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Statement of Japan Federation of Bar Associations

Thank you for this opportunity to deliver a statement. I am delivering this statement on behalf of the Japan Federation of Bar Associations (JFBA). JFBA is an organization to which all attorneys and legal professional corporations operating throughout Japan are members. JFBA is engaged in various human rights protection activities to realize the mission of attorneys as the protection of fundamental human rights and the realization of social justice.

At the last cycle, Japan received numerous recommendations on death penalty, ratification of optional protocols to UN human rights treaties and establishment of national human rights institutions. Yet, there has been no development in these issues. Japan has still retained its death penalty system and carried out executions almost every year. It has not ratified any optional protocols and not established any national human rights institutions. Rather, the human rights situation in Japan has become even more serious since the last review. With regards to the Death Penalty, Japan has been executing those seeking retrial since 2017. We have submitted a report for this cycle, in which we provide wide range of information on Japan's human rights situation. It is not possible to address all of the issues here, so I would like to introduce three of them.

The first is the immigration detention. Recently a tragic incident in immigration detention centers have come to light. In March 2021, a Sri Lankan woman detained at the Nagoya Regional Immigration Bureau died without receiving proper medical care. Her bereaved family have filed lawsuit against the government claiming that the victim had not received adequate medical care. The long-term immigration detention and the medical system in the facility is currently under severe criticism. We recommend that long-term detention should be avoided as much as possible by defining the criteria for detention, introducing judicial review, setting an upper limit on the period of detention, and granting provisional release. Efforts should be made to improve the medical care system within the detention facilities.

The second is the criminal proceedings. In Japan, interrogations are frequently prolonged or continued after an indictment by arresting on minor offenses. There is no pre-indictment bail system and no defense counsel has been allowed to present at custodial interrogations. We recommend that Japan should establish a pre-indictment bail system and guarantee the right of the presence of defense counsels during interrogations.

Lastly, I would like to address Bikini incident. In 1954, the United States conducted the hydrogen bomb test at Bikini Atoll. Many fishermen including those on Daigo Fukuryu Maru were exposed to radiation by the testing. In 1955, Japan reached political settlement with the United States under which it agreed that the United States would not bear any legal responsibility for the hydrogen bomb tests in exchange of two million dollars of ransom. Following the political agreement, Japan paid some compensation to the fishermen of the Daigo Fukuryu Maru. However, for those other than Daigo Fukuryu Maru, it has not provided any remedies for the damage to their health so far. 68 years have passed since the testing. The ex-fishermen and their bereaved families are still seeking justice. We recommend that Japan should preserve and disclose the records related to the Bikini Incident, and provide financial reparation and professional health counselling for the victims.

Should you have any questions, please contact us. We are happy to provide more information.