

THE JAPANESE WORKERS' COMMITTEE FOR HUMAN RIGHTS - JWCHR
NGO in Special Consultative Status with ECOSOC
c/o Tokyo Regional Council of Trade Unions – TOKYO CHIHYO 2-33-10 Minami-Otsuka,
Toshima-ku, Tokyo 170-0005 Japan
Tel: +81-3-3943-2420 Fax: +81-3-3943-2431
e-mail: hmrights@yahoo.co.jp

24 June 2022

JOINT SUBMISSIONS FOR THE FOURTH CYCLE OF THE UNIVERSAL PERIODIC REVIEW (UPR) OF JAPAN

A list of organizations for the joint submissions is as follows:

- 1. Japanese Workers' Committee for Human Rights**
- 2. Organization to Support the Lawsuits for Freedom of Education in Tokyo**
- 3. Scholarship Forum to support the expansion of scholarships for the people in need and the promotion of free education (Shougakukin no Kai)**
- 4. Japan Federation of Publishing Workers' Unions**
- 5. JAL Unfair Dismissal Withdrawal Plaintiffs**
- 6. League Demanding State Compensation for the Victims of the Public Order Maintenance Law**

The Japanese Workers' Committee for Human Rights - JWCHR
(NGO in Special Consultative Status with the ECOSOC)

- 1. Ratifying promptly the First Optional Protocol to the International Covenant on Civil and Political Rights and Realizing all Individual Communications Procedure associated with International Human Rights Treaties**

Japanese Workers' Committee for Human Rights – JWCHR

< Point of Issue in view of the progress to date >

1. The Japanese government ratified the International Covenant of the Civil and Political Rights on 6 June 1979, but has yet to ratify its First Optional Protocol, passing more than forty years after the ratification of the former.
2. Furthermore, the government has not approved all individual communications procedure associated with main international human rights treaties already ratified.
3. The government cites the following reasons why it does not ratify promptly the First Optional Protocol (individual communications procedure): “The independence of the judiciary will be threatened.” (Comment of the government when it ratified the Covenant in 1979) “Problems

arise in relation to the domestic judicial system and legislative policy.” (The government’s reply for the List of Issues of the sixth periodic report of Japan at the HRC in 2014) “It needs case studies of other countries for taking into account” (Comment of the Ministry of Foreign Affairs of Japan replied to the Japan Federation of Bar Associations in 2012), etc. As the government has not made any content of meetings discussed actually public, it is hard to perceive progress towards ratification. Furthermore, the government strongly shows its attitude that the recommendations for this case have no legal binding, and continues to hold a negative-mind attitude toward the ratification.

4. The human rights situation in Japan has not been improved. Compared with other countries regarding human rights situation, Japan is placed in a very low position as a member of the Human Rights Council as follows:

* Japan ranks 120th out of 153 countries in the gender gap. (World Economic Forum Report, in 2021)

* Japan’s happiness ranking is 56th in the World Happiness Report (UN SDSN Research, in FY2021)

* Japan ranks 67th in the 2021 World Press Freedom Rankings by Reporters Sans Frontières.

< Opinions >

5. As a point at issue of the judicial system in Japan, prolonged interrogations on the grounds of body restraint are rampant in the so-called “Daiyo Kangoku” (substitute prison system), and many false charge cases have occurred after the death penalty has been confirmed. Namely, a retrial was granted following the discovery of new evidences and finally the innocence was established as a result of re-deliberations. As the reason of this, following problems are pointed out: coercion of false confession, method of interrogations centralizing confessions based on prolonged body restraint. There exist a lot of problematic cases relating to human rights violations in the situation of the prosecution and the judiciary in Japan.

(a) UN human rights mechanisms have reiterated the following recommendations asking for the abolition of prolonged detention and “Daiyo Kangoku” (substitute prison system)

6. In 1993, the Human Rights Committee recommended that “no rules exist to regulate the length of interrogation,” “the substitute prison system is not under the control of an authority separated from the police,” “the guarantees contained in articles 9, 10 and 14 are not fully complied with.” (CCPR/C/79/Add28 para.13)
7. In 1998, the Human Rights Committee reiterated its recommendation that the substitute prison system has not been reformed in accordance with the Covenant after the consideration of the third periodic report. (CCPR/C/79/Add.102 para. 22, 23)
8. In 2007, the Committee against Torture expressed following recommendations: “the insufficient separation between the functions of investigation and detention,” “the limit of the maximum time detainees can be held in police custody,” “the consideration of the adoption of alternative measures to custodial ones.” (CAT/C/JPN/CO.1 para. 15)
9. In 2008, the Working Group on the First Cycle of the Universal Periodic Report (UPR) of Japan recommended the questions of the substitute prison system and of interrogations. (A/HRC/8/44 para. 8)
10. In 2013, the Committee against Torture reiterated its recommendations that “Japan should consider abolishing the Daiyo Kangoku system to bring the State party’s legislation and practices fully into line with international standards.” (CAT/C/JPN/CO.2 para.10)
11. In 2014, the Human Rights Committee regretted in the concluding observations that “the State party continues to justify the use of the Daiyo Kangoku by citing the lack of available resources and the efficiency of the system for criminal investigations.” (CCPR/C/JPN/CO.6 para.18)

(b) False Charges

12. There are many cases of false charges or almost false charges in Japan: the Hakamada case; the execution of death row inmate (Mr. Iwao Hakamada) was suspended by the decision of the

retrial at the Shizuoka District Court on 27 March 2014, on the ground that the previous decision had suspicions of false charges, the Iizuka case; the execution for a suspect was unfortunately carried out in 2008 in spite of that the suspect and his defense team had claimed a suspicion of false charge and filed a petition for retrial.

13. The reason of these cases is that the police and the prosecution identify a criminal or a suspect in advance, adopting profitable evidence and testimony in order to establish the suspect's crime, and exclude unprofitable evidence, etc. Consequently, it is obvious that serious problems are hidden in the method of investigations.

14. For those, as mentioned above, who are not relieved by domestic judicial procedures and whose human rights are significantly violated, the realization of the individual communications procedure is promptly required, which helps to improve the situation of human rights violations by appealing directly to UN human rights mechanisms.

15. Furthermore, the implementation of the individual communications procedure surely contributes to controlling the fierce methods of interrogations practiced by the police and the prosecution, and to having an effect on decisions of the judiciary that proceed hearings in line with international standards. As a result, it will have a positive impact on the whole method of criminal investigations in Japan.

< Conclusions >

16. The Japanese Workers' Committee for Human Rights (JWCHR) sincerely call for the UPR Working Group of the fourth cycle of Japan to recommend that Japan promptly ratify the First Optional Protocol to the International Covenant of the Civil and Political Rights in order to improve the actual situation of human rights violations and the judicial system in Japan.

2. Forced Worship of the National Flag & the National Anthem at Public Schools in Tokyo

The Organization to Support the Lawsuits for Freedom of Education in Tokyo

A. Facts and Issues

[Order by Tokyo Board of Education to worship the national symbols at school ceremonies]

1. Every year since 2003, the Board has issued a directive, which orders teachers and school staff of public schools in Tokyo to stand facing the national flag and sing the national anthem at school ceremonies, and it has punished those who refuse to obey the order. The number of the punished teachers amounts to 484 as of March 2022. They have filed several lawsuits arguing that the order infringes their freedom of thought and conscience. The Supreme Court of Japan has ruled that the punishments themselves do not violate the human rights, while cancelling the punishments heavier than reprimand.

[Reasons for refusing to obey the order]

2. The national flag *Hinomaru* and the national anthem *Kimigayo* were the symbols of invasion by the Japanese Army during the WWII, and there still exists strong resistance against the symbols among the people of the invaded Asian countries as well as part of Japanese people. The order is

deeply related to the historical views or educational philosophy of the teachers who cannot accept the symbols or who believe they should not force students to worship them.

3. The Board aims to make students stand and sing by forcing teachers to do so without exceptions. It has ordered every public school in Tokyo to prepare the timetable of the ceremonies, in which such sentence as follows should be written; *if there are students remaining seated, the Master of Ceremony urges them to stand.*

4. When more than half of the class remain seated during the singing of the anthem, the home-room teachers are held responsible and given severe warning for the lack of instruction ability. The number of such teachers amounted to 67 in the first year when the directive was issued.

[Disadvantages resulting from disobeying the order]

5. The punished teachers suffer not only economic disadvantages but also disgrace of the punishments, and the discriminations concerning salary increase or promotion. They are not allowed to take charge of a home room, and after retirement, they are refused part-time teaching jobs, which are guaranteed for other retirees.

6. Furthermore, they are ordered to attend "Recurrence Prevention Seminar", where they are forced to change their thought.

[Influence on daily educational activities]

7. Uniformed top-down control of education as described above is not limited to the occasions of ceremonies, but casts dark shadows on general educational activities, depriving public schools in Tokyo of free atmosphere they used to have.

8. Punishments for beliefs and educational philosophy have had chilling effect on teachers, discouraging them to make ingenious teaching plans. Their academic freedom and children's right to learning have been violated.

[Prefectural ordinance to force standing and singing in Osaka]

9. Osaka Prefecture enacted an ordinance in 2011, which mandates standing and singing Kimigayo, and another in 2012, which stipulates that the public servants be punished in case of disobeying the order. The former states its objective as implanting patriotism in students, and the latter states that one who refuses the same order three times be dismissed.

B. Our opinions

[Criteria for Ruling of the Japanese Supreme Court are "necessity" and "rationality"]

10. The Court, while admitting that teachers' cause for refusing to obey the order concerns the freedom of thoughts, conscience, and religious faith, ruled that the order has "necessity and rationality" to ensure the ceremony be held peacefully and smoothly, and therefore limiting teachers' human rights is allowed. The criteria do not correspond to the international standards of "legality, purpose and necessity" for restricting human rights, as stated in the articles in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to name a few.

[Recommendations by CEART issued on October 2018 (CEART/13/2018/10)]

11. CEART issued Recommendations in 2018, concerning the forced worship of the national symbols. It acknowledges teachers' refusal to stand and sing as civil rights, and it recommends the Government of Japan to seek measures which do not force teachers to stand and sing the anthem.

98. The Joint Committee therefore considers that teachers have the general right to disagree with rituals of the flag ceremony, to express opinions against it and to participate in efforts to change it, as long as such actions are in line with the duty to act in good faith incumbent upon

public employees.

105. The Committee therefore recommends exploring solutions which allow patriotic ceremonies to go forth undisrupted, but which can accommodate teachers who do not feel comfortable in participating in particular gestures of compliance.

[The 7th Examination of Japan's governmental report by Human Rights Committee]

12. We submitted a report to the Human Rights Committee for the 7th examination of Japan's Governmental report, and in November 2018, the agenda was taken up in para 26 of the List of Issues Prior to Report. The 136th session has been postponed many times on account of Covid-19, but now it is planned in October 2022.

[Suggested Recommendation]

13. The Government of Japan should instruct the local governments to refrain from forcing teachers to pay respect to the national symbols, and it should explore appropriate approaches that ensure international level of freedom in every aspect of school life.

3. Alternative Report for the Fourth Cycle of the UPR of Japan

Scholarship Forum to support the expansion of scholarships for the people in need and the promotion of free education (Shougakukin no Kai)

1. Shougakukin no Kai (The Scholarship Forum) was formed on December 14, 2007, by organizations and individuals consisting of workers, faculty, staff, students, and academics who support "the expansion of scholarships for the people in need and the promotion of free education." It is a citizens' group that opposes the conversion of scholarships into educational loans, and aims to realize free education, which is an international trend, and to expand benefit scholarships. The group has mainly been engaged in petition drives, as well as street advertisements, requests to relevant ministries and agencies, and submission of written opinions to the United Nations Human Rights Council.

2. On September 11, 2012, the Japanese Government announced that it would ratify Paragraphs 2(b) and (c) of Article 13 (right to education) of the International Covenant on Economic, Social and Cultural Rights. In this way the Government withdrew its 33-year-long "reservation," and thus became "bound" to promote free education at all levels.

3. Subsequent Administrations have continued the position of ratification, introducing a benefit

scholarship system in FY2018. And in FY2020, based on the "Law Concerning Support for Study at Universities and Other Schools," a system of tuition reduction and benefit scholarship was introduced for low-income students. It was financed by the consumption tax hike.

4. However, the eligibility was strictly limited to tax-exempt households, etc., and certain groups of students who had received tuition reductions at national universities were no longer eligible. On the other hand, the average amount of the first-year tuition payment (total of tuition, admission fee, and facility and equipment fees) for private universities in FY2020 increased 1.2% from the previous year to a record 1,356,223 yen. The number of national universities raising tuition above the standard amount is also increasing.

5. According to the Ministry of Education, Culture, Sports, Science and Technology (MEXT), the number of students who dropped out or took a leave of absence from university from April to December 2021 due to the spread of COVID-19 increased by 1.4 times and those who took a leave of absence 1.3 times compared to the same period in the previous fiscal year. It suggests that students' right to education has been severely violated.

6. On May 17, 2013, the UN Committee on Economic, Social and Cultural Rights published its "Concluding observations on the third periodic report of Japan." In paragraph 7 of "Principal subjects of concern and recommendations," it reads: "The Committee reiterates its previous concern that the State party has not given effect to the provisions of the Covenant in its domestic legal order." "The Committee reminds the State party ... that the term 'progressive realization' imposes an obligation to achieve full realization of the Covenant rights as expeditiously and effectively as possible." The Committee requested concrete measures to: (1) draw up action plans to introduce free education; (2) provide schooling aid to Korean schools; (3) promptly provide free admission fees and textbooks for high schools; (4) free measures for direct (tuition fees, etc.) and indirect (school fees, etc.) educational expenses; (5) introduce benefit scholarships (emphasis on equalizing disadvantaged individuals); (6) steadily implement recommendations regarding the status of educational personnel in primary, secondary, and higher education (smaller class sizes, elimination of overwork and non-regular employment, etc.); and (7) develop a monitoring system for curricula, textbooks, etc. that do not violate the educational goals in Article 13, Paragraph 1 (perfection and dignity of character, friendship, peace, etc.), and requested a response by May 31, 2018 on the status of their implementation.

7. However, four years later, as of May 2022, "the fourth report regarding Articles 16 and 17" by the Government of Japan has not been made. Although (5) the introduction of the benefit scholarships was realized as mentioned above, its scale has been extremely limited, and little progress seems to have been made in the other areas.

8. In response to calls for the realization of Article 13 of the International Covenant on Economic, Social and Cultural Rights, the Japanese Government responded that "the way of proceeding with free education is left to the State Party concerned" and that "Concluding observations and recommendations are not legally binding." The Japanese Government has not even presented any concrete plan to realize free education.

9. The Japanese Government is disregarding the "right to education" as the basis of basic human rights, and on the contrary, promoting the marketization of education as well as widening and fixing the education gap due to economic disparity.

10. We call on the Human Rights Council to review these human rights violations of the Japanese Government and to make appropriate recommendations.

4. Textbook Descriptions Are Not Insulated from Political Intervention

The Japan Federation of Publishing Workers' Unions

1. Former special rapporteur David Kaye recommended the Government of Japan to improve the historical education and textbooks in his in his special report on the promotion and protection of the right to freedom of opinion and expression on his mission to Japan (paragraphs 37 through 42, A/HRC/35/22/Add.1).

2. The Government, however, rejected the recommendations and alleged as follows (A/HRC/35/22/Add.5):

"Regarding textbooks produced in the private sector, the judgement as to what kind of specific matters to include and how they are described in a textbook is left to the particular textbook publisher as long as the contents are based on the Courses of Study (national curriculum standards) and do not contain errors." ([Paragraph 40] and [Paragraphs 41, 42, 69])

"The textbook authorization is carried out by the Textbook Authorization Research Council based on the results of professional and academic research and deliberation. The results of the examination are utilized as they are by the Minister of Education, Culture, Sports, Science and Technology when judging whether to authorize a particular textbook or not. This authorization mechanism does not allow intervention by government policy or political intent or motivation."

([Paragraphs 41, 42, 69]).

3. The Government repeated the same allegations in the reply to the List of Issues, the Seventh Periodic Report by the Human Rights Committee to the Government (CCPR/C/JPN/7), and has taken no measures to carry out the recommendations by the United Nations' human rights mechanisms.
4. The Japan Federation of Publishing Workers' Unions hereby reports to the Council that the above-mentioned allegations of the Government are contrary to the facts.
 - (1) In 2014, The Ministry of Education, Culture, Sports, Science and Technology (MEX) revised the Criteria of the Textbook Authorization: the descriptions on the events in the modern and contemporary events shall obey the unified views of the Government. Most of the "unified Government's views" consist of cabinet decisions, which are not always politically neutral.
 - (2) In 2021, the Government made two cabinet decisions in which it denied its involvement of the Japanese Army in the trafficking of the victims of the comfort women and the coercive abductions of workers from the colonized Korean peninsula during the Second World War as follows.

The Government would hereafter:

 - a) use the term *ianfu*, instead of *juugun ianfu* (*Juugun* stands for serving in the army);
 - b) not use any expression that implies coercive abductions regarding the immigration of Korean workers because there were various forms of immigration from the colonial Korea to Japan.
5. The MEX called an orientation meeting in the same month directed at the textbook publishers in concern and told them that they could apply for changing the terms *juugun ianfu* and forced abductions in their already approved textbooks into simply *ianfu* and "abductions" or other expressions respectively in accordance with the cabinet decisions. The MEX also told them if they would not obey this de facto compulsion, it would recommend them to change those terms in the name of the Minister of the MEX.
6. The publishers had no choice but to accept the implication to apply for changing those terms. In other words, though the procedure was apparently voluntary, it was essentially coercive because the MEX has the authority to cancel the approval of publishing the textbook in concern if the publishers reject any tiny correction.
7. In the textbook authorization for high schools carried out in fiscal 2021 (April 2021 through March 2022), there were 14 cases of correction regarding above-mentioned (1) and (2) of paragraph 4. It is obvious political intervention brought about this increase because there were only two similar cases in the preceding fiscal 2020.
8. The Federation has to conclude that the Textbook Authorization Mechanism allows the Government/MEX to politically intervene in the descriptions of textbooks. Though the Government alleges "This authorization mechanism does not allow intervention by any government policy or political intent or motivation." ([Paragraphs 41, 42, 69], A/HRC/35/22/Add.5 and para 156, CCPR/C/JPN/7), it is at least incorrect. In addition it is unfair and unacceptable that the Government did not refer to the Textbook Authorization Criteria in A/HRC/35/22/Add.5 and any other relevant documents.
9. The Federation agrees to the former special rapporteur's recommendations, especially paragraph 69 and emphasize its importance (A/HRC/35/22/Add.1).

"The Government should meaningfully contribute to the independence of public education by ensuring full transparency in the school curricula elaboration and reconsidering how the Textbook Council itself could be insulated from government influence."

10. The Federation strongly requests the Council to recommend the Government to set up effective and meaningful measures to insulate contents of textbooks from any political intervention in the textbooks.

5. Japan Airlines must stop ignoring ILO recommendations and refusing to have collective bargaining with the trade unions, and resolve the long-term dismissal dispute exceeding ten years!

JAL Unfair Dismissal Withdrawal Plaintiffs

1. Soon after the decision of the Supreme Court on 4 February 2015, which approved the dismissal of 165 Japan Airlines workers, 81 pilots and 84 cabin attendants, by reason of the reduction of redundant personnel on 31 December 2010, the Tokyo High Court made decision on 18 June 2015 by approving that the act of a trustee director of Japan Airlines Co., Ltd (JAL) violated the Construction of Japan Article 28 and the Trade Union Act Article 7, who rushed to dismiss them by obstructing a collective bargaining which had been held to avoid the dismissal on 16 November 2010, by means of false and threatening behavior. And the Supreme Court finally acknowledged the high court decision on 23 September 2016. This is nothing but the Supreme Court's new decision that corrected itself the error caused by its precedent decision, which overlooked the injustice of Japan Airlines that had not fully engaged in the collective bargaining in order to avoid the dismissal and, rather, rushed implementation of the dismissal.

2. Especially, the recently discovered "JAL Group Safety Report FY2010" which was submitted to the Ministry of Land and Infrastructure, Transport and Tourism, clearly states the facts that personnel reduction targets of JAL have already achieved in excess of 60 pilots and 382 cabin attendants at the time of the dismissal on 31 December 2010. Namely, this description clearly shows that there exists no reason for the dismissal of 165 JAL workers carried out under the pretext of redundancy reduction.

3. Since the dismissal of 165 workers, however, JAL continues to firmly refuse the way to find the resolution through collective bargaining with the trade unions concerned.

So far the Committee on Freedom of Association of ILO (hereinafter, the Committee) has made recommendations that requested JAL to ensure the engagement of full and frank consultations with the trade unions concerned on the request of reinstatement for the dismissed 84 workers in its second recommendations on 31 October 2013, recalling that JAL, leaving the dismissed 84

cabin attendants aside, announced a recruitment campaign of 940 cabin attendants in 2012. In its third recommendations on 12 November 2015, the Committee has underlined the importance of maintaining a meaningful dialogue with the trade unions concerned in order to resolve the reinstatement of the dismissed 165 workers (376th Report of the Committee. para.60). And even in its fourth recommendations on 6 November 2018, the Committee has once again recommended the importance of maintaining sufficient discussions to try to reach a solution in line with common demands of each union (387th Report of the Committee. para.25).

JAL has completely ignored the repeated recommendations expressed by the Committee, continuing to refuse to hold collective bargaining for the solution with the trade unions: this is a significant reason of the long-disputed case that exceeds ten years.

4. Meanwhile, during the period from the dismissal of 165 workers on 31 December 2010 until the end of March in 2021, JAL newly recruited 397 cabin crew and 6205 cabin attendants. However, none of the dismissed 165 workers has yet to be acknowledged their demands for returning to the original workplaces at the time of the dismissal, up to the present.

As well known, ILO Recommendation No.166, Article 24(1) stipulated in 1982 that "Workers whose employment has been terminated for reasons of an economic, technological, structural or similar nature, should be given a certain priority of rehiring if the employer again hires workers with comparable qualifications, subject to their having, within a given period from the time of their leaving, expressed a desire to be rehired."

The irrationality of JAL management that refuses completely their returning to the original workplaces at the time of the dismissal, is gravely against the Recommendation.

5. On the contrary, the Japanese government has yet to take measures against such unlawful JAL to aim to solve the dismissal case and to promote the recovery of the normalization of labour-management relations.

6. We, the plaintiffs, anxiously call for the UPR Working Group of the fourth cycle of Japan to recommend that Japan Airlines Co., Ltd and the Japanese government faithfully settle the dispute through collective bargaining in line with the common requirements submitted by the trade unions.

6. We request that the Committee recommend that the Japanese Government immediately apologize and compensate the victims of the Public Order and Police Law

The League Demanding State Compensation for the Victims of the Public Order Maintenance Law

1. It was because of the thorough suppression of the human rights of the Japanese people under the Public Order and Police Law and deception of the people through government propaganda that the prewar absolutist emperor government was able to carry out the wars of aggression into the Sino-Japanese War and the Pacific War. The oppression was cruel and against humanity. The Japanese Government, which has yet to express remorse or apologize for its actions, has continued its oppressive human rights policies, causing a variety of problems to this day. The victims are still fighting against the Government in their ongoing anger and suffering, and there is no time left for these aging victims. We strongly request that the Committee recommend the Japanese Government make an apology and compensation to the victims.

2. The Public Order and Police Law were enforced from 1925 to 1945, and ran riot on the people who protested war and wished for peace, freedom, and the protection of human life in those days. The famous writer Takiji Kobayashi was arrested and massacred. He suffered broken fingers on his hands, indispensable to him as a writer, marks on his neck from being strangled, and massive internal bleeding as his lower body swelled to twice its size. Such torture was numerous and especially severe for those from Taiwan and Korea and for women. Yun Dong-ju, a Korean poet, was arrested and died in prison, and a fellow prisoner who testified that he and Yun were injected together died of unknown causes. Women were stripped naked and subjected to violence. "They put a stick in my vagina and stirred it around so much that my womb went out of position," said Retsu Tashiro, who testified after the war of the incident when she was 18 years old.

3. They were people who demanded the very things that are guaranteed by the current Japanese Constitution, such as opposition to war, freedom, respect for human rights, workers' rights, and the elimination of poverty. Among them were many people who said, "I don't want war," many who just had a book or drew a picture of a friend, many who had never been involved in the socialist movement such as religious people, students, farmers, etc., and many who were not "those who tried to change the State," as defined in Article 1 of the Public Order and Police Law. The number of those who have been censured and detained is in the hundreds of thousands. Of these, 93 were massacred, and more than 400 died in prison due to abuse, assault, or illness in prison.

4. Such acts of tyranny and humiliation of the people by the State power were illegal even under the Public Order and Police Law itself, and no law can make them legal in any period of time. It is in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of Articles 7 and 18 of the International Covenant on Civil and Political Rights, as well as in clear violation of the Constitution of Japan.

5. Although the Public Order and Police Law was abolished with the acceptance of the Potsdam Declaration in 1945, the Government remained absolved of any responsibility for its victims. There was no national remorse, apology, or compensation for the victims, and the victims' human rights and honor were not restored, either socially or legally. For this reason, even after the war, the victims, their families, relatives, and others involved were all denigrated as "Aka(Reds)," "Kokuzoku(Traitors)," and "Hikokumin(Unpatriotic ones)." The Government's insincere response has caused damage not only to the victims but also to their second generations.

6. In 1968, 200 victims of the Public Order and Police Law formed the Alliance to Demand an Apology and Compensation from the Japanese Government. For 55 years since then, they have been collecting signatures for campaigns and petitioning the Diet. The total number of signatures has exceeded 8.2 million. In addition, the organization has been working on discovering and awarding the victims, publication of newsletters and theoretical journals, and production of movies. In coordination with other organizations it also has organized campaigns to oppose any revision of the Constitution or any scheme to recover or revive the Public Order and Police Law, including conspiracy charges. We are aiming for 20,000 members.

7. In response to our petitions, the Government has only repeatedly stated in the Diet that "the Public Order and Police Law was enacted legally and properly, and its operation was also legally and properly carried out." We have to conclude that this attitude of the Government is a continuation of the pre-war regime violating human rights.

8. In 2007, the conclusions and recommendations of the Committee against Torture noted: "The Committee notes with concern that acts amounting to torture and ill-treatment are subject to a statute of limitations." "The State Party should review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention, so that acts amounting to torture and ill-treatment ... can be investigated, prosecuted and punished without time limitations."

9. All of the victims of the Public Order and Police Law are elderly and their time remaining is short. Yasuko Mizutani, the oldest victim, is 109 years old. Ryoichi Hishiya, who is now 100 years old, is still leading the movement, supported by young people, saying, "I am going to petition the Diet. I am going to carry on my shoulders the thoughts of my friends and the victims who have passed away with regret." We petition that the Committee issue a recommendation to the Japanese Government, in response to this last appeal from the victims.