



ASSOCIATION INTERNATIONALE DES JURISTES DEMOCRATES
INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS
ASOCIACION INTERNACIONAL DE JURISTAS DEMOCRATAS
МЕЖДУНАРОДНАЯ АССОЦИАЦИЯ ЮРИСТОВ ДЕМОКРАТОВ
國際民主法律家協會
رابطة الحقوقيين الديمقراطيين العالمية

General Assembly

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Human Rights Council

35th Session

item 4 – Situations that require the attention of the Council

The International Association of Democratic Lawyer (IADL) calls the attention of the Council on the negative human rights impact of the controversial “Conspiracy Bill” adopted by the Japanese Diet on June 15th 2017.

The bill was passed, amid widespread protests, by resorting to an extraordinary tactic of bypassing committee-level approval that normally precedes a vote by the full house, undermining the promotion of an adequate parliamentary debate on such sensitive issue.

The government argued that the adoption of such legislation was needed to adapt national legislation to the UN Convention on Transnational Organized Crime and to bolster counter-terrorism precautions ahead of the 2020 Tokyo Olympics. Under the bill, terrorist groups or other organized criminal groups could be punished for the planning or preparatory actions of 277 crimes ranging from arson to copyright violation.

Well founded arguments by legal experts have been raised on the pertinence and necessity of such additional legislation. Moreover, as remarked by the UN Special Rapporteur on Right to Privacy Joseph Cannatacci in a letter sent to the Japanese government on May 18th 2017, due its broad scope, the bill could “lead to undue restrictions to the rights to privacy and to freedom of expression.” And the vagueness in the definition of “organized criminal group” could create the opportunity for legitimizing the surveillance of NGOs working in sensitive areas for national security.

Instead of addressing the Special Rapporteur's legitimate concerns, the government dismissed them as “clearly inappropriate”. Prime Minister Shinzo Abe openly blasted Cannatacci’s assessment as “extremely unbalanced” and said his behavior was “hardly that of an objective expert”. Such offensive remarks demonstrate Japan's significant contempt for UN Special Procedures system and should not be tolerated, especially when they come from a member of this Council that should be encouraging respect for human rights by all other UN member states.

IADL, recalling that while countering terrorism States must first and foremost ensure compliance with their obligations under international human rights law, urges the Japanese Diet to abolish the so-called Conspiracy Bill and requests the Council to call upon Japan to respect the authority and integrity of Special Procedures even if, and when, they dislike their assessments.

June 15th, 2017