



# General Assembly

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## Human Rights Council

### Forty-first session

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Note verbale dated 6 June 2019 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of Japan to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to request that the present note verbale and the comments of the Government of Japan on the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, in follow-up to the official visits undertaken by the mandate holder (A/HRC/41/35/Add.2) (see annex),\* be issued as a document of the forty-first session of the Human Rights Council under agenda item 3.

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\* Reproduced as received, in the language of submission only.



**Annex to the note verbale dated 6 June 2019 from the  
Permanent Mission of Japan to the United Nations Office at  
Geneva addressed to the Office of the United Nations High  
Commissioner for Human Rights**

**Comments by the Government of Japan on the draft follow-up report  
on the country visits of the Special Rapporteur on the promotion and  
protection of the right to freedom of opinion and expression**

Mr. David Kaye, the Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression, provided the Government of Japan (GoJ) with his draft report as a follow-up to his mission to Japan in April 2016. The GoJ is informed that the report will be submitted to the 41st session of the Human Rights Council.

At the outset, the GoJ would like to reiterate that freedom of expression, including media independence, is fully guaranteed in Japan by Article 21 of the Constitution. The GoJ has consistently upheld fundamental values such as basic human rights, democracy, and freedom, including freedom of expression, and has made ceaseless efforts to achieve such values. In fact, the GoJ has explained to the SR its system and policies on various occasions.

The GoJ understands that the SR expresses his personal views on the situation of freedom of expression in Japan in his draft report.

Nonetheless, the GoJ finds that the views expressed in the draft report are unacceptable, as many of the descriptions continue to be based on incorrect and groundless allegations on the situation in Japan, as is the case in the report of the SR on his mission to Japan (A/HRC/35/22/Add.1). Moreover, the draft report does not reflect facts and positions repeatedly explained to the SR by the GoJ thus far. It is regrettable that the SR made a report which includes much incorrect and groundless content. The GoJ requests that the SR show specific evidence to substantiate his claims in his draft report.

As for relevant facts and the position of the GoJ with regard to the draft report, the GoJ requests that the SR refer to the explanations that the GoJ has repeatedly provided to the SR, including the comments by the GoJ on the report of the SR on his mission to Japan in 2016 (A/HRC/35/22/Add.5).

Taking this opportunity, the GoJ would like to underscore that it has not received any response to its questions and request for comments on the reliability of information concerning the alleged case mentioned by the SR in his Communication submitted through the Permanent Mission of Japan to the International Organizations in Geneva in September 2018 (AL JPN7/2018). The GoJ understands that the SR is mandated to seek and receive credible information from Governments, non-governmental organizations, and any other parties who have knowledge of the cases mentioned in his reports. The GoJ requests that the SR once again promptly respond to its questions.