

REPORT TO THE HUMAN RIGHTS COMMITTEE  
ON THE ISSUE OF  
NATIONAL HUMAN RIGHTS INSTITUTIONS

For its consideration and adoption  
of the List of Issues to Japan  
by the Committee Task Force at 111st session

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## 1. BACKGROUND

Following the UPR review held on February 2012, the follow-up documents submitted by Japanese Government on March 2013 clearly stated that it would “establish the National Human Rights Institution in compliance with the Paris Principles.”

However, on their 2012 election promise, the Liberal Democratic Party declared that they “strongly oppose ‘the bill to establish the Human Rights Committee’ submitted by Democratic Party of Japan.” Instead, they intend to ‘develop the specific legislations depending on various human rights violation forms’ in order to conduct human rights remedies.

In fact, after receiving recommendations from the international human rights bodies regarding establishment of NHRI in Japan, the persons in charge of Civil Liberty’s Bureau (CLB) of Ministry of Justice (MOJ) stated, “Based on various arguments conducted so far, we have been discussing the NHRI issue in an appropriate manner,” and “we could not make any comments on its timeline.” They did not even mention if they have serious intention to establish an NHRI or not.

On May 10<sup>th</sup> 2013, the Minister of Justice told at the press conference regarding the so-called hate speech, “CLB has conducted various human rights enlightenment activities on human rights issues including the discrimination against foreigners”, “Nowadays words and deeds such as to ostracize foreigners got wide range of media attention and garner concern within the society”, and “We intend to conduct the enlightenment activities more actively to realize the nondiscriminatory society.” The statements suggested that MOJ would conduct only enlightenment activities by CLB.

## 2. JAPAN’S SITUATION ON NHRI

Considering these, the Japanese Government allegedly wants to leave the human rights related services to CLB only, and limit its functions to human rights enlightenment and handling of individual human rights violation cases. The CLB responds to the filings of more than 20,000 human rights violation cases annually, and 93% of those are classified as “support,” referring the relevant cases to other organizations including NGOs. They do not necessarily follow such cases after the referral, so it is uncertain if the cases were effectively resolved or not.

On the other hand, as the main program of the human rights enlightenment activities, CLB focuses on producing audio materials, posters or organizing lectures. These are not at all effective and far from substantial human rights educations that should make people properly understood what the human rights are. What’s more, the Civil Liberties Volunteers, the persons in charge to respond to the human rights violation filings, get involved in these activities on a voluntary basis. Most of them do not have any experiences on human rights protection. Any specialist trainings have not been held for them, lectures on human rights issues have been organized though.

Considering of all these, Civil Society Organizations have the opinion that the existing CLB should not be considered as the Paris Principle compliant

institution. That is, Japan does not have any specialist power nor are systematically guaranteed on human rights.

As stated in LDP's public pledge, the current administration intends to utilize the individual legislations for responding to the human rights violation cases rather than to respond the issues in a comprehensive manner by establishing an NHRI. LDP has long opposed an NHRI for the reasons that it's power is very strong, it would over-regulate the media coverage, it would restrict the right to freedom of expression, i.e. an NHRI might judge the criticism against a specific country (especially Democratic People's Republic of Korea) as human rights violation of its and relating people.

Also CLB is allegedly a responsible organization to conduct human rights enlightenment or respond the human rights violation filings, LDP wants to leave it as it is and they just want to change its name without making any substantial changes. However, when referred to the Paris Principles, it is incomprehensible to acknowledge the existing CLB as an NHRI unless you make substantial changes to it. Because the organization is one of the internal departments of MOJ, thus you can never expect that it would conduct thorough investigation on human rights violations done by other governmental agencies due to their sectionalism. The biggest problem is that CLB prioritizes the human rights enlightenment and handling of human rights violation filings. That is, it is not the organization to conduct the original functions defined in the Paris Principles, such as to make recommendation on human rights issues to the government or cooperate with the international human rights organizations.

CSOs consider CLB is obviously not in compliance with the Paris Principles because their functions do not include the critical ones defined for an NHRI. Also because CLB is one of the departments in MOJ, that clearly undermines its independence.

### **3. RECOMMENDATIONS**

- Clearly define in its founding statute that the main aim of the institution is to implement domestically international human rights standards.
- Clearly define in its founding statute that their functions include (1) to recommend Japanese Government or any other governmental agencies on human rights issues, and (2) to cooperate with the international human rights organizations, such as the United Nations, its Human Rights Bodies or other National Human Rights Institutions.
- Clearly position it as a separate organization from MOJ in order to make it a Paris Principle compliant NHRI.
- Entrust the organization with the power to handle the human rights violation cases conducted by the state, the local governments or the governmental agencies as well as the public figures such as politicians who bear the obligations to comply with the Constitution.