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Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Follow-up Report on Country Visits

Call for Submissions

Japan

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression will present a follow-up report pursuant to country visits conducted under the auspices of the mandate. He will examine the impact of country visits on the promotion, protection, fulfilment and overall enjoyment of the right in five selected countries. He will analyse the level of implementation of recommendations made following the visits, and consider any other developments impacting upon the rights which may have occurred since the visit was completed. The findings will be presented at the 41st session of the Human Rights Council in June 2019. For more information, please see the concept note attached.

In order to facilitate the preparation of the report the Special Rapporteur would welcome information from States and relevant stakeholders in response to the questions below, based primarily on recommendations made in the country visit report.

Please provide responses in the table below. We hope to receive your submission no later than 22 February 2019 to freedex@ohchr.org with “Submission to the follow-up study on country visits of the Special Rapporteur on the right to freedom of opinion and expression” as the title of the email.

I only answered 4 questions regarding media. I also prepared attachment of related documents. Please find them. Thank you
Sanae Fujita

On the implementation of recommendations made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression following the visit of the Mandate Holder to Japan

Has the Government initiated a review of the legal framework governing broadcast media in Japan? In particular, have any changes been made concerning article 4 of the Broadcast Act?

(See: A/HRC/35/22/Add.1 para 65)

No improvement was made. As for article 4, in 2018, Prime Minister Abe wanted to remove fairness cloth not because of recommendation by the Special Rapporteur but because he believes that by removing the clause, TV programs can be more pro- Government and he can control them. However, academia, civil society and media related people protested against it strongly, and as of February 2019, his proposal is not on the table any more.

In the UPR of Japan (November 2017), four countries made a recommendation to amend Broadcast Act for improvement of independence of media, but the Japanese Government rejected this recommendation. Therefore the Japanese Government has no intention to amend the Broadcast Act by following UN recommendations.

Limit: 500 words

Has the Government taken steps towards the development of an independent regulator of broadcast media? If so, at what stage is this process?

(See: A/HRC/35/22/Add.1 para 65)

NO

Limit: 500 words

Has the Government expressed public support for journalists and investigative reporters? Have threats and intimidation against such persons been denounced?

(See: A/HRC/35/22/Add.1 para 66)

Government has not made any progress. As for indirect threat and intimidation to journalists, I like to draw your attention to Japan Times (JT) issue. JT is one of the most liberal newspapers in Japan, and a useful and important source about Japan for non-Japanese readers. Since this paper has been critical to the Japanese Government, pro-Government people and groups take a hostile view of it. After the ownership of JT was changed in 2017, contributors to a column who are critical to the Government were dropped. Moreover, in November 2018, the editorial note was circulated in JT indicating that “forced” should be removed from the term of wartime forced labour from Korea, or wartime comfort women. Pressure and harassment to journalists and media which covered comfort women were investigated by the Special Rapporteur during his country visit to Japan. The similar structure can be found in the JT’s case.

Direct interference by the Government is denied by both Hiroyasu Mizuno (the new executive editor of the Japan Times) and the Chief Cabinet. However, some journalists of JT and others pointed out the Mr Mizuno’s relationship with individuals who are close to Nippon Kaigi (the Japan Conference) which is Japan’s most powerful right wing lobby. Prime Minister Shinzo Abe and other ministers of the Abe cabinet are also member of this group.

For more detail, please have a look at articles below.

"INSIGHT-Fear and favour chill newsroom at storied Japanese paper"

<https://www.reuters.com/article/japan-politics-newsroom/insight-fear-and-favour-chill-newsroom-at-storied-japanese-paper-idUSL1N1YW01J>

"Reinventing the Japan Times: How Japan's oldest English-Language newspaper tacked right"

<https://apjif.org/2019/03/McNeill.html>

Limit: 500 words

Have either public or private broadcast and print media groups taken steps to prevent direct or indirect pressure on their editorial activities and their journalists? Have any steps to support journalists investigating and reporting on controversial topics been taken?

(See: A/HRC/35/22/Add.1 para 67)

In response to the Special Rapporteur's recommendation to strengthen network and solidarity among journalists of different media companies, a small number of journalists organised study meetings and talk events as a kick off to strengthen such network. I was invited to give talk in such occasion several times and have been involved in the discussion with them regularly. Mr Akira Minami from Asahi Shinbun (Asahi Newspaper) is one of these journalists who take seriously the Special Rapporteur's recommendation. In September 2018, he was appointed to be a president of Japan Federation of Newspaper Workers' Unions (Shimbunroren) for two years. He is willing to strengthen the network to resist pressure. I have been assisting his initiative and introduced him and his colleagues to international experts such as RSF and Mr William Horsley.

On 28 December 2018, Chief cabinet office sent a letter to Tokyo shinbun (Tokyo Newspaper) regarding questions by Ms Mochizuki at chief cabinet's press conference. Ms Mochizuki is a reporter of Tokyo shinbun (and recently contacted Special Rapporteur for information gathering to write an article).

She is well known as a reporter who asks questions which are not convenient to the Government to the Chief Cabinet, Mr Suga. In Japan, such journalists are unusual.

(As for back ground, please refer "The Mochizuki Incident" section of my short article <http://www.cfom.org.uk/2018/10/28/japans-blurred-vision-of-media-freedom/>).

Shinbunroren clearly condemned the letter from the cabinet office regarding Ms Mochizuki. Academics and lawyers also published statements. (The letter from the cabinet secretariat and statements by Shinbunroren and academics are attached.)

According to Mr Minami, although Shinbunroren expressed its stance in the statement, functioning system should be produced to resist pressure and protect journalists.

When Ms Mochizuki asks questions at press conference, the Cabinet secretariat disturbs every 10 seconds by saying "Please ask short question" "Please be brief" etc. He does not say anything to other reporters when they ask questions even if questions are longer.

Kisyu Club has not taken any action to prevent such interruption.

Mr Suga often gives short shrift to Ms Mochizuki's questions telling "I am not responsible to answer this question." "Ask someone else" etc. Such attitude of Government official is clearly a problem. Moreover, no action to condemn such attitude was taken by Kisyu Club or reporters of other companies was taken, and this is another serious problem.



Limit: 750 words

Have changes been made to the kishachub system, in particular in an attempt to broaden its membership?

(See: A/HRC/35/22/Add.1 para 68)

No. Not under the Abergime.

Limit: 500 words

Has the Government made efforts to ensure full transparency in the elaboration of public school curricula and the safeguarding of the Textbook Council from Government influence?

(See: A/HRC/35/22/Add.1 para 69)

Limit: 500 words

Has the Government requested a visit of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence?

(See: A/HRC/35/22/Add.1 para 70)

Limit: 500 words

Have steps been taken towards revising the Public Office Election Act and in particular provisions imposing disproportionate restrictions on political campaigning?

(See: A/HRC/35/22/Add.1 para 71)



Limit: 500 words

Have any efforts been made by public authorities, including law enforcement authorities, to enable the enjoyment of the right to freedom of assembly?

(See: A/HRC/35/22/Add.1 para 72)

Limit: 500 words

Have any amendments to the Act on the Protection of Specially Designated Secrets been initiated, in particular concerning the application of penalties outlined in article 25 to journalists, and an exemption in the Act guaranteeing that no individual shall be punished for disclosing information of public interest that does not harm national security?

(See: A/HRC/35/22/Add.1 para 74)

Limit: 500 words

Has an oversight board equipped with experts been put in place to ensure Government accountability in relation to the application of the Act on the Protection of Specially Designated Secrets? If so, what have been its success and what challenges has it faced?

(See: A/HRC/35/22/Add.1 para 77)

Limit: 500 words

Have any legislative steps been taken towards the adoption of a broad anti-discrimination law? If so, at what stage is this process?

(See: A/HRC/35/22/Add.1 para 78)



Limit: 500 words

Has any new legislation been enacted concerning surveillance of communications? If so, what has been done to ensure that any such laws adhere to the principle of non-discrimination, are permitted only in the most exceptional circumstances, and are subject to independent judicial oversight?

(See: A/HRC/35/22/Add.1 para 81)

Limit: 500 words

Have any further laws, regulations, policies, administrative decisions or other measures affecting the right to freedom of opinion and expression been implemented following the Special Rapporteur's visit?

Limit: 1,000 words

Is there any relevant additional information you would wish to add?

Limit: 500 words