

HUMAN RIGHTS COMMITTEE

130th Session (12 Oct – 6 Nov 2020)

JAPAN

NGO Report

**Issue related to the Article 18-2 & 19-1
of the International Covenant on Civil and Political Rights**

Media Research and Policy Center Incorporated (MRPCI)

August 23, 2020

Media Research and Policy Center Incorporated (MRPCI)

www.mediken.or.jp

OYAMA Kazunobu

Representative

Address: Kureru-hirakawacho302,
2-6-15 Hirakawa-cho, Chiyoda-ku, Tokyo 101-0093 JAPAN

Telephone: +81 3 3261 2320 Fax: +81 3 2361 2325

Email: info@mediken.or.jp

Violation of the International Covenant on Civil and Political Rights by NHK Compulsory Reception Contract, Compulsory Collection of Reception Fees and Obstinate Anti-Japanese Biased Reporting

1. Relevant articles of the International Covenant on Civil and Political Rights

Article 18-2 No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Article 19-1 Everyone shall have the right to hold opinions without interference.

2. Summary

NHK, Nippon Hosō Kyōkai (Japan Broadcasting Corporation), is Japan's only public broadcaster.

On its website, NHK states:

“As a public broadcaster funded by fees received from TV viewers, NHK delivers a wide range of impartial, high-quality programs, both at home and abroad.”

In reality, however, NHK obstinately broadcasts anti-Japanese, biased stories and forces specific historical perspectives on viewers. In addition, a reception contract and reception fees paid to NHK are mandatory by Article 64ⁱ of the Broadcast Act. Thus, refusing to conclude a contract or pay the reception fees may lead to court action via a complaint from NHK, possibly resulting in being forced to conclude a contract and pay fees.

For satellite broadcasting, NHK currently implements a measure to identify those without a contract to restrict normal reception of broadcast signals (scrambled broadcasts). Although scrambling is also technically feasible for terrestrial broadcasting, NHK does not do this but instead continues to force reception contracts and payment of the reception fees.

NHK forcibly collects reception fees based on Article 64 of the Broadcast Act even from

those who do not wish to or do not watch their broadcasts. This violates consumers' freedom to make contracts and infringes upon the sovereignty of consumers. Instead of coercion, NHK should scramble their broadcasts, which is technically feasible.

3. Current situation

3-1. The Broadcast Act forcing the people to conclude a reception contract with NHK and pay the reception fees

Forced reception contracts and collection of reception fees by NHK are based on Article 64 of the Broadcast Act. The Tokyo District Court in August 2013 ruled in favor of NHK and further stated that scrambling is not necessary. Furthermore, Article 64 of the Broadcast Act, which forces contracts on individuals, was declared constitutional by the Supreme Court on December 6, 2017. This is unreasonable and is a violation of the rights of consumers and free market principles.

Viewers who do not wish to watch NHK should have the right to refuse to sign a contract with NHK and NHK can prevent viewers who do not pay fees from receiving broadcasts. Giving access to broadcasts only to those who pay the reception fees and want to watch NHK and not allow access to those who do not pay the fees and do not wish to watch NHK is a sound free market practice. Article 64 of the Broadcast Act, which does not grant freedom of contract to viewers, is in contradiction of the Constitution of Japan, which explicitly guarantees freedom of contract.

3-2. NHK's slanted coverage disqualifies it as a public broadcaster

In addition, NHK falsifies history and contradicts the facts. This is clearly in violation of Article 4ⁱⁱ of the Broadcast Act, which requires fairness in broadcasting. For example, in a show entitled "The 51st-Year War Responsibility," aired on May 20, 1996, reported that the Army ordered the traders to recruit comfort women even if it involved illegal means. However, the documents in reality wrote that the Army instructed strict surveillance over traders' illegal activities in the recruitment. Completely different story was reported in that program.

There are other cases in which NHK distorted facts and revealed its extremely biased

anti-Japanese historical view, including “ETV 2001 The Question of Wartime Sexual Violence,” aired on January 30, 2001, “Series Japan Debut - Asia's Number One Country” on April 5, 2009, and “World Wave” on July 2, 2013. There are many, many other programs that could be listed.

Currently, even those who are averse to such anti-Japanese, biased coverage and have chosen not to watch NHK are made to pay fees anyway through threat of legal punishment. Those who chose not to watch NHK are nonetheless extremely distressed because their fees are used to pay for anti-Japanese, biased shows and programs that ignore historical facts. The circumstances can only be described as a serious violation of human rights.

4. Conclusion and Recommendations

In order to resolve Japan's problem with NHK, we request the United Nations Human Rights Committee (CCPR) to issue the following recommendations, that the Japanese government should:

- 1) Revise the provisions of Article 64 of the Broadcast Act that compel Japanese into reception contracts and payment of reception fees to NHK;
- 2) Demand that NHK to change its reception fee system to one based on the rights of consumers and free market principles, where scrambled broadcasts are implemented and that contracts and fees are obtained only those who wish to view NHK;
- 3) Demand that NHK maintain neutrality objectivity and cover diverse points of views as a public broadcaster, without resorting to bias.

ⁱ The Broadcast Act

(Reception Contract and Reception Fees)

Article 64

(1) Persons installing reception equipment capable of receiving the broadcasts of NHK shall conclude a contract with NHK for the reception of the broadcasts; provided, however, that this shall not apply to those persons who have installed reception

equipment not intended for the reception of broadcasts or reception equipment only capable of receiving broadcasting limited to radio broadcasting (meaning broadcasting which transmits voices and other sounds and does not come under television broadcasting or multiple broadcasting; the same shall apply in Article 126, paragraph (1)) or multiple broadcasting.

- (2) NHK shall not exempt the reception fees to be collected from persons who have concluded a contract pursuant to the provision of the main text of the preceding paragraph unless the exemption is pursuant to the standards which have been approved by the Minister of Internal Affairs and Communications in advance.
- (3) NHK shall obtain authorization from the Minister of Internal Affairs and Communications in advance with regard to the terms of the contract set forth in paragraph (1). The same shall apply when making amendments thereto.

ii The Broadcast Act

Article 4

- (1) The broadcaster shall comply with the matters provided for in the following items when editing the broadcast programs of domestic broadcasting or domestic and international broadcasting (hereinafter referred to as “domestic broadcasting, etc.”):
- (i) It shall not harm public safety or good morals;
- (ii) It shall be politically fair.
- (iii) Its reporting shall not distort the facts;
- (iv) It shall clarify the points at issue from as many angles as possible where there are conflicting opinions concerning an issue.