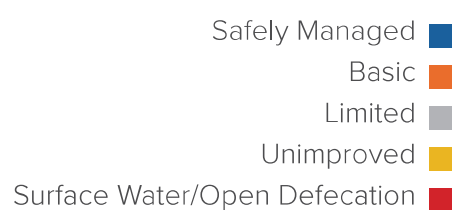
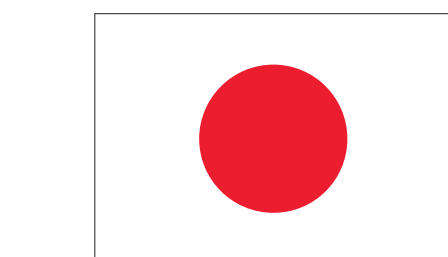


LEGAL COUNTRY MAPPING

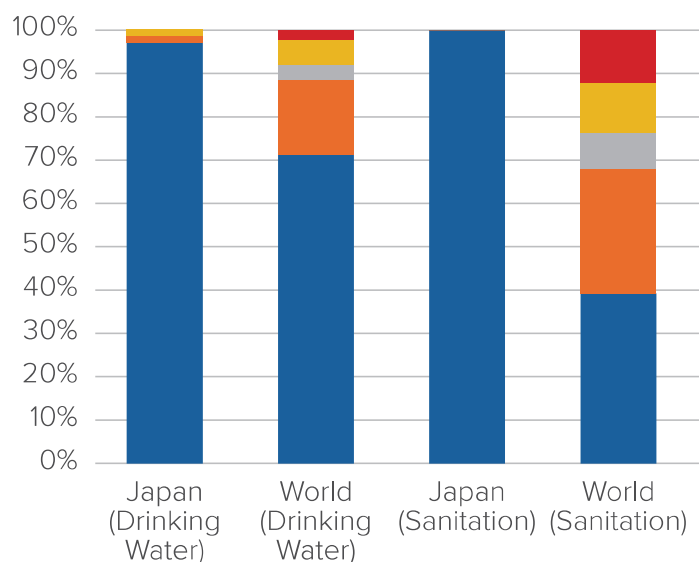
JAPAN



JAPAN COUNTRY MAPPING



WATER AND SANITATION STATUS (2015)



GENERAL LEGISLATION

Member of a regional integration organisation	No
State Organisation	Unitary, Decentralised
Relationship between International and National Law	Monist System
Supreme Law	Constitution
Independent National Human Rights Institutions (NHRI)	No
National Institution possessing regulation-making authority	The Diet
Popular consultation as part of governing/legislative process	No

WATER GOVERNANCE

Right to Water or Sanitation mentioned in Constitution	No
A water code or a law specific to water resources	Yes
National Strategy, Policy, Action Plan etc. on Water and Sanitation	Yes
Transboundary Water Resources	No
Priorities in the allocation of water for different uses	No

LEGAL FRAMEWORK

Human Rights Criteria			Human Rights Principles		
Availability	Quality and Safety	Acceptability	Non-Discrimination Equality	Access to Information	Public Participation
Accessibility	Affordability		Accountability	Sustainability	
Deficient ■			Partially Included ■		
			Mostly Included ■		

TABLE OF CONTENTS

JAPAN COUNTRY MAPPING.....	2
Water and Sanitation Status	2
General Legislation	2
Water Governance	2
Legal Framework	2
CHAPTER 1. WATER GOVERNANCE OVERVIEW	5
A. Preliminary Questions	5
B. Is The country a member of a regional integration organisation?.....	6
C. Water Governance and Administration	7
CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES	11
A. Regional Multilateral/Bilateral treaties.....	11
B. Human Rights Conventions.....	11
C. International Environmental Treaties.....	16
CHAPTER 3: DOMESTIC LEGISLATION ON WATER	19
A. Water Law	19
B. Extraction and/or use of Water	20
CHAPTER 4. HUMAN RIGHTS CRITERIA TO WATER AND SANITATION	23
A. Availability	23
B. Accessibility.....	23
C. Quality and Safety	25
D. Water Pollution Control.....	27
E. Affordability	28
F. Acceptability	29
CHAPTER 5. HUMAN RIGHTS PRINCIPLES TO WATER AND SANITATION.....	31
A. Non-Discrimination, Equality and Universal Access.....	31
B. Right to Information	31
C. Public participation.....	33
D. Sustainability	34
CHAPTER 6. ACCOUNTABILITY	37
A. Preliminary Questions	37
B. Remedies and complaint procedures/accountability	37
C. National human rights institutions	41
D. Regulation	42
ACRONYMS	43

A. PRELIMINARY QUESTIONS

What type of State is the country? (e.g., Federal, Unitary, etc.)

Unitary

How is the government organised politically?

The government of Japan is a constitutional monarchy in which the power of the Emperor is limited and is relegated primarily to ceremonial duties (art. 7 of the Japanese Constitution). The Government is divided into three branches: the Executive branch, the Legislative branch and the Judicial branch.

The Government runs under the framework established by the Constitution of Japan. The Cabinet, composing of the Ministers of State and the Prime Minister direct and control the Government. It is the source of power of the Executive branch, and is formed by the Prime Minister, who is the head of government (art. 65, 66). He or she is designated by the National Diet (art. 67) and appointed to office by the Emperor (art. 6 para. 1).

The National Diet is the organ of the Legislative branch. It consists of two houses with the House of Councillors being the upper house, and the House of Representatives being the lower house. Its members are directly elected from the people, who are the source of sovereignty (art. 1). The Supreme Court and other inferior courts make up the Judicial branch, and they are independent from the executive and the legislative branches (art. 76 para. 2).

Division of government powers exist?

Japan, as a decentralised State, is a country in which the central power locally transfers its administrative powers to authorities legally distinct from the central authority such as the Local Governments. Whereas the national government focuses on international affairs and matters that should be handled unilaterally throughout the nation, it transfers matters related to local regions to the relevant local government. Local governments have the responsibility to improve the welfare of its residents and thus, according to the Water Supply Law, operate, maintain and manage domestic, industrial and sewerage water utilities and related facilities.

The level of control by the central State differs depending on whether the matter is categorized as Statutory Entrusted Functions or Local Autonomy Functions. The State can exercise stronger control on Statutory Entrusted Functions.

Which institutions and levels of government have legislative powers?

The Diet (consist of two Houses: the House of Representatives (Shūgiin) and the House of Councillors (Sangiin)) is the highest organ of state power and is the sole law-making organ of the State.

2

3

4

5

6

Who has the power to ratify treaties?

In Japan, in principle both houses of the parliament (the National Diet) must approve the treaty for ratification.

If the House of Councillors rejects a treaty approved by the House of Representatives, and a joint committee of both houses cannot come to agreement on amendments to the original text of the treaty, or the House of Councillors fails to decide on a treaty for more than thirty days, the decision of the House of Representatives shall be the decision of the Diet.

The approved treaty will then be promulgated into law by the act of the Emperor.

Is there popular consultation as part of governing/legislative process?

No.

Has the country established a basin management agency? Is it autonomous?**Does the country have transboundary water resources?**

No.

Where transboundary water resources exist, is there an established international institution for basin management? Does it have any responsibility in relation to drinking water?

N/A

B. IS THE COUNTRY A MEMBER OF A REGIONAL INTEGRATION ORGANISATION?**Which countries form part of this organisation?**

N/A

Are the decisions of the organisation binding for the members?

N/A

What is the mandate of the organisation?

N/A

Does the regional organisation have the authority to regulate or make decisions which affect water and sanitation?

N/A

C. WATER GOVERNANCE AND ADMINISTRATION

What is the structure of the government water administration (provide relevant organisational charts whenever available) and what power, role and responsibilities does the Government have at each level?

At national/federal level: The structure of government water administration in Japan is different depending on the categories of water administration.

At “national/federal level” refers to the Japanese national government.

- (1) **Water supply at national level:** Ministry of Health, Labour and Welfare has the authority to oversee the water supply for domestic use, sets out standards for water and water supply facilities, and grants licenses for water supply operators.

Ministry of Agriculture, Forestry and Fisheries has set out policies related to the water supply for agricultural use.

Ministry of Economy, Trade and Industry has set out policies related to the water supply for industrial use.

- (2) **Sewerage at national level:** MLIT has authority to implement sewerage management under the Sewerage Act.

- (3) **Development of water resources at national level:** The Ministry of Land, Infrastructure, Transport and Tourism (“MLIT”) may designate any river system a “river system for water resourced development” to secure water supply for a wide area in accordance with industrial development and population increases in urban areas.

With the Cabinet’s approval, the MLIT is required to set out a Water Resources Development Basic Plan (the “Basic Plan”) in consultation with relevant administrative agencies for each designated River System. This includes water demand forecasts and the construction of facilities to archive supply targets.

The national government, local governments, and the Japan Water Agency implement the plans under the Basic Plan.

- (4) **Water pollution control at national level:** The Ministry of Environment has the authority to regulate water pollution control.

- (5) **Management of river at national level:** MLIT may designate important rivers “Class A Rivers” under the River Act. It has responsibilities to manage Class A Rivers as River Administrator (River Act, art. 4, para. 1; art. 10). The River Administrator is required to promulgate a plan of river works and maintenance and plans to implement the Basic Policy of River Development (River Act, art. 16, para. 1; art. 16, para. 2).

- (6) **Dams at national level:** As part of river management, MLIT can construct Multi-Purpose Dams pursuant to the Specified Multipurpose Dam Act and grant Dam Licenses to applicants, thus securing usage to a certain amount of stream water. After obtaining the opinion of relevant prefectural governors, the construction must be in accordance with the Water Resources Development Basic Plan.

At the intermediate level (state, river basin, other)

The “intermediate level” refers to prefectures and wards.

- (1) **Water supply at intermediate level:** N/A
- (2) **Sewerage at intermediate level:** Prefectures and Municipalities are responsible for the management of the centralised waste water, sewerage system.
- (3) **Development of water resources at intermediate level:** Prefectural governors give opinions to Minister of MLIT when MLIT is in the process of formulating or amending the Water Resources Development Basic Plan.
- (4) **Water pollution control at intermediate level:** Prefectural governments are playing very important roles in environmental water-quality management. According to the Water Pollution Control Law, their responsibilities include establishing more stringent standards, inspection of specified factories and regulating effluents discharged from factories. They are also responsible for establishing and implementing environmental water-quality monitoring programs within their jurisdictions.
- (5) **Management of river at intermediate level:** Similar to the MLIT, prefectural governors may designate important rivers (other than Class A Rivers) “Class B Rivers” under the River Act (River Act, art. 4, para. 1; art. 10). Prefectural governors have responsibilities to manage Class B Rivers as River Administrator.
- (6) **Dams at intermediate level:** When MLIT constructs a Multipurpose Dam, it is required to execute the Basic Plan regarding construction after obtaining the opinion of relevant prefectural governors.

At the local level

The “local level” refers to city, town or village.

- (1) **Water supply at local level:** Local governments and private entities with the approval of the local government can become water supply operators with the licenses from the Ministry of Health, Labour and Welfare.
- (2) **Sewerage at local level:** The Sewerage Law stipulates guidelines for national and local governments in promoting sewerage works. The Waste Management and Public Cleaning Law mandates local governments to create a Household Wastewater Treatment Plan for their municipalities, including a Sludge Disposal Plan. Sludge treatment facilities are constructed, operated and maintained by municipalities and cities.
- (3) **Development of water resources at local level:** Local governments implement the plans under the “Basic Plan” in accordance with relevant laws and regulations.
- (4) **Water pollution control at local level:** Besides prefectural governments, city governments specified in the Water Pollution Control Law as “designated cities” are empowered to inspect and regulate effluent discharges from factories in their respective areas of jurisdiction.
- (5) **Management of river at local level:** Mayors of municipalities may carry out river works in accordance with consultation with River Administrators.
- (6) **Dams at local level:** N/A

Which government ministries/agencies are directly or indirectly involved in governance of water and sanitation?

The Ministry of the Environment primarily plans and formulates policies and guidelines relating to water conservation including the setting of Environmental Water Quality Standards and water pollution control measures. It handles onsite sanitation (johkasou, septage management with scheduled desludging, sludge treatment facilities) and works together with the Ministry of Land, Transport and Infrastructure.

The Ministry of Land, Transport and Infrastructure prepares the *Comprehensive National Water Resource Plan* that addresses basic medium- to long-term planning issues regarding water resources development, conservation and utilisation and makes forecasts of long-term water demand. The Plan is used to formulate more detailed annual development plans and their related budgets. It also manages offsite sanitation (sewerage and wastewater management).

Ministry of Health, Labour and Welfare has the authority to oversee the water supply for domestic use, sets out standards for water and water supply facilities, and grants licenses for water supply operators.

Ministry of Agriculture, Forestry and Fisheries sets out policies related to the water supply for agricultural use.

Ministry of Economy, Trade and Industry sets out policies related to the water supply for industrial use.

The Cabinet, under the Basic Environment Law, approves the *Basic Environment Plan* that clarifies long-term, comprehensive environmental policies related to water quantity and quality, including water conservation.

The Japan Water Agency, being an incorporated administrative agency, is established and given objectives and missions by the national government to carry out administrative tasks and projects to ensure public benefit.

CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES

1. Has the country ratified the following international or regional treaties and declarations? Please insert the date of the signature/ratification/accession.

2. Has the country made any declaration or reservation to the following instruments?

A. REGIONAL MULTILATERAL/BILATERAL TREATIES

Table 1. Regional multilateral and bilateral treaties

Instruments	Participating states	Entry into force
(There are no treaties related to fresh water resources in Japan or transboundary water resources that Japan has adhered to.)		

B. HUMAN RIGHTS CONVENTIONS

Table 2. International binding instruments

Instruments	Signature	Ratification
International Covenant on Civil and Political Rights (1966) <u>Reservation/Declaration:</u> See the Reservation/Declaration of International Covenant on Economic, Social and Cultural Rights below.	30/05/1978	21/06/1979
Optional Protocol to the International Covenant on Civil and Political Rights (1966) <u>Reservation/Declaration:</u>	N/A	N/A

Instruments	Signature	Ratification
<p>International Covenant on Economic, Social and Cultural Rights (1966)</p> <p><u>Reservation/Declaration:</u></p> <p>“1. In applying the provisions of paragraph (d) of article 7 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not be bound by ‘remuneration for public holidays’ referred to in the said provisions.”</p> <p>“2. Japan reserves the right not to be bound by the provisions of sub-paragraph (d) of paragraph 1 of article 8 of the International Covenant on Economic, Social and Cultural Rights, except in relation to the sectors in which the right referred to in the said provisions is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.”</p> <p>[...]</p> <p>“4. Recalling the position taken by the Government of Japan, when ratifying the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, that ‘the police’ referred to in article 9 of the said Convention be interpreted to include the fire service of Japan, the Government of Japan declares that ‘members of the police’ referred to in paragraph 2 of article 8 of the International Covenant on Economic, Social and Cultural Rights as well as in paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan.”</p>	30/05/1978	21/06/1979
<p>Optional protocol to the International Covenant on Economic, Social and Cultural Rights (2008)</p> <p><u>Reservation/Declaration:</u></p>	N/A	N/A
<p>Convention on the Elimination of All Forms of Discrimination against Women (1979)</p> <p><u>Reservation/Declaration:</u> N/A</p>	17/07/1980	25/06/1985
<p>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)</p> <p><u>Reservation/Declaration:</u></p>	N/A	N/A

Instruments	Signature	Ratification
<p>Convention on the Rights of the Child (1989)</p> <p><u>Reservation:</u></p> <p>“In applying paragraph (c) of article 37 of the Convention on the Rights of the Child, Japan reserves the right not to be bound by the provision in its second sentence, that is, ‘every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so’, considering the fact that in Japan as regards persons deprived of liberty, those who are below twenty years of age are to be generally separated from those who are of twenty years of age and over under its national law.”</p> <p><u>Declaration:</u></p> <p>“1. The Government of Japan declares that paragraph 1 of article 9 of the Convention on the Rights of the Child be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.”</p> <p>“2. The Government of Japan declares further that the obligation to deal with applications to enter or leave a State Party for the purpose of family re-unification ‘in a positive, humane and expeditious manner’ provided for in paragraph 1 of article 10 of the Convention on the Rights of the Child be interpreted not to affect the outcome of such applications.”</p>	21/09/1990	22/04/1994
<p>The Convention on the Rights of Persons with Disabilities (2006)</p> <p><u>Declaration:</u></p> <p>“The Government of Japan declares that paragraph 4 of Article 23 of the Convention on the Rights of Persons with Disabilities be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.”</p>	28/09/2007	20/01/2014
<p>Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)</p> <p><u>Reservation/Declaration:</u></p>	N/A	N/A

Instruments	Signature	Ratification
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)</p> <p><u>Reservation/Declaration:</u> Declaration</p> <p>“The Government of Japan declares under article 21 of the Convention that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.”</p>	N/A	29/06/1999
<p>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998)</p> <p><u>Reservation/Declaration:</u></p>	N/A	N/A
<p>Geneva Convention (III) relative to the Treatment of Prisoners of War (1949)</p>	N/A	21/02/1953
<p>Geneva Convention (IV) relative to the protection of Civilian Persons in Time of War (1949)</p>	N/A	21/02/1953
<p>Protocol Additional (I) to the Geneva Conventions relating to the Protection of Victims of International Armed Conflict (1977)</p> <p><u>Reservation/Declaration:</u> Declaration</p> <p>“The Government of Japan declares that it is its understanding that the situation described in the second sentence of paragraph 3 of Article 44 can exist only in occupied territory or in armed conflicts covered by paragraph 4 of Article 1. The Government of Japan also declares that the term “deployment” in paragraph 3 (b) of Article 44 is interpreted as meaning any movement towards a place from which an attack is to be launched.</p> <p>The Government of Japan understands that the competence of the International Fact-Finding Commission which it recognizes ipso facto and without special agreement by the attached declaration is effective only with regard to facts subsequent to the date of the said declaration.”</p>	N/A	31/08/2004

Instruments	Signature	Ratification
Protocol Additional (II) to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (1977)	N/A	31/08/2004
Convention on the Law of the Non-Navigational Uses of International Watercourses (1997) <u>Reservation/Declaration:</u>	N/A	N/A

Table 3. ILO conventions

Instruments	Signature	Ratification
ILO Forced Labour Convention, No. 29 (1930)	N/A	21/09/1932
ILO Recruiting of Indigenous Workers Convention, No. 50 (1936) (shelved convention)	N/A	08/09/1938
ILO Food and Catering (Ships' Crews) Convention, No. 68 (1946) (instrument to be revised)	N/A	N/A
ILO Plantations Convention, No. 110 (1958)	N/A	N/A
ILO Hygiene (Commerce and Offices) Convention, No. 120 (1964)	N/A	21/06/1993
ILO Occupational Safety and Health (Dock Work) Convention, No. 152 (1979)	N/A	N/A
ILO Convention No. 161 concerning Occupational Health Services (1985)	N/A	N/A
ILO Safety and Health in Construction Convention, No. 167 (1988)	N/A	N/A
ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989)	N/A	N/A
ILO Work in Fishing Convention, No. 188 (2007)	N/A	N/A

C. INTERNATIONAL ENVIRONMENTAL TREATIES

Table 4. International Treaties about environmental matters concerning water and sanitation

Instruments	Signature	Ratification
<p>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</p> <p><u>Declaration:</u> The Government of Japan declares that nothing in the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal be interpreted as requiring notice to or consent of any State for the mere passage of hazardous wastes or other wastes on a vessel exercising navigational rights and freedoms, as paragraph 12 of article 4 of the said Convention stipulates that nothing in the Convention shall affect in any way the exercise of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.</p>	N/A	Accession: 17.09.1993
United Nations Framework Convention on Climate Change	13.06.1992	Acceptance: 28.05.1993
Kyoto Protocol to the United Nations Framework Convention on Climate Change	28.04.1998	Acceptance: 04.06.2002
Paris Agreement	22.04.2016	Acceptance: 08.11.2016
Convention on Biological Diversity	13.06.1992	Acceptance: 28.05.1993
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	14.10.1994	Acceptance: 11.09.1998
Stockholm Convention on Persistent Organic Pollutants		Accession: 30.08.2002
Minamata Convention on Mercury	10.10.2013	Acceptance: 02.02.2016

CHAPTER 3: DOMESTIC LEGISLATION ON WATER

A. WATER LAW

Is the right to water or the right to sanitation mentioned in the Constitution?

No.

Does the Constitution otherwise reference water and sanitation?

The Constitution mentions in Art. 25, para.2, that Japan is obligated to engage in the improvement of public health.

Is there a water code or a law specific to water resources? Please specify.

Yes. The following laws are specifically mentioning water resources:

- Water Supply Act.
- Act to Promote the Implementation of Programs to Preserve the Quality of Source Water for Public Water.
- Industrial Water Act.
- Industrial Water Supply Business Act.
- Water Pollution Prevention Act.
- Act to Take Special Measures for the Preservation of Water Quality in Headwaters Areas for Preventing Specific Trouble in the Drinking Water Supply.
- Water Resources Development and Promotion Act.

Is there a national strategy/policy, action plan or similar documents on water?

Yes. Water Resources Development and Promotion Act; Specified Multipurpose Dam Act; and River Act.

Are there any other major regulations, decrees, orders, circulars, or similar official documents related to water (such as pricing, water policing, utility easements, public domain occupation...etc.) related to the rights to water and sanitation?

Yes. Ministry Ordinance on Water Quality Standard based on art. 4 para. 2 of Water Supply Act.

B. EXTRACTION AND/OR USE OF WATER

Does the legislation regulate the right to abstract water? (surface, groundwater, etc.)?

Rivers: Although it is not specified under laws, “free usage of rivers” is the basic principle in Japan. Free usage means that the general public may use rivers freely. The River Act regulates the management of rivers to protect and promote development of national land and to protect public safety.

Groundwater: The Industrial Water Act sets the restrictions on the use of groundwater for industrial water use purposes. The Act Concerning the Regulation of Pumping Up of Underground Water for Use in Buildings regulates the abstraction of groundwater by wells for buildings over a certain scale.

Does the legislation distinguish between the extraction of drinking water and water for other uses?

No. There are not any distinctions or priorities in the allocation of water for different uses. However, a water use permit will impose certain restrictions. For example, the water use permit will confirm that the water extraction will not interfere with the existing water use. Generally, the water extraction must be such as to create no obstacle to other water uses or fisheries that predated the granting of the particular Water Use Right. In other words, the new extraction is subordinated to the existing Water Use Rights and older Water Use Rights for extracting and storing the water are given priority.

Is the right to use water connected to land ownership?

It depends. The right to use groundwater is considered connected to land ownership. However, Japan has a principle of free usage of rivers and is thus not connected to land ownership. The public may use rivers freely to a certain extent. Excess requires a Water Use Right.

Are permits/licenses required for water use? (e.g. domestic, agricultural, industrial)?

Rivers: Rivers can be used freely by the public to a certain extent. Usage in excess however, by a person who exclusively abstracts water on a continuous basis, requires a permit from the River Administrator in accordance with the provisions of the River Act.

For surface water users, each public-owned water utility (for both domestic and industrial uses) and Land Improvement District (public entities for irrigation development and management) is allocated rights to river water, i.e. exclusive use of water in a certain region, according to the River Law.

Groundwater: There is no comprehensive law regarding ground water, and users are free to withdraw ground water from wells on privately owned lands. However, the Industrial Water Law and the Law for Groundwater Use in Buildings require permits from local governments before users can withdraw/ extract ground water in areas where serious land subsidence is a concern or where groundwater resources are scarce.

Hot springs: The right of use of hot springs is not directly stated in legislation. However, the Hot Spring Law regulates the permitting system for mining hot springs to prevent disasters that could potentially be caused from mining and using hot springs. The River Act deems that the person who has the customary Water Use Right (which had been recognized before the former River Act was introduced in 1896) has the relevant permission under the River Act.

Can permits/licenses be suspended? Under what circumstances??

Yes.

Rivers: If there are instances where serious violations of the River Act, such as excess abstraction or alteration of records, the permit may be revoked or other measures to rectify the inappropriate conditions, such as a reduction in the permitted abstraction volume, may be taken.

Groundwater: Permits that were obtained by inappropriate means may be cancelled. The permit holder may be ordered to stop abstracting groundwater or reduce the amount abstracted where there are structural violations at the pumping facility.

Can water abstraction licenses be transferred? Is transferability subject to restrictions?

Rivers: Approval of the River Administrator is required to transfer a permit. To transfer a Water Use Right, it is necessary that the purpose of use does not change and that permitted water use is to be continued (e.g., unitary transfer of the structures necessary for the water use).

Groundwater: Upon the transfer or the borrowing of a permitted water pumping facility or registered water pumping facility, the person who abstracts groundwater from the relevant water pumping facility will assume the status of the pumping facility user. The same applies in the event of a transfer through inheritance, merger, or corporate disaggregation. In such event, the successor must submit a notification.

Are there priorities in the allocation of water for different uses?

No. There are not any priorities in the allocation of water for different uses. However, a water use permit will impose certain restrictions. For example, the water use permit will confirm that the water abstraction will not interfere with the existing water use. Generally, the water abstraction must be such as to create no obstacle to other water uses or fisheries that predated the granting of the particular Water Use Right. In other words, the new abstraction is subordinated to the existing Water Use Rights and older Water Use Rights for abstracting and storing the water are given priority.

1

2

3

4

5

6

CHAPTER 4. HUMAN RIGHTS CRITERIA TO WATER AND SANITATION

A. AVAILABILITY

Does the law ensure that a minimum essential level of water is available to all?

No. However, water utilities bear the obligation to provide water supply.

What are the standards on the amount of water to be made available/is there any guidance in the law in this respect?

There are no standards on the amount of water to be made available.

Does the law ensure continuous supply of water for all?

Water utilities have a legal obligation to supply water to customers in their service area.

Does the law prioritize water for domestic uses over other uses?

There are not any priorities in the allocation of water for different uses. However, a water use permit will impose certain restrictions. For example, the water use permit will confirm that the water abstraction will not interfere with the existing water use. Generally, the water abstraction must be such as to create no obstacle to other water uses or fisheries that predated the granting of the particular Water Use Right. In other words, the new abstraction is subordinated to the existing Water Use Rights and older Water Use Rights since abstracting and storing the water are given priority.

Is there provision in the law for availability of water and sanitation facilities in non-domestic places such as schools, hospitals, work places, prisons, refugee camps, etc.?

B. ACCESSIBILITY

What are the grounds for disconnecting, interrupting or altering water supply and sanitation services (e.g., authorities may alter water supply in case of droughts or emergencies, in which cases are disconnections possible...)?

Failure to pay water fees: If a customer receiving the water supply from the water utility fails to pay the water fees, the utility may suspend the supply of water to the customer (Water Act, art. 15, para. 3) .

The Tokyo Water Supply Ordinance provides that the administrator may suspend the

supply of water if a customer of the water supply fails to pay the water fees. Yet, it does not provide any procedures to follow when suspending the water supply to the customer (Tokyo Water Supply Ordinance, art. 32).

Accidents: These include damage to a facility that causes the discharge of water containing hazardous substances or creates a risk that damage to health or environment may occur from penetration of discharged water into the ground.

The person that has established a Designated Facility, Hazardous Substance Using Designated Facility, or Hazardous Substance Storage Designated Facility is required to take emergency measures immediately to prevent the discharge of contaminated water or penetration of water containing harmful substances. The person must also notify the prefectural governor of the situation of the accident and provide a summary of the emergency measures (Water Pollution Prevention Act, art. 14, paras. 2-1 to 2-3).

If the prefectural governor determines that the business operator did not take the emergency measures described above, the governor may order the business operator to take emergency measures (Water Pollution Prevention Act, art. 14, para. 2-4). Examples of emergency measures include measures to stop leakage, recovery of hazardous substances, measures to prevent the expansion of the contamination, and measures to stop human consumption of the discharged water.

Measures in Times of Emergency: In the event of the occurrence of a situation corresponding to a case specified in the Water Pollution Prevention Act where there is a significant abnormal drought and other similar reasons that might cause pollution of water quality in public water areas or there is a risk of damage to human health or the environment in a portion of the areas of public waters within the prefecture, the prefectural governor may inform the general public of the situation and order the person who discharges the wastewater to reduce the amount of water discharge and take other necessary measures within a particular period of time (Water Pollution Prevention Act, art. 18).

What are the procedural standards/criteria for permitting interruption, disconnection or alteration of water supply and sanitation services?

Each drought countermeasure liaison council makes decisions regarding the implementation of water abstraction restrictions or water supply restrictions after considering of the water storage conditions and the rain forecast.

Are alternative ways of water supply and sanitation services provided for in case of alteration of supply and/or service?

Yes. It includes:

- the provision of seawater desalination facilities and provision of related information;
- the lending of emergency pumps and the implementation of emergency measures for drought;
- the emergency use of water that had been reserved for power generation;
- the use of industrial wastewater and water from sewerage treatment; and
- the urgent use of sediment capacity of dams.

Does the law provide guidance on:

the number of water outlets? No.

the safety, distance and time from a dwelling or structure to reach water outlet or sanitation facilities (e.g., laws that specify water outlets must be available within a certain distance from a school or household)? No.

technical safety of water outlets or sanitation facilities (e.g., law requiring that certain standards are applied in the constitution of those facilities or of buildings)?

Yes. Under the Sewerage Act, in areas that have been connected to public sewer systems, households are required to connect household wastewater to the public sewer system without delay (i.e., within less than one year) and to convert from vault toilets to flush toilets and connect to the public sewer system within three years. (Sewerage Act, art. 10 and 11, para. 3)

Is there provision in the law for accessibility of water and sanitation facilities in non-domestic places such as schools, hospitals, work places, prisons, refugee camps, etc.?

C. QUALITY AND SAFETY

Are there parameters of quality and safety for drinking water established under law?

Yes. The quality standards for potable tap water are defined in the Water Supply Act, art. 4, and the Ministry Ordinance on Water Standards (Ministry Ordinance No. 101 of 2003).

Is monitoring of drinking water quality or wastewater required by law? If so, which actor is required to monitor it and how often (according to the law)?

Water Supply: Water utilities are required to perform regular and extraordinary water-quality testing in accordance with the provisions of Ordinance for Enforcement of Water Supply Act (Ministry Ordinance No. 45 of 1957, art. 15).

The Minister of Health, Labour and Welfare is responsible for the approval and supervision of water supply projects (Water Supply Act, arts. 36-37).

Sewer: Municipalities are charged with the construction, re-construction, repair, maintenance, and management of public sewers (Sewerage Act, art. 3, para. 1). Those who manage such public sewer systems are referred to as “public sewer administrators.” Pursuant to the provisions of the Cabinet Order, public sewer administrators are required to conduct water quality tests of water discharged from the public sewer system and maintain the records thereof (Sewerage Act, art. 21, para. 1; Order for Enforcement of Sewerage Act, Art. 12)

The Minister of Land, Infrastructure, Transport and Tourism, the Minister of the Environment, and, depending on the circumstances, prefectural governors have the authority to supervise public sewerage systems.

Do laws/regulations include guidance on the safe construction of water and sanitation Infrastructure (e.g., to ensure no contact with excreta, ventilation, respect for construction guidelines)?

Water Supply: Yes. The Water Supply Act, art.5, and the Ministry Ordinance on Technical Standard of Water Supply Facilities define the facility standards for water facilities (Ministry Ordinance No. 15 of 2000).

Sewer: Under the Sewerage Act, the structure of public sewer systems are required to conform to the technical standards stipulated by Cabinet Order to ensure the prevention of serious harm to public health and the prevention of serious harm to the water quality of public water bodies. In addition, public sewer systems must comply with the technical standards specified by the ordinance of public sewer administrators, which are local public bodies (Sewerage Act, art. 7; Ordinance for Enforcement of Sewerage Act, Ministry Ordinance No. 37 of 1967, art. 5, paras. 7-11).

Do laws/regulations include requirements or guidance on safe emptying of latrines as well as safe treatment and disposal of treated sludge?

Yes. The Water Pollution Control Law regulates effluent discharged by factories or establishments into the Public Water Areas.

However, there are neither direct regulations nor penalties for releasing domestic effluents (e.g., cooking, laundry, bathing etc.). The Ministry of the Environment has promoted education to enhance the public's awareness of the problem and to prompt efficient water use and voluntary reduction of domestic pollution loads.

Do laws/regulations establish requirements on household water treatment and storage (e.g., quality requirement with respect to water containers, rainwater harvesting limitations, etc.)?

Yes. On March 10, 2015, the Cabinet of Japan approved the wider usage of rainwater harvesting systems in newly constructed buildings by the state government or incorporated administrative agencies, aiming for a 100% installation rate. The decision was made based on the Act to Advance the Utilization of Rainwater (Rainwater Act, promulgated on April 2, 2014).

This Act aims to effectively utilize water resources by pooling rainwater and using it for various purposes, including toilet flushing, sprinklers and fire suppression, and consequently, to control intensive rainwater runoff into sewage or rivers.

Under this goal, the state government and incorporated administrative agencies are required to install a rainwater harvesting system, if there is usable space in new buildings to be constructed. Such systems include reservoirs, general service water tanks and grit tanks. The owner of the building can then make use of the rainwater.

The Minister of Land, Infrastructure, Transport and Tourism also prescribed the Basic Principles to Advance the Utilization of Rainwater on the same day. This includes the significance of promoting rainwater utilization and technical points to be observed, methods for water management to prevent adverse effects on human health, and the roles of the state and local governments in achieving these principles.

D. WATER POLLUTION CONTROL

Are there legislative provisions concerning waste disposal activities? Which authorities are responsible for monitoring to determine if waste has caused pollution of bodies of water?

The Water Pollution Prevention Act regulates the discharge of water from factories and workplaces to public waters and the penetration of discharged water into the ground.

Pursuant to the Basic Environment Act, the Ministry of the Environment has issued the notice of “Environmental Standard of Groundwater Pollution.” This standard sets the value of the standards and the measurement methods for each substance. The “Environmental Standard of Groundwater Pollution” is the standard to be maintained and is an administrative policy goal. Pursuant to the Basic Environment Act, the government is required to make efforts to ensure the “Environmental Standard of Groundwater Pollution” by taking comprehensive and effective measures appropriately to prevent pollution.

Is there legislation which regulates the contamination of groundwater?

Yes. The Water Pollution Prevention Act regulates the discharge of water from factories and workplaces to public waters and the penetration of discharged water into the ground (Water Pollution Prevention Act, art. 1).

Pursuant to the Basic Environment Act, art. 16, para. 1, the Ministry of the Environment has issued the notice of “Environmental Standard of Groundwater Pollution” (Notice No. 10 of 1997). This standard sets the value of the standards and the measurement methods for each substance. The “Environmental Standard of Groundwater Pollution” is the standard to be maintained and is an administrative policy goal. Pursuant to the Basic Environment Act, art. 16, para. 4, the government is required to make efforts to ensure the “Environmental Standard of Groundwater Pollution” by taking comprehensive and effective measures appropriately to prevent pollution.

Is permission required to discharge effluents? What are the criteria used for considering applications and granting permits?

No. However the Water Pollution Prevention Act requires notification to the prefectural governor of matters prescribed by law. These include to discharge water from a designated facility or water that is contaminated/hazardous into a public area or to let it permeate the ground. The key items to be notified are: type of facility, structure, equipment, method of use, method of treatment of sewage, etc., conditions of the pollution in the discharged water, and the quantity of discharged water.

Can waste discharge permits be lost/suspended/modified during their lifespan? Under what circumstances? Is compensation payable?

No. There are no waste discharge permits.

Are instances of pollution of water sources subject to penalties/fines? Which institution is in charge of the administration of the penalties?

Yes. Persons that submit false notifications or fail to submit the notification are subject to penalties of up to three months imprisonment or a fine of up to 300,000 JPY.

Persons that violate an order by the prefectural governor for emergency measure order at the time of the accident or an order at the time of emergency are subject to penalties of up to three months imprisonment or a fine of up to 500,000 JPY.

Intentional discharges of contaminated water are excluded from the provision of the Water Pollution Prevention Act. Such are handled under other laws, including the Criminal Law.

E. AFFORDABILITY

How does the law address affordability of water supply and sanitation services?

The Water Supply Act does not have any clear provisions regarding affordability. However, water utilities must determine the supply rules for the supply conditions of the fees. The fees stipulated in supply rules should be fair and reasonable in light of reasonable costs of the water supply under efficient management and must be clearly stated as a fixed rate or fixed amount (art. 14, §2). The fees must be set in accordance with the supply rules of each water utility (prefecture).

What mechanisms are established by law to ensure affordability of water and sanitation services?

How are tariffs established under law and what is the process for updating these tariffs?

Ordinance for Enforcement of Water Act stipulates in art. 12, that the fees set by water utilities in their supply rules must meet the following standards:

- The fees must be set so that they are able to maintain fiscal balance generally over a three-year period.
 - The fees must be set in accordance with reasonable and clear evidence based on an amount calculated by the sum of the amounts listed in items (1) and (2) after deducting the amounts listed in item (3).
- (1) the sum of personnel expenses, chemical costs, power costs, repair costs, water receiving costs, depreciation expenses, asset depreciation expenses, and other operating expenses
 - (2) the sum of interest expenses and asset maintenance expenses
 - (3) the amount calculated by subtracting water supply revenue from operating revenue
- The fees must be set considering the fairness of burden among consumers of water supply, the rationality of water use, and the stability of the water utility.

Changes to the fees, amongst the items set forth in the supply rules, must receive the approval of the Minister of Health, Labour and Welfare.

Does the tariff vary depending on the regions/circumstances?

Yes. Because the fees are provided for in the supply rules of each water utility, the fees differ by region and by water utility within a region. For example, the water fees in Akishima-shi, Tokyo are less than those of other municipalities because all of the tap water in Akishima-shi is sourced from groundwater. Municipalities that construct dams to secure water incur higher construction costs related to water supply and thus have higher water fees.

Which actor is responsible for and involved in setting and/or approving tariffs for water supply and sanitation services?

Water utilities and the Minister of Health, Labour and Welfare are responsible for setting and/or approving tariffs.

Does the law allow disconnection from water supply and sanitation services for non-payment? What procedures must be followed in such cases prior to disconnecting the supply and service?

Water utilities have a legal obligation to supply water to customer in their service area. However, if a customer receiving the water supply from the water utility fails to pay the water fees, the utility may suspend the supply of water to the customer (Water Act, art. 15, para. 3).

The Tokyo Water Supply Ordinance provides in art. 32, that the administrator may suspend the supply of water if a customer of the water supply fails to pay the water fees but does not provide any procedures to follow when suspending the water supply to the customer.

F. ACCEPTABILITY

Is there provision in the law or contracts with service providers that relate to the need to take into account cultural and social dimensions of acceptability (e.g., colour or odour of water, or the positioning of a facility)?

Yes. Japan uses the Guidelines set out by the WHO as the scientific point of departure for their drinking-water directive and drinking-water quality standards. Thus, water should be free of objectionable taste and odour and it should not be offensive to the majority of the consumers.

Is there provision in the law or contracts with service providers that relate to the need to ensure dignity and privacy (e.g., in work places, but also in the design of shared sanitation facilities for certain communities)?

CHAPTER 5. HUMAN RIGHTS PRINCIPLES TO WATER AND SANITATION

A. NON-DISCRIMINATION, EQUALITY AND UNIVERSAL ACCESS

Is there any legislation about the prohibition of direct and indirect discrimination (on all grounds) and promotion of equality in accessing water and sanitation services?

Yes. There is legislation in Japan in various laws relating to human rights, including laws on gender equality, persons with disabilities, children, the elderly, and indigenous people.

Are there any specific provisions that address and seek to ensure (physical) access to water and sanitation services for persons with disabilities, children or the elderly?

There are no specific provisions on this at the State level. At the local level, many municipalities have systems in place to reduce and exempt the water/wastewater usage charge for persons in disadvantaged situations.

B. RIGHT TO INFORMATION

Is there any specific legislation about the right to seek, receive and impart information held by public authorities? Does the law expressly set out the right to seek, receive and impart information on water-related issues?

The Act on Access to Information Held by Administrative Organs ("Administrative Information Disclosure Act") provides for the right to access information held by public authorities. However, it does not expressly set out the right to seek, receive and impart information on water related issues.

Does the right to information require the payment of a fee? Is there a provision on the affordability of such fee?

Yes. Persons requesting disclosure and persons who obtain the disclosure of Administrative Documents (including documents, pictures, and electromagnetic records) are required by Cabinet Order to pay a fee pertaining to the disclosure request (around 300 JPY (paper application) or 200 JPY (online application) per one Administrative Document) and a fee pertaining to the implementation of disclosure (the amount of the fee depends on the types of Administrative Documents, such as papers, photo films and video, and the amount of the disclosure documents) of an amount specified based on the actual costs, respectively.

Yet, upon a finding of economic hardship or other special grounds, the head of an Administrative Organ may grant a reduction of or an exemption from the above-described fees.

Are there any exceptions regarding who or what type of water and environment-related information held by public authorities can be accessed?

Any person may make a disclosure request for Administrative Documents including information concerning water, unless any of the information falls under one of the following categories (Act on Access to information Held by Administrative Organs, art. 5):

- (1) Information concerning an individual
- (2) Information concerning a judicial person or other entities that likely will cause harm to such judicial persons, and the like.
- (3) Information that likely will cause harm to national security or cause damage to the relationship of mutual trust with another country or an international organization, and the like.
- (4) Information that likely will cause impediments to the maintenance of public safety and public order
- (5) Information concerning the deliberations, examinations or consultations that likely will cause unjust harm to the neutrality of decision making, and the like
- (6) Information that likely will hinder the proper execution or the business of the state organs, etc.

Which institutions are required by law to make information on water public? Does the law reference only the right to access information or also the obligation to make public such information on water related issues (e.g., are institutions obligated to provide information only upon demand, or are they obligated to publish or make available information at certain periodic intervals, on the occurrence of certain circumstances, etc.)?

Measures concerning water are carried out by several government agencies, and the concerned government agencies are, upon request for disclosure, required to disclose its Administrative Documents that are not Non-Disclosure Information. The Administrative Information Disclosure Act prescribes the access rights to Administrative Documents but does not place an obligation on the government agencies to disclose Administrative Documents in the absence of a disclosure request.

Water utilities are required to publish their business performance results at least twice a year and to disclose to water users' certain information concerning water, including the result of water quality survey at least once a year.

What are the requirements listed in the law in relation to the language, locations, format, timing and means used for providing water-related information to the public? How does the law ensure that information is made available to all including to minorities?

The disclosure of Administrative Documents is implemented either by inspection of the actual documents, by the delivery of copies, or by other similar methods. There are no express provisions regarding the disclosure methods to minorities.

Are there any legal provisions requiring certain authorities to educate the population on water-related issues?

Yes. Ministry's curriculum guidance, a standard to configure school curriculums, requires to include some curriculums about water-related issues as part of elementary curriculums.

Are the legal requirements concerning informing the population about regulations, restrictions, prohibitions and discontinuations in water services? Does the law require that information be made available about the existence of complaint mechanisms for water supply and sanitation services to users of such services?

Yes. Water utilities are required to inform the public of the general supply provisions under the Water Supply Act, art. 14. Water utilities are required to obtain permission from Ministers of the Ministry of Health, Labour and Welfare to discontinue all or part of water supply.

Yet, the law does not require that information be made available about the existence of complaint mechanisms for water supply and sanitation services to users of such services.

Are there any requirements in relation to access to information in contracts with water and sanitation operators?

Yes. Water utilities are required to disclose to water users supply provisions which includes the charges and other burdens of the water users and the information on the management of water supply equipment.

C. PUBLIC PARTICIPATION

Is there a law which addresses public participation?

Yes. The Local Autonomy Act includes provisions regarding citizens' rights such as (1) the right to demand the enactment, amendment or abolition of a bylaw, (2) the right to demand the removal from office of any member of the assembly, the mayor, and vice mayors, (3) the right to demand the dissolution of the city assembly, and (iv) the right to demand audits of the city administration.

In addition to the above, the Administrative Procedures Act provides for public comment procedures in case where administrative organs seek to establish cabinet orders, ministerial ordinances and the like (administrative organs, when establishing administrative orders, etc. are required to notify the public in advance of the proposed administrative orders, etc., and any materials relating to the proposed administrative orders, etc., and seek comments from the public).

What are the criteria listed in the law in relation to participation in water-related issues (e.g., allocated time to provide comments, invitation to public hearings, etc.)?

Do the contracts between governmental authorities and operators of water and sanitation services impose upon the operators an obligation to ensure or provide for public participation at any levels at which the applicable services are delivered?

Is the establishment of regional or local associations or other groupings of water users provided for and regulated by laws or regulations? How do they interact with or connect into other agencies or regulators?

Yes. The Association and Foundation Law, the Law on Recognizing Organizations as Public Interest, and the Law to Consolidate Relevant Laws enable to form public and even non-public associations and foundations, special non-profit corporations and other public interest organisations.

Under the Environmental Impact Assessment Law, parties concerned may submit their opinions to specific water resources development such as dam construction. Under the River Law which was amended in June 1997, opinions of local government and the regional people are reflected in the River Management Plan which includes flood control, water use and environment. Water use is adjusted and coordinated within Land Improvement Districts among farmers and through Conference of Drought among relevant sectors and according to the River Law and Specified Multipurpose Dam Law. Under the Forest Law, municipalities in upstream areas can request those in the downstream areas to conclude an agreement to enhance and conserve headwater forests collaboratively. The law also provides municipalities for seeking the Minister of Agriculture, Forestry and Fisheries initiative to mediate between related municipalities in concluding such agreements.

D. SUSTAINABILITY

How does legislation ensure that water and sanitation services are delivered in a sustainable manner, considering the availability of water resources, competing demands and generally the needs of present and future generations?

Sustainability is ascertained through the enactment and continued revision of several laws by the government. Specific aspects are regulated by legislation as follows:

- the Water Pollution Control Law controls water quality;
- the River Law touches upon the river management such as flood control, water use and environment;
- the Water Resources Development Law covers newly developed water resources;
- the Land Improvement Law, the Waterworks Law, the Industrial Water Law and the Industrial Water Supply Business Law regulate the water usage in agriculture, households, and industry.
- In accordance with the Agricultural Chemicals Regulation Law, the Government enforces regulations on agricultural chemicals.
- To prevent pollution of freshwater supplies, the Government strictly regulates effluents from industries and public sectors according to their types and sizes and promotes the construction of sewage treatment facilities for household waste water.
- the Basic Environment Plan provides the direction for developing measures to maintain a sound water cycle.

- the Basic Law on Food, Agriculture and Rural Areas and other related laws upholds basic principles of performing the multifunctionality of agriculture such as land conservation, cultivation of water sources, nature conservation, as well as ensuring the continuous growth of agriculture.

How does the legislation ensure that delivery of water and sanitation services are economically sustainable, with sufficient expenditure for operation and maintenance?

CHAPTER 6. ACCOUNTABILITY

A. PRELIMINARY QUESTIONS

What is the relationship between international law and national law (i.e., is the state a monist or dualist system--how is international law interpreted in relation with domestic law)?

This topic is not settled in Japan and there are various viewpoints. Previously, it was thought that that international law and national law belonged to different legal system/jurisprudence (dualism). However, at present, the view that they belong to the same legal system (monism), where international law is prioritized over national law is more prevalent.

What is the hierarchical structure of the legal system?

The hierarchical structure of the legal system in Japan in order of highest to lowest is as follows: Treaty, Constitution, national legislation, cabinet order, and ministerial ordinance. There is some debate regarding which of treaties and the Constitution take priority, but the current prevailing theory is that treaties have higher priority than the Constitution.

Local public entities have the right to manage their property, affairs, and administration and to enact their own regulations within law.

The Constitution is the supreme law of the nation and no law, ordinance, imperial rescript, or other act of government or part thereof, contrary to the provisions of the Constitution, has legal force or validity.

Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?

No. In the provisions on rights in Chapter 2 – B of the Human Rights Conventions, there are nine individual complaint procedures. However, Japan has not adopted any of these procedures.

B. REMEDIES AND COMPLAINT PROCEDURES/ACCOUNTABILITY

Are there remedies provided by law to file complaints or other ways of accessing justice in reference to water and sanitation? Who may file them? Are the decisions appealable?

The Legal Affairs Bureau can investigate and take the following measures according to the results of the investigation.

Assistance: Introduce relevant organizations and provide legal advice, etc.

Coordination: Coordinate the relationship between the parties.

Instruction/Recommendation: Request improvements by those who violated human rights.

Request: Request those who can effectively deal with the matter to take necessary measures.

Prosecution: Prosecute according to the provisions of the Criminal Procedure Law.

Education: Appeal to concerned parties and locations of the incident to deepen their understanding of the respect for human rights.

Decisions of courts lower than the Supreme Court are appealable.

Are such complaint procedures required to be provided in conformity with human rights principles (such as non-discrimination, equity)?

Yes. Since human rights such as non-discrimination (art. 14) and fairness in trial (art. 37) are imbedded in the constitution of Japan complaint procedures must be in compliance to such principles.

Does the law provide for financial assistance for legal counsel in cases concerning water and sanitation?

Yes. With regard to civil cases, the “litigation aid system” and the “civil law aid system” have been established under respectively the Civil Procedure Act and the Comprehensive Legal Support Act.

Litigation aid system: Under the Civil Procedure Act, art. 82, only when it cannot be said that the party has no prospect of winning, the court can decide to provide litigation aid based on the request of a party who does not have the resources to pay the expenses necessary for preparing and pursuing litigation or those parties for whom the payment of the litigation expenses would be a significant hindrance to their daily lives.

Civil law aid system: A “civil legal aid business” is a business that performs legal counselling for free for individuals without economic resources who have legal problems or pays for the expenses of lawyers and judicial scriveners. Japanese citizens and legal foreign residents of Japan are eligible to receive the civil law aid. Organizations such as corporations and unions are not eligible (Comprehensive Legal Support Act, art. 30-1-2).

Who monitors the administrative level bodies and/or service providers?

Pursuant to the administrative appeal examination law, the administrative entity that will conduct the examination based on the examination request is, in principle, the highest-level administrative agency or the agency that made the disposition at issue.

In the case of the water service/sewerage projects, the agency making the disposition will be the waterworks bureau or the sewerage office. The highest-level administrative agency (examining agency) is the prefectural governor or municipal mayor.

Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?

As a premise, the management of the water supply business and the management of sewerage, etc. are, in principle, supposed to be done by local public bodies (e.g., prefectures, municipalities) (Water Supply Act, art. 6-2; Sewerage Act, art. 3).

Those who are dissatisfied with the administrative agency's disposition in principle can request an examination by the highest-ranking administrative agency (or in the case that there is no higher administrative agency, the administrative agency itself) of the administrative agency that made the disposition in question based on the administrative appeal examination law (Administrative Complaint Review Act, art. 2 and 4).

In the case of water utilities or sewerage utilities, the agency making dispositions will be the waterworks bureau, the sewerage department and the highest-ranking administrative agency (the examining agency) will be the prefectural governor or the municipal mayor.

What remedies are available at an administrative level?

Request for examination of disposition is a remedy available at an administrative level (Administrative Complaint Review Act, art. 45-48). The examining agency will make one of the following determinations:

- **Rejection:** If the examination request has been made after the lapse of time or other cases where the request is unlawful.
- **Rejection:** Although the request for examination was made legally, as a result of the trial hearing, there is no valid reason for the examination request.
- **Acceptance:** (cancellation, abolition or change of the disposition): If the examination request is valid and there are reasons for the acceptance.

Who monitors these administrative-level bodies?

Pursuant to the administrative appeal examination law, the administrative entity that will conduct the examination based on the examination request is, in principle, the highest-level administrative agency or the agency that made the disposition at issue. In the case of the water service/sewerage projects, the agency making the disposition will be the waterworks bureau or the sewerage office. The highest-level administrative agency (examining agency) is the prefectural governor or municipal mayor.

Are such administrative bodies legally independent entities according to the law?

No. The administrative agency that will receive the request for examination is, in principle, the highest-level administrative agency or the agency that made the disposition at issue. Thus, the administrative agency cannot be called a legally independent entity.

Is there any evidence (e.g., case law) that courts in the country have (or may have) jurisdiction to enforce any economic, social or cultural rights?

In its December 19, 1984 decision relating to the "Shiomi incident," the Supreme Court held that Article 9 of the International Covenant on Economic, Social and Cultural Rights does not have direct applicability to the case in Japan. Based on the Supreme Court precedent, regarding the economic, social or cultural rights, as it has a gradual character, in principle, it is considered not to be directly applicable.

Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to water and sanitation? Is there any existing case law?

There are no provisions of law on this point.

Provide a brief overview of the judicial procedure involving a human rights violation case.

Is there a Constitutional /Supreme Court? Cases are heard as the last appeal or may cases be referred directly?

Yes. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act (art. 81 of the Japanese Constitution).

Have domestic courts applied international human rights law in past cases or have they referred to decisions from international human rights bodies?

The binding effect of decisions of the International Court of Justice (ICJ): Rulings by the ICJ regarding national conflicts bind the relevant countries. Article 94 of the United Nations Charter Japan's Constitution provides that "Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party." In 1958, Japan declared that it would accept the compulsory jurisdiction of the ICJ. (Statute of the International Court of Justice, art. 36, para. 2). Subsequently, Japan amended its declaration in 2007 and 2015.

The binding effect of decisions of other international courts: No provisions regarding the binding effect of other international courts was identified.

Are court proceedings conducted in only one principal language, or are they also conducted in local languages, including minority and indigenous languages? Does the law require that information is made available in local languages?

Pursuant to the Court Act, courts are required to use Japanese. However, there are exceptions for interpreters:

- In civil proceedings, when a person involved in oral argument cannot understand Japanese, or is a person who cannot hear or cannot speak, an interpreter will be provided. Those who cannot hear or cannot speak may ask questions or make statements in writing.
- In criminal proceedings, when a person who does not understand Japanese is testifying, an interpreter will be provided. Also, when a person who cannot hear or cannot speak is testifying, the person may testify through an interpreter. For those who cannot read Japanese, a translation can be provided.

Have domestic courts applied (or referenced) recommendations of national human rights institutions?

Our investigation has not identified any application by the domestic courts of, or reference by domestic courts to, recommendations of national human rights institutions.

C. NATIONAL HUMAN RIGHTS INSTITUTIONS

Is there an independent national human rights institution?

No. However, the Human Rights Bureau of the Ministry of Justice, the Regional Legal Affairs Bureaus, and the Human Rights Commissioners appointed by the Minister of Justice collectively are referred to as the human rights organs of the Ministry of Justice. These are government institutions and are not independent from the government.

Does the mandate of the National Human Rights Institution cover the entire human rights framework, including economic, social and cultural rights?

Yes. There are no limitations on the types of human rights handled by the Ministry of Justice's human rights advocacy agency.

Is the national human rights institution authorized to receive and adjudicate complaints of violations of human right to water and sanitation right?

In accordance with the Rule on Investigation of Human Rights Violation Cases, the Legal Affairs Bureau can conduct "relief proceedings" regarding cases of human rights violations and incidents of suspected human rights violations. The "relief proceedings" are aimed at encouraging voluntary improvement, but have no enforceability.

Does the national human rights institution have a legal basis or authority to initiate an action to address systemic human rights violations?

No. The "relief proceedings" commence based on a petition alleging damage or the threat of damage by human rights violations. The Legal Affairs Bureau does not have any procedures for self-initiating "relief proceedings." In the event that systemic human rights violations are viewed as amounting to crimes, a criminal complaint may be lodged pursuant to the Criminal Procedure Act (Civil Procedure Act, art. 239-1).

What types of remedies does the national human rights institution have the authority to impose?

The Legal Affairs Bureau can investigate and take the following measures according to the results of the investigation.

Assistance: Introduce relevant organizations and provide legal advice etc.

Coordination: Coordinate the relationship between the parties.

Instruction/Recommendation: Request improvements by those who violated human rights.

Request: Request those who can effectively deal with the matter to take necessary measures.

Prosecution: Prosecute according to the provisions of the Criminal Procedure Law.

Education: Appeal to concerned parties and locations of the incident to deepen their understanding of the respect for human rights.

Is the institution allowed to initiate investigations/hearings?

No. The relief procedure of the Ministry of Justice commences based on a declaration from the victim.

Does the national human rights institution have the authority to monitor how remedies for violations of rights to water and sanitation are implemented by governmental authorities, service providers or other agencies/entities?

Yes. When it is deemed necessary based on the content of the case where the relief procedure has been completed, the Legal Affairs Bureau coordinates with related administrative organs and relevant public and private organizations, maintains contact with stakeholders in the relevant case, monitors the subsequent process, and makes efforts to give consideration to relief or prevention of damage caused by human rights violations.

D. REGULATION

Is there a water regulator established by law?

Is the water regulator an independent entity?

What are the oversight mechanisms and responsibilities related to drinking water supply and sanitation services of the regulator?

Which actors are responsible for ensuring accountability of institutions or entities involved in water supply and sanitation services?

How are the actions of those entities or institutions monitored and by whom? As much as possible, please inform on the different aspects of water and sanitation services: e.g., water quality, tariff setting, availability of water resources, service delivery, etc.?

ACRONYMS

HRBA	Human Rights-Based Approach
HRWS	Human Rights to Water and Sanitation
IWRM	Integrated Water Resources Management
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
SDG	Sustainable Development Goal
WASH	Water, Sanitation and Hygiene
N/A	Not Applicable

