

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

IMADR Oral Statement: 35th session of the Human Rights Council

Item 3: Interactive Dialogue with the Special Rapporteur on the right to freedom of opinion and expression

12 June 2017

Speaker: Taisuke KOMATSU

Thank you Mr. President,

We welcome the Special Rapporteur's country visit report and endorse his recommendations to the Government of Japan. Although we acknowledge the Government's positive step in facilitating his visit, it is regrettable that the Government has failed to consider his recommendations constructively. We are concerned by the Government's lengthy comments to the report which sought to influence his careful and independent observations on Japan's compliance with international human rights law. The 17-pages response rather endorses the concerns on the lack of political will to protect and promote freedom of expression and opinion for society as a whole.

We echo the Special Rapporteur's concerns on disproportionate restrictions on protest activity in Okinawa. We again regret that the Government of Japan has categorically rejected his concerns without providing sufficient objective information. Civil society organisations have documented a number of misconducts of police forces against non-violent protestors. For example, in Takae, we identified that out of 14 arrests of protestors between July and November 2016, the court approved the custody request for prosecution for only 8 cases, equivalent to 57%¹. Comparing with the national average detention rate of criminal offence is 90%, this low rate in Okinawa indicates the misuse of police power against protest activity. In this light, we call upon the Government to adopt measures to implement the Special Rapporteur's recommendation on public demonstrations in Okinawa including transmitting it to the National Police Agency.

Last but not least, we express concerns that the Government repeatedly made comparisons with other countries including the United Kingdom and France in its written comments to the report. Protection of human rights is not a matter of comparison but universal obligations which every country is bound by. We urge the Government of Japan to reconsider its position on the Special Rapporteur's report and take necessary measures to implement the recommendations in cooperation with all stakeholders.

Thank you Mr. President.

¹ IMADR and All Okinawa Council for Human Rights (3 February 2017), *Silencing the Voices of Okinawans*, page 2, available at: http://imadr.org/wordpress/wp-content/uploads/2017/02/Joint-report_Silencing_the_Voices_of_Okinawans_3FEB2017.pdf