



AI Index: ASA 22/6968/2023
10 July 2023

-Check against delivery-

ORAL STATEMENT
Item 6:
Consideration of UPR reports: Japan

UN Human Rights Council
53rd session
19 June -14 July 2023

Mr President,

Amnesty International deeply regrets that Japan noted¹ all 17 recommendations² made by 22 states aimed at abolishing the death penalty in Japan.

More than 70% of all countries have now abolished the death penalty in law or practice, but in Japan, executions continue to be carried out in secrecy. The absence of any effort to start a national debate with access to adequate information about Japan's use of the death penalty calls into serious question the basis of the government's response that "Japanese people consider the death penalty to be unavoidable in the case of extremely heinous crimes." We urge Japan to reverse its position and commit to implementing these recommendations, beginning with an immediate moratorium on executions as a first step towards full abolition of the death penalty.

Mr President,

Regretfully, Japan also noted recommendations³ to limit the length of immigration detention, while claiming to have been minimizing it, including by introducing a "mandatory periodic review of its continuing necessity and appropriateness".

In 2022, we documented numerous cases of human rights violations against detainees held in immigration detention facilities for long periods. The Immigration Control and Refugee

¹ When a state supports a recommendation made to it, it commits to its implementation in the period until the next review. A noted recommendation is one which the state under review does not commit to implementing.

² UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Japan, UN Doc. A/HRC/53/15 and its addendum UN Doc. A/HRC/53/15/Add.1, recommendations: 158.2 (France, Lithuania, Chile), 158.3 (Germany), 158.4 (Argentina), 158.5 (Sweden), 158.6 (Luxembourg, Malta, Panama, Slovenia, Spain), 158.92 (Uzbekistan), 158.93 (Cyprus), 158.94 (Angola), 158.95 (Paraguay), 158.96 (Ireland), 158.97 (Timor-Leste), 158.98 (Uruguay, Italy), 158.99 (Kazakhstan), 158.100 (Fiji), 158.101 (Norway, Slovakia, Portugal, Estonia, Finland, New Zealand, Spain, United Kingdom of Great Britain and Northern Ireland, Australia), 158.102 (Poland), 158.103 (Belgium)

³ A/HRC/53/15, recommendations: 158.104 (Netherlands), 158.288 (Spain), 158.291 (Brazil), 158.292 (Islamic Republic of Iran), 158.298 (Colombia), 158.105 (Austria), 158.106 (Canada), 58.107 (Germany)

Recognition Law has major human rights flaws, including a provision to enable authorities to deport asylum seekers during their third application, which puts people at risk of refoulement.

Mr President,

Another notable disappointment is Japan's failure to commit to implement key recommendations⁴ to protect the rights of LGBTI persons. The response that the Bill to promote LGBT understanding, passed last month, will solve all such issues is deeply concerning, as the law does not focus on the rights of LGBTI persons, but is rather designed to take into account the views of those who discriminate against such individuals, as exemplified by the addition of "unjustified" in front of the phrase "discrimination is not tolerated." Freedom from discrimination is a right and it can never be qualified.

Finally, we encourage Japan to swiftly implement supported recommendations. We urge the government to submit a mid-term report on progress towards their implementation and to use an Item 6 General Debate to bring this to the attention of UN Member States.

Thank you.

⁴ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Japan, UN Doc. A/HRC/53/15, recommendations: 158.185 (Cuba), 158.244 (Sweden), 158.266 United States of America), 158.267 (Czechia), 158.268 (Belgium), 158.269 (Uruguay), 158.270 (Argentina), 158.271 (Mexico), 158.272 (Austria), 158.273 (Canada), 158.274 (Denmark), 158.275 (Germany), 158.276 (Iceland), 158.277 (Iceland), 158.278 (Iceland), 158.279 (Ireland), 158.280 (Australia), 158.281 (Malta), 158.282 (New Zealand), 158.283 (Norway), 158.284 (South Africa), 158.285 (Dominican Republic)