

AB/UN/476

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and, with reference to the Note Verbale Ref. OL JPN 4/2021, dated 23 August 2021, has the honour to transmit herewith the reply from the Government of Japan to the Joint Communication sent by Mr. Victor MADRIGAL BORLOZ, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Ms. Reem ALSALEM, Special Rapporteur on violence against women, its causes and consequences and Ms. Melissa UPRETI, Chair-Rapporteur on the Working Group on discrimination against women and girls.

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

Geneva, 22 October 2021

Enclosure mentioned



Response to the Joint Communication from Special Procedures  
from the Government of Japan

Regarding the Joint Communication about the national efforts concerning sexual orientation and gender identity by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on discrimination against women and girls, which was sent on August 23, 2021, to the Permanent Mission of Japan to the International Organizations in Geneva, the response from the Government of Japan is as follows.

1. Please provide any additional information and/or comment(s) you may have on the above.

1. The Government of Japan considers discrimination or prejudice on the grounds of sexual orientation and gender identity to be unacceptable. The Government of Japan will make every effort to realize a society where diversity is respected and everyone values human rights, respects each other, and enjoys an active life.

Specifically, regarding sexual orientation and gender identity, Japan will continue to take measures such as enhancing awareness through activities to promote understanding in society, including in workplaces and schools, while providing appropriate consultation and remedy measures concerning violations of human rights. Each relevant ministry and agency will take responsibility and enhance mutual cooperation and collaboration to continue efforts to promote measures as part of a whole-of-government approach.

2. Please provide your consideration of how the existing legal framework in its current state protects LGBT persons from discrimination and complies with Japan's obligations under the international human rights law and standards, including, among others, ICCPR, ICESCR, CEDAW, and CRC.
3. Please provide information on any measures that your Excellency's Government has taken or intends to take in order to implement the recommendations by UN human rights mechanisms referred to above and to bring all aspects of its current legislative framework, including any new law, into compliance with international human rights law.

2. Japan concluded and faithfully abides by human rights conventions such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), and it is the long-standing position of Japan to be against discrimination on the grounds of sexual orientation and gender identity.
3. In the education sector, for example, in April 2015, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) issued a public notice called “Regarding Careful Response to Students concerning Gender Identity Disorder” and widely disseminated it to educational institutions. Also in 2016, MEXT developed a leaflet for teachers called the “Guidebook for Teachers Regarding Careful Response to Students in relation to Gender Identity Disorder as well as Sexual Orientation and Gender Identity” for distribution, and has been promoting the implementation of measures such as educational counseling in schools.
4. Furthermore, as measures for the prevention of bullying, MEXT adopted the “Basic Policies for the Prevention, etc. of Bullying” (hereinafter “the Basic Policies”) based on the “Act for the Promotion of Measures to Prevent Bullying” (hereinafter “the Act”) formulated in 2013. MEXT then revised the Basic Policies in 2017, while at the same time formulating the “Guidelines for Investigations on Serious Situation of Bullying.” The Basic Policies list measures to be implemented, such as promoting understanding in relation to gender identity disorders, sexual orientation, and gender identity in order to prevent bullying based on gender identity disorders, sexual orientation, and gender identity. Japan has been making efforts to promote measures based on the Act, the Basic Policies, among others to be thoroughly implemented through actions including (1) holding workshops for senior management such as school principals and teachers in charge of student instruction at boards of education, and (2) allocating school counselors, school social workers, and other staff members to enhance school counseling systems and make it easier for children to receive counseling.

5. In the labor sector, the Ministry of Health, Labour and Welfare (MHLW) has informed and raised awareness among employers of fair recruitment and selection based on applicants' aptitudes and abilities that does not exclude certain persons, including persons of diverse sexual orientation and gender identity. In addition, as employment management measures, the "Guidelines Concerning Measures to be Taken by Employers in terms of Employment Management with Regard to Problems Caused by Sexual Harassment in the Workplace" specify that they apply to victims regardless of a person's sexual orientation and gender identity, and necessary advice and guidance are provided to employers. Furthermore, the "Guidelines Concerning Measures to be Taken by Employers in terms of Employment Management in Connection with Problems Arising as a Result of Behavior against the Background of Dominant Relationships in the Workplace" specify that "the use of offensive language and behavior regarding someone's sexual orientation and gender identity" equates to power harassment.

In addition, with regard to labor issues related to sexual orientation and gender identity, prefectural labor bureaus and other offices provide consultations and other services at the Consultation Counters on General Labor Matters.

Furthermore, the MHLW conducted a project to assess corporate initiatives regarding sexual orientation and gender identity, and developed a report and a collection of case studies based on the assessment results and other information that were made public and disseminated in order to promote appropriate understanding on sexual orientation and gender identity in the workplace.

6. In the accommodation industry, the "Guidelines for Sanitation in the Hotel Business," amended by the MHLW in January 2018, which indicate that "owners should not refuse stay for reasons such as guests' sexual orientation and gender identity, but should respond appropriately," are disseminated to relevant owners.
7. With regard to awareness-raising and dissemination activities on human rights, the human rights bodies of the Ministry of Justice (MOJ) set a priority target of "Eliminate Prejudice and Discrimination on the Grounds of Sexual Orientation and Gender Identity," and implement various human rights awareness-raising activities, including holding public lectures and distributing awareness leaflets. Also, if a suspected case of human rights violation such as harassment concerning sexual orientation and gender identity is detected through human rights counseling or other channels, the case will

be investigated as an incident of human rights violation, and appropriate measures for the case in question will be implemented on a case-by-case basis.