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Dear Prime Minister

### **OPEN LETTER TO THE PRIME MINISTER OF JAPAN**

On behalf of Amnesty International we would like to congratulate you on your recent election. Amnesty International welcomes the opportunity to raise our concerns regarding human rights in Japan with you and your new government. During your tenure as Prime Minister, we urge you to make the promotion and protection of human rights a priority for your government.

#### **INTERNATIONAL DEVELOPMENT ASSISTANCE AND HUMAN RIGHTS**

Japan has taken a leading role in promoting the concept of human security, which brings together human rights and humanitarian action to improve the situation of people around the world. The Japanese government has been played a leading role in post-conflict reconstruction and humanitarian aid in Timor-Leste and Afghanistan. In Sri Lanka, Myanmar, Cambodia, and Paraguay, Japan is one of the largest bilateral donors. The provision of international development assistance should advance the promotion and protection of human rights and also ensure that development assistance resources do not contribute to the perpetration of human rights violations. The government of Japan pledged in its 2008 candidacy for membership on the UN Human Rights Council to engage in bilateral dialogues to promote and protect human rights and to support this work through projects that foster democratic governance, empower women and provide education. However, Amnesty International believes Japan should be doing more to speak out for human rights in many countries where it provides international development assistance.

In Sri Lanka nearly a quarter of a million people remain detained and under military guard in crowded, unsanitary conditions. The camps for the displaced, which should only serve to provide emergency assistance to people uprooted by conflict, have become places of mass arbitrary detention, violating the rights of persons residing in camps to liberty and freedom of movement, and denying them access to legal safeguards and redress for violations they may have suffered. In Myanmar, more than 2,200 political prisoners are behind bars, including Daw Aung San Suu Kyi, and as such are denied the right to a fair trial and to take part in the country's political development process. The Cambodian Government has consistently failed to guarantee the right to adequate housing and to protect its population against forced evictions. In 2008 alone, Amnesty International received reports about 27 forced evictions, affecting an estimated 23,000 people in Cambodia. The Paraguayan government has failed to comply with the main orders of two legally binding judgements by the Inter-American Court of Human Rights, which require it to return traditional land to the Yakye Axa and Sawhoyamaya indigenous communities. Without their land these communities are forced to survive living in deplorable conditions at the side of a road with severely limited access to water, sanitation, healthcare, education and other services.

Amnesty International calls on your government to:

- Take a robust stance, in its policy on international development assistance, on speaking out against human rights abuses and to use its political and economic influence to support international calls to respect international human rights law and bring perpetrators responsible for human rights abuses to justice.

#### DEATH PENALTY AND THE *DAIYO KANGOKU* SYSTEM

Amnesty International opposes the death penalty in all cases and considers it a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. On 10 September 2009, we published the report “*Hanging by a Thread: mental health and the death penalty in Japan*”, which shows that Japan is failing to effectively prevent the imposition of death sentences on, and the execution of, mentally ill prisoners, in breach of both national and international law (a copy of this report is enclosed).

The application of the death penalty in Japan is closely linked to the *daiyo kangoku* (substitute prison) system. The Japanese justice system relies heavily on confessions, which are typically obtained while a suspect is held under the *daiyo kangoku* system. Amnesty International believes this system is routinely used to obtain ‘confessions’ through torture and other forms of ill-treatment including beatings, intimidation, sleep deprivation, and long periods of interrogation without breaks. The potential for violations under this system is compounded by the lack of effective access to legal counsel. Amnesty International welcomes the Democratic Party’s stated intention in its manifesto to introduce electronic recordings during interrogations.

Amnesty International calls on your government to:

- Act immediately to abolish the *daiyo kangoku* system or bring it in line with international standards, and implement safeguards such as prompt and unhindered access to legal counsel as well as electronic recording of all interrogations.
- Initiate an immediate review of the use of the death penalty, and pending the outcome of the review, establish an immediate moratorium on executions and commute all death sentences.

#### JUSTICE FOR SURVIVORS OF JAPAN’S MILITARY SEXUAL SLAVERY SYSTEM

To date the government of Japan has failed to adequately acknowledge and apologize for the system of forced military sexual slavery under the Japanese Imperial Army before and during World War II. The Japanese military preyed on women and girls who, because of age, poverty, class, family status, education, nationality or ethnicity were most susceptible to being deceived and trapped into the sexual slavery system. Women drafted into military sexual slavery, ‘comfort women’, have suffered from physical and mental ill-health, isolation, shame and often extreme poverty as a result of their enslavement. Compensation offered by the government of Japan has failed to meet international standards. The continued denial of justice prolongs the humiliation and suffering of these women, which Amnesty International considers to be a serious and on-going human rights violation.

Over the past three years, the USA, Canada, the Netherlands, South Korea, Taiwan and the European Parliament, which represents the 27 member states of the EU, have all passed resolutions calling on the government of Japan to provide justice for these women. In Japan the city councils of Takarazuka, Kiyose, Sapporo, Fukuoka, Mino-o, Kyo-Tanabe, Koganei, Mitaka and Ikoma have all called on the government of Japan to resolve this issue. Six of these city council resolutions passed in 2009 with the most recent being passed in Ikoma City Council, Nara Prefecture, on 10 September. UN Treaty Bodies including the Human Rights Committee, the Committee Against Torture and most recently the Committee for the Elimination of All Forms of Discrimination against Women in August 2009 have all called on the government of Japan to provide justice to the survivors of Japan’s military sexual slavery system.

Amnesty International calls on your government to:

- Accept full responsibility, including legal responsibility, and apologize unreservedly for the ‘comfort women’ system in a way that publicly acknowledges the harm that these women have suffered and restores dignity to the survivors.

- Provide adequate and effective compensation to survivors and their immediate families directly from the government.

#### REFUGEE AND ASYLUM SEEKERS

The number of asylum-seekers recognized as being in need of international protection is low relative to the number of applications in Japan. In 2008, 1,599 people sought international protection in Japan, 57 applications were accepted and a further 360 people were granted permission for residence on humanitarian grounds. Amnesty International is concerned that the refugee status determination procedure can take up to a decade to result in a final decision on a claim and that there are insufficient guarantees of access to an effective appeal of asylum decisions.

Amnesty International calls on the government of Japan to:

- Ensure that decisions for recognizing a need for international protection are made by an independent and specialised body with relevant expertise in areas of international refugee law and human rights law and has knowledge of the asylum-seeker's country of origin.

#### NATIONAL HUMAN RIGHTS INSTITUTION

Amnesty International is concerned that Japan has no independent national human rights institution that fulfils the requirements of the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles). The existing human rights office is a dependency of the Ministry of Justice which is also responsible for prisons, detention centres and immigration centres. Amnesty International believes this arrangement undermines the authority of the human rights office to speak out on human rights concerns in the country without fear of censorship. During the UN Universal Periodic Review in May 2008, the UN Human Rights Council recommended the government of Japan establish a human rights institution in accordance with the Paris Principles as soon as possible. Japan has responded by agreeing to "follow up" on the recommendation.

Amnesty International calls on the government of Japan to:

- Implement, as a matter of urgency, the recommendation to establish a National Human Rights Institution, which fulfils the requirements of the Paris Principles.

We call on you and your government to give high priority to the promotion and protection of human rights and I would welcome the opportunity to discuss the issues mentioned in this letter in further detail.

Yours sincerely

For Irene Khan, Secretary General