members should also be stipulated in accordance with the Paris Principles.

2 Regarding paragraph 33 of the concluding observations “treatment of aliens, including refugees and asylum-seekers”

(1) Content of recommendation

33. Taking into consideration the Committee’s previous recommendations, the State party should:

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

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

(c) Provide the support necessary to immigrants who are on “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 appeals mechanism with suspensive effect against negative decisions;

(e) Provide alternatives to administrative detention, 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 border-guard officials and immigration personnel to ensure full respect for the rights of asylum-seekers under the Covenant and other applicable international standards.

(2) Progress after publication of the concluding observations

As a domestic movement related to the recommendation in paragraph 33 of the concluding observations since November 30, 2022, the amended Immigration Control and Refugee Recognition Act was passed by the Diet on June 9, 2023, and came into effect on June 10, 2024.

With respect to the amendment bill, the Special Rapporteur on the Human Rights of Migrants, the Working Group on Arbitrary Detention, and the Special Rapporteur on Freedom of Religion or Belief sent a joint letter to GOJ on April 18, 2023, calling on it to “thoroughly review the amendment bill to bring domestic legislation in line with Japan’s obligations under international human rights law” (OL JPN 1/2023). However, rather than taking the matter seriously, GOJ responded by protesting against “unilateral publication of views.”

As a result, the amended Act was enacted without reflecting any of the concerns raised by the Special Rapporteurs, and contains many issues, including: (1) deferring the

establishment of a maximum period of detention and a judicial review system; (2) introducing a system of Monitoring Measures which compels supporters and attorneys to play a role that is incompatible with their respective positions, such as making them supervise persons to be monitored and imposing various reporting obligations; (3) partially lifting the suspensive effect on deportation for certain cases of asylum seekers which may potentially contravene the principle of non-refoulement; and (4) instituting criminal penalties for those who evade deportation.

In addition, in the process of deliberation by the Diet in 2021, regarding a refugee examination counselor who claimed that, as a witness, at a public hearing on a bill, she had found only a few applicants qualified to be recognized as refugees when she handled administrative reviews filed by asylum seekers against the non-approval of their application for recognition of refugee status, it was revealed that she had reviewed 2,609 cases of such administrative reviews for two years from 2021 through 2022 and in 2022 she had handled more than a quarter of all the cases within 32 work days per year. There was a significant gap between the number of cases she had reviewed and the number of cases other refugee examination counselors had reviewed, suggesting that careful examination could not be expected. This case cast serious doubt over whether the current refugee recognition procedure is being properly conducted, which is the premise for introducing the lifting of the suspensive effect on deportation.

In addition, even though GOJ explained that the medical assistance system was improved at detention facilities using the hiring of a doctor in a full-time position by the Osaka Regional Immigration Bureau as one of the examples, it was revealed that the doctor hired by the Osaka Bureau, having started work in the position from July 2022,

had worked under the influence of alcohol in January 2023 and had not conducted medical work since then.

In March 2025, the “Number of Applicants Recognized as Refugees in 2024, Etc.” and the “Status of Implementation of the Amended Immigration Control Act of 2023” were published on the website of the Immigration Services Agency of Japan. According to these documents, the number of applicants recognized as refugees in 2024 was 190 (176 persons for the initial examination and 14 persons for the administrative review). Among these 190 recognized refugees, 102 persons, more than half of them, were from Afghanistan. In contrast, only 88 persons from countries other than Afghanistan have been granted refugee status. A total of 8,377 persons completed the initial examination, and 4,114 persons completed the administrative review (with possible overlaps). Of these, 176 persons were granted refugee status at the initial examination, and 14 persons at the administrative review. Accordingly, the recognition rate for “refugees” under the Convention Relating to the Status of Refugees stands at only around 1.5% when both the initial examination and the administrative review are combined, and only around 2.1% at the initial examination alone. In addition, 14 persons were granted refugee status through the administrative review. A total of 4,114 persons completed the administrative review, and based on this figure as the parameter, only 0.34% had their requests for an administrative review accepted. With regard to the number of individuals deported under the exception provisions to the suspensive effect on deportation introduced by the amended Immigration Control Act, 17 persons were deported on the grounds that their applications for refugee or similar status were their third or subsequent submissions, and 2 persons were deported on the grounds that they had received life imprisonment or a

prison sentence of three years or more. Given Japan's refugee recognition practices, which are at an extremely low level by international standards, it cannot be ruled out that individuals submitting a third or subsequent application may in fact qualify as refugees. Deporting such individuals involves the risk of exposing them to the danger of persecution. It is highly likely that individuals who should be recognized as genuine refugees exist among those who repeatedly apply for refugee status multiple times, and in fact, there are several cases in which the court revokes the denial of refugee status received after the third application. Moreover, it is reported that only one individual had their deportation plan suspended on the grounds that they submitted materials providing reasonable grounds for refugee recognition or eligibility for complementary protection. This case raises concerns as to whether the 17 individuals who were deported had been meaningfully guaranteed an opportunity to submit such materials prior to their deportation.

Under the system of Monitoring Measures established under the amended Immigration Control and Refugee Recognition Act on June 9, 2023, as referenced in item (2) above, a framework was introduced whereby individuals subject to Monitoring Measures may obtain permission from the Immigration Services Agency to engage in remunerative activities (i.e., employment), but only prior to the issuance of a deportation order. However, during the period from the enforcement of the Act on June 10, 2024 to the end of that year, only six applications were submitted, and just two were approved. On the other hand, the amended Act clearly stipulates that individuals who are provisionally released or subject to Monitoring Measures shall be subject to criminal penalties if they engage in employment without permission.

Furthermore, on May 23, 2025, the Immigration Services Agency of Japan announced the “Zero Illegal Foreign Residents Plan for the Safety and Security of People in Japan” (hereinafter referred to as the “Zero Plan”). However, as the Zero Plan contains contents that are incompatible with paragraph 33 of the concluding observations, JFBA issued the “JFBA President’s Statement Opposing the Government’s ‘Zero Illegal Foreign Residents Plan for the Safety and Security of People in Japan’ That Goes Against International Human Rights Law” on July 22, 2025.

Thus, no effective progress has been made for any of (a) to (f) in the above paragraph 33 of the concluding observation, even when taking into account the amended Act.

It should be noted that the practice according to the statement that “the Committee...welcomes the revision of the deportation procedures to establish that the scheduled date of deportation is at least two months after the delivery of notification on the decision” in paragraph 32 of the concluding observations was abolished as of June 10, 2024.

3 Regarding paragraph 45 (a) and (b) of the concluding observations “rights of the child”

(1) Content of recommendation

45. The State party should:

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

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

(2) Progress after publication of the concluding observations

Regarding item (a), “the gender of the child, and whether the child is born in or out of wedlock” in Article 49, paragraph (2), item (i) of the Family Register Act, which stipulates that a notification of birth shall indicate whether they are born in or out of wedlock, has not yet been amended, and discriminatory provisions on the illegitimacy of children born to parents who are not legally married are still maintained.

Regarding item (b), the amendment of the Child Welfare Act, enacted in June 2022 just before the review of the seventh periodic report of Japan under the ICCPR, mandates that child guidance centers hear the views of children when taking temporary custody of children, and also introduces judicial review of temporary custody, ensuring that the parents’ views are also heard. This amended Act came into force in two phases: the former on April 1, 2024, and the latter on June 1, 2025.

As a result of the amendment, Article 33-3-3 of the Child Welfare Act mandates in principle that child guidance centers hear the views of children in advance when they take temporary custody of children or entrust them to foster parents. Furthermore, the procedures for temporarily taking custody of children in certain situations—such as

when abuse is suspected—have been amended. Prior to the amendment, Article 33, paragraph (1) of the Child Welfare Act stipulated that “When a director of a child guidance center finds it necessary, the director may take temporary custody of a child, or entrust an appropriate person to do so until a measure set forth in Article 26, paragraph (1) is taken in order to secure the child’s safety promptly and take appropriate custody or to understand their mental and physical conditions, the circumstances in which the child is placed and other conditions.” This phrase “when a director of a child guidance center finds it necessary” was amended as “when child abuse is suspected, when a case has been referred under Article 6-6, paragraph (1) of the Juveniles Act, or in other cases specified by Cabinet Office Ordinance and when a director of a child guidance center finds it necessary.” In addition, Child Welfare Act was amended to include paragraphs (3) through (11) of Article 33, establishing judicial review when a child guidance center takes temporary custody of a child.

As a result of these amendments, child guidance centers are, in principle, required to hear the views of a child when taking temporary custody of a child. Furthermore, the conditions under which such custody by child guidance centers may be carried out are now clearly defined by the Cabinet Office Ordinance, thereby establishing explicit criteria. In addition, except in the following cases—(1) where the person with parental authority, etc. (a person who exercises parental authority or a guardian of a minor) consents to the temporary custody of their child, (2) where the child has no person with parental authority, etc., and (3) where the temporary custody is lifted within seven days from the date it began (inclusive of the initial day)—a mandatory judicial review is now introduced for temporary custody of a child by child guidance centers.