

Mirek Topolánek
Prime Minister of the Czech Republic
Presidency of the Council of the European Union

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Dear Mr Topolánek

EU-Japan Summit

In view of the forthcoming EU–Japan Summit that you will be co-chairing on 4 May 2009, Amnesty International would like to bring to your attention some human rights concerns in Japan which we hope you will take the opportunity to raise with your counterparts. The guidelines on human rights dialogues highlight the EU’s commitment to make use of every opportunity to raise human rights concerns with third countries at all levels. In particular, we would urge you to highlight EU concerns about the death penalty in Japan, the need for acknowledgement, apology and compensation for former “comfort women” and the necessity for the Japanese authorities to establish a National Human Rights Institution in accordance with the Paris Principles.

The death penalty in Japan

Amnesty International is against the death penalty in all circumstances and considers it the utmost cruel and inhuman treatment. Japan carried out 15 executions in 2008, the highest known number since 1975. Japan is among the 13 countries which have carried out executions every year for the last five years. Resorting to the death penalty goes against the majority international consensus that the death penalty cannot be reconciled with respect for human rights. Japan, which is on several levels a key human rights actor in the region, undermines its own credibility by retaining the death penalty.

As Amnesty International’s annual death penalty statistics, published in March 2009, set out, there are estimated to be approximately 100 people on death row in Japan. The prison authorities carry out executions by hanging. In June Japan executed three men, including Miyazaki Tsutomu. According to his lawyer, he was mentally ill and had been receiving psychiatric medical treatment in the detention centre for more than a decade. Death row inmates continued to be confined to single cells, day and night, with limited opportunity to exercise or socialize. They are notified only on the morning of their execution, and their families are informed only after it has taken place. For further information on the use of the death penalty in Japan and elsewhere please refer to Amnesty International’s Annual Death Penalty statistics:

<http://www.amnesty.org/en/library/asset/ACT50/003/2009/en/0b789cb1-baa8-4c1b-bc35-58b606309836/act500032009en.pdf>

The EU was firmly behind the UN General Assembly’s adoption of a second resolution calling upon all member states to uphold a moratorium on executions as a first step towards abolishing the death penalty in December 2008. In line with this commitment, the Presidency should use the EU-Japan summit to press the Japanese government:

- to take immediate steps to abolish the death penalty, by commuting all death penalty sentences and imposing a moratorium on pending executions;
- to ensure whilst taking these steps greater transparency around the application of the death penalty by making available all information regarding its use and any scheduled execution, in order to allow an informed public and parliamentary debate on this issue; and

- to improve the prison conditions of death row prisoners by bringing the Prison Law and all other regulations at detention places into full accordance with international human rights standards.

Comfort Women

Between 1932 and the end of World War II, the government of Japan officially ordered the acquisition of an estimated 200 000 young women – euphemistically known as “comfort women” - for the sole purpose of sexual servitude to the Japanese Imperial Army. This was one of the largest cases of human trafficking in the 20th century.

On 13 December 2007 the European Parliament passed a resolution calling on the Japanese government to formally accept historical and legal responsibility for the subjugation and enslavement of “comfort women” and to refute publicly previous claims that this never occurred. The resolution also called on the Japanese government to implement effective administrative mechanisms to provide reparations to all surviving victims, and to the families of deceased victims, and to take legal measures to remove existing obstacles to obtaining reparations before Japanese courts. Acknowledging and compensating crimes committed in the past in Japan would send a much needed signal as sexual violence against women is still used as a tool of war in conflict affected areas around the world

In line with the European Parliament’s resolution in 2007, Amnesty International urges the Presidency to use the EU-Japan summit to call on the Japanese government to acknowledge, apologise to, and compensate, the victims of the “comfort women” system.

Establishment of a National Human Rights Institution in accordance with the Paris Principles

Japan has no national human rights institution that fulfils the requirements of the Paris Principles. The existing human rights mechanism reports to the Ministry of Justice, which is also responsible for prisons, detention centres and immigration centres. The lack of independence of the human rights mechanism inherent in this arrangement undermines its authority to function effectively and to speak out on human rights concerns in the country without fears of censorship.

During the UN Universal Periodic Review in May 2008 the recommendation was made to the Government of Japan to establish a human rights institution in accordance with the Paris Principles as soon as possible. Japan responded by agreeing to “follow up” the recommendation. The EU-Japan summit is an opportunity to press the Japanese government to respect its commitment and to demonstrate the importance that the EU places on concrete follow up to the Universal Periodic Review process.

We would welcome any feedback on discussions with the Japanese government on these important issues, and would be happy to provide any further information that would be useful.

Yours sincerely



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