



# Assemblée générale

Distr. générale  
20 juin 2019  
Français  
Original : anglais

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## Conseil des droits de l'homme

### Quarante et unième session

24 juin-12 juillet 2019

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## **Note verbale datée du 6 juin 2019, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente du Japon auprès de l'Office des Nations Unies à Genève**

La Mission permanente du Japon auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur de lui demander de bien vouloir faire distribuer le texte de la présente note verbale et des observations du Gouvernement japonais concernant le rapport que le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, David Kaye, a établi à la suite de ses visites officielles (A/HRC/41/35/Add.2) (voir annexe)\*, comme document de la quarante et unième session du Conseil des droits de l'homme, au titre du point 3 de l'ordre du jour.

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\* L'annexe est reproduite telle qu'elle a été reçue, dans la langue de l'original seulement.



**Annex to the note verbale dated 6 June 2019 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

**Comments by the Government of Japan on the draft follow-up report on the country visits of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Mr. David Kaye, the Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression, provided the Government of Japan (GoJ) with his draft report as a follow-up to his mission to Japan in April 2016. The GoJ is informed that the report will be submitted to the 41st session of the Human Rights Council.

At the outset, 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. In fact, the GoJ has explained to the SR its system and policies on various occasions.

The GoJ understands that the SR expresses his personal views on the situation of freedom of expression in Japan in his draft report.

Nonetheless, the GoJ finds that the views expressed in the draft report are unacceptable, as many of the descriptions continue to be based on incorrect and groundless allegations on the situation in Japan, as is the case in the report of the SR on his mission to Japan (A/HRC/35/22/Add.1). Moreover, the draft report does not reflect facts and positions repeatedly explained to the SR by the GoJ thus far. It is regrettable that the SR made a report which includes much incorrect and groundless content. The GoJ requests that the SR show specific evidence to substantiate his claims in his draft report.

As for relevant facts and the position of the GoJ with regard to the draft report, the GoJ requests that the SR refer to the explanations that the GoJ has repeatedly provided to the SR, including the comments by the GoJ on the report of the SR on his mission to Japan in 2016 (A/HRC/35/22/Add.5).

Taking this opportunity, the GoJ would like to underscore that it has not received any response to its questions and request for comments on the reliability of information concerning the alleged case mentioned by the SR in his Communication submitted through the Permanent Mission of Japan to the International Organizations in Geneva in September 2018 (AL JPN7/2018). The GoJ understands that the SR is mandated to seek and receive credible information from Governments, non-governmental organizations, and any other parties who have knowledge of the cases mentioned in his reports. The GoJ requests that the SR once again promptly respond to its questions.

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