

Joint NGO statement on the Cancellation of the Investigation of Japan by the Special Rapporteur on the Freedom of Expression

November 25, 2015

Mr. Fumio Kishida, Foreign Minister, Ministry of Foreign Affairs of Japan

On November 18 (JST), the official visit to Japan by David Kaye, UN Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression, planned to take place from December 1 to 8, was canceled due to a request from the Japanese government.

The official visit was confirmed as part of a SR's primary task of country visits as mandated by the Special Procedure of United Nations Human Rights Council (HRC). SRs carefully select a few countries to visit in a year from a number of invitations from many countries. Investigations by SRs and their reports, including recommendations which are submitted to HRC, contribute to the improvement of Japan's human right policies. The Japanese government has issued a standing invitation in a HRC session to accept such investigations at any time.

Prior to the Third Committee of the General Assembly this October, the Japanese government invited the Special Rapporteur to conduct an official visit during the period from December 1 to 8. The subject of the investigation on the official visit included the implementation of the 2013 Act on the Protection of Specially Designated Secrets, to which the UN Human Rights Committee expressed concern last year, on the rights on the Internet, freedom of press, and the rights of access to information.

However, the Permanent Mission of Japan in Geneva suggested that the Special Rapporteur postpone the visit until the Fall of 2016 because the government could not arrange meetings with relevant officials.

Since the government's attitude remained unchanged despite the SR's request for the investigation as previously scheduled, the SR accepted the cancellation on November 17 and emailed the decision to relevant NGOs, which were supposed to provide information on the part of civil society, and he explained the situation on his blog.

Based on the above situation, we, as NGOs concerned with the rights of access to information and freedom of opinion and expression, make the following requests to the Japanese government, especially the Ministry of Foreign Affairs.

1. It is extremely unusual [for the government] to postpone the official visit scheduled in December on the basis of [the difficulties of] liaisons among relevant officials despite having accepted Mr. Kaye's visit in October, and it should not be repeated again. In particular, given that this visit concerns the rights of access to information and the freedom of expression, the Japanese government should explain the reason

for the postponement to the Japanese public and fulfill its accountability by providing sufficient explanation to international society.

2. There is a risk that this decision [by the Japanese government] could be interpreted by the international community as a sign of disrespect to international human rights standards, resulting in the perception that Japan lacks the will to improve human rights. In order to avoid such dishonor, the Japanese government should see to the official visit by the SR on the freedom of expression as soon as possible in the first half of next year.
3. It is difficult to say that the Japanese government has made sincere efforts towards implementing recommendations made by the rigorous reviews of various human rights organizations in recent years, such as HRC (2012), UN Committee against Torture (2013), and Human Rights Committee and the Committee on the Elimination of Racial Discrimination (2014). We demand fundamental change in the attitude of the Japanese government in this regard.

The following NGOs endorse this statement:

Amnesty International Japan
Human Rights Now
Defense Counsel on Secrecy Act
Executive Committee against 『Secrecy Act』
Association against Secrecy Act in Aichi
The International Movement against All Forms of Discrimination and Racism (IMADR)
Sub-committee on the UN of the All-Okinawa Council
Okinawa • Biodiversity Citizens Network
Shimin Gaikou Centre