Human Rights Watch

Discrimination, Detention, and Deportation: Immigration & Refugees

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Annual reports

Human Rights Watch World Report 1998

JAPAN

Human Rights Developments

Prison conditions in Japan, compensation for "comfort women," the coverage of World War II in school textbooks, and treatment of foreign workers continued to be major issues in Japan during the year.

Japan's treatment of some 200,000 "comfort women," compelled by the Japanese army to provide sexual services during World War II, continued to generate criticism, especially for the government's refusal to provide individual compensation to victims as recommended by the U.N.'s special rapporteur on violence against women in her 1996 report. Instead, a voluntary fund was established. Lawsuits for compensation filed in 1993 in Tokyo district court in the case of comfort women from the Philippines were expected to be concluded by the end of the year, and cases on behalf of South Korean women sometime in 1998. Nongovernmental organizations (NGOs) working with comfort women in Indonesia objected to Japan's giving a block grant from the fund to the Indonesian Ministry of Social Affairs, rather than directly to the women themselves.

In September, the Japanese government also announced it would not issue an apology or provide compensation to more than 16,000 mentally or physically disabled Japanese women who were forcibly sterilized under a government program that began in 1948.

In an important civil liberties case, the Supreme Court ruled on August 29 that the Education Ministry must cease the use of censorship in school textbooks. The ministry had deleted references to abuses committed by Japanese forces during World War II. Though the court did not strike down all use of censorship by the ministry, it declared that the power had been abused in expunging cases of well-documented atrocities from school books. For years theissue had generated widespread controversy throughout Asia, where Japan was often criticized for not directly confronting its war record, and civil liberties advocates in Japan hailed the court's decision.

Other human rights abuses continued in the areas of treatment of foreign workers and trafficking of women into Japan for prostitution, with questions raised about failure to provide adequate interpretation for foreigners accused of violating Japanese law, treatment of inmates in immigration detention centers, and failure of Japanese officials to make any distinction between illegal immigrants and trafficking victims.

On August 29, Bahman Daneshian Far, an Iranian prisoner detained in Fuchu prison, filed a lawsuit against the Japanese government for discrimination and physical abuse. He claimed that prison officials had made derogatory remarks about Iranians and when he protested, he was beaten, kicked repeatedly in the groin, placed in solitary confinement, and punished by being forced to wear leather handcuffs which the guards could tighten to cause pain. The lawsuit is only the second brought by a foreign prisoner in Fuchu.

At the United Nations, the government of Prime Minister Ryutaro Hashimoto played a more constructive role in the preparatory discussions on the creation of an International Criminal Court (ICC) while reiterating its opposition to the ICC being used to punish transgressions committed during World War II. Tokyo participated in the Oslo process on the banning of anti-personnel land mines, and provided demining assistance in Cambodia and other countries. In late October, Japan announced it would sign the treaty banning anti-personnel mines.

With the World Bank, Japan continued to co-host donor consortium meetings, convening the Indonesia donor meeting in July and preparing to host the annual donor meeting on Vietnam in December. Ironically, Tokyo's higher profile in the international donor community coincided with an unprecedented decision by the government during the year to cut back the level of Official Development Assistance (ODA) funding, with a 10 percent reduction authorized in fiscal year 1998. Meanwhile, the level of foreign aid funding declined in 1996 approximately 35 percent from the previous year, partly due to foreign exchange rates: worldwide ODA declined from U.S. $14.4 billion in 1995 to only $9.4 billion in 1996. But according to the Foreign Ministry's annual report on ODA in 1996 (published in February 1997), Japan still maintained its position as the top global aid donor.

An interagency panel was formed in April to discuss ODA reform, and the government took more aggressive steps to promote its aid program with the Japanese public, calling for a "people-centered" development strategy in the twenty-first century and beginning a pilot program to include NGOs in official delegations abroad to formulate ODA projects. On the other hand, the government's implementation of the ODA Charter's principles on human rights and democratization continued to be inconsistent and sporadic, for the most part sparing Japan's most important economic and trading partners from threats to cut or actual reductions in ODA because of their human rights practices. The Foreign Ministry's annual ODA report argued against "mechanical application of a set of uniform standards" and seemed to accept arguments offered by some of Asia's authoritarian governments that stronger action to exert pressure for human rights improvements through aid sanctions might be seen as "a unilateral imposition of values" that would "provoke a backlash and delay improvements in the situation."

Indonesia (receiving $965.5 million in 1996) and China ($867 million in 1996) remained the top two ODA recipients, despite their poor human rights records; Indonesia was promised a total of $1.88 billion in ODA for fiscal year 1997. Japan's close economic and trade relationship with Indonesia affected its overall approach to Jakarta, as reflected in its failed effort to negotiate a chairman's statement on East Timor at the U.N. Commission on Human Rights in April (instead of the much stronger resolution that was eventually passed); its reluctance to criticize abuses committed in the run up to the May elections; and its hesitancy to directly raise human rights questions at the Indonesia donor meeting in Tokyo in July.

Japan's reluctance to use economic leverage was apparent outside Asia as well. It continued to provide ODA and balance of payment support assistance to Kenya, for example, despite the Kenyan government's failure to keep its promises of political reform. Japan did co-sign several strongly worded statements with twenty-two other foreign embassies protesting the deteriorating situation in Kenya during the year. Aid also flowed to Peru and to Egypt, with Cairo receiving praise for its "political stability and democratization, as seen in the operations of the democratic legislature." Egypt received more ODA than any other Middle Eastern country ($243 million in 1995, the latest figures available) and was the eighth largest recipient worldwide.

Tokyo's most controversial aid decision during the year was its move to resume assistance to Cambodia approximately a month after the coup. At a donor conference in Paris in early July, Japan had pledged $69.6 million in aid to the Cambodian government in fiscal year 1997, plus $1 million in demining assistance, continuing its role as Cambodia's leading aid donor. Following the July 5-6 coup, Japanese aid workers were withdrawn from Cambodia and ODA effectively suspended, and the government announced four principles for resumption of aid, including respect for the 1993 elections and restoration of "fundamental human rights and freedoms." But as early as July 17, Prime Minister Hashimoto signaled that aid would soon flow again despite reports of extrajudicial executions and other abuses. When U.S. special envoy Stephen Solarz visited Tokyo in late July to coordinate U.S. Cambodia policy with other countries in the region, Foreign Minister Yukihiko Ikeda refused to criticize the appointment of Ung Huot as the new Cambodian first prime minister to replace the deposed Prince Ranariddh, urging the U.S. to take a "realistic approach." When Ikeda met Ung Huot at an ASEAN conference in Kuala Lumpur later in July, he announced that ODA would be resumed despite the fact that the four conditions were not being met, and shortly thereafter aid workers began returning to Cambodia.

Japan closely followed plans for elections in May 1998 and indicated it would consider sending election observers. In April, Hashimoto had sent a letter to the two Cambodian prime minsters condemning political violence and calling for free and fair elections in 1998.

Relations with China were a key foreign policy issue in 1997, marked by Prime Minister Hashimoto's visit to Beijing from September 4 to 7 to commemorate the twenty-fifth anniversary of the normalization of relations between the two countries. A visit to Tokyo by Li Peng was scheduled for early November. Foreign Minister Ikeda visited Beijing in late March in order to smooth relations, officially resuming grant assistance cut off in 1995 because of China's nuclear testing program, and also seeking to ease tensions over regional security issues and the Diaoyu Islands. In a highly controversial move, Ikeda acceded to a request from Beijing that Japan drop its annual cosponsorship of a resolution on China at the U.N. Commission on Human Rights. In return, China reversed a decision made during a February visit by a senior Foreign Ministry official denying Japan's request to open a bilateral human rights dialogue. By the time of Hashimoto's September trip, however, the date and agenda for the dialogue had yet to be negotiated. Hashimoto brought up human rights in his meetings with Li Peng and other officials but only in general terms in the context of "global issues." The Chinese government later informed Japan that it would send some "human rights experts" to Tokyo from October 21-23. Meanwhile, economic relations continued to boom reaching $60 billion in bilateral Sino-Japanese trade in 1996, and Japan pursued its active lobbying for China's early entry into the World Trade Organization.

On Hong Kong, Japan agreed to inclusion of an appeal for human rights and the rule of law in the communique issued at the summit of the Group of Eight (G8) industrialized nations meeting in Denver in June, but in general it took a low-key approach, refusing to publicly criticize actions by the new Hong Kong government to roll back civil liberties protections, while privately urging Beijing to honor its commitments to Hong Kong's autonomy. Foreign Minister Ikeda attended the swearing-in of the Hong Kong provisional legislature on July 1.

In its policy on Burma, Japan continued to refrain from resuming ODA suspended since 1988, although in May it did offer to resume at least one key ODA project, involving some $60 million for expansion of the Rangoon airport, as an incentive to encourage an end to harassment and the beginning of a dialogue with the National League for Democracy (NLD). The Burmese government, however, rejected the overture, and the offer was withdrawn. During a visit to Indonesia in January, Hashimoto told President Soeharto that he supported Burma's prospective membership in ASEAN, but he warned that Burma's admission should "not become a cover for oppression." Ikeda repeated this message during the ASEAN conference in Malaysia in July, stressing that democratization and national reconciliation in Burma were essential. Just days after ASEAN had announced its formal decision to admit Burma, Keidanren, the powerful Japanese business association, dispatched a major trade mission to Rangoon in early June. The government took no action to discourage or delay the mission.

Separately, Keidanren announced in December 1996 a new "charter for corporate good behavior." Among its provisions was a stipulation that corporations should "stand firm against antisocial forces and organizations that threaten the order and security of civil society," and in their operations abroad, they should "respect the cultures and customs of the hosting society."

In August, the highest-ranking delegation to visit Burma in five years arrived in Rangoon for talks with senior SLORC officials just as heavy prison terms for NLD members were announced. But Parliamentary Vice Foreign Minister Masahiko Komura did not bring up these cases in his discussions, nor did he meet with Aung San Suu Kyi. For the first time, Japan gave humanitarian assistance in 1997 to Burmese refugees on the Thai border through a consortium of NGOs.

Throughout Southeast Asia, Japan focused on upgrading its commercial and political relations, sending two ODA missions to Vietnam and planning to maintain its high level of aid to Hanoi ($830 million was pledged in 1996), while generally avoiding explicit criticism of human rights problems. In a prominent policy speech delivered in Singapore at the conclusion of an ASEAN-wide tour in January, Prime Minister Hashimoto emphasized Tokyo's interest in developing a "broader and deeper partnership" with ASEAN. This became known in the region as the "Hashimoto doctrine" and was taken to mean that Japan would take a higher-profile interest in political affairs of the region. It was also widely interpreted in the region as a way of solidifying links between Japan and ASEAN at the expense of China.

In South Asia, Japan focused on nuclear proliferation, pressing both India and Pakistan to join the non-proliferation treaty. No human rights issues were explicitly on the agenda with either country, and Japan attempted to address child labor concerns in India mainly as a poverty reduction issue. In Sri Lanka, Japan provided $264 million in ODA in 1995, recognizing Colombo's efforts to improve human rights, while "continuing to observe the situation in the north and east, where human rights are still being violated in strife-torn regions," according to the Foreign Ministry's ODA report.

The Right to Monitor

Human rights groups in Japan faced no legal restrictions on their activities.

The Role of the International Community

Most of the international action with respect to human rights in Japan took place within the United Nations. Japan's human rights record came under international scrutiny as the government provided its report to the U.N. Human Rights Committee monitoring compliance with the International Covenant on Civil and Political Rights. The last suchreport, submitted in 1993, triggered recommendations from the committee dealing with the death penalty, interrogation methods, inadequate protection of suspects' rights, treatment of women and refugees, and other concerns. In the 1997 report, the government vigorously defended the continued use of the death penalty, tight restrictions on condemned prisoners' contacts with outsiders, and refusal to give family members advance notice of executions. The government also denied that the pretrial detention system violates the rights of detainees by subjecting them to prolonged interrogation without counsel. Japanese lawyers and civil liberties groups criticized the report for failing to adequately address the Human Rights Committee's earlier findings and recommendations.

At its meeting in August in Geneva, the U.N. Subcommission on the Prevention of Discrimination decided not to recommend that the Human Rights Commission take up Japanese prison conditions under a confidential review procedure. The subcommission did convey concerns about the issue to the Japanese government, however.

The U.S. and Japan cooperated on promoting democracy and civil society through the G8 initiative announced in June, as well as the "Common Agenda," a program of cooperation on global issues initiated when President Clinton was in Tokyo in 1993. On specific issues, however, there were notable differences, such as resumption of aid to Cambodia after the July coup and sponsorship of a resolution on China at the U.N. Commission on Human Rights.

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