

## Human Rights Council

### 14th Session of the Working Group of the Universal Periodic Review

#### Review of JAPAN

### Statement by AUSTRIA

Austria welcomes H.E. .... and the delegation of Japan to the UPR and thanks them for the presentation of their informative report.

Austria commends Japan for its good human rights record overall and its seamless and constructive cooperation with UN treaty bodies and special procedures.

However, Austria is concerned about the recent executions of a total of seven inmates on death row up to date in 2012. The death penalty undermines human dignity, there is no conclusive evidence of its deterrent value, and any miscarriage of justice leading to its imposition is irreversible and irreparable. Japan would benefit from an open and inclusive public debate on the issue.

In this respect we recommend Japan to adopt a moratorium on executions to allow a comprehensive public debate on this issue and to consider establishing an official death penalty review body to make public recommendations for its reform. Also, we recommend Japan to introduce a mandatory appeal system in capital cases and to ensure that inmates themselves, their families and their legal representatives are provided with adequate information about a pending execution and to allow a last family visit or communication with the convicted person.

In addition, Austria offers the following recommendations to the Government of Japan:

- To consider taking necessary measures to accept individual complaints about violations of rights enshrined in Human Rights treaties and protocols ratified by Japan that foresee such a procedure,
- To withdraw its reservation to article 37 (c) of the Convention on the Rights of the Child regarding the separation of children deprived of liberty from adults,
- To take all necessary measures to protect the right to health and life of residents living in the area of Fukushima from radioactive hazards and ensure that the Special Rapporteur on the Right to Health can meet with affected and evacuated people and civil society groups.

I thank you.

Amb. Christian STROHAL

or

Michael PRISIFER