

ADVANCE QUESTIONS TO JAPAN

DENMARK

- What measures is Japan taking to apply a moratorium on executions with a view to abolishing the death penalty, as called for in the United Nations General Assembly resolution on a moratorium on the use of the death penalty, as adopted in December 2007?
- What is Japan doing to improve the physical conditions and medical treatment of prisoners in Japan?

LATVIA

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering the cooperation of Japan with the special procedures (visits of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in 2005, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea in 2005 and 2006) – would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

NETHERLANDS

- The Netherlands welcomes Japan's accession to the International Criminal Court in 2007 as well as the appointment of Ambassador Saiga as a judge to the Court. This underlines Japan's firm commitment to international law and the protection of universal human rights as well as to ending potential impunity for severe human rights violations.
- Japan still applies the death penalty for heinous crimes and carries out capital punishment (death by hanging) whereas no legal basis exists for life sentences without the possibility of parole. Does Japan consider the possibility of adding life sentences without the possibility of parole to the range of penalties for heinous crimes?
- Japan will be introducing a lay judge system in May 2009. Lay judges will also be involved in cases where the prosecution may request the death penalty. Bearing in mind the lack of legal training of civilian lay judges, how will Japan ensure that convictions within this new system fulfil all the legal requirements and safe-guards of a fair trial? How will lay judges be prepared and trained to differentiate between the necessary legal elements that must be met to constitute criminal liability and the sentiments that the effects of heinous crimes invoke?

- The Netherlands recognises the recent changes and improvements made within the Japanese detention system. What is the current situation with regard to the living conditions of detainees, including deathrow inmates?
- The Netherlands welcomes Japan's ongoing efforts to protect the human rights of children both domestically as well as in the international arena. Does Japan consider to adhere to the "The Hague Convention on Child Abduction of 25 October 1980" and "The Convention on Parental Responsibility and Protection of Children of 19 October 1996"?

SWEDEN

- In its resolution 62/149 of 18 December 2007, the General Assembly called on states to establish a moratorium on executions with a view to abolishing the death penalty, and to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty. In its national report to the 2008 Universal Periodic Review, the government of Japan referred to safeguard of guaranteeing state-financed defence counsel to persons indicted for crimes which are punishable by the death penalty. In 2007, some changes were also instituted in the process enveloping death penalty cases. Civil society organisations have expressed concern, however, over existing shortcomings, for example with regard to transparency of information before executions are carried out. At the same time, there has been a recent increase in the application of the death penalty, considering that ten persons have been executed since the autumn. Could the government of Japan elaborate on the status of the death penalty in relation to resolution 62/149, as well as on measures it is taking to ensure that international standards guaranteeing protection of the rights of those facing the death penalty are met?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the extent to which civil society was involved in the preparation of your national report?
- Could you please elaborate further on the existence and status of a National Human Rights Institution in Japan, and whether it complies fully with the Paris Principles?
- Does the Government of Japan have any plans to reconsider the continuing use of the death penalty in Japan or to begin a public debate on its use?
- Does the Japanese Government have any plans to undertake a review of the area of administration of justice, in particular the continuing use of the "Daiyou Kangoku" system where suspects can be held for up to 23 days without charge and without a lawyer?
- In relation to this, the Japanese rate of convictions at 99.8% is unusually high and raises concern about possible miscarriages of justice and wrongful

executions. Will Japan consider a moratorium of the death penalty until the issue of contentious confessions has been addressed?

- UN bodies have raised serious concerns about a range of issues relating to the treatment of detainees in Japan including conditions on death row, the use of solitary confinement, overcrowding in prisons, sexual violence including rape of suspects by officials, and the lack of a complaints mechanism. What is Japan doing to address these issues?
- Does Japan have any intention to sign the Optional Protocol to the UN Convention against Torture and if so please could you provide a time-scale for possible ratification?