



JAPAN: INADEQUATE PROTECTION AGAINST DISCRIMINATION

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC
REVIEW, 28TH SESSION OF THE UPR WORKING GROUP, NOVEMBER 2017

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First published in 2017

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: ASA 22/6544/2017

March 2017

Original language: English

amnesty.org

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INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Japan in November 2017. In it, Amnesty International evaluates the implementation of recommendations made in the previous UPR, assesses the national human rights framework and the human rights situation on the ground, and makes recommendations to the government of Japan to address the human rights challenges mentioned in this report.

Amnesty International is concerned about the lack of a legal framework to achieve equality and freedom from discrimination in all areas and on all grounds, including sexual orientation and gender identity.

Amnesty International also raises concerns about continued executions, continued denial of full reparations for survivors of Japan's military sexual slavery system before and during World War II, and lack of legal protection of the rights of migrant workers and their families.

FOLLOW UP TO THE PREVIOUS REVIEW

Of the 174 recommendations made by reviewing states to Japan during its second UPR in 2012, it fully accepted 117, accepted eight recommendations in part, and rejected 26 recommendations. Amnesty International particularly regrets Japan's continued rejection of recommendations to abolish the death penalty and provide justice for the survivors of Japan's military sexual slavery system.¹

Despite its public commitment during the previous two review cycles, Japan has yet to take concrete steps to establish an independent national human rights institution in line with the Paris Principle.² Likewise, no progress appears to have been made to ratify a number of human rights instruments, such as the International Convention on the Protection of the Rights of All Migrant

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Japan (addendum)*, 8 March 2013, A/HRC/22/14/Add.1., recommendations on death penalty 147.93-95, 147.97-113 (Italy, Namibia, Netherlands, Argentina, Australia, Mexico, Italy, Ireland, Germany, France, Finland, Norway, Portugal, Slovakia, Slovenia, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland and Austria) and on the Military Sexual Slavery System 147.145-148 (Republic of Korea, China, Costa Rica and Democratic People's Republic of Korea).

² A/HRC/22/14, recommendations 147.47-59 (Nepal, Spain, Nicaragua, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Benin, Burkina Faso, France, Indonesia, Jordan, Malaysia and Mexico). Human Rights Council, *Report of the Working Group on the Universal Periodic Review -Japan - Addendum - Conclusions and/or recommendations*, 25 August 2008, A/HRC/8/44/Add.1, recommendations 60.1 (Albania, UK, Mexico, Brazil, Portugal, Canada and the Netherlands).

Workers and Members of Their Families,³ the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁵

Japan accepted recommendations to combat racial discrimination.⁶ However, Amnesty International considers inadequate the first national law, passed in May 2016, which makes the advocacy of hatred towards residents of overseas origin and their descendants “not permissible”, as detailed below.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

NATIONAL HUMAN RIGHTS INSTITUTION

Despite Japan’s statement that it regarded the establishment of a national human rights institution as critical,⁷ no concrete steps have been taken to this end since the Draft Bill on the Establishment of the Human Rights Commission was submitted to the Cabinet. This Bill lapsed when the House of Representatives was dissolved in 2012, and a new bill on a human rights institution has yet to be resubmitted to the Diet.

THE DEATH PENALTY

Amnesty International regrets that Japan again rejected recommendations made during its second UPR to take steps towards abolition of the death penalty, including to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and establish an official moratorium on executions.⁸ Executions continue to be carried out: eight executions in 2013, three in 2014, and three in 2015.⁹ At 28 December 2016, 128 prisoners were on death row.¹⁰ The government continues to refer to the majority public support for death sentences in

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Japan*, 14 December 2012, A/HRC/22/14, recommendation 147.19 (Argentina).

⁴ A/HRC/22/14, recommendations 147.8-10 (Australia, Tunisia and Czech Republic).

⁵ A/HRC/22/14, recommendation 147.11 (Portugal).

⁶ A/HRC/22/14, recommendations 147.34-37 (Canada, South Africa, Switzerland and Uzbekistan).

⁷ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant Sixth periodic report of States parties Japan*, 26 April 2012, CCPR/C/JPN/6, p.3.

⁸ A/HRC/22/14, recommendations 147.6-8 (Rwanda, Switzerland, Uruguay and Australia) and 147.93-113 (Italy, Namibia, Netherlands, Norway, Argentina, Australia, Mexico, Italy, Ireland, Germany, France, Finland, Norway, Portugal, Slovakia, Slovenia, Spain, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and Austria).

⁹ Amnesty International, *Death Sentences and Executions 2014*, www.amnesty.org/en/documents/act50/0001/2015/en/ (Index: ACT 50/0001/2015); Amnesty International, *Death Sentences and Executions 2015*, www.amnesty.org/en/documents/act50/3487/2016/en/ (Index: ACT 50/3487/2016).

¹⁰ Iwao Hakamada is not included in this figure as he was granted release, pending a retrial, in 2014.

cases of violent crimes as the reason for retaining the punishment and has stated that it has no plans to establish a forum to discuss the death penalty system.¹¹

A number of people with mental, psycho-social or intellectual disabilities have already been executed and other prisoners remain on death row who may suffer from similar mental conditions.¹² One such case is that of Matsumoto Kenji, who suffers from a mental disability caused by mercury poisoning (Minamata disease) and has begun showing signs of irrational thought following the confirmation of his death sentence in 2000. Because of his disabilities, his lawyers maintain that he is unable to understand and participate in the legal proceedings in his case. Amnesty International considers that Japan does not have effective safeguards in place to avoid the application of the death penalty to those with serious mental or intellectual disabilities,¹³ nor does it regularly carry out psychiatric evaluations.¹⁴

In October 2016, the Japan Federation of Bar Associations adopted the “Declaration Calling for Reform of the Penal System Including Abolition of the Death Penalty” which explicitly opposes the death penalty citing the possibility of wrongful convictions and international trends against capital punishment.¹⁵

RACIAL DISCRIMINATION

In May 2016, the Diet passed the “Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan”, commonly referred to as “anti-hate speech law”, condemning the advocacy of hatred towards

朝日新聞 (The Asahi Shimbun) 死刑囚増、収容長期化進む 高齢化も課題 (Increased persons on death row. Prolonged detention and aging of detainees are also problematic), 30 December 2016, available at digital.asahi.com/articles/ASJDV43Y0JDVUTIL017.html

¹¹ Addendum – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/22/14/Add.1., 8 March 2013, p.7; Minister of Justice Kanekawa Katsutoshi echoed this point on his first day in office in August 2016, emphasizing continued occurrences of “atrocious crimes”. He signed an execution order only three months after taking office. 法務省 (Ministry of Justice, Japan), 金田法務大臣初登庁後記者会見の概要 (Summary of the first press conference since taking office by the Minister of Justice), 3 August 2016, available at www.moj.go.jp/hisho/kouhou/hisho08_00804.html

¹² Amnesty International, *Hanging by a thread - Mental health and the death penalty in Japan*, (Index: ASA 22/005/2009).

¹³ Amnesty International refers to mental disabilities as serious mental disabilities which are relevant in connection to the criminal justice system; psychosocial disability (or mental illness) as the presence of disorders of thought, mood or behaviour that may impede the affected person's capacity to behave rationally and in conformity with the law; and intellectual disability as a condition in which a person's mental capacity has not developed during childhood and adolescence, leaving the person less able than average to adapt to independent life and decision-making.

¹⁴ International law and standards prohibit the use of the death penalty against people with mental and intellectual disabilities. For instance, the former UN Commission on Human Rights urged States not to impose capital punishment on or execute “a person suffering from any mental or intellectual disabilities”; UN Commission on Human Rights, Resolution 2005/59: Question of the Death Penalty, 20 April 2005.

¹⁵ Although this declaration does not bind the actions of individual lawyers, this clear statement goes beyond raising concerns and sets out a clear position to oppose to death penalty in principle from a professional legal body like the Japan Federation of Bar Associations, to which all lawyers in Japan belong, sends a strong message to society that capital punishment does not serve justice and should be abolished, Japan Federation of Bar Associations, October 7 2016, available at www.nichibenren.or.jp/en/document/statements/year/2016/161007.html,

residents of overseas origin and their descendants.¹⁶ The legislation followed an increase in demonstrations promoting discrimination against *Zainichi* (the descendants of mainly Koreans brought over in the colonial era). Amnesty International is concerned, however, that the new law may have limited value in that it merely states that “unfair discriminatory speech and behaviour” is “not permissible”, and fails to ban advocacy of hatred or set any penalties for such speech and behaviour.¹⁷ Although the Supplementary Resolution passed with this law seems to expand the protection against discrimination, it is not legally binding. This makes it unclear whether the law could also cover discrimination against other groups.¹⁸ There continues to be a need for comprehensive anti-discrimination legislation to provide equal protection against discrimination in all areas and on all grounds.

In May 2016, the Supreme Court dismissed a case brought against the police practice of blanket surveillance of Japan’s Muslim community, including of people perceived to be Muslim.¹⁹ In 2010, 114 internal documents from the Tokyo Metropolitan Police Department were leaked online, including personal and financial information about Muslims in Japan labelled as “suspected terrorists”.²⁰ The documents included personal information, such as individuals’ names, physical description, personal relationships and the mosque they attend. Seventeen plaintiffs, many of them originally from Middle Eastern or North African countries, sued the Public Prosecutor’s Office and the Tokyo Metropolitan Government for violating their rights to privacy, equal treatment and religious freedom under the Japanese Constitution. In 2014, the Tokyo District Court acknowledged the illegality and negligence of the leak and ordered the Tokyo Metropolitan Police Department to pay compensation. It concluded, however, that such surveillance and information gathering activities were permissible as necessary for national security. The Tokyo High Court upheld this decision in 2015, as did the Supreme Court in 2016.

¹⁶ Ministry of Justice, Japan, The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (Provisional Translation) ” available at www.moj.go.jp/content/001199550.pdf

¹⁷ 日本教職員組合 (Japan Teachers’ Union), 「本邦外出身者に対する不当な差別的言動の解消に向けた取組の推進に関する法律 (ヘイトスピーチ解消法)」成立に対する書記長談話 (Secretary General’s narrative on law concerning the promotion of efforts to eliminate unfair discriminatory behavior against the Japanese out of graduates), 25 May 2016, available at www.itu-net.or.jp/statement/discourse/post_574/; アムネスティ・インターナショナル日本 (Amnesty International Japan), “日本支部声明：差別を助長しかねないヘイトスピーチ解消法案を速やかに修正せよ (Amnesty International Japan statement: Immediately amend draft ant-hate speech law which may contribute to discrimination)”, 19 April 2016, available at www.amnesty.or.jp/news/2016/0419_5994.html; ヒューマンライツ・ナウ (Human Rights Now), 「本邦外出身者に対する不当な差別的言動の解消に向けた取組の推進に関する法律案」に対する声明 (Statement regarding the draft bill concerning the promotion of efforts to eliminate unfair discriminatory behavior against the Japanese out of graduates), 28 April 2016, available at hrn.or.jp/wpHN/wp-content/uploads/2016/04/HateSpeechStatement_HRN_20160418.pdf

¹⁸ Ministry of Justice, Japan “Supplementary Resolution for the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (Provisional Translation)”, available at www.moj.go.jp/content/001199555.pdf says “it is not correct to believe that certain form of discriminatory speech and behaviour may be allowed as long as it is not the unfair discriminatory speech and behavior against persons originating from outside Japan;

¹⁹ 朝日新聞 (The Asahi Shimbun), 警視庁のテロ捜査情報流出、賠償確定 (Compensation granted, regarding the case of leaked information on terrorism investigation by Tokyo Metropolitan Police Department) , 2 June 2016, available at digital.asahi.com/articles/DA3S12388377.html

²⁰ 青木理 (Osamu Aoki), 梓澤和幸 (Kazuyuki Azusawa) and 川崎健一郎 (Kenichiro Kawasaki), *国家と情報 (Nation and information)*, 現代書簡 (Gendaishokan), 2011.

The court confirmed that the leak was a breach of the right to privacy, but did not pronounce on the legality of the intelligence gathering.²¹

HUMAN RIGHTS SITUATION ON THE GROUND

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PERSONS

A legal framework to achieve equality and freedom from discrimination for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons does not exist at the national level, but local governments and the private sector are making some progress in recognizing their rights. In 2015, the Shibuya ward in Tokyo became the first municipality in Japan to pass an ordinance to acknowledge same-sex unions as equivalent to marriage.²² Although the certificates issued in recognition of such unions are not legally binding, they request, among other things, that hospitals and businesses, such as real estate firms, treat certificate holders in the same way as married couples. Following the Shibuya ward ordinance, several other municipalities in Tokyo and elsewhere have adopted similar written instruments to recognize same-sex unions. In the private sector, a growing number of mostly multinational corporations has amended their internal rules to extend benefits to employees in same-sex unions.

Some progress has been made since Japan accepted recommendations to eliminate discrimination based on sexual orientation during its previous UPR.²³ In March 2015, a non-partisan parliamentarians' league aimed at establishing national laws to eliminate anti-LGBTI discrimination was formed, followed in April 2016 by the establishment of the ruling Liberal Democratic Party's panel on issues related to sexual orientation and gender identity. A draft bill to eliminate discrimination based on sexual orientation or gender identity, submitted to the House of Representatives by four opposition parties in May 2016, did not pass. In July 2016, the major political parties pledged to campaign for the rights of LGBTI people ahead of Upper House elections.

Although there is some momentum at the political level, discrimination against LGBTI individuals continues, particularly in accessing essential services such as health, legal and welfare. Some medical and legal professionals and civil servants lack understanding of the needs of LGBTI persons. Many LGBTI persons cannot disclose their sexual orientation nor their gender identity

²¹ Al Jazeera, "Top court green-lights surveillance of Japan's Muslims", 29 June 2016, available at www.aljazeera.com/news/2016/06/top-court-green-lights-surveillance-japan-muslims-160629040956466.html

²² The Japan Times, "Tokyo's Shibuya and Setagaya wards issue first same-sex partnership papers", 5 November 2016, available at www.japantimes.co.jp/news/2015/11/05/national/social-issues/shibuya-set-issue-first-certificates-recognizing-sex-couples/#.WJmKnIN94dU

²³ A/HRC/22/14, recommendations 147.34 (Canada), 147.36 (Switzerland), 147.65 (Czech Republic),

even to their families for fear of prejudice and discrimination.²⁴ Some have difficulties accessing, or being provided with, the necessary medical care, including hormone treatment for transgender people. While individuals who do not identify with their gender of birth, have been allowed to officially change their sex under the Act on Gender Identity Disorder, some of the recognition requirements, such as being deprived of their reproductive organs or reproductive ability, gender confirmation surgery and single status, violate their human rights.²⁵

JAPAN'S MILITARY SEXUAL SLAVERY SYSTEM BEFORE AND DURING WORLD WAR II

The government continues to assert its legal position that any obligation to provide reparation for military sexual slavery was settled at the state level in the 1951 San Francisco Peace Treaty and other bilateral peace treaties and arrangements.²⁶ Amnesty International considers the government's position untenable, including because those treaties and agreements did not cover acts of sexual slavery, nor did they preclude individuals from seeking full reparation.²⁷

On 28 December 2015, Japan and the Republic of Korea (South Korea) reached an agreement to resolve the issue of Japan's military sexual slavery system before and during World War II.²⁸ In line with this agreement, the South Korean government launched the Japanese government-funded "Reconciliation and Healing Foundation" in July 2016. The Japanese government emphasized that the funds were not for reparations, in line with its stance that all such claims were already settled. The agreement has not been welcomed by the majority of survivors of the sexual slavery system (euphemistically referred to as "comfort women") and the organizations that support them, because they see it as an ambiguous apology, absent of acceptance of legal responsibility and lacking a victim-centered approach.²⁹

Amnesty International is concerned that senior Japanese government officials and public figures continue to deny the existence of the military sexual slavery system or justify its existence, even after the agreement was reached in 2015.³⁰ The continued attempt to deny state responsibility for the mass human rights violations committed, including systematic war crimes and crimes against humanity against "comfort women", prolongs the humiliation and suffering of the survivors and

²⁴ 日本放送協会 (NHK), LGBT 当事者アンケート調査 : 2600 人の声から (Questioner to LGBT individuals: from voiced of 2600 participants), research conducted in 2015, available at www.nhk.or.jp/d-navi/link/lgbt/#haiime

²⁵ Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder, article. 3, para. 1

²⁶ Ministry of Foreign Affairs, Japan, History Issues Q&A, 9 August 2016, available at www.mofa.go.jp/policy/q_a/faq16.html

²⁷ Amnesty International, *Japan: Still Waiting for Justice After 60 Years – Justice for Survivors of Japan's Military Sexual Slavery System*, (Index: ASA 22/012/2005).

²⁸ Ministry of Foreign Affairs, Japan, Japan-Republic of Korea Relations Announcement by Foreign Ministers of Japan and the Republic of Korea at the Joint Press Occasion, 28 December 2016, available at www.mofa.go.jp/a_o/na/kr/page4e_000364.html

²⁹ The Korean Council for the Women Drafted for Military Sexual Slavery by Japan, Written submission to the Committee on the Elimination of Discrimination against Women, 63rd Session (15 Feb - 04 Mar 2016), Japan, available at tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JPN/INT_CEDAW_NGO_JPN_22816_E.docx

³⁰ For instance on 14 January 2016, a senior member of the ruling Liberal Democratic Party, Yoshitaka Sakurada, a former state minister of education, made remarks that "comfort women" were "professional prostitutes". The Japan Times, LDP lawmaker retracts statement that 'comfort women' were prostitutes, 14 January 2016, available at www.japantimes.co.jp/news/2016/01/14/national/politics-diplomacy/ldp-lawmaker-retracts-statement-comfort-women-prostitutes/

fails to restore their dignity. The agreement between Japan and South Korea, which includes a provision that the South Korean government will never again raise the issue and that a peace monument in Seoul commemorating the survivors of the military sexual slavery system be removed, is considered by Amnesty International to run counter to efforts to achieve transparency, truth and reconciliation. In addition, although women from across the Asia-Pacific region were affected, Japan has not started negotiations with any other countries as of February 2017.

REFUGEES AND MIGRANTS

While the number of asylum applications in Japan has increased dramatically in recent years (10,901 in 2016, approximately a 44% increase compared to the previous year), only 28 asylum-seekers were recognized as refugees in 2016.³¹ Asylum-seekers wait for years under financial difficulty and uncertainty, not knowing whether they will be able to settle in Japan. In May 2016, just before the G7 Summit in Japan, the government announced the “Japanese Initiative for the future of Syrian Refugees” aimed at accepting up to 150 Syrians, including refugees, as international students, over five years.³² However, the majority of Syrian refugees are unable to apply due to its strict criteria, which exclude the most vulnerable, such as children and the elderly, who are in urgent need of protection.³³

The number of foreign nationals employed in Japan rose above 1 million for the first time in 2016, as the government tried to alleviate labour shortages.³⁴ However, legal protection of the rights of migrant workers and their families is incomplete as the rights guaranteed in Japanese law, including the rights to life, education and social security, do not cover foreign nationals.³⁵ In November 2016, the Upper House passed two laws to amend the Technical Intern Training Program (TITP) for foreigners to prevent abuse and revise the immigration law to add nursing jobs as eligible for residence status.³⁶ The TITP was started in the early 1990s as a form of international contribution to offer skills and know-how to nationals from developing countries. This resulted in Japan accepting tens of thousands of foreigners, mostly from China, Indonesia and Vietnam.

The TITP has been harshly criticized over the years by domestic and international human rights advocates for causing a wide range of human rights abuses of “technical interns”, including sexual abuse, work-related deaths and working conditions amounting to forced labour.³⁷ Civil

³¹ 法務省入国管理局 (Immigration Bureau, Ministry of Justice, Japan), 平成 28 年における難民認定者数等について (速報値) (Regarding the preliminary figures of refugees granted status in 2016), 10 February 2017, available at www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00666.html

³² Japan International Cooperation Agency, Japanese Initiative for the future of Syrian Refugees, available at www.jica.go.jp/syria/english/office/others/ijsr.html

³³ This program offers opportunities for Syrian refugees between 22 and 39 years of age, to study master's courses at Japanese universities. Although the students accepted by this program are allowed to bring their family.

³⁴ Nikkei Asian Review, Japan's foreign workers topped 1m in 2016, 27 January 2017, available at asia.nikkei.com/Politics-Economy/Economy/Japan-s-foreign-workers-topped-1m-in-2016

³⁵ The Cabinet Office, Japan, The Constitution of Japan, available at japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

³⁶ Ministry of Justice, Japan, Regarding revised Technical Intern Training Program for Foreigners, available at www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri05_00014.html; 朝日新聞 (The Asahi Shimbun), 介護、外国人受け入れ拡大へ 法案、今国会成立の見通し (The bill which is likely to pass during the current diet session result to increase number of foreign nationals by introducing nursing-care), 18 November 2016, available at digital.asahi.com/articles/ASJCK5FQRJCKUTIL01R.html

³⁷ Human Rights Committee, *Concluding observations on the sixth periodic report of Japan*, CCPR/C/JPN/CO/6, 19 August 2014, available at

society organizations have raised concerns that the expansion of the TITP could increase the number of “technical interns” subjected to human rights abuses as the amendments do not address the fundamental structures that allow forced labour and exploitation.³⁸

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF JAPAN TO:

NATIONAL HUMAN RIGHTS INSTITUTION

- Take immediate steps to establish an independent, impartial and credible national human rights institution in line with the Paris Principles, with competence to consider and act on complaints of human rights violations by public authorities, and with adequate financial and human resources.

THE DEATH PENALTY

- Introduce a formal moratorium on executions as a first step toward the abolition of the death penalty, and commute all death sentences to terms of imprisonment;
- Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty;
- Ensure effective processes to identify people accused or convicted of capital crimes who may have mental or intellectual disabilities and refer them for expert assessment;
- Ensure that conditions of detention comply with international standards, such as the revised UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

DISCRIMINATION

- Introduce comprehensive anti-discrimination legislation to provide equal protection against discrimination for all persons and on all grounds, including sexual orientation or gender identity;
- Ensure the right of all persons to protection from unlawful communication surveillance, allowing only for distinctions and differences in treatment that are reasonable, objective and based on legitimate and overriding grounds, while avoiding blanket distinctions and differences in treatment such as between citizens and non-citizens, or singling out specific religious communities as a whole;

tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en

³⁸ 移住者と連帯する全国ネットワーク (Solidarity Network with Migrants Japan) and 外国人技能実習生権利ネットワーク (Advocacy Network for the Rights of Foreign Technical Intern Trainees), 技能実習法の成立に対する声明 (Statement regarding revised Technical Intern Training Program for Foreigners), 25 November 2016, available at <http://bit.ly/2mlvVG6>

- Provide effective training to public services personnel in the application of non-discrimination laws and standards and, where relevant, in inter-cultural understanding, in order to combat prejudice and discriminatory behaviour or language by public officials;
- Allow individuals to change their legal name and gender through a quick, accessible and transparent procedure, and in accordance with the individual's sense of gender identity, and abolish requirements to undergo psychiatric assessment and receive a diagnosis, other medical requirements, any requirement of single status, and other restrictions that violates human rights, for obtaining legal gender recognition.

THE MILITARY SEXUAL SLAVERY SYSTEM BEFORE AND DURING WORLD WAR II

- Provide, without further delay, full and effective reparation to any individual who has suffered harm as the direct result of the military sexual slavery system, including survivors, non-surviving victims and their families, regardless of their nationality;
- Offer, in addition to financial compensation, other forms of reparation identified by survivors, including measures of restitution, rehabilitation, satisfaction and guarantees of non-repetition, an acceptance of full responsibility, public acknowledgment of the harm suffered, and an unreserved apology;
- Reject and refute measures or statements by government authorities and public figures, which may undermine the rights of survivors, including their ability to seek reparation and access justice before the courts;
- Work with the government of South Korea, and other affected countries, to ensure that effective systems are put in place to implement reparation measures for survivors that takes into account the views and needs of survivors;
- Ensure non-repetition by including an accurate account of Japan's military sexual slavery system in history accounts, public documents and textbooks used in the Japanese educational system.

REFUGEES AND MIGRANTS

- Ensure that the refugee status determination process is conducted in a fair, effective and transparent manner in line with international law and standards, including the Convention relating to the Status of Refugees;
- Ratify, without reservations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Promote, protect and respect the human rights of all migrant workers and members of their families, irrespective of their status, and in particular take adequate measures to protect their rights at work without discrimination.
- Ensure that employers suspected of being responsible for abusing the human rights of migrant workers are brought promptly to justice, including through criminal prosecutions where relevant.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE³⁹

Japan: Human rights law and discrimination against LGBT people in Japan, May 2017 (Index: ASA 22/5955/2017)

Japan: Submission to the Committee on the Elimination of Discrimination against Women, January 2016 (Index: ASA 22/3293/2016).

³⁹ All these documents are available on Amnesty International's website:
<https://www.amnesty.org/en/countries/asia-and-the-pacific/japan/>

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