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Japan: No advance on human rights

"The government of Japan must move on from putting pen to paper on human rights and improve human rights protection at home and in the region," Amnesty International's Secretary General Pierre Sane said at the conclusion of his five-day mission in Tokyo.

A delegation from Amnesty International's International Secretariat in London met with government officials, political parties, trade union activists, lawyers and human rights victims.

Death Penalty

A majority of the world's countries have stopped executing people. In Japan over 100 people are on death row and 52 of those could be killed by the state at a moment's notice. Only last week three prisoners, who each spent over ten years on death row, were executed in secret and without warning.

After meetings with the delegation, the Socialist Democratic Party, the Komeito Party, the Japanese Communist Party and Rengo (Japan Trade Union Confederation), all agreed to encourage public debate on the death penalty.

"Ultimately we want to see the death penalty eliminated from the law books," the Secretary General said.

Torture and ill-treatment

Secrecy also prevails in detention facilities where Amnesty International has concerns about torture and ill-treatment.

All detention facilities in the country operate extremely strict regimes with inmates forced to comply with arbitrary rules rigorously enforced by staff. Prisoners are often not allowed to talk with each other or even make eye contact. Punishment for flouting these rules includes being made to sit in the same position for hours at a time, sometimes over several months, and not being allowed to wash or exercise.

Some penal institutions still hold prisoners in a "protection cell" or hogobo as means of punishment. Inmates are held in metal or leather handcuffs, forced to eat like an animal, and to excrete through a hole cut in their pants. Such treatment is cruel, inhuman and degrading and must be stopped.

Hoshino Akiko's husband Hoshino Fumiaki is a political prisoner serving a life sentence for a murder he says he didn't commit. She told the delegation that he has been held in a hogobo twice - once for washing his foot after stepping on a cockroach. He is only allowed to write twice a month, is not allowed to make phone calls or keep a photo. Hoshino Akiko is not allowed to even touch her husband's hand when she visits him.

The Daiyo Kangoku system allows police to hold and interrogate suspects for upto 23 days despite the fact that there is a clear correlation between incommunicado detention and torture. The Japanese government should reform the Daiyo Kangoku system to ensure that detainees are given access to families, legal counsel and medical personnel if needed. Amnesty International regrets that recent revisions to the juvenile law did not include a ban on detaining

children in this system.

"There is a very real chance to end torture and ill-treatment in Japan, it simply takes political will. The government can start by publicly condemning torture, ordering investigations into all allegations of torture and ill-treatment and bringing perpetrators to justice."

The government should order adherence to a code of conduct which conforms with international standards and there should be an independent complaints mechanism.

No safe haven for refugees

Although Japan is a party to the Refugee Convention, it accepts a dismally low number of asylum-seekers. Between 1994 and 1997 only one out of 516 asylum-seekers was granted refugee status. An unknown number of asylum-seekers are held in "landing prevention facilities" at airports and ports. Many of these people are deported before they even have the chance to apply for asylum and could be returned to face human rights violations in the country from which they fled.

Zaw Min Htut, an ethnic Rohingya, fled torture and persecution in Myanmar only to face detention in Japan. He said that in 1998, he was detained in a small room at Narita airport for two months where he said he had to buy his own food and was only allowed to shower once a week. He was transferred to an immigration centre for a further nine months. He told the delegation:

"What did I do wrong in Japan...they kept me for a long time. We are not criminals. We just want temporary shelter until we can return to Burma to see our families."

He said that at Narita airport he shared his small room with five Tamil men who were denied asylum and sent back to Sri Lanka.

Zaw Min Htut has been denied refugee status in Japan but it seems that no explanation has been given for the decision. His second appeal is pending.

The International Criminal Court

Japan is a state party to most of the international treaties for human rights protection. At the United Nations in October, a government representative publicly declared support for the International Criminal Court. Although the deadline for signing up to this treaty is 31 December 2000, the government has yet to translate this support into action.

Japan and the region

"Japanese businesses have a long way to go in recognizing that their significant power is inescapably linked to human rights and responsibilities and that they should promote and protect human rights wherever they go," Pierre Sane said.

"The government too should include human rights in all elements of its foreign affairs; as a major aid donor, foreign investor, and peacekeeper. Regional security and prosperity depends on it."

"In the area of human rights, Japan must do more. Amnesty International has been raising the same human rights concerns in Japan for years. Such change is long overdue," Pierre Sane said.

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