

A photograph of Mount Fuji, Japan's highest mountain, under a soft sunset sky. The mountain is partially covered in snow and is surrounded by layers of misty, blue-toned mountains in the foreground.

JAPAN

# BASELINE ASSESSMENT OF R2P IMPLEMENTATION



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The following Baseline Assessment Annex provides an overview of Japan's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

# JAPAN

Japan is a leading regional advocate of R2P and plays a role in supporting its implementation. It performs well in regards to most aspects of R2P implementation, both domestic and international. Japan appointed a national Focal Point for the Responsibility to Protect in 2015, has joined the Group of Friends of R2P, and has worked constructively – albeit through a focus on human security rather than R2P – to incorporate atrocity crime risks and dynamics into conflict analysis and development partnerships. However, Japan has stopped short of developing measures to ensure or promote implementation of R2P, such as a national assessment of risk and resilience and domestic mechanisms to hold the government accountable.

Japan performs particularly well in terms of the implementation of existing international legal instruments and the domestic applicability of the covenant. Japan has ratified eleven of the twelve key international law instruments most relevant to R2P and actively participates in the Universal Periodic Review of the Human Rights Council. Additionally, Japan has relatively strong mechanisms ensuring the promotion and protection of human rights, equal access to judicial institutions, and the protection of vulnerable segments of society (particularly in relation to sexual and gender-based violence). Significantly, however, Japan has not yet established a National Human Rights Institution, though enabling legislation has been debated for two decades. Japan has a robust civil society sector, an inclusive education system, and civilian authorities maintain effective control over the security sector.

Japan has participated in and delivered official statements at all but two of the

General Assembly's meetings on R2P. Additionally, Japan has participated in various domestic and regional R2P-related panels and symposiums. During its tenures as a member of the Security Council, it supported various resolutions relating to R2P and cosponsored two resolutions specifically referencing R2P. At the General Assembly it has been a cosponsor of at least 7 resolutions that have referenced R2P. Japan has been a strong supporter of humanitarian and atrocity prevention activities in crisis contexts, though it has stopped short of developing a leadership role. Japan is also an active supporter of the United Nations, including its various organs and initiatives, and has invested considerable resources into strengthening the UN's ability to recruit, train and deploy human rights experts. It tends to support early preventive action, but was notably reluctant to act swiftly during the 2017 crisis in Rakhine state owing to its comprehensive bilateral relationship with Myanmar.

Japan focuses heavily on peacebuilding and humanitarian assistance, with a strong gender and development focus. Japan is one of the region's greatest financial contributors to peacekeeping and – since signing the Act on Cooperation with the United Nations Peacekeeping Operations and Other Operations in 1992 – has contributed to six UN peacekeeping operations. Japan has also supported peacekeeping training centres in Africa and provided pre-deployment education and training on sexual violence and women's care needs. Until recently, Japan was constitutionally inhibited from deploying combat troops overseas and remains reluctant to do so. As such, it has not indicated support for the Kigali Principles.

# JAPAN

Assessment	Indicator
Very Strong	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Appoint national R2P Focal Point
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Cultivate and protect an active, diverse and robust civil society
	Ensure a legitimate, effective and civilian controlled security sector
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Prevent nationals committing atrocity crimes overseas
	Participate in international, regional and national discussions on the further advancement of R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support UN Security Council veto restraint on issues relating to atrocity prevention
Strong	Sign, ratify and implement relevant instruments of international law
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Take measures to counter and prevent violent extremism
	Support the development and work of regional human rights and other preventive capacities
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support preventive actions on atrocity crimes
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
Fair	Dealing with past atrocities
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy

	Strengthen regional and international networks for atrocity crime prevention
	Strengthen the role and capacity of regional organisations
	Support atrocity prevention through development and assistance partnerships
<b>Weak</b>	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
<b>Very Weak</b>	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Conduct a national assessment of risk and resilience
	Support the Kigali Principles

## Japan Score: 78

Incorporating atrocity prevention under the development policy of human security, Japan stresses the use of force as a last resort, the importance of consulting with regional organisations and obtaining consent for collective action. Generally, Japan prioritises the preventive aspects of R2P (such as good governance and functioning justice systems). The widespread acceptance of the norm places Japan as one of the region's strongest performers in R2P implementation.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong	The Japanese government has legislation and constitutional edicts in place to adequately protect its population from atrocity crimes.
	Reduction of atrocity crime risks.	Very Strong	With a thriving economy, education system, a civilian controlled security force and vibrant civil society, Japan is one of the best countries in the Asia Pacific overall in implementing R2P. Thus, the risk of atrocity crimes occurring in the country is extremely low.
	Dealing with past atrocities.	Fair	<p>Japan, perhaps more than any other country in the Asia Pacific, is still dealing with the fallout of its actions in World War II. There have been two ‘official’ apologies – in 1995 and 2005 – for the destruction caused by the Japanese in China, The Philippines, the Korean peninsula and other countries throughout the Asia Pacific during the war<sup>1</sup> (see other Baseline Assessments for more information). Controversy remains, especially in the current tenure of President Shinzo Abe.</p> <p>There is some opinion that the Abe administration seeks to revise, to some degree, Japanese military history.<sup>2</sup> Evidence of this occurred in 2014, with an executive of Japan’s public broadcaster commenting that the 1937 Nanjing Massacre was fabricated by the U.S, while another watered down the tragedy of ‘comfort women’ used by Japanese soldiers.<sup>3</sup></p> <p>Furthermore, there is an air of impunity remaining over the actions of Japanese officials through the work of Unit 731.<sup>4</sup> This secretive unit of the Japanese Imperial Army was tasked with developing biological and chemical weapons through experimentation on captured prisoners of war. No one has ever been prosecuted for these crimes in Japan, and many high-ranking members of the unit went on to long careers in medicine or academia following the war, with the blessing of U.S occupiers.<sup>5</sup></p>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Strong	As of 8 September 2015, Japan has appointed an R2P focal point, as well as joining the Group of Friends of the Responsibility to Protect. <sup>6</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Fair	Japan appears to have incorporated atrocity prevention into its foreign and development policies under the rubric of human security, which is distinct from R2P in that it does not encompass the

<sup>1</sup> Fifield, Anna, 2015. ‘A (very) short history of Japan’s war apologies’. *The Washington Post*, 13 August. Available at: [https://www.washingtonpost.com/news/worldviews/wp/2015/08/12/a-very-short-history-of-japans-war-apologies/?utm\\_term=.306fa58f3108](https://www.washingtonpost.com/news/worldviews/wp/2015/08/12/a-very-short-history-of-japans-war-apologies/?utm_term=.306fa58f3108).

<sup>2</sup> Groll, Elias, 2015. ‘Shinzo Abe Regrets but Declines to Apologize for Japan’s WWII Actions’. *Foreign Policy*, 14 August. Available at: <https://foreignpolicy.com/2015/08/14/shinzo-abe-regrets-but-declines-to-apologize-for-japans-wwii-actions/>.

<sup>3</sup> Spitzer, Kirk, 2014. ‘Japanese Broadcast Official: We Didn’t Commit War Crimes, the U.S. Just Made That Up’. *TIME*, 7 February. Available at: <http://time.com/5546/japanese-nhk-officials-world-war-ii/>.

<sup>4</sup> Rees, Jeremy, 2018. *Review: New book on Unit 731 and Japanese war crimes*, <https://www.radionz.co.nz/stories/2018665407/review-new-book-on-unit-731-and-japanese-war-crimes>.

<sup>5</sup> More information on Unit 731 can be found here: <https://unit731.org/>.

<sup>6</sup> Permanent Mission of Japan to the United Nations, 2015. *Remarks by H.E. Mr. Motohide Yoshikawa, Permanent Representative of Japan to the United Nations, On the Occasion of an Informal Interactive Dialogue On the Responsibility to Protect*, para. 5, <http://www.un.emb-japan.go.jp/jp/statements/yoshikawa090815.html>.

			<p>use of force for atrocity prevention.<sup>7</sup> It has stressed the importance of addressing the root causes of atrocity crimes, focusing on the developmental aspects of prevention.<sup>8</sup></p> <p>Specifically, it has worked to reform the UN Security Council; prevent armed conflict through strengthening the UN's capacity; promote peacebuilding and peacekeeping (important dimensions of which are, according to Japan, human security and institution building); strengthening humanitarian assistance and supporting the role of regional organisations in preventing atrocities.<sup>9</sup></p>
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	There appears to be no mechanisms in place to hold the government of Japan accountable for its responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Strong	Japan has ratified eleven of the twelve key international human rights laws (IHRL) most relevant to R2P. <sup>10</sup>
			Japan has neither signed nor ratified the <i>Convention on the Prevention and Punishment of the Crime of Genocide</i> .
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong	Japan signed and ratified the <i>Rome Statute of the International Criminal Court</i> in 2007. <sup>11</sup>
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Weak	While a Bill has been put forward to establish a national human rights institution in Japan, it has been delayed for nearly two decades due to various concerns over its proposals. <sup>12</sup>
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Strong	The first constitution of Japan (the Meiji Constitution of 1889) gave the legal system its basic structure of several modern legal essentials: national sovereignty, fundamental human rights, separation of powers, a representative government and state-controlled finances. This was revised in 1947. <sup>13</sup> The constitution contains 33 articles relating to human rights as well as articles providing for the separation of powers vested into

<sup>7</sup> Asia Pacific Centre for the Responsibility to Protect (APR2P), 2008. *Japan and the Republic of Korea On The Responsibility to Protect*, p. 7, [https://r2pasiapacific.org/files/540/2008\\_japan\\_southkorea\\_on\\_r2p.pdf](https://r2pasiapacific.org/files/540/2008_japan_southkorea_on_r2p.pdf).

<sup>8</sup> Ibid., p. 12.

<sup>9</sup> Ibid., p. 11-18.

<sup>10</sup> United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx); United Nations Treaty Collection (UNTC), 2019. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en); UNTC, 2019. 8. *Arms Trade Treaty*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en); United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 3, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Japan*, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=JP](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=JP); International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20to%20the%20rome%20statute.aspx#J](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20to%20the%20rome%20statute.aspx#J).

<sup>11</sup> International Criminal Court, 2007. *Japan: Ratification and Implementation Status*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/asia/Pages/japan.aspx](https://asp.icc-cpi.int/en_menus/asp/states%20parties/asia/Pages/japan.aspx).

<sup>12</sup> Asia-Pacific Human Rights Information Center, 2002. *Japanese National Human Rights Commission*, <https://www.hurights.or.jp/archives/focus/section2/2002/06/japanese-national-human-rights-commission.html>.

<sup>13</sup> Chiba, Masaji. 1997. "Japan", in P. Tan, ed. *Asian legal systems: law, society, and pluralism in East Asia*. London: Butterworths; Tanaka, K. 1976. *The Japanese Legal System: Introductory Cases and Materials*. Tokyo: University of Tokyo Press, p. 16-24.



three independent bodies: the Legislature, Executive and Judiciary.

Article 14 of the constitution declares, “All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin. Peers and peerage shall not be recognized. No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.” Furthermore, according to Article 44, “there shall be no discrimination [against members of both Houses of the Diet and their electors] because of race, creed, sex, social status, family origin, education, property or income.”<sup>14</sup>

The promotion and protection of human rights and elimination of discrimination is tackled in numerous ways. Anti-discrimination (or *dowa*) education first emerged in Japan during the post-war period.<sup>15</sup> It arose from the Japanese government’s attempt to address Buraku discrimination, “... the first human rights problem that the government attempted to solve.”<sup>16</sup> Since then, the government have enacted various human rights education strategies and activities. It has also enacted numerous laws aimed at eliminating discrimination, particularly around disabilities:

- *Basic Act for Persons with Disabilities*,
- *Act on the Elimination of Discrimination against Persons with Disabilities*,
- *Handicapped Person’s Employment Promotion Act*, and
- *Order for the Enforcement of the School Education Act*.<sup>17</sup>

Japan has ratified the *Convention on the Rights of Persons with Disabilities* (2014).

It also has laws in place to cover the rights of indigenous peoples. Japan ratified the *Convention on the Elimination of All Forms of Racial Discrimination* and adopted the UN Declaration on the Rights of Indigenous Peoples, although it does not recognise the unconditional rights to self-determination.<sup>18</sup>

Participate in international peer review processes, including the Universal Periodic Review (UPR)

Very Strong

Japan has undergone a UPR three times: in 2008, 2012 and 2017.

<sup>14</sup> Japan, Prime Minister of Japan and His Cabinet, *The Constitution of Japan, Chapter III, Article 14; Chapter IV, Article 44*. Tokyo, 1947.

<sup>15</sup> Akuzawa, Mariko. 2015. *Human Rights Education in Japan: Overview*, <http://www.hurights.or.jp/archives/focus/section3/2015/12/human-rights-education-in-japan-overview-1.html>.

<sup>16</sup> Akuzawa, Mariko. 1999. *Dowa Education and Reforms in Human Right Education in Japan: Access, Content, and What’s Beyond*, para. 1, [http://www.hurights.or.jp/archives/human\\_rights\\_education\\_in\\_asian\\_schools/section2/1999/03/dowa-education-and-reforms-in-human-right-education-in-japan-access-content-and-whats-beyond.html](http://www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/1999/03/dowa-education-and-reforms-in-human-right-education-in-japan-access-content-and-whats-beyond.html).

<sup>17</sup> There are thirty specific national laws relating to disabilities, see: Japanese Society for the Rehabilitation of Persons with Disabilities, 2015. *The 30 Selected Japanese Laws Related to Persons with Disabilities*, <http://www.dinf.ne.jp/doc/english/law/japan/30select.html>.

<sup>18</sup> UNOHCHR, 2018. *Declaration on the rights of indigenous peoples*, para. 2, <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx>.



	of the UN Human Rights Council.		<p>In its first UPR, Japan received 27 recommendations. It accepted 14, held no clear position on another 11, and rejected two outright. These two concerned the signing of an optional protocol of the <i>International Covenant on Civil and Political Rights</i> [ICCPR], and abolition of the death penalty.<sup>19</sup></p> <p>The country's second UPR saw 174 recommendations received, 125 of which were accepted. 23 were acknowledged while the other 26 were rejected. The 26 recommendations that were rejected related mostly to the death penalty and Japan's crimes in World War II, particularly 'comfort women'.<sup>20</sup></p> <p>In its most recent UPR in November 2017, Japan received 218 recommendations. It accepted 146 of them and took note of the further 72. While it didn't reject any recommendation outright, those it took note of related to human rights and anti-discrimination legislation, a moratorium on the death penalty, and crimes relating to World War II.<sup>21</sup></p> <p>At the UPR, Japan has been a member of a troika assisting in the review of the following countries:</p> <ul style="list-style-type: none"> <li>• First Cycle (2008-2011): Poland, Mali, Barbados, Nigeria, Jordan, Vietnam, Qatar, Guinea, USA and Rwanda.<sup>22</sup></li> <li>• Second Cycle (2012-2016): Saudi Arabia, Malaysia, New Zealand, Equatorial Guinea, Fiji, Grenada, Jamaica and Australia.<sup>23</sup></li> </ul>
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Very Strong	Japan has a cooperative relationship with the UNOHCHR, with a Standing Invitation in place and most visits by Special Rapporteurs have been finalised and published. More are forthcoming in 2019. <sup>24</sup>
	Ensure equal access to justice.	Very Strong	Equal access to the judiciary is enshrined in the constitution. <sup>25</sup> However, the U.S Department of State has reported some practical concerns. Prisoners and detainees are permitted to submit uncensored complaints to judicial authorities and request investigations of allegedly problematic conditions. <sup>26</sup> However, there are ongoing issues surrounding Japan's <i>daiyou kangoku</i> (substitute prison) system, where prisoners are denied access

<sup>19</sup> UPR Info, 2008. *Responses to Recommendations: Japan*, [https://www.upr-info.org/sites/default/files/document/japan/session\\_2\\_-\\_may\\_2008/recommendationsjapan2008.pdf](https://www.upr-info.org/sites/default/files/document/japan/session_2_-_may_2008/recommendationsjapan2008.pdf).

<sup>20</sup> UPR Info, 2012. *Recommendations & Pledges: Japan*, [https://www.upr-info.org/sites/default/files/document/japan/session\\_2\\_-\\_may\\_2008/recommendationsjapan2008.pdf](https://www.upr-info.org/sites/default/files/document/japan/session_2_-_may_2008/recommendationsjapan2008.pdf).

<sup>21</sup> UPR Info, 2017. *Responses to Recommendations: Japan*, [https://www.upr-info.org/sites/default/files/document/japan/session\\_28\\_-\\_november\\_2017/responses\\_to\\_recommendations\\_upr28\\_japan.pdf](https://www.upr-info.org/sites/default/files/document/japan/session_28_-_november_2017/responses_to_recommendations_upr28_japan.pdf).

<sup>22</sup> Japan was a member of a troika for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> sessions of the UPR: UNOHCHR, 2018. *UPR Sessions*, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRSessions.aspx>.

<sup>23</sup> Ibid. (Japan was a member of a troika for the 17<sup>th</sup> to 23<sup>rd</sup> sessions of the UPR.)

<sup>24</sup> UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=JPN>.

<sup>25</sup> Article 14: "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin"; and, Article 32: "No person shall be denied the right of access to the courts." Japan, Prime Minister of Japan and His Cabinet, *The Constitution of Japan, Chapter III, Articles 14, 32*.

<sup>26</sup> U.S. Department of State, 2016. *Japan 2016 Human Rights Report*, p. 3, <https://www.state.gov/documents/organization/265552.pdf>.

		<p>to consular personnel and can be detained for up to 23 days.<sup>27</sup></p> <p>Refugees and asylum seekers are permitted to have lawyers participate in hearings before refugee examiners. Government-funded legal support for refugee and asylum seekers is generally unavailable however, though funding is provided through the Federation of Bar Associations.<sup>28</sup> The detention of asylum seekers and irregular migrants for extended periods of time is an ongoing problem, but the Ministry of Justice has made some progress in this area through its attempts to streamline the asylum petition process.<sup>29</sup></p>
	<p>Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.</p> <p>Strong</p>	<p>Japan's constitution renounces war.<sup>30</sup> While the country is yet to sign or ratify the <i>Convention on the Prevention and Punishment of the Crime of Genocide</i>, "Japanese politicians across the political spectrum already consider the prohibition of genocide to be a universally accepted norm." It has been argued that "... counterintuitively, the very universality of the norm against genocide has worked <i>against</i> the full adoption of the Genocide Convention."<sup>31</sup></p> <p>Japan's Criminal Code covers genocide, crimes against humanity and war crimes, including offenses committed abroad.<sup>32</sup></p> <p>In 2016, Japan passed its first law dealing with hate speech. <i>The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour Against Persons Originating from Outside Japan</i> outlines the basic principles to eliminate discriminatory speech and behaviour against foreign citizens residing legally in Japan. It defines the parameters of discriminatory behaviour and outlines the responsibilities of different levels of government in eliminating it. These responsibilities encompass the provision of advice, consulting measures, educational activities and raising awareness. The <i>Act</i> however, does not set any penalties for discriminatory language or behaviour.<sup>33</sup></p>
	<p>Take measures to counter and prevent violent extremism.</p> <p>Strong</p>	<p>Despite being isolated in the context of the 'war on terror' and radicalisation, Japan has been a victim of terrorist incidents. The actions of the Japanese Red Army and the infamous sarin gas attacks on the Tokyo subway by the extremist group Aum Shinrikyo in 1995 are rare but clear examples of the threats Japanese security forces must deal with. After September 11, Japan adopted an 'Action Plan</p>

<sup>27</sup> Ibid., p. 6.

<sup>28</sup> Ibid., p. 10.

<sup>29</sup> Ibid., p. 6-7.

<sup>30</sup> Article 9 of the Japanese Constitution outlaws war as a means of solving international disputes involving the state. Japan, Prime Minister of Japan and His Cabinet, *The Constitution of Japan, Chapter II, Article 9*.

<sup>31</sup> Greenhill, Brian and Michael Strausz, 2014. 'Explaining Nonratification of the Genocide Convention: A Nested Analysis'. *Foreign Policy Analysis*, vol. 10, no. 4, p.387-388, <http://onlinelibrary.wiley.com/doi/10.1111/fpa.12013/full>.

<sup>32</sup> E.g. Japanese Law Translation, n.d. *Penal Code*, [http://www.japaneselawtranslation.go.jp/law/detail\\_main?re=02&ia=03&vm=02&id=1960](http://www.japaneselawtranslation.go.jp/law/detail_main?re=02&ia=03&vm=02&id=1960); Ministry of Internal Affairs and Communications, n.d. *Act on Punishment of Critical Violation of International Humanitarian Law*, <http://law.e-gov.go.jp/htmldata/H16/H16HO115.html>.

<sup>33</sup> Ministry of Justice, n.d. *The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (Provisional Translation)*, <http://www.moj.go.jp/content/001199550.pdf>.

for Prevention of Terrorism’ that included a swathe of new security and intelligence sharing measures.<sup>34</sup>

After the murder of two Japanese nationals by ISIS insurgents in 2015, the Japanese government adopted a ‘3-Pillar Foreign Policy in Response to Terrorism’. These steps included: Strengthening Counter-Terrorism Measures (including implementing multi-, bi- and unilateral measures), Enhancing Diplomacy Towards Stability and Prosperity in the Middle East, and Assistance in Creating Societies Resilient to Radicalization.<sup>35</sup>

With evidence of several Japanese nationals having been radicalised or already fighting for ISIS in Syria,<sup>36</sup> Japan has put an emphasis on strong counter-extremist and counter-terrorist policies and measures. This will likely become more pertinent in the lead up and initiation of the 2020 Summer Olympic Games in Tokyo.

Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.

Very Strong

Equality is provided for in Article 14 of the constitution: “All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.”<sup>37</sup>

The government has enacted various laws and programs aimed at supporting the protection of individuals specifically in relation to sexual and gender-based violence:

- At the UN General Assembly in 2013, Prime Minister Shinzo Abe prioritised gender equality and stated that his government aimed to bring about a “society in which women shine”.<sup>38</sup>
- In 2015, Japan established a National Action Plan on Women, Peace and Security, in coordination with multiple government ministries and civil society organisations.<sup>39</sup>
- Japan “strongly support[s]” the United Kingdom’s Preventing Sexual Violence Initiative launched in 2012 and the Declaration of Commitment to End Sexual Violence in Conflict in 2013.<sup>40</sup>

<sup>34</sup> Ministry of Foreign Affairs of Japan, 2010. *Japan’s International Counter-Terrorism Cooperation*, ‘2. Japan’s Efforts after the 9/11 Terrorist Attacks’, [https://www.mofa.go.jp/policy/terrorism/intl\\_coop.html](https://www.mofa.go.jp/policy/terrorism/intl_coop.html).

<sup>35</sup> Ministry of Foreign Affairs of Japan, 2016. *Japan’s Counter-Terrorism Measures*, p. 3, <https://www.mofa.go.jp/files/000156881.pdf>.

<sup>36</sup> Counter-Extremism Project, 2019. *Japan: Extremism and Counter-Extremism*, <https://www.counterextremism.com/countries/japan>.

<sup>37</sup> Japan, Prime Minister of Japan and His Cabinet, *The Constitution of Japan, Chapter III, Article 14*.

<sup>38</sup> Prime Minister of Japan and His Cabinet, 2013. *Speeches and Statements by the Prime Minister – Address by Prime Minister Shinzo Abe, at The Sixty-Eighth Session of The General Assembly of The United Nations, Thursday, September 26, 2013 [provisional translation]*, [http://japan.kantei.go.jp/96\\_abe/statement/201309/26generaldebate\\_e.html](http://japan.kantei.go.jp/96_abe/statement/201309/26generaldebate_e.html).

<sup>39</sup> Ministry of Foreign Affairs of Japan, 2015. *National Action Plan on Women, Peace and Security – Provisional Translation (September 29, 2015)*, <http://www.mofa.go.jp/files/000101798.pdf>; Cf. Ministry of Foreign Affairs of Japan, 2014. *Women’s Empowerment and Gender Equality – Drafting Process of Japan’s National Action Plan*, [http://www.mofa.go.jp/fp/pc/page23e\\_000182.html](http://www.mofa.go.jp/fp/pc/page23e_000182.html); and, Ministry of Foreign Affairs of Japan, 2017. *Women’s Issues – Women’s Empowerment and Gender Equality – Preventing Sexual Violence Initiative (PSVI)*, [http://www.mofa.go.jp/fp/hr\\_ha/page23e\\_000466.html](http://www.mofa.go.jp/fp/hr_ha/page23e_000466.html).

<sup>40</sup> Ministry of Foreign Affairs of Japan, 2017. *Women’s Issues – Women’s Empowerment and Gender Equality – Preventing Sexual Violence Initiative (PSVI)*; Foreign & Commonwealth Office and The Rt Hon William Hague, 2013. *Foreign Secretary*

- Japan has funded projects conducted by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.<sup>41</sup>
- Japanese law criminalizes all forms of rape involving force against women. The law does not deny spousal rape, but no court has ever ruled on such a case, except in situations of formal or informal breakdown of marital circumstances.<sup>42</sup>
- Domestic violence is prohibited under Japanese law but remains a problem.<sup>43</sup>
- Sexual harassment is not criminalised and remains common in the workplace. The government can give advice and recommendations to companies and can publicly identify those that fail to act in stopping it.<sup>44</sup>
- Laws governing rape and sexual intercourse and commerce excludes provisions for same-sex activity. Thus, there are lower penalties for perpetrators of male rape and greater legal ambiguity surrounding same-sex prostitution.<sup>45</sup>

Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.

Weak

Despite being a party to the **1951 Refugee Convention** and its **1967 Protocol**, Japan accepts a miniscule number of refugees each year, usually below 50. There is a broad ambivalence towards refugees, migrants and foreigners in general throughout Japanese society that has lasted, arguably, since the Tokugawa shogunate centuries before. The result is a government that mirrors such sentiments. Thus, any large measures furthering refugee policy in Japan, from accepting large numbers of Indochinese refugees in 1975 to the accession of the **Convention** itself, have been due to international pressure.<sup>46</sup>

At present, the situation of refugees in Japan is plagued with problems. The processing of refugee and migrant applications is difficult and slow, with many claims needed to be processed in person with relevant ID documents fleeing refugees do not have access to. The definition of refugee in Japan is also at odds with many other developed countries and with the **Convention** of which it is a part. The government only recognises those targeted with violence directly to their person, regardless of the socio-political, religious or ethnic concerns in the source country. There is also evidence of migrants, mostly from Southeast Asia, applying for asylum in order to access higher paying jobs and in turn

and Angelina Jolie welcome new Declaration on ending Sexual Violence in Conflict, ‘Supporting countries’, <https://www.gov.uk/government/speeches/global-action-to-end-warzone-sexual-violence#supporting-countries>.

<sup>41</sup> Ministry of Foreign Affairs of Japan, 2017. *Women’s Issues – Women’s Empowerment and Gender Equality – Preventing Sexual Violence Initiative (PSVI)*.

<sup>42</sup> U.S. Department of State, 2016. *Japan 2016 Human Rights Report*, p. 14.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., p. 15.

<sup>45</sup> Ibid., p. 22.

<sup>46</sup> Asia-Japan Women’s Resource Center, 2008. *Japan’s Refugee Policy: From Post World War II to Present Day*, p. 23-24, <http://www.ajwrc.org/english/sub/voice/20-1-7.pdf>.

			slowing down the processing timeline for genuine refugees even further. <sup>47</sup>
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak	There is no evidence of a national assessment of risk and resilience having been undertaken.
	Cultivate and protect an active, diverse and robust civil society.	Very Strong	Article 21 of the constitution covers freedom of speech and assembly; Article 23 covers academic freedom and Article 28 covers workers' rights to collective bargaining. <sup>48</sup> However, this right arguably does not extend to striking for political objectives, social movements, religious activities or exorbitant demands that companies cannot comply with. Moreover, there have been a very limited number of strikes in modern Japanese society due in part to the rise of part-time work and the resultant isolation of workers, and the salience of 'the customer is god' mentality in Japan. This leads to strikes being seen as selfish actions by workers that, by inconveniencing customers, are comparable to blackmail. <sup>49</sup>  Despite general respect for press freedom, there is some concern about governmental pressure against critical media outlets. Japan is currently 67 out of 180 in the World Press Freedom Index for 2018. <sup>50</sup>  As of 2015, there are 50,000 NGOs operating in Japan. Their activities span a variety of charity categories including medical support, international cooperation, the promotion of human rights and equal gender participation. <sup>51</sup>
	Ensure a legitimate, effective and civilian controlled security sector.	Very Strong	The Self-Defense Force of Japan is civilian controlled, disciplined, professional and highly capable. It is increasingly associated domestically with disaster assistance, especially following Japan's March 2011 earthquake and tsunami. <sup>52</sup>  In partnership with the EU, Japan has worked on reconstruction, governance and security sector reform (SSR) in Afghanistan and Iraq. <sup>53</sup> It has been suggested that Japan could play a stronger role in SSR activities abroad through the UN. <sup>54</sup>
	Ensure the education system reflects the ethnic, national and	Very Strong	The constitution provides for compulsory and free education. <sup>55</sup> Japan has also ratified the <b><i>Convention against Discrimination in Education</i></b> . <sup>56</sup>

<sup>47</sup> For further information, see: Chan, Tara Francis, 2018. 'NO ENTRY: How Japan's shockingly low refugee intake is shaped by the paradox of isolation, a demographic timebomb, and the fear of North Korea'. *Business Insider Australia*, 11 April. Available at: <https://www.businessinsider.com.au/why-japan-accepts-so-few-refugees-2018-4?r=US&IR=T>; Tanaka, Chisato, 2018.

'Japan's refugee-screening system sets high bar'. *The Japan Times*, 21 May. Available at: <https://www.japantimes.co.jp/news/2018/05/21/reference/japans-refugee-screening-system-sets-high-bar/#.XKWP8ZgzaUk>.

<sup>48</sup> Japan, Prime Minister of Japan and His Cabinet, *The Constitution of Japan, Chapter III, Articles 21, 23 and 28*.

<sup>49</sup> Okunuki, Hifumi, 2015. 'Has striking in Japan become extinct?'. *The Japan Times*, 28 June. Available at:

<http://www.japantimes.co.jp/community/2015/06/28/issues/striking-japan-become-extinct/#.WPqaULiGOUm>.

<sup>50</sup> Reporters Without Borders (RSF), 2018. *2018 World Press Freedom Index*, <https://rsf.org/en/ranking>.

<sup>51</sup> Japan NPO Center, 2018. *Size and Scope of NPOs*, <http://www.jnpoc.ne.jp/en/nonprofits-in-japan/size-and-scope/>.

<sup>52</sup> Sedgwick, Christopher, 2017. *A New Leader in International Support to Security Sector Reform: Exploring the Experience and Potential Role of Japan*, <http://secgovcentre.org/2017/02/a-new-leader-in-international-support-to-security-sector-reform-exploring-the-experience-and-potential-role-of-japan/>.

<sup>53</sup> Mykal, O, 2011. *The EU-Japan Security Dialogue: Invisible But Comprehensive*. Amsterdam: Amsterdam University Press, p. 192-195.

<sup>54</sup> Sedgwick, Christopher, 2017. *A New Leader in International Support to Security Sector Reform: Exploring the Experience and Potential Role of Japan*.

<sup>55</sup> Japan, Prime Minister of Japan and His Cabinet, *The Constitution of Japan, Chapter III, Article 26*.

<sup>56</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), 2014. *Education Policy Research Series Discussion Document No. 5: Education Systems in ASEAN+6 Countries: A Comparative Analysis of Selected Educational Issues*, p. 7, <http://unesdoc.unesco.org/images/0022/002267/226757E.pdf>.



	cultural diversity of society, and sets examples of inclusiveness. Prevent nationals committing atrocity crimes overseas.	Very Strong	As already noted, Japan's Criminal Code covers genocide, crimes against humanity and war crimes, including offenses abroad. However, when Japan ratified the <i>Rome Statute of the International Criminal Court</i> , the Japanese government concluded that acts of genocide and crimes against humanity could be mostly punished as traditional crimes, such as murder and rape. Therefore, Japan did not create crimes with these particular names. <sup>57</sup>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Very Strong	<p>Japan has participated in the UN's Informal Interactive Dialogues on R2P in 2009, 2011, 2012, 2013, 2015, 2016 and 2017.<sup>58</sup></p> <p>Japan has also participated in a Roundtable Discussion in 2006,<sup>59</sup> an International Symposium on R2P held at the Japan International Cooperation Agency (JICA) in 2011<sup>60</sup> and the 'R2P at 10' Conference held in 2015.<sup>61</sup></p> <p>Japanese universities have also held R2P-related events. These include:</p> <ul style="list-style-type: none"> <li>• A symposium in 2011 on international cooperation with specific reference to the war in Afghanistan, where discussions on R2P were included in the program.<sup>62</sup></li> <li>• The 'Special Panel Interview: "Responsibility to Protect: A Ten Year History"' in 2015.<sup>63</sup></li> <li>• 'Japan and 15 years of Responsibility to Protect: Tackling a Shared Humanitarian Crisis', in 2017.<sup>64</sup></li> </ul>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Fair	<p><b>UN Security Council Resolutions</b></p> <p>Japan was a non-permanent member of the UN Security Council (UNSC) in 2005-2006, 2009-2010 and 2016-2017.<sup>65</sup> During these times it voted in</p>

<sup>57</sup> Yasuo Nakauchi, 2007. *Japan's Participation in the ICC and Subsequent Issues*, [http://www.sangiin.go.jp/japanese/annai/chousa/rippou\\_chousa/backnumber/20070406021.pdf](http://www.sangiin.go.jp/japanese/annai/chousa/rippou_chousa/backnumber/20070406021.pdf), (in Japanese); Library of Congress, 2016. *Genocide, Crimes Against Humanity and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php#Japan>.

<sup>58</sup> GCR2P, 2016. *Summaries of UN General Assembly Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>.

<sup>59</sup> International Coalition for the Responsibility to Protect (ICRtoP), n.d. *Events Calendar*, [https://responsibilitytoprotect.org/index.php/attend-events?task=view\\_detail&agid=116&year=2006&month=12&day=06&catid=182](https://responsibilitytoprotect.org/index.php/attend-events?task=view_detail&agid=116&year=2006&month=12&day=06&catid=182).

<sup>60</sup> JICA, 2011. *International Symposium: New Security Concept: 'Responsibility to Protect'*, [https://www.jica.go.jp/jica-ri/ja/news/topics/responsibility\\_to\\_protect\\_in\\_asian\\_context\\_an\\_international\\_meeting\\_at\\_jica-ri.html](https://www.jica.go.jp/jica-ri/ja/news/topics/responsibility_to_protect_in_asian_context_an_international_meeting_at_jica-ri.html).

<sup>61</sup> APR2P, 2015. *The Responsibility to Protect at 10: Progress, Challenges and Opportunities in the Asia Pacific*, [https://r2pasiapacific.org/files/2817/r2p\\_at\\_10\\_conference\\_summaryreport.pdf](https://r2pasiapacific.org/files/2817/r2p_at_10_conference_summaryreport.pdf).

<sup>62</sup> Hosei University, 2011. "International Cooperation" – *Beyond Development and Peacebuilding Publication Memorial Symposium – Japan's International Cooperation and Humanitarian Intervention*, [http://www.hosei.ac.jp/kokusai/news/shosai/news\\_3186.html](http://www.hosei.ac.jp/kokusai/news/shosai/news_3186.html).

<sup>63</sup> United Nations University, 2015. *Special Panel Interview: Responsibility to Protect "The Ten Years"*, <https://jp.unu.edu/events/archive/conversation-series/responsibility-to-protect-ten-years-on.html#overview>.

<sup>64</sup> Osaka University, 2017. シンポジウム『保護する責任』の15年と日本：共有する人道危機に取り組む, <http://www.osaka-u.ac.jp/ja/news/seminar/2017/01/7248> (for an English translation, see: <http://www.osaka-u.ac.jp/en/news/seminar/2017/01/7248>).

<sup>65</sup> United Nations Security Council (UNSC), n.d. *Search Membership by Country: Japan*, [http://www.un.org/en/sc/inc/searchres\\_sc\\_members\\_english.asp?sc\\_members=191](http://www.un.org/en/sc/inc/searchres_sc_members_english.asp?sc_members=191).

favour or was a cosponsor of all resolutions that referenced R2P.<sup>66</sup>

#### UN General Assembly Resolutions<sup>67</sup>

Japan, as well as being a cosponsor of them, has voted in favour of all General Assembly resolutions referencing R2P.

#### UN Human Rights Council Resolutions<sup>68</sup>

Japan has voted in favour of all resolutions referencing R2P in its most recent tenure (2017-2019) on the Council.

This stellar record in the international arena is marred by Japan's silence on issues regarding the current Rohingya genocide in Myanmar. The two countries have a tradition of strong military ties, partly in an effort to stem Chinese influence in the area.<sup>69</sup> This cooperation has broadened into other areas and includes assistance with the establishment of an inquiry into the violence against the Rohingya.<sup>70</sup> This assistance is ill-timed given the evidence mounting against the Tatmadaw of its involvement in the commission of atrocity crimes.<sup>71</sup>

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

Fair

Between 2004 and 2017 Japan committed and deposited over US\$440 million to the UN's Multi-Partner Trust Fund Office.<sup>72</sup>

In 2016, Japan was the third-largest financial contributor to UN peacekeeping operations.<sup>73</sup>

Japan has also invested in programs for the reintegration of former child soldiers in Sri Lanka<sup>74</sup> and for the support and healthcare of victims of Boko Haram in Nigeria.<sup>75</sup>

As in the Indicator above, Japan's otherwise good record is tarnished by its inaction over Myanmar in the context of the Rohingya crisis. It has abstained

<sup>66</sup> GCR2P, 2018. *UN Security Council Resolutions and Presidential Statements Referencing R2P*, <http://www.globalr2p.org/resources/335>. (Voting records for these resolutions can be found by using the United Nations Bibliographic Information System, available at:

<http://unbisnet.un.org:8080/ipac20/ipac.jsp?profile=voting&menu=search&submenu=power#focus>.)

<sup>67</sup> GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each individual resolution can be accessed using the UNGA's voting records search, available at: <http://www.un.org/en/ga/documents/voting.asp>).

<sup>68</sup> GCR2P, 2019. *UN Human Rights Council Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/977>; Universal Rights Group Geneva, 2019. *Country Voting History Portal: Japan*, <https://www.universal-rights.org/country-voting-history-portal/country/?country=Japan>.

<sup>69</sup> Aung Myoe, Maung, 2016. 'Maung Aung Myoe – Tokyo revives military ties with Myanmar'. *Nikkei Asian Review*, 27 July. Available at: <https://asia.nikkei.com/Politics/Maung-Aung-Myoe-Tokyo-revives-military-ties-with-Myanmar>.

<sup>70</sup> Nitta, Yuichi, 2018. 'Myanmar taps Japan connections to overcome Rohingya crisis'. *Nikkei Asian Review*, 16 August. Available at: <https://asia.nikkei.com/Politics/International-relations/Myanmar-taps-Japan-connections-to-overcome-Rohingya-crisis>.

<sup>71</sup> Tassi, Lisa, 2018. 'Japan's Shameful Myanmar Embrace'. *The Diplomat*, 18 September. Available at: <https://thediplomat.com/2018/09/japans-shameful-myanmar-embrace/>.

<sup>72</sup> Multi-Partner Trust Fund Office Gateway, 2018. *JAPAN, Government of, 'Real-Time Commitments & Deposits'*, <http://mptf.undp.org/factsheet/donor/00141>.

<sup>73</sup> United Nations Peacekeeping, n.d. *How we are funded*, <https://peacekeeping.un.org/en/how-we-are-funded>.

<sup>74</sup> Permanent Mission of Japan to the United Nations, 2014. *Statement by H.E. Ambassador Motohide Yoshikawa Permanent Representative of Japan to the United Nations At the Open Debate of the Security Council On Children and Armed Conflict*, 7 March 2014, para. 7, <http://www.un-emb-japan.go.jp/jp/statements/yoshikawa030714.html>.

<sup>75</sup> Permanent Mission of Japan to the United Nations, 2014. *Statement by H.E. Ambassador Mr. Yoshifumi Okamura Deputy Permanent Representative of Japan to the United Nations At the Open Debate of the Security Council on Children and Armed Conflict* 8 September 2014, para. 6, <http://www.un-emb-japan.go.jp/jp/statements/okamura090914.html>.



			from voting on resolutions in the Human Rights Council condemning Myanmar, and its continued ties with the Tatmadaw place it at odds with much of the international community. <sup>76</sup>
	Strengthen regional and international networks for atrocity crime prevention.	Fair	The JICA has also been involved in the thematic issue of 'Governance' and 'Peace-Building'. <sup>77</sup> However, Japan has not yet specifically invested in atrocity crimes prevention.
	Strengthen the role and capacity of regional organisations.	Fair	Japan is a member of several regional fora, including the Asia Pacific Economic Cooperation (APEC) Forum, the East Asia Summit (EAS), the ASEAN Regional Forum and Japan-Mekong cooperation. In these contexts it intends to develop initiatives that expand cooperation in some areas. For example, Japan intends to create initiatives that increase health and wellbeing, and cooperation over environmental issues, throughout the ASEAN region. <sup>78</sup>
	Support the development and work of regional human rights and other preventive capacities.	Strong	Since 1996, Japan has used the Partnership for Democratic Development to foster democratic development and human rights in developing countries. <sup>79</sup>
	Support atrocity prevention through development and assistance partnerships.	Fair	JICA has developed Technical Cooperation Projects that cover a wide range of development issues, <sup>80</sup> and gives assistance to countries to then strengthen the rule of law and promote good governance. <sup>81</sup>
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Strong	Japan supported the move to fund an additional three posts to the Office of the Special Advisor on the Prevention of Genocide (whereas Venezuela, Cuba and seven other states voted against the measure). <sup>82</sup>
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Very Strong	Japan has actively participated in the UN Commission on Human Rights as a member since 1982. "Japan has increased its contribution to the Voluntary Fund for Advisory Services and Technical Assistance, considering cooperation in legal systems building and awareness-raising in human rights as important to improve human rights situations. Japanese experts have also contributed to these activities, as members of the sub-commission and committee in the human rights field. Japan has also concluded a number of human rights instruments." <sup>83</sup>

<sup>76</sup> Kasai, Teppei, 2019. *Japan's Cold-Blooded Approach to the Rohingya Crisis*, <https://www.hrw.org/news/2019/06/20/japan-cold-blooded-approach-rohingya-crisis>.

<sup>77</sup> See: JICA, n.d. *Thematic Issues*, [https://www.jica.go.jp/english/our\\_work/thematic\\_issues/index.html](https://www.jica.go.jp/english/our_work/thematic_issues/index.html).

<sup>78</sup> Ministry of Foreign Affairs of Japan, 2018. *Diplomatic Bluebook 2018 Chapter 2: Japan's Foreign Policy that Takes a Panoramic Perspective of the World Map*, '(2) Japan-ASEAN Relations', <https://www.mofa.go.jp/policy/other/bluebook/2018/html/chapter2/c020106.html>.

<sup>79</sup> Ministry of Foreign Affairs of Japan, 2014. *Human Rights*, [http://www.mofa.go.jp/policy/un/pamph2000\\_archive/human.html](http://www.mofa.go.jp/policy/un/pamph2000_archive/human.html).

<sup>80</sup> A detailed list of these projects is available at: JICA, n.d. *Index of Subjects*, <https://www.jica.go.jp/project/english/subject/index.html>.

<sup>81</sup> Ministry of Foreign Affairs of Japan, 2016. *Diplomatic Bluebook 2016 Chapter 3: Japan's Foreign Policy to Promote National and Worldwide Assistance*, 6. *The Rule of Law in the International Community*, '(1) Strengthening of the Rule of Law for the Diplomacy of Japan', <http://www.mofa.go.jp/policy/other/bluebook/2016/html/chapter3/c030106.html>.

<sup>82</sup> United Nations, General Assembly (UNGA), Harmonizing Staff Working Conditions, Strengthening UN Information Technology among Issues, as Budget Committee Approves 18 Texts, Concludes Session, 23 December 2010, GA/AB/3980; Cf. ICRTOP, 2011. *UN GA votes to fund three additional staff in the Office of the Special Adviser on the Prevention of Genocide*, <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/3150-un-ga-votes-to-fund-three-additional-staff-in-the-office-of-the-special-adviser-on-the-prevention-of-genocide>.

<sup>83</sup> Ministry of Foreign Affairs of Japan, 2014. *Human Rights*, 'UN Activities on Human Rights: Japanese Cooperation', [http://www.mofa.go.jp/policy/un/pamph2000\\_archive/human.html](http://www.mofa.go.jp/policy/un/pamph2000_archive/human.html).

		<p>Japan’s voluntary contributions to UNOHCHR have slumped over recent years, although it still invests a considerable amount. In 2017 it was ranked 41 out of 82 contributing entities,<sup>84</sup> and between 2014 and 2016 it contributed over US\$14 million to UN Women.<sup>85</sup></p> <p>Japan was the fourth-largest government donor to UNHCR in 2016, behind the USA, the EU and Germany.<sup>86</sup></p> <p>Japan has been involved numerous activities to alleviate horizontal inequalities and promote human rights. This includes the creation of the Women in Development Initiative and the Gender and Development Initiative to improve and help women during emergency humanitarian relief efforts.<sup>87</sup></p>	
	Support preventive actions on atrocity crimes.	Strong	Japan utilises its Official Development Assistance (ODA) to build the capacities of institutions that play a role in prevention atrocity crimes, usually in states in the Middle East, Africa and Southeast Asia. <sup>88</sup>
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Strong	<p>Japan has contributed to six UN peacekeeping operations,<sup>89</sup> several of which have a protection of civilians mandate.</p> <p>Additionally, Japan has also delivered statements at the UNSC debates relating to the protection of civilians in armed conflict, held in 2012,<sup>90</sup> 2014<sup>91</sup> and 2015.<sup>92</sup></p>
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong	<p>In addition to development assistance, Japan has also provided pre-deployment training on sexual violence and women’s care needs for peacekeeping personnel. Japan has also promoted human resource development and capacity building by providing lectures on gender issues and sexual violence to Japanese and foreign personnel, both military and civilian, who are playing active roles in peacebuilding operations.<sup>93</sup></p> <p>Japan has also supported peacekeeping training centres in Africa, including the Peace Keeping</p>

<sup>84</sup> UNOHCHR, 2017. *Voluntary contributions to OHCHR in 2017 as at 13 April*, <http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2017.pdf>.

<sup>85</sup> UN Women, n.d. *Top Contributions*, 'Top core donor trends by year', <http://www.unwomen.org/en/partnerships/donor-countries/top-contributions>.

<sup>86</sup> UNHCR, 2018. *Donors*, 'Top Donors', <http://www.unhcr.org/en-au/donors.html>.

<sup>87</sup> Ministry of Foreign Affairs of Japan, 2015. *National Action Plan on Women, Peace and Security – Provisional Translation* (September 29, 2015), p. 4, <http://www.mofa.go.jp/files/000101798.pdf>.

<sup>88</sup> United Nations, General Assembly, No Justification for Atrocity Crimes, Prevention Less Costly than Crisis Response, Speakers Tell General Assembly at Opening of Debate on Responsibility to Protect, 25 June 2018, GA/12031; Ministry of Foreign Affairs of Japan, 2016. *Diplomatic Bluebook 2016 Chapter 3: Japan's Foreign Policy to Promote National and Worldwide Assistance*, 6. *The Rule of Law in the International Community*, '(3) Initiatives to Combat Security threats', <http://www.mofa.go.jp/policy/other/bluebook/2016/html/chapter3/c030103.html>.

<sup>89</sup> For an overview of Japan's involvement in United Nations Peacekeeping Operations from 1992 (when Japan's International Peace Cooperation Act was enacted) until 2015, see: Ministry of Foreign Affairs of Japan, 2015. *Japan's Contributions Based on the International Peace Cooperation Act*, [http://www.mofa.go.jp/fp/ipc/page22e\\_000684.html](http://www.mofa.go.jp/fp/ipc/page22e_000684.html).

<sup>90</sup> GCR2P, 2012. *The Responsibility to Protect and The Protection of Civilians in Armed Conflict UNSC Debate 25<sup>th</sup> June 2012*, <http://www.globalr2p.org/media/files/r2psummaryjune2012pocdebate-1.pdf>.

<sup>91</sup> GCR2P, 2014. *The Protection of Civilians in Armed Conflict UN Security Council Debate 12 February 2014*, <http://www.globalr2p.org/media/files/poc-debate-2014-2.pdf>.

<sup>92</sup> GCR2P, 2015. *The Protection of Civilians in Armed Conflict UN Security Council Debate 31 January 2015*, <http://www.globalr2p.org/media/files/poc-debate-2015.pdf>.

<sup>93</sup> Ministry of Foreign Affairs of Japan, 2015. *National Action Plan on Women, Peace and Security – Provisional Translation* (September 29, 2015), p. 4.



School in Mali, the Kofi Annan International Peacekeeping Training Centre in Ghana and the Cairo Center for Conflict Resolution and Peacekeeping in Africa and Egypt. This support includes funds, construction assistance, equipment and teaching personnel.<sup>94</sup> The degree to which atrocity crime risk factors and dynamics are covered in training is unclear.

Support the Kigali Principles.	Very Weak	Japan is not a signatory to the Kigali Principles on the Protection of Civilians. <sup>95</sup>
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong	Japan has signed the UNSC Code of Conduct <sup>96</sup> and supports the French-Mexican initiative on veto restraint in the case of mass atrocities. <sup>97</sup>

<sup>94</sup> Ministry of Foreign Affairs of Japan, 2010. *Additional Assistance to Peacekeeping Training Centers in Africa*, [http://www.mofa.go.jp/announce/announce/2010/8/0816\\_01.html](http://www.mofa.go.jp/announce/announce/2010/8/0816_01.html). For similar examples, see: Ministry of Foreign Affairs of Japan, 2010. *Dispatch of an Instructor to the Cairo Center for Training on Conflict Resolution and Peacekeeping*, [http://www.mofa.go.jp/announce/announce/2010/4/0408\\_02.html](http://www.mofa.go.jp/announce/announce/2010/4/0408_02.html); Ministry of Foreign Affairs of Japan, 2009. *Dispatch of Self-Defense Force Instructors to the Ecole de Maintien de la Paix in the Republic of Mali*, [http://www.mofa.go.jp/announce/announce/2009/8/1194508\\_1140.html](http://www.mofa.go.jp/announce/announce/2009/8/1194508_1140.html).

<sup>95</sup> APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>96</sup> GCR2P, 2017. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

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