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Written statement* submitted by the Japanese Association for the Right to Freedom of Speech, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Since the Hanshin-Awaji Great Earthquake in 1995, Japan, a seismic archipelago, is going through a period of high seismic activity. Fukushima is now in a nuclear war-like situation. We therefore request the UN Human Right Council to take the following actions directed to Japanese Government:

To urge it to ratify the First Optional Protocol to the ICCPR (International Covenant on Civic and Political Rights) (individual communications) without delay;

To urge it to quickly abolish the 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) in order to establish the political rights of the Japanese people, as indicated in paragraph 26 of the general recommendation issued after the consideration of the 5th report of Japanese government on ICCPR by UNHRC in 2008.; CCPR/C/JPN/5

To ask the Japanese government to accept the special investigator on the protection and promotion of freedom of speech and expression and to immediately send a Special Rapporteur to Japan.

Political rights are not yet established in Japan. The successive governments have been hostile to the Universal Declaration of Human Rights and the International Covenants on Human Rights, and failed to ratify the First Optional Protocol (individual communications) till now. In addition, the judiciary is not independent from the administration and legislature: separation of three powers is yet to be established in Japan.

Even after the great earthquake of 1995, the government in 2001 objected the recommendations issued by the CESCR (Committee on Economic, Social and Cultural Rights) following the second review of Japan's national report. Reflecting such hostile attitude of the Government, the problems of poverty and economic gap rapidly worsened. No effective measures have been taken to cope with the extensive damage caused by the major nuclear plant accident or to bring economic or other relief to earthquake and tsunami sufferers.

The explosion of reactors in Fukushima Daiichi Nuclear Power Plant on March 12, 2011 significantly aggravated the damage caused by the quake and tsunami. It has brought about widespread radiation contamination while 1500 fuel rods in the reactor 4 are still in critical state rated level 7. Internal and external radiation exposures of human bodies, of fauna and flora, extensive environmental pollution etc. make us think of a nuclear war field.

In 2008, the CCPR (Committee on Civic and Political Rights) recommended the Japanese Government to "repeal any unreasonable restrictions on freedom of expression and the right to take part in the conduct of public affairs from its legislation". However, the Government has ignored this recommendation and discarding the protests of NGOs, continued to suppress free speech. While the Supreme Court is neglecting the international human rights instruments in making decisions, the Government is committing humanitarian abuses in connivance with TEPCO (Tokyo Electric Company) executives.

Following the big earthquake in 2011, reactors in TEPCO's Fukushima Daiichi Nuclear Power Plant exploded one after another, but the Government intentionally refrained from quickly making public the data collected by SPEEDI (System for Prediction of Environmental Emergency Dose Information). Due to this, a great number of people living in Fukushima and surrounding prefectures were exposed to massive amounts of radioactive rays.

The Government that did not abide by the CESCR recommendation issued in 2001 on the 2nd report of Japan (E/C·12/1/Add.67 paragraph22,49) failed to take preventive measures to cope with such a large scale emergency. As a result, no one was given iodine during the

period of its effective intake. A large number of citizens including children in Fukushima have already developed apparent thyroidal disorders.

The Government and Fukushima Prefecture Governor did hide the outcome of a yet very poor health study conducted on the concerned local populations. In addition, they did not provide any assistance for evacuation either to the residents of cities in Fukushima prefecture and to the people living in “hot spots” in Tokyo metropolitan area that were contaminated with levels of radiation higher than the threshold set for Chernobyl requiring evacuation or relocation. With the aim to cover-up the radiation contamination, they avoided to effectively control the contamination levels of water, milk, fish, vegetables, rice and other foodstuffs and altered the monitoring post measurement so that it gives radiation values that were lower than real ones. Moreover, the radioactive debris were taken to non-contaminated around the country for incineration, spreading radiation during the transport and further extending the contamination by burning the debris at high temperatures. Rivers and lakes that are sources of tap water in Japan have also been contaminated in this way, spreading radiation damage on human bodies.

Last year, despite a strong protest of the population, the Government decided to restart the operation of Ohi Nuclear Power Plant whose safety is far from being guaranteed. The new Cabinet has even announced its intent to allow the restart other nuclear power plants.

In November 2012, after the consideration of the 2nd UPR report of Japan, Mr. Anando Grover, Special Rapporteur for the right to health visited Japan, heard people of Fukushima about their problems of health and made a presentation. However, Japanese Ministers, officials in Foreign Ministry or Justice Ministry, except those specially working on human rights matters or international relations, as well as officers in charge of regulatory bodies are not aware of international human rights instruments. They do not even know the existence of the UNHRC.

In faculties of law in Japanese universities, the study of International Covenants on human rights is not mandatory. The National Bar Examination does not deal with international human rights instruments. Teachers in these faculties teaching human rights see these instruments as “a pie in the sky”. Most of the graduates do not know them either. Judicial trainees who will become judges, prosecutors or lawyers only have 2 hours of conference on international human rights instruments during their training. Parliamentarians, ministers and public servants have no knowledge of either UNCHR recommendations or international human rights covenants.

Just before the consideration of the first UPR report of Japan, our association submitted through a Japanese NGO that had official consultative status with ECOSOC a report to the 7th session of the UNHRC held in 2008, the 60th anniversary of the Universal Declaration of Human Rights. In that report, we criticized the Japanese Government pointing out the fact that ordinary citizens were arrested and sentenced guilty merely for having distributed flyers critical to the Government, and we called for their relief.

As a result of the consideration of the 5th report of Japan regarding the ICCPR, the abrogation of the Public Offices 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) were recommended by the CCPR.

In Japan, after the end of the Second World War, the political police was transformed into Public Safety Police and the ban on distribution of documents and door-to-door visits included in the Public Office Election Law has been maintained till today. Over 90,000 people have been arrested by virtue of this legal ban.

The National Public Personnel Law (Article 102 on National Personnel Agency Rule 14-7) was instituted in 1947 by the General Headquarters of the Occupying Allied Forces upon

the request of the Japanese Government. It prohibits political activities of public personnel in general with penal regulations. A large number of national government employees were arrested under this repressive law during the last century. On entering the 21st century, this law has been revived to arrest more public servants to suppress their protests and criticisms of the unconstitutional expeditions of Japanese self-defense troops to war in Iraq.

The repressions targeted at public employees' distribution of flyers and tracts, the easiest means for them to express their opinions and communicate with others, are actually promoted by those forces who want to give a dangerous twist to the Constitution to enable Japan to send its armed forces abroad to fight wars. They are intended to suppress the movement and the voice of the people who oppose the revision of the Constitution by intimidation. The chilling effect is affecting even the sufferers of the nuclear power plant accident and tsunami who are afraid of voicing their legitimate demands towards the public authorities.

The Japanese Government is still refusing to ratify the First Optional Protocol that provides for individual communication and is now moving ahead to change the Constitution, with the aim of enabling Japan to export weapons, to exercise the right to collective defense and go to war with its allies. This runs counter to the UN Charter, the Universal Declaration of Human Rights and other international human rights instruments. It poses a serious threat to the international community that is working to build a world of peace relying on the United Nations.
