

Statement

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I first want to point out that the Japanese Government made a deceptive reply during the consideration of its UPR report on October 23, 2012.

I then will make three requests to the Human Rights Council.

During the debate on October 30, 2012, the delegate of Uzbekistan said that indicting somebody for distributing tracts critical to government may constitute exercise of censorship.

The Japanese Government had obviously prepared a reply to that type of question.

It stated that "the problem is not the substance of the tract but the place where the tract was distributed.

The decision is made fairly taking into account the feeling of the residents of that place, the evidences and the relevant laws".

As a result of this, the issue of political tract distribution was not taken up in the recommendations of the Working Group to the present session of the Human Rights Council.

I want to stress that all the cases of people arrested, indicted and tried guilty by the court so far concern the distribution of political tracts that are critical to the government.

Recently, at a dialogue meeting with the NGOs, I raised the same question but the Government representative made a similar deceptive statement. Last December, the Supreme Court handed down its judgment on the two cases of tract distribution that completely ignored the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and particularly the paragraph 26 of the general recommendation issued after the consideration of the 5th report of Japanese government on ICCPR by UNHRC (Human Rights committee) in 2008.

My requests to the Human Rights Council are:

1. To immediately send to Japan a special rapporteur on the freedom of expression;
2. To urge the Japanese Government to ratify the First Optional Protocol to the ICCPR (International Covenant on Civil and Political Rights) (individual communications) without delay;
3. To ensure that paragraph 26 of the HRC (Human Rights committee) general recommendation issued after the consideration of the 5th report of Japanese government is implemented and Public Office Election Law (provision regarding the ban on distribution of documents and door-to-door visits) and National Public Personnel Law (Article 102 on National Personnel Agency Rule 14-7) be abolished.

Japanese Association for the Right to Freedom of Speech (JRFS)

NGO in Special Consultative Status with the ECOSOC

— a Japanese national organization whose goal is to establish a lasting world peace, which could be attained in Japan

through the establishment of the universal fundamental human rights, especially the right to freedom of speech.

◇ *Concluding observations of the Human Rights Committee*

: Japan CCPR/C/JPN/CO/5 2008

26. The Committee is concerned about unreasonable restrictions placed on freedom of expression and on the right to take part in the conduct of public affairs, such as the prohibition of door-to-door canvassing, as well as restrictions on the number and type of written materials that may be distributed during pre-election campaigns, under the Public Offices Election Law. It is also concerned about reports that political activists and public employees have been arrested and indicted under laws on trespassing or under the National Civil Service Law for distributing leaflets with content critical of the government to private mailboxes. (arts. 19 and 25)

The State party should repeal any unreasonable restrictions on freedom of expression and on the right to take part in the conduct of public affairs from its legislation to prevent the police, prosecutors and courts from unduly restricting political campaigning and other activities protected under articles 19 and 25 of the Covenant.

◇ *Concluding Observations of the Committee on Economic,*

Social and Cultural Rights : Japan. 2001/09/24.

NUCLEAR : 22. The Committee is concerned about reported incidents in nuclear power stations and the lack of transparency and disclosure of necessary information regarding the safety of such installations, and also the lack of advance nationwide and community preparation for the prevention and handling of nuclear accidents.

49. The Committee recommends increased transparency and disclosure to the population concerned of all necessary information, on issues relating to the safety of nuclear power installations, and further urges the State party to step up its preparation of plans for the prevention of, and early reaction to, nuclear accidents.

COMMUNITY SERVICES: 27. The Committee is concerned that despite large resettlement programmes planned and executed by Hyogo Prefecture in the aftermath of the great Hanshin-Awaji earthquake, the population most affected has not always been consulted adequately, and as a consequence many single older persons now live in environments totally unfamiliar to them with little or no personal attention. Apparently, little or no psychiatric or psychological treatment is being offered for people who have lost their families. Many resettled earthquake victims who are over 60 years of age lack community centres, access to health centres and outpatient nursing.