

Opening Statement by H.E. Mr. Hideaki Ueda,
Ambassador in Charge of Human Rights and Humanitarian Affairs,
on the occasion of the Second Universal Periodic Review of Japan

Madame President,
Distinguished delegates,

On behalf of the delegation of Japan, I would like to express our deepest appreciation to the President of the Human Rights Council, delegates from the member states, the High Commissioner for Human Rights and the OHCHR Secretariat, as well as the civil society, all of whom are working tirelessly to protect and promote human rights and fundamental freedoms. I am greatly honored to be here representing Japan at the second UPR review of my country.

Since the establishment of the Human Rights Council, Japan has been actively contributing to its activities. We believe that the UPR is a useful mechanism for each country to promote human rights through dialogue and cooperation with the international community. In order to enhance the effectiveness of the UPR, Japan voluntarily published its follow-up status in March 2011 having given serious consideration to the outcomes of its UPR review in May 2008. We hope to see all countries taking voluntary follow-up actions in order to continue improving their human rights situations.

Our second national report was prepared with the involvement of relevant ministries and agencies as well as by welcoming opinions from the general public through online via website, Twitter, and Facebook and by conducting a dialogue with the civil society including NGOs. The Government of Japan recognizes the important role played by the civil society in promoting respect for human rights and, therefore, is committed to attach importance to a dialogue with the civil society.

国際的取組

All human rights and fundamental freedoms are universal values and a legitimate concern of the international community. Based on this recognition, Japan has been working proactively to protect and promote human rights in the international community through dialogue and cooperation. We are contributing to discussions in the UN on the promotion of human rights, in addition to our contribution through the activities of the Human Rights Council, through the submission of draft resolutions to

the General Assembly Third Committee and the Commission on the Status of Women. We are also conducting bilateral dialogues for a better mutual understanding of the human rights situation of each country and for its improvement.

In order to enhance human rights standards globally, it is essential that more countries become parties to the core international human rights instruments and that every State Party implements its obligations. With this in mind, Japan concluded in July 2009 the International Convention for the Protection of All Persons from Enforced Disappearance. With regard to the individual communications procedures, Japan recognizes this as a noteworthy mechanism for effectively guaranteeing the implementation of human rights treaties. In this regards, the Ministry of Foreign Affairs set up the Division for Implementation of Human Rights Treaties in April 2010. Japan will continue to seriously consider whether or not to accept the procedure, while taking into account opinions from various quarters. Further, the Government submitted to the Diet the Convention on the Civil Aspects of International Child Abduction, the so-called Hague Convention, and its domestic legislation, in view of its significance for the interests of children. The Government will continue its efforts toward the earliest possible conclusion of the Convention. Moreover, in September 2012, Japan withdrew its reservation to the provision that reads “in particular by the progressive introduction of free education,” referred to in sub-paragraphs (b) and (c) of Paragraph 2 of Article 13 of the International Covenant on Economic, Social, and Cultural Rights.

The Special Procedures of the Human Rights Council have played an indispensable role in addressing the various human rights issues facing the international community. From this point of view, Japan issued in March 2011 a standing invitation to the Special Procedures. Upon this invitation, a visit by Special Rapporteur on the Right to Health is scheduled for next month.

国内の取組

In the Constitution of Japan, the sovereignty of the people and respect for fundamental human rights are considered as fundamental principles. Based on its firm belief that human rights are universal, Japan has been making continuous efforts to improve its domestic human rights situation.

【国内人権機構】

Currently, the Human Rights Organs of the Ministry of Justice are properly carrying out human rights remedy activities and human rights promotion activities on fair and

impartial grounds. In September 2012, the Cabinet adopted a decision confirming the content of a bill to establish a Human Rights Commission and a bill to partially amend the Human Rights Volunteers Act, in order to submit them to the next Diet session. The Human Rights Commission will be an independent commission that executes its duties without the control and supervision of the Government, and therefore is compliant with the Paris Principles. The Government of Japan will make further efforts in making necessary preparations for its establishment.

【可視化・適正化】

As for audiovisual recording of interrogations, Japan recognizes its merits in that it facilitates an accurate judgment of whether a confession was made voluntarily, and that it is conducive to improving the propriety of interrogations. On these grounds, Japan has been conducting recordings of suspect interrogations under certain conditions and has been gradually expanding its scope, on an experimental basis, while giving sufficient consideration to the impact it may have on the criminal justice system of Japan. To institutionalize the audiovisual recording system, advisory boards of the Minister of Justice are currently exploring and deliberating the structuring of a new and up-to-date criminal justice system from a broad standpoint, including the institutionalization of the audiovisual recording of interrogations. The Government is hoping to receive a report from the advisory boards as soon as possible and realize its institutionalization.

【留置制度】

The detention of suspects in police detention facilities plays an important role in criminal justice proceedings of Japan as it facilitates the smooth and efficient conduct of proper investigations. Because the police detention facilities are also usually located in areas accessible to the detainee's family members and lawyers, this allows them to easily get in contact with detainees. From a systematic standpoint, the Act on Penal Detention Facilities stipulates the principle of the "separation between investigation and detention," which clearly states that a police officer working in detention affairs shall not engage in criminal investigations against a detainee. Also, a committee that functions independently from the police, whose members include lawyers, can inspect detention facilities and state their opinions. In addition, detainees can file complaints with the Prefectural Public Safety Commission, which exercises administrative supervision over the police, about the treatment they received. In short, Japan has in place a system that protects the human rights of detainees and guarantees appropriate treatment in detention facilities.

【死刑制度】

Japan's basic position on the issue of retention or abolition of the death penalty is that this should be examined carefully based on domestic public opinion, the crime situation, the criminal policy and other factors of the country concerned, and the decision on this issue should be made by each country of its own accord. The majority of the Japanese people consider the death penalty to be unavoidable in the case of extremely vicious crimes, and there seems to be no end to such crimes. In view of the current situation and other observations, the Government believes that the application of the death penalty is unavoidable in the case of the most heinous crimes and therefore considers that an immediate abolition of the death penalty is not appropriate.

Let me move to policy measures taken for the protection and promotion of human rights of women, children, persons with disabilities, and others.

【女性の人権】

To achieve the "target of 30% by 2020", Japan has been working to realize a gender-equal society in various fields, based on the Third Basic Plan for Gender Equality formulated in December 2010. The Third Basic Plan strengthens the efforts on the temporary special measures mentioned in CEDAW by setting more numerical targets, which was welcomed by the Committee. For example, the proportion of female national public employees hired through the recruitment examination is 25.8% in FY2012. We will continue efforts to achieve the Third Basic Plan. Furthermore, an Action Plan for Economic Revival through Women's Active Participation was formulated for a gender-equal society, especially in the economic field, in June 2012. We continue to make our efforts to achieve gender equality and empowerment of women.

【人身取引】

Trafficking in persons is a grave violation of human rights and therefore a prompt and appropriate response is required from a humanitarian perspective. In December 2009, Japan drew up a new "Japan's 2009 Action Plan to Combat Trafficking in Persons ." Based on this action plan, ministries and agencies are working together to promote comprehensive government-wide measures. Aiming to ensure the protection of the victims of trafficking in persons including women and children, the Government compiled in July 2011 guidelines outlining the measures to be taken by the concerned ministries and agencies engaged in combating trafficking in persons. Through these efforts, we are working to identify and protect more victims of human trafficking.

【障害者】

Japan is carrying out intensive institutional reforms concerning persons with disabilities. We are moving steadily ahead toward an early conclusion of the Convention on the Rights of Persons with Disabilities, which Japan has already signed. In this regard, the Basic Act for Persons with Disabilities was amended to include provisions consistent with the idea of “reasonable accommodation” specified in the Convention. Under this amended law, we have also established the “Commission on Policy for Persons with Disabilities,” the functions of which include monitoring of the implementation of a basic programme for persons with disabilities. This Commission includes persons with disabilities as members. Further, Japan promotes special needs education for children with disabilities which provides appropriate assistance in consideration of their individual educational needs, regardless of the type or severity of disability. With these measures, we ensure that children with disabilities have access to elementary and secondary education.

【アイヌ政策】

In June 2008, the Diet adopted a resolution calling for recognition of the Ainu as an indigenous people. In July 2009, the Advisory Council for Future Ainu Policy, which includes an Ainu representative, proposed basic principles for future Ainu policies and other broad measures in its report. Based on the proposals, meetings of the Council for Ainu Policy Promotion, also with Ainu representation, have been held since January 2010 to discuss ways to comprehensively and effectively promote Ainu policies. The Government of Japan continues its active efforts toward building a rich and cohesive society in which Ainu people can live with a sense of pride.

【外国人の人権】

Japan’s efforts to protect human rights cover not only its own people but also foreign nationals. In July 2009, Japan amended the Immigration Control and Refugee Recognition Act to specify in that, in cases of deportations, the destination shall not include the countries prescribed in the Convention against Torture or the International Convention for the Protection of All Persons from Enforced Disappearance. Further, the Government established an expert committee to ensure transparency of treatment and improve management at immigration detention facilities; and free legal counseling is being provided by attorneys to detainees under an agreement with the Japan Federation of Bar Associations.

その他

【震災関連】

Nineteen months have passed since the Great East Japan Earthquake occurred in March last year. The people in the disaster-affected areas are making strenuous efforts to revive their hometowns with an unyielding spirit. I would like to take this opportunity to express our heartfelt appreciation to the distinguished delegates here for the generous assistance extended to Japan from your countries. In order to achieve reconstruction, the Government of Japan is committed to alleviating the continuing hardship of the people affected by the disaster and is decisively carrying out reconstruction projects without delay, while working closely with the people in affected areas.

結語

Every country has room for improvement of its human rights situation. The UPR mechanism effectively contributes to this improvement and is also vital to ensuring that each country maintains its efforts for improvement. Japan intends to continue working for the betterment of its domestic human rights situation as well as to contribute to the protection and promotion of human rights in the international community, in close cooperation with the UN, governments of other countries, civil society, and others.

In closing, we very much look forward to hearing many valuable comments regarding the human rights situation in Japan, as well as engaging in a constructive and fruitful exchange of opinions in the course of the interactive dialogue.

Thank you.