

OHCHR REGISTRY

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Recipients: SPD  
M. Yano (Encl.)  
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MN/UN/759

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the latter's note verbale GVA0793 dated 7 October 2010, has the honour to transmit herewith the answers to the questionnaire on the recognition, access and protection of cultural heritage from the Government of Japan according to Human Rights Council Resolution 10/23.

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 9 December 2010

Enclosure mentioned.



## QUESTIONNAIRE ON ACCESS TO CULTURAL HERITAGE

### I. The recognition of cultural heritage

1. Please elaborate on the classification of the types of cultural heritage in place, or under consideration in your country, (or the reasons for which such classification does not exist), including:

a. The categories of such classification (e.g. tangible, intangible, national) If available, please append a list of key cultural heritage assets of your country, other than those included in UNESCO World's Heritage list;

*(Answer)*

**See the Pamphlet "Cultural Properties for Future Generations" p. 2 for classification, and p. 8-10 for examples.**

b. The procedure(s) for identifying endangered cultural heritage;

*(Answer)*

**No procedures are established that identify specifically endangered cultural heritage.**

**For identification of cultural heritage, see "Administration of Cultural Affairs in Japan —Fiscal 2010" p. 30, 33-34, 37, 38.**

c. The purpose of classification: (e.g. protection, financial and/or commercial use regulations; tax incentives; State property regime);

*(Answer)*

**See the Pamphlet "Cultural Properties for Future Generations" p. 5.**

d. The procedure(s) to nominate and declare cultural heritage;

*(Answer)*

**See the Pamphlet "Cultural Properties for Future Generations" p. 5.**

e. The stakeholders involved in the process of identification and classification;

*(Answer)*

**See the Pamphlet "Cultural Properties for Future Generations" p. 5.**

f. If applicable, the mechanism to ensure stakeholders' participation;

**(Answer)**

**See "Administration of Cultural Affairs in Japan —Fiscal 2010" p. 32.**

g. The impact, if any, of such classification on access to cultural sites/patrimony for different groups;

**(Answer)**

**Cultural properties are a shared asset of the Japanese people, which are essential to understand the history and culture of Japan, and have been conserved with meticulous and fastidious care. Meanwhile, cultural properties assume an important role in vitalizing tourism and promoting regional development.**

2. Please elaborate on existing legal definition(s) for the different types of cultural heritage in your country, or whether your country is considering the formulation of such legal definitions; and if not, please explain.

**(Answer)**

**See the Pamphlet "Cultural Properties for Future Generations" p. 2 and p. 4.**

## II. The legal and policy framework for the protection of cultural heritage

3. Please specify the legal instruments that your country had ratified on cultural heritage, the measures undertaken to implement them, and any measures adopted, or under consideration to ensure access to cultural heritage in line with the International Bill of Human Rights and with the UNESCO Declaration on Cultural Diversity.

**(Answer)**

**Japan concluded the Convention for the Protection of the World Cultural and National Heritage in 1992, and has since taken measures for the protection of world heritage.**

**Japan concluded in 2004 the Convention for the Safeguarding of the Intangible Cultural Heritage, and the Convention came into force in 2006.**

**Japan concluded the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Properties in 2002. (See "Administration of Cultural Affairs in Japan —Fiscal 2010" p. 59. 7. Regulating the Illicit Import, Export, and Transfer of Ownership of Cultural Properties)**

***Japan concluded the Convention for the Protection of Cultural Property in the Event of Armed Conflict in 2007, and subsequently enacted relevant domestic legislation in order to implement the Convention.***

***For the Law for the Protection of Cultural Properties and other laws/regulations in Japan, see "Administration of Cultural Affairs in Japan - Fiscal 2010" p. 32.***

4. Please give details of any existing measures (i.e. legislation, policies, plans, and/or programmes) that

a. Provide general or specific protection for various types of cultural heritage, including:

i. Within the land management, zoning or planning acts; property and environmental laws;

ii. Within laws, policies, plans and/or programmes intended to protect specific groups or populations (e.g. those relating to discrimination against women, religious, ethnic, linguistic or cultural minorities, indigenous peoples; people of African descent; persons with disabilities; tribal peoples, peasants and others);

iii. Within laws, policies, and/or programmes related to tourism and the entertainment industry;

***(Answer)***

***Japan enacts the Law for the Protection of Cultural Properties and the Act on Maintenance and Improvement of Traditional Scenery in Certain Districts for this purpose.***

***Also, see the Pamphlet "Cultural Properties for Future Generations" p. 5, p. 11-13, and "Administration of Cultural Affairs in Japan - Fiscal 2010" p. 33-42.***

b. Ensure important data on cultural heritage is recorded (Please explain the purpose of such recording and whose responsibility this is at the local, sub-national and national levels.);

***(Answer)***

***See "Administration of Cultural Affairs in Japan —Fiscal 2010" p. 30 and "Cultural Properties for Future Generations" p. 13 "The 'Cultural Heritage Online' Plan".***

c. Take into account the potential adverse impact on cultural heritage, including natural resources, at all stages of development planning, implementation and assessment processes;

***(Answer)***

***Japan enacts the Law for the Protection of Cultural Properties for this purpose. Also, see "Administration of Cultural Affairs in Japan - Fiscal 2010" p. 42.***

d. Protect cultural resources located in environmentally sensitive areas as well as cultural natural patrimony;

**(Answer)**

**Articles 45 and 128 of the Law on the Protection of Cultural Properties prescribe that where it is necessary to preserve important cultural properties, historic sites, places of scenic beauty and natural monuments, a Commissioner for Cultural Affairs may limit or prohibit a certain behavior or take necessary measures for specific regions.**

e. Safeguard vernacular, indigenous and/or minority group language;

**(Answer)**

**See "Administration of Cultural Affairs in Japan - Fiscal 2010" p. 60.**

f. Limit access to cultural heritage, explaining the underlying reasoning.

**(Answer)**

**See "Handling Guidelines Concerning the Exhibition of National Treasures and Important Cultural Properties".**

### III. The access to cultural heritage

5. Please explain any legislation, policies and/or special programmes in place or under consideration in your country to ensure access to cultural heritage, including:

a. Legislation that ensures adequate protection of, while granting adequate access to, cultural heritage;

**(Answer)**

**Article 4.2 of the Law on the Protection of Cultural Properties prescribes as follows:**

**Owners of and other stakeholders in Cultural Properties shall become conscious that their Cultural Properties are the valuable heritage of the Japanese people, shall preserve them carefully for the public benefit and shall make efforts to utilize them culturally, if possible, putting them on public display.**

b. Measures that ensure access to cultural heritage by people from diverse cultural background;

*(Answer)*

***Cultural background does not limit access to cultural heritage.***

c. Steps taken in the educational sector to promote appreciation for cultural heritage of all cultural groups in your country and ensure access to such cultural heritage by all;

*(Answer)*

***See "Administration of Cultural Affairs in Japan —Fiscal 2010" p. 21.***

d. Measures to ensure access to cultural heritage for persons the State in particularly responsible for (for example, adopted children or those living in foster care or institutions, adults in detention or living in institutions, etc);

*(Answer)*

***None that are specifically established.***

e. Ways in which technological developments can promote and support access to cultural heritage

*(Answer)*

***See the Pamphlet "Cultural Properties for Future Generations" p. 13, "The 'Cultural Heritage Online' Plan".***

If measures are not in place or under consideration, please explain the reasons.

6. Please explain any mechanisms in your legal system that individuals, groups and/or institutions may use in case of denial of access to cultural heritage, or to claim the enforcement of legislation, policies and /or special programs on access to cultural heritage. If such remedies do not exist, please indicate what in your view/in your country's view are the main obstacles for making the access to cultural heritage justiciable.

*(Answer)*

***See "Handling Guidelines Concerning the Exhibition of National Treasures and Important Cultural Properties".***

7. Please indicate who your country cooperates with, and how, in implementing programmes on access to cultural heritage at the local, sub-national and national levels; regional and international levels.

*(Answer)*

See "*Administration of Cultural Affairs in Japan —Fiscal 2010*" p. 32.

#### IV. The way forward

8. Has your country undertaken any assessment of the implementation of laws, policies, plans and/or programs that addresses access to and protection of cultural heritage? If yes, does your country have examples of good practices and lessons learnt? Please explain.

*(Answer)*

*The Subdivision on Cultural Properties investigates and deliberates on important matters affecting the preservation and utilization of cultural properties.*

*Also, see "Administration of Cultural Affairs in Japan —Fiscal 2010" p. 4.*

9. Are there new or emerging issues related to cultural heritage identification, classification, protection and access that need to be addressed at the national, regional and international levels?

*(Answer)*

N/A

10. In your country's view, what concrete measures should be adopted and implemented to ensure access to cultural heritage including through the use of new technologies at the regional and international levels?

*(Answer)*

**Under Article 29 of the Basic Act for the Promotion of Culture and the Arts, the Government shall take necessary measures in order to improve the use of information and communication technology for cultural and artistic activities.**