



Human Rights Now

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A Call for Human Rights Guarantees in Measures to Prevent the Spread of Novel Coronavirus Infections

Human Rights Now (HRN), a Tokyo-based international human rights NGO, is deeply concerned about the damage being done to the lives and health of people all around the world and in Japan caused from the spread of COVID-19, and we greatly respect the healthcare workers as well as all other service-sector workers who have been confronting this emergency situation.

Taking this into account, as the Japanese government undertakes action in order to contain COVID-19, HRN requests the government to take measures from the perspective of human rights as described below.

1. Providing appropriate compensation to those suffering economic losses due to the spread of COVID-19

Given the government requests to “voluntarily refrain from activities” and for “voluntary quarantine”, many industries have been forced to reduce their economic activities drastically. As a result, the continuity of work has become a major challenge for many businesses.

If a state of emergency gets declared according to Japan’s new special measures law concerning COVID-19, there is no doubt that the damage to industries will worsen.

Industries such as food, tourism, entertainment, and sports, etc., will especially face serious damages. Many long-lasting corporate brands and important business projects, as well as the cultural activities involved themselves, are at risk of experiencing catastrophic effects. These business losses will not only lead to economic losses, but also to social and cultural losses in Japan. Moreover, if many citizens become unemployed, their daily lives will be in danger, and the risk of people getting evicted from their homes or losing their educational opportunities may all lead to violations of rights to adequate housing, education, work, and life. As long as people’s anxieties from possibly losing the basis of their livelihoods remain unrelieved, many may continue to risk infection from the novel coronavirus by leaving their homes and going to work.

Article 25 of the Constitution of Japan guarantees to all people the right to maintain the minimum standards of wholesome [i.e., healthy] and cultured living (the right to subsistence). Additionally, the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 11 recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

There are many people who struggle to support their livelihoods after being forced to suspend or greatly reduce their economic activities due to the government's request for "voluntary quarantine" based on the national law. Thus, the country must immediately take measures to support these people by adopting flexible public assistance policies, having the national government assume the costs of rent and electricity for the time being, and providing for the expenses of food security for individuals and their families. While protecting the rights to life and health from COVID-19 infections, the government has an obligation to secure people's businesses, housing, and educational opportunities, as well as maintaining everyone's standard of living. Given these considerations, HRN requests the government to provide adequate support and compensation to people.

Along with the support for SMEs, freelancers, sole proprietors and artists, the government must also protect those who are most at risk of becoming major victims of economic damage, such as part-time workers and foreign employees, including technical interns.

Unprecedented economic and social support measures have been adopted to address the predicament of citizens, mainly in OECD countries.¹ Also in Japan, in order to protect people's lives and livelihoods, we urgently need to implement sufficient social welfare measures so that no one is left behind.

2. Securing access to testing and treatment

In order to secure the right to health (ICESCR Article 12), the government must provide opportunities for testing and treatment to citizens and guarantee access to them as far as possible. PCR tests must be made available and accessible to anyone who may possibly be showing coronavirus symptoms with no discrimination.

From a survey done by a group of researchers at Oxford University, it is clear that the number of PCR tests conducted in Japan is remarkably low compared to other countries with reported spread of the virus and that, especially when measured as a rate by population, significantly fewer people have been tested.

The statistics show that by April 4th, Korea had conducted approximately 8600 tests, France 3412 tests, and Japan 312 tests per 1 million population.²

Despite government assertions that the country does not restrict testing, the hurdles for receiving testing are high. Furthermore, there is still a lack of information about where and how to get tested when one experiences possible symptoms of the virus.

The recently made government decision to hold patients with mild symptoms in facilities other than hospitals is positive news. However, HRN requests that the government take effective measures in a timely way in order to prevent the spread of the virus and to make testing more accessible for citizens to allow for earlier access to treatment when necessary.

¹ <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#E>,
<http://oecd.org/coronavirus/en/?fbclid=IwAR090C-nW7Wo2S4XX1fGNANk8rk0IjY7al8NvtWGG07VcR4P453MYEjfhvo>

² <https://ourworldindata.org/grapher/full-list-cumulative-total-tests-per-million>

3. Banning discrimination and protecting vulnerable people

The government's support and health measures need to be implemented without discrimination by gender, sexual orientation, age, disability, ethnicity, or nationality.

Along with the support for particularly vulnerable persons such as the elderly, people with disabilities, and expectant mothers, special consideration must also be given to those who are often left behind in these situations, such as people who are detained by the Immigration Bureau or in prisons, foreigners, linguistic and ethnic minorities, part-time workers, and those living in poverty. Also essential is urgent residence support for homeless people, net café refugees, and those who lose their homes.

In addition, HRN calls on the government to protect the safety and employment of all employees and to monitor companies that receive employment adjustment subsidies for maintaining non-regular workers for any abuses of the system.

Furthermore, it is necessary to extend special support measures to vulnerable people who are at risk of becoming victims from the situation. An increase in domestic violence and abuse has been evident in various foreign countries due to the curfews and lockdowns, and as a result, several countries, especially in the EU, have been implementing emergency measures (See [Appendix](#): Measures Against DV [in Japanese]). The number of abuse consultations has been rising in Japan as well. It is necessary that Japan fundamentally increase victim support by implementing effective measures that are easily accessible during quarantine, such as offering a 24-hour accessible consultation service and providing immediate aid to support organizations.

Financial support for the education of children who are in need is also required so that no child will be deprived of any educational opportunities, such as online classes, due to financial reasons.

In emergency situations, discrimination and anti-foreigner sentiment tend to be aggravated. The government must clearly demonstrate that it provides equal support for foreigners, ethnic minorities, and others, and it must fight against hate speech.

4. Preventing misuses of authority by monitoring official actions.

A state of emergency, according to Japanese law, does not permit significant restrictions on private rights. However, there is a concern that a great deal of authority will be concentrated in the heads of the national and local governments. When taking measures in order to prevent the spread of the virus, the exercise of authority must not violate the law or be abusive, and restrictions on the private rights of citizens must aim to be minimum necessary to achieve their purpose. Violations of the right to privacy or freedom of speech are not allowed.

Control over or applying pressure on the freedom of speech must not happen. The actions of authorities must be constantly monitored, and proper checks must be applied when necessary. The government must place the highest priority on transparency and the disclosure of information, and it must respect the role of the media.

The International Covenant on Civil and Political Rights (ICCPR) Article 4(1) states that:

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Moreover, the Covenant also strictly prohibits restrictions of or derogations from fundamental human rights. Taking this into consideration, HRN requests the government and those who exercise authority to discharge their respective duties faithfully.

This statement is an English translation of the statement released in Japanese on 7 April 2020, available on our website at <https://hrn.or.jp/activity/17513>.