

AI INDEX: ASA 22/14/98
9 NOVEMBER 1998

Japan complacent over human rights -- government must implement UN Human Rights Committee's recommendations

The Japanese government has once again made inadequate responses to concerns raised by the UN Human Rights Committee (HRC), Amnesty International said today, while welcoming the HRC's concluding observations based on its review of Japan's human rights record.

Following its examination of Japan's Fourth Periodic Report under the International Covenant on Civil and Political Rights (ICCPR) on 28-29 October, the HRC stated with regret that Japan had failed to implement the recommendations issued after its consideration of Japan's last report in 1993. It called for the establishment of seminars and colloquia to train judges, prosecutors and administrative officers in human rights and urged Japan to set up independent institutional mechanisms for investigating complaints of violations of human rights.

"The Japanese government failed to convince the HRC that Japan is fulfilling its obligations under the ICCPR, and appeared unwilling to make any fundamental changes to its laws and practices. It sidestepped key concerns of the HRC and responded with formalistic arguments and complacent excuses. The government must adopt a more constructive attitude and institute reforms", the organization added.

During the two-day hearing in Geneva, the HRC challenged Japan over a variety of human rights issues, including the application of the death penalty, the imposition of harsh discipline in prisons, the interrogation of police suspects, the use of handcuffs and solitary confinement inside immigration detention centres and the detention of asylum seekers.

On the question of the death penalty, the HRC stated that it was gravely concerned that the number of crimes punishable by the death penalty had not been reduced. It recommended that Japan take measures towards the abolition of the death penalty. The HRC also expressed serious concern about the conditions under which persons are held on death row. It recommended that conditions of detention be 'made humane' in accordance with articles 7 and 10 of the ICCPR.

"In 1993, the Japanese government showed its contempt for the HRC and international human rights standards by executing three prisoners only a few weeks after the end of the HRC session. We hope this will not be repeated and that the government will respond constructively to the committee's findings," Amnesty International said.

In response to NGO concerns over the secrecy surrounding executions, the Minister of Justice recently announced that he would adopt a new practice of making a public announcement after an execution has been carried out. "This is a tiny concession and fails to address the real

issues surrounding the application of the death penalty in Japan”, Amnesty International said.

Cases of torture and ill-treatment brought to the HRC’s attention by domestic and international non-governmental organizations were rejected by the Japanese government as one-sided, unsubstantiated, and untrue. “The government’s complacency on these issues is astounding,” Amnesty International said. “We are talking about real individuals all over Japan who claim to have suffered severe ill-treatment at the hands of the state, but the government seems to think they are lying and that no reforms are necessary”.

With regard to police detention, the HRC expressed ‘deep concern’ over Japan’s substitute prison system which enables the police to detain suspects for up to 23 days without charge. It criticised the length of pre-trial detention, the lack of an entitlement to bail for suspects and the lack of state-appointed counsel to advise suspects, particularly during police interrogation. It called for the strict monitoring and electronic recording of police interrogations. The HRC also recommended the establishment of an independent body to investigate complaints of ill-treatment by police and immigration detention officials and provide redress to victims.

During the hearing, the HRC pointed to internal rules in Fuchu Prison which prevented conversation and eye contact between prisoners. The government was challenged over these rules on the grounds that they violate a number of provisions in the ICCPR. The government’s response was to distribute glossy brochures apparently showing that the majority of prisoners in Japan do not believe prison rules are too harsh.

In its concluding observations, the HRC registered ‘deep concern’ about many aspects of the prison system in Japan. These included: harsh rules of conduct that restrict the fundamental rights of prisoners, the use of harsh punitive measures including frequent resort to solitary confinement, the lack of a credible system for investigating complaints, and the frequent use of protective measures, such as leather handcuffs, that may constitute cruel and inhuman treatment.

The HRC also raised concerns about conditions of detention for those held in immigration detention centres in Japan. It highlighted allegations of violence and sexual harassment of immigration detainees and the use of handcuffs and detention in isolated rooms. It observed that persons held in detention may remain there for periods of months or even years and recommended a review of conditions of detention with a view to bringing the situation into compliance with articles 7 and 9 of the ICCPR.
ENDS.../

*******For further information or to arrange an interview, please phone Amnesty International Press Office on +44 171 4135566**