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ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 August 2006]

* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/_ , under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/_ as of 19 June 2006.

** This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Title: We denounce the Japanese Government's position ignoring UN Human Rights Conventions

1. Profile of the Japanese Workers' Committee for Human Rights

The Japanese Workers' Committee for Human Rights was founded in 1993 and has sent 15 delegations to UN Sub-Commission for the Protection and Promotion of Human Rights in order to protect and promote Human Rights in Japan. The delegations delivered each time the document called "People's Voices from Japan." The Japanese Workers' Committee for Human Rights was granted with the special consultative status in February 2004. The Committee submits a written statement for the 58th Session of the UN Sub-Commission for the Protection and Promotion of Human Rights.

2. The Japanese Government Should Ratify the Optional Protocol

Japanese government ratified the International Covenant on Civil and Political Rights (ICCPR) in 1979, but has not yet ratified the Optional Protocol which assures the efficiency of the Covenant. The Japanese Government says that the Government does not ratify the Protocol because there are the risks of damaging the judicial independence, of arbitrary petitions, and of an anticipatory difficulty for capital punishment. We think these are not the acceptable reasons.

The Ministry of Foreign Affairs has been examining the cases together with the Ministry of Justice if there should be any problems related to domestic laws since 2001. The Ministry is now studying the cases with other ministries. However, the Ministry of Foreign Affairs does not indicate any intention of ratification.

The Ministry of Foreign Affairs has not yet started the discussions on ratifying the Optional Protocol to the Convention on the Elimination of Discrimination against Women and also the Optional Protocol to the Convention against Torture.

We demand that the Japanese Government should begin procedures for ratifying these Protocols.

3. The Japanese Government Neglects Submitting Convention-based Reports

The Japanese Government does not observe the time limits indicated in the conventions and concluding observations. The report by the state parties on the International Covenant on Civil and Political Rights was due in December in 2002. After four years delay the Government still does not clarify when it is going to submit the report, saying that they are making the final check now.

The Government ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1999. The Government was requested to submit the report within a year, but it submitted the report in December in 2005 after 6 years' delay.

As for the International Covenant on Economic, Social and Cultural Rights, the Government must submit the second annual report by 30th of June 2006. The Government, however, is still on the start of examining the content. It may take several years to finish the report according to the past cases.

It is quite serious that the Japanese Government, now the new Council Member State, neglects its fundamental duties as submitting reports within due time. The qualification of the Council Member must be questioned. The Government also does not discuss with NGOs in making reports. It only calls 30 NGOs together and lets them make comments for three minutes each.

4. Reservations on Ratification

The Japanese Government made several reservations upon ratification of the International Covenant on Civil and Political Rights in 1979. The Japanese Government made reservations on article 7, sub-paragraph (d), article 8, sub-paragraph (d), and article 13, paragraph 2, sub-paragraph (b) (e) (c). The reservation also includes article 8, paragraph 2.

The reasons of the reservations are various, and the Government leaves the reservations unattended without examining them.

About the progressing introduction of free higher education, only Japan, Rwanda and Madagascar reserve this. One of the biggest economic powers, Japan, has no reason to stay reserving this. In Japan, yearly school fees of universities amount to 800 thousand yen (US\$6,400) in average. Besides bearing tuitions fee, students must also pay 200 thousand yen (US\$1,600) as entrance fee and 200 thousand yen (US\$1600) as equipment fees in the first year. The total school expenses for 4 years education exceeds 4 million yen (US\$32,000). Housing expenses are also big except for those staying with their parents. Therefore, many students are obliged to work for living.

The Japanese Government does not publish the process and the result of its examination on canceling the reservations of Human Rights Covenants. These reservations restrict human rights of the people and also the international responsibilities. Consequently, the Government simply neglects the international norms without showing the reasons. The Government should examine these reserved articles and cancel the reservations immediately.

5. The Japanese Government Should Work on the Issues to Protect and Recover Human Rights

There exist many issues that the Japanese Government must examine in order to realize Human Rights Covenants. Please find hereunder the issues of this kind on which we have reported to the UN Commission on Human Rights.

In HORIKOSHI case, a government employee was arrested and convicted because he distributed tracts of a political party. He was prosecuted for a crime of expressing his political idea which is not allowed for civil servants. He did it on his holidays and in the area quite separate from his workplace, but the security police arrested him after illegal investigation such as a long term shadowing, wiretapping and taking pictures stealthily.

Tract distribution by individuals is now restrained and oppressed for various reasons. Individuals or organizations without sufficient resources cannot make use of the mass media. For them, tract distribution in the streets and to the letterboxes is the most convenient means to express their ideas. However, the Japanese Police and Courts now consider this kind of action as a crime and there are many cases of prosecution.

Let us cite other instances. In OISHI case, an incumbent member of the municipal assembly was arrested and prosecuted for a violation of the election law simply because he distributed his assembly reports. In ARAKAWA case, a person who entered an apartment house without any front gate to distribute tracts was arrested and prosecuted for a crime of trespass. These instances show a tendency to limit freedom of expression and to oppress free political activities.

The wartime victim compensation issues have been taken up in the yearly UN Commission on Human Rights and its Sub-Commission. But there are numerous issues not yet resolved such as the cases of war-time comfort women, of relocation and labor enforced on Chinese and Korean people, of abandoned poison gas weapons, and of massacre during war.

Human Rights are neglected more and more in the workplaces under the influence of commercialism. It is reported that there are many cases of labor rights infringement, of discrimination of various sorts, of unjust dismissal, and of KAROSHI or death from overwork.

The victims of unjust police investigation and false charges are still suffering from the serious violation of the Human Rights. There exists the retrial system, but the gate is extremely narrow in actuality and it scarcely recovers the rights of innocent people. Under these circumstances, we believe it is significant to ratify the Optional Protocols to the ICCPR which ensure anyone to ask for a relief.

6. The Position of Japanese Workers' Committee for Human Rights

We demand the Japanese Government to take more account of the communication with NGOs in order to cooperate with them for the resolution of Human Rights issues in Japan.

We demand the Government to respect UN Human Rights bodies and continue submitting reports on the situation in Japan, and to reinforce its effort to establish Human Rights as the fundamental rights for everyone.

We expect the newly founded Human Rights Council will exercise strong leadership to realize the Human Rights Covenants making much of the cooperation with NGOs.

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