

TM/UN/138

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, and has the honour to refer to the latter's letter sent on 26 February 2007 on the Human Rights Council decision 2/104 of 27 November 2006 which entitled "Human rights and access to water".

The Permanent Mission of Japan has further the honour to transmit to the latter the reply from the Government of Japan to contribute to a study of the United Nations Office of the High Commissioner for Human Rights on this issue to submit it to the Human Rights Council at its sixth session.

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

Geneva, 13 April 2007

Enclosure mentioned.



OHCHR REGISTRY

17 AVR. 2007

Recipients :....*V.M.*.....
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Information on "Human Rights and Access to Water"(Government of Japan)

- a) Views on international human rights obligations to be taken into account in relation to equitable access to safe drinking water and sanitation.

The purpose of the waterworks law is to contribute to the development of adequate water sources and facilities, and appropriate management. In order to reinforce the water supply systems, protect and develop the water supply service, with the aim of supplying clean, ample and cheap water, promoting public health and improving the living environment to the people.

In Japan, the national government as well as the local public bodies recognize that supply of water is directly related to the daily life of the people and indispensable for the maintenance of their health, and that waters are such important resources, and that, therefore, it is essential to secure water sources and facilities, maintain clean environment thereof, and formulate measures for proper and rational use of water resources.

Under the Law, the water supplier is not allowed to refuse the request for supply of water by the consumer within the district of its service program without sufficient reason. And the water supplier is required to lay out the rules in connection with the rate of charge, sharing of construction costs of water service installation and other conditions. The aforesaid rules are required to meet the following conditions, such as "no partial treatment of any specific group or parties", and so on.

In the "Waterworks Vision", established by the Ministry of Health, Labour and Welfare in July 2004, the most important goal is to supply people with safe and palatable tap water.

The water supply coverage ratio in Japan reached 96.8 percent by the end of fiscal year 2002 and most people have access to water through the water supply system. The water supply system in Japan has contributed to rapidly reducing the incidence of waterborne communicable diseases as the system covers more of the country..

- b) National legislation or draft legislation related to equitable access to safe drinking water and sanitation (constitution, specific law, regulation, etc), including with regard to private sector provision of related services.

An answer provided in question a).

- c) Examples of judicial decisions related to access to safe drinking water and sanitation.

1. First Petty Bench of the Supreme Court

Date of the judgment: 1999.1.21

Case number: 1995 (O) No. 2122

Reporter: Minshu Vol. 53, No. 1, at 13

Case name: Case to seek declaration of status under the water service contract

Summary:

Judgment ruling that where the town government, as the water supplier, has refused an application for water service contract filed by the condominium apartment seller in order to prevent an increase in water demand, a "justifiable reason" prescribed in Article 15, para. 1 of the Waterworks Law can be found in the town government's refusal

2. Second Petty Bench of the Supreme Court

Date of the judgment: 2006.7.14

Case number: 2003 (Gyo-Tsu) No.35, 2003 (Gyo-Hi) No.29

Reporter: Minshu Vol.60, No.6, at 2369

Case name: Case to seek declaration of nullity of the water service ordinance

Summary:

Judgment ruling that the part of the municipal ordinance for the municipal water enterprise which amends the water rates and imposes 3.57 times higher rates as those imposed on other contractors on summerhouse owners who are not registered as residents was declared void as it violated Article 244 para.3 of Local Autonomy Act

- d) National plan of actions, development programmes, public policies or emergency responses related to access to safe drinking water and sanitation.

An answer provided in question a).

- e) **The impact of these national laws, judicial decisions, plan of actions, development programmes, public policies and other measures in promoting or restricting equitable access to safe drinking water and sanitation.**

An answer provided in question a).

- f) **Examples of approaches considered to represent “best practice” related to access to safe drinking water and sanitation.**

An answer provided in question a).

- g) **Any other existing initiatives and standards relating to equitable access to safe drinking water and sanitation, and the scope and legal status of these initiatives.**

An answer provided in question a).