

MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

SN/UN/444

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the latter's Note Verbale AL JPN 3/2019 dated 9 July 2019, has the honour to transmit herewith the comments by the Government of Japan on the Communication from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 4 September 2019

Enclosure mentioned



Comments by the Government of Japan on the Communication from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Regarding the Communication sent on 9 July 2019, concerning letters sent by the Cabinet Secretariat of Japan relating to activities by Ms. Isoko Mochizuki of the Tokyo Shimbun, from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (SR) to the Permanent Mission of Japan to the International Organization in Geneva, the response from the Government of Japan (GOJ) is as follows:

1 At the outset, as explained number of times to the SR by the GOJ thus far, the GOJ would like to reiterate that freedom of expression, including media independence, is fully guaranteed in Japan by Article 21 of the Constitution. The GOJ has consistently upheld fundamental values such as basic human rights, democracy and freedom, including freedom of expression, and has made ceaseless efforts to achieve such values. The Government of Japan is aware that there would be no example in major democratic countries other than Japan where a person in major ministerial position, like the Chief Cabinet Secretary, holds daily press conferences twice a day on weekdays.

2 First and foremost, as the daily press conference conducted by the Chief Cabinet Secretary at the Prime Minister's Office is organized by the Cabinet Press Club, the GOJ is not in a position to unilaterally restrict journalists from asking questions during the press conference. In some cases, the Director of the Cabinet Public Relations Office, the moderator of the conference, unavoidably calls on journalists for cooperation to summarize their questions briefly or limit the number of questions in order to properly manage the schedule of the Chief Cabinet Secretary. This, however, is only a request for cooperation from the moderator to journalists. Similarly, the GOJ has never called off the press conference unilaterally, as the end of the press conference is always announced by a journalist from a member company of the Cabinet Press Club, appointed as a coordinator for the press conference. (Note: Each corporate member of the Cabinet Press Club is appointed as a coordinator for the press conference in rotation. For example, the Tokyo Shimbun was appointed as coordinator in February 2019).

3 Moreover, the contents of the press conference are not only uploaded to the website of the Prime Minister's Office, but also live-streamed through other media. In other words, exchanges between the Chief Cabinet Secretary and journalists, including the statements made by the Chief Cabinet Secretary as well as the questions asked by journalists, can be viewed online at home and abroad soon after the end of the press conference. Therefore, if the exchanges between the Chief Cabinet Secretary and journalists arise from a question based on factual errors, a wide range of viewers at home and abroad might be misinformed

and, as a result, have an incorrect recognition of facts. In such cases, the significance of the press conference could be undermined.

4 For the reason stated above, in cases where a certain journalist from the Tokyo Shimbun asked questions based on an incorrect recognition of facts during the press conference, the Cabinet officials, including the Cabinet Public Secretary, requested the cooperation of the Tokyo Shimbun to strictly refrain from asking questions based on factual errors during the press conference. The Cabinet officials then received replies repeatedly from the Tokyo Shimbun, saying that it would instruct the said journalist to ask fact-based and pointed questions at future press conferences. In spite of this, at the press conference on 26 December, 2018, as the said journalist again asked questions based on an incorrect recognition of facts, the Director of the Cabinet Public Relations Office, in a letter dated 28 December 2018, called on members of the Cabinet Press Club, the organizer of the press conference, to share in the abovementioned awareness of the issue. The request was just asking for the cooperation of the Cabinet Press Club and journalists in the first place, and they can freely determine how to respond to the request.

5 In addition, at the press conference on 27 February 2019, when Chief Cabinet Secretary Suga was asked by a journalist about what he had meant in saying “I am not required to respond to you” in response to a question from the said journalist from the Tokyo Shimbun at the press conference on the previous day (26 February), Chief Cabinet Secretary Suga explained that “I have repeatedly answered at the Diet and at the press conference that the daily press conference is an occasion to brief the press on the government’s views and positions. However, at the press conference on 26 February, I was asked the same question again by a journalist from the Tokyo Shimbun, and therefore gave the same answer to the journalist. In spite of that, as the journalist repeatedly asked the same question on the spot, I said that I was not required to respond to you, in the sense that I am not required to repeat the same answer to the same question.” In relation to this, a journalist at the press conference room commented that he could understand the point made by the Chief Cabinet Secretary. (The content of the press conference held on 27 February, 2019 is available on the following website:

https://www.kantei.go.jp/jp/tyoukanpress/201902/27_a.html).

6 The GOJ will continue to appropriately deal with questions by journalists so that the regular press conferences will contribute to ensuring the people’s right to be informed.

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