

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE:  
AL JPN 3/2019

9 July 2019

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 34/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **letters sent by the Cabinet Secretariat of Japan relating to the journalist Ms. Isoko Mochizuki and the Tokyo Shimbun.**

Ms. **Isoko Mochizuki** is a reporter at the Tokyo Shimbun, where she has worked since 2000. She currently reports on issues connected to the Japanese military, US military bases in Japan and the #MeToo movement.

According to the information received:

On 26 December 2018, a regular press conference of Japan's Cabinet Secretariat was held at the Prime Minister's Office, during which journalists had the opportunity to ask questions to Mr. Yoshihide Suga, the Chief Cabinet Secretary.

On 28 December 2018, the Cabinet Press Club received a letter from Mr. Hideki Uemura of Japan's Cabinet Secretariat. The letter concerned questions posed by a reporter from the Tokyo Shimbun to Mr. Suga at the press conference of 26 December 2018. In the letter, Mr. Uemura expressed the Cabinet Secretariat's serious concern as to the "repeated problematic behaviour" and "inaccurate questions" of the journalist in question, widely believed to be Ms. Isoko Mochizuki. The questions posed by Ms. Mochizuki at the press conference referred to environmental concerns connected to the construction of a US military base in Henoko, Okinawa.

In the same letter, Mr. Uemura made reference to repeated complaints sent by the Cabinet Secretariat to the Tokyo Shimbun concerning questions of its reporters. Herein, it was implied that the Cabinet Secretariat had requested that the Tokyo Shimbun ensure its reporters refrain from making inquiries at Cabinet Office press conferences that are "not based on concrete facts".

On 26 February 2019, at a new press conference, questions posed by Ms. Mochizuki to Mr. Suga were dismissed by the Chief Cabinet Secretary on the grounds that he was "not required" to answer them. It is further alleged that

Ms. Mochizuki's questions at Cabinet Office press conferences are repeatedly and unduly interrupted by the press conference moderator.

While I do not wish to prejudge the accuracy of these allegations, I express concern that such an intervention by the Cabinet Secretariat risks placing a deterrent before Ms. Mochizuki in the performance of her journalistic duties. I also express a broader concern that the letter risks hindering journalists in their work and particularly when investigating subjects which may be deemed sensitive by the Government, thereby also impacting upon the public's right to information about government affairs. I express further concern as to references made in the letter to previous complaints made to the Tokyo Shimbun concerning questions of their reporters. Media organisations and journalists play a crucial role in ensuring the free communication of information and ideas in society. In order to fulfil their role fully, the Government has an obligation to ensure an environment in which they are able to seek information on issues of public interest without hindrance, pushback or hostility, in particular when seeking information from public officials.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Are the facts of the case as summarised above accurate?
2. Please provide information about the grounds on which the letter of 28 December 2018 was sent to the Cabinet Press Club. On what grounds were any complaints sent to the Tokyo Shimbun prior to or since the letter of 28 December 2018?
3. Please provide information about the existing framework, if any, for regulating press conferences organized by the Cabinet Secretariat and ensuring that all journalists can ask questions freely at them.

I would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, I appeal to your Excellency's Government to take all necessary steps to ensure an enabling environment for the right to freedom of opinion and expression in keeping with Article 19 of the International Convention on Civil and Political Rights (ICCPR). Official requests that pressure journalists to avoid asking particular questions sends a chilling message to media outlets and their reporters, undermining their well-recognized role as "public watchdogs" to seek information from government sources and impart that information to the public.

I would also like to take this opportunity to refer to the recommendations made following my official visit to Japan in 2016, in which I called upon the authorities to publicly express their rejection of any form of threat and intimidation against journalists or other professionals carrying out investigative reporting work (A/HRC/35/22/Add.1). Your Excellency's Government may recall that my recommendations pertained not only to specific laws and regulations but also to the general environment in which journalists operate. As I noted in that report, there are reforms that could be made as matters of practice and policy by government and by journalists and media companies to ensure the long-term development and role of the free press in Japan. I would welcome the opportunity to begin a dialogue with your Excellency's Government on these issues of law and practice.