



REPORTERS' GUIDE

For the 2020 Summer Olympic and
Paralympic Games in Tokyo, Japan



Reporters' Guide

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in Tokyo, Japan

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Introduction

Members of Japan’s delegation hugged and wept with joy when the International Olympic Committee (IOC) selected Tokyo in September 2013 as the host city for the 2020 Summer Olympic Games. The decision made Tokyo the first Asian city to host the Olympics twice, having also hosted the 1964 Games.

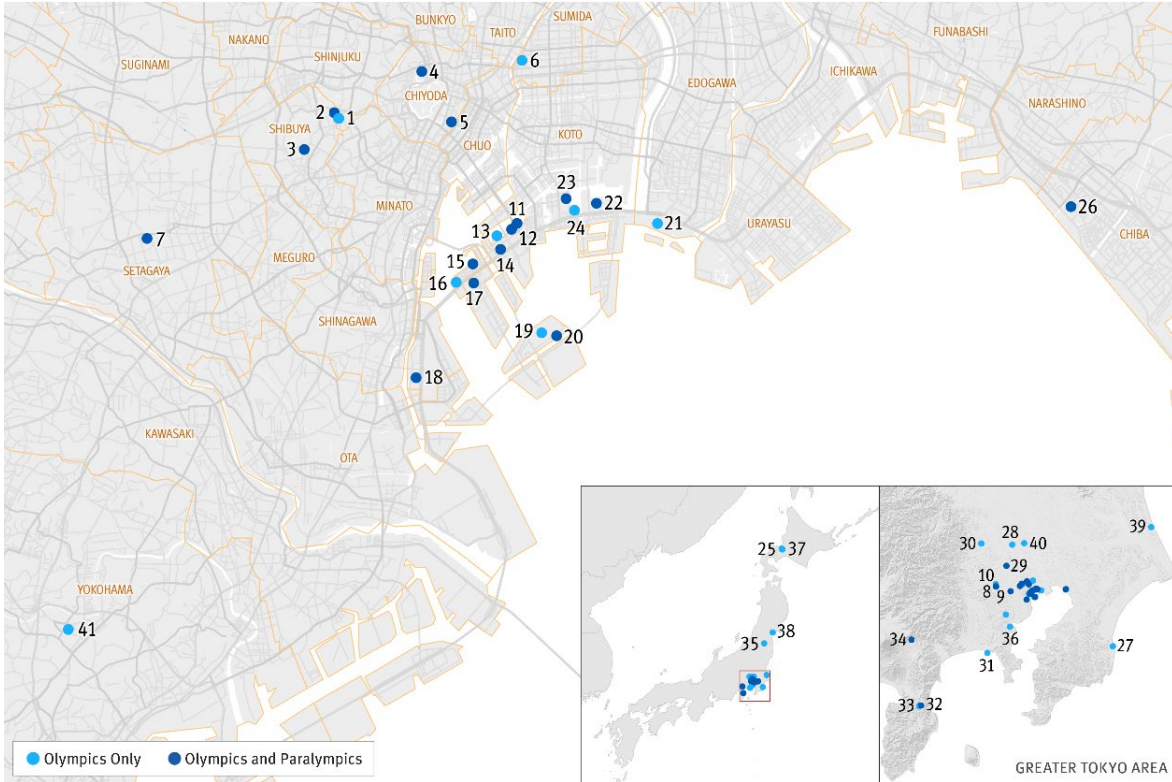
But with the onset of the Covid-19 pandemic, Japan’s exhilaration as the host of the Olympics transformed to frustration, despair, and uncertainty. The Covid-19 pandemic prompted the Japanese government and the IOC to agree in March 2020 to delay the 2020 Tokyo Games until mid-2021. Since then, Tokyo has experienced four public health emergencies at the time of writing, with the latest State of Emergency starting on July 12.

The Summer Olympics are currently scheduled for July 23 to August 8, 2021, and the Summer Paralympics for August 24 to September 5, 2021. Countries around the world recognize that the Olympics are more than just a sporting competition, but also can signal a pivotal moment for the host country’s international image. For instance, in 1964, Japan was beginning a period of rapid economic growth and hosting the Olympics signaled to the world that the country had put its post-World War II isolation behind it.

The Tokyo 2020 Summer Games are advertised as celebrating “unity in diversity” and “passing on a legacy for the future.” The Olympic Charter expressly bans “discrimination of any kind,” as a “Fundamental Principle of Olympism.” Now, as the world grapples with the pandemic’s continuing impact on global society, economy, and governance, the Japanese government should use the Olympics to signal that it is serious about being a global human rights leader. To do so, Japan has serious rights issues at home to address – including the abuse of children in sport, restrictions on lesbian, gay, bisexual and transgender (LGBT) and women’s rights, and inadequate treatment of refugees.

This guide provides an overview of the human rights context in Japan relevant to covering the Olympics and the Paralympics. It includes background on the Olympics, human rights violations spotlighted by the Tokyo 2020 Games, and recent developments and cases of interest to cover.

Venue Map for the 2020 Summer Olympic and Paralympic Games



Rights Abuses Relevant to Coverage of the 2020 Tokyo Games

Abuses against Athletes

Japanese sport has a history of corporal punishment against children, known in Japanese as *taibatsu*. Physical violence as a coaching technique has a long tradition in the country, and is seen by some as essential to achieving excellence in competition and building personal character. This dangerous tradition makes the eradication of physical abuse in Japanese sport especially difficult. Coaches, parents, and even some competitors hold firm to the mistaken belief that physical abuse in sport has value. As a direct result, children suffer.

In a survey that Human Rights Watch conducted in 2020, among 381 current and former child athletes aged 24-years-old or younger, 46 percent reported direct experiences of physical abuse while participating in sport. Of the 381 respondents, 19 percent indicated that they had been hit, punched, slapped, kicked, knocked to the ground, or beaten with an object while participating in sports. Many athletes who were assaulted, sexually abused, or harassed by coaches suffer from depression, physical disabilities and lifelong trauma.

In 2013, while Japan was bidding to host the 2020 Olympics, the public release of a series of videos showing athletes suffering abuse, coupled with suicides of child athletes, spurred leading sports agencies to speak out on the need for child protection in sport. Public outrage in Japan and around the world led to reforms such as setting up hotlines to report abuse. However, these remain optional “guidelines” instead of required rules, and as a result, progress has been uneven and unmonitored, and a lack of mandatory reporting of abuse complaints or statistics. The reporting systems currently available in Japan are largely inaccessible to young athletes. There is a lack of victim support infrastructure and a culture of impunity for abusive coaches. Of athlete interviewees who experienced abuse, all but one reported that there were “*no known consequences* for the coach.”

Ahead of the Tokyo Olympics, on July 7, 2021, Human Rights Watch and Japan Safe Sport Project, along with 10 Japanese and international partner organizations, launched a digital

campaign #AthletesAgainstAbuse (<https://www.hrw.org/AthletesAgainstAbuse>). This campaign calls for Seiko Hashimoto, president of the Tokyo 2020 Organizing Committee, and Koji Murofushi, commissioner of the Japan Sports Agency, to establish a Safe Sport Center in Japan. This Safe Sport Center should be an independent body tasked solely with addressing abuse in sport. The center should have the responsibility to create and effectively oversee standards for athlete protection and should serve as the central administrative authority for investigating abuse claims and issuing proportionate sanctions against abusive coaches.

For more Human Rights Watch reporting on abuse against athletes in Japan and related issues, please see:

Report:

- “I Was Hit So Many Times I Can’t Count”: Abuse of Child Athletes in Japan,” July 20, 2020,
https://www.hrw.org/sites/default/files/media_2020/07/japan0720_web.pdf



Multimedia feature:

- “Children in Japan are Abused in Pursuit of Olympic Medals,” July 20, 2020,
<https://www.youtube.com/watch?v=C8l-to8snp8>

News releases:

- “A Gold Medal for Sexism in Japan,” February 4, 2021,
<https://www.hrw.org/news/2021/02/04/gold-medal-sexism-japan>

- “Pressure Builds on Japan to Protect Child Athletes,” January 28, 2021, <https://www.hrw.org/news/2021/01/28/pressure-builds-japan-protect-child-athletes>
- “Japan: Child Abuse in Pursuit of Olympic Medals,” July 20, 2020, <https://www.hrw.org/news/2020/07/20/japan-child-abuse-pursuit-olympic-medals>

For IOC’s statement after Human Rights Watch’s reporting, please see:

- “IOC and JOC Discuss Measures to Eradicate Harassment and Abuse in Japanese Sport,” August 6, 2020, <https://olympics.com/ioc/news/ioc-and-joc-discuss-measures-to-eradicate-harassment-and-abuse-in-japanese-sport>

Lack of Legal Protection for LGBT Individuals

LGBT people in Japan face challenges and discrimination at every stage of life. For instance, surveys reveal that approximately 60 percent of LGBT people have experienced bullying at school,¹ and about half of LGBT people face difficulties at work.² This phenomenon is in part influenced by the lack of a national law banning discrimination based on sexual orientation or gender identity: LGBT people are not legally protected from discrimination. In Japan, the proportion of people who have attempted suicide is about 6 times greater among gay and bisexual people, and about 10 times more prevalent among transgender people than among the general population.³

Despite national and international demands, Japan’s national government has failed to enact anti-discrimination legislation. A recent study ranking laws based on LGBT inclusiveness in OECD member states puts Japan next to last.⁴

¹ Yasuharu Hidaka, “Research on LGBT individuals,” 2016, https://health-issue.jp/reach_online2016_report.pdf (accessed June 23, 2021).

² Ministry of Health, Labour and Welfare, “Diversity promotion activities in workplace,” 2021, https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyoukintou/000088194_00001.html (accessed June 23, 2021).

³ National Institute of Population and Social Security Research, “Questionnaire for Osaka City residents on physical and mental health,” November 2019, <https://osaka-chosa.jp/health.html> (accessed June 23, 2021).

⁴ OECD, “Over the Rainbow? The Road to LGBTI Inclusion,” June 24, 2020, https://www.oecd-ilibrary.org/social-issues-migration-health/over-the-rainbow-the-road-to-lgbti-inclusion_8d2fd1a8-en (accessed June 23, 2021).

In 2018, the city of Tokyo adopted an important ordinance that protects LGBT people from discrimination in line with the Olympic Charter and international human rights standards.⁵ However, many Olympic competitions, including marathon, golf, fencing, race walking, and surfing, will take place outside of Tokyo. For such events – which will take place in Hokkaido, Saitama, Chiba, Shizuoka, Kanagawa, Miyagi, and Fukushima prefectures – LGBT athletes, fans, and visitors will not be protected under Tokyo’s anti-discrimination ordinance.

Japanese LGBT groups have long urged Japanese political parties and elected representatives to pass legislation to protect LGBT rights. Increased advocacy and awareness building about LGBT rights and issues has resulted in sharply changing attitudes in Japanese society, with public support for LGBT equality surging in recent years. In November 2020, a nationwide public opinion survey found that 88 percent of those polled “agree or somewhat agree” with the “introduction of laws or ordinances that ban bullying and discrimination (in relation to sexual minorities).”⁶

In October 2020, the Japan Alliance for LGBT Legislation (J-ALL), an umbrella organization comprised of more than 80 LGBT organizations in Japan, Athlete Ally, All Out, and Human Rights Watch started a campaign #EqualityActJapan to call on the Japanese government to introduce the Equality Act ahead of the Tokyo Olympics. The campaign specifically refers to the Olympic Charter, which expressly bans “discrimination of any kind,” including on the grounds of sexual orientation, as a “Fundamental Principle of Olympism.”

⁵ Tokyo Metropolitan Government, “Ordinance that protects LGBT people from discrimination in line with the Olympic Charter,” October 2018, https://www.reiki.metro.tokyo.lg.jp/reiki/reiki_honbun/g101RG00004975.html (accessed June 23, 2021).

⁶ Machi Kunizaki and Jun Tsuboike, “Same sex marriage, 80% of those in 20s and 30s agree,” *HuffPost Japan*, November 29, 2020, https://www.huffingtonpost.jp/entry/story_ip_5fc23a1ac5b61d04bfaa0456 (accessed July 7, 2021).



Members of the Equality Act Japan campaign hand over 106,250 signatures gathered in support of the LGBT Equality Act to the ruling Liberal Democratic Party, in Tokyo, March 25, 2021. © 2021 Human Rights Watch

In January 2021, 116 Japanese and international groups sent a joint letter to Prime Minister Yoshihide Suga. In March 2021, the groups submitted a petition with 106,250 signatures from Japan and abroad to all Japanese political parties, including the ruling conservative Liberal Democratic Party (LDP), asking to introduce the Equality Act in the Japanese National Diet.

In April, the LDP announced it would pass an LGBT law during the ongoing Diet session, which was set to end in June. But the bill proposed by the LDP only required the government to “promote understanding of LGBT people,” and failed to provide LGBT people protections against discrimination. In May, leaders from the ruling and opposition parties agreed on a draft bill in which discrimination against LGBT individuals would be deemed unacceptable.

While the parliamentary caucuses of all other political parties approved the proposed bill, the ruling LDP parliamentary representatives failed to approve it. According to media reports, many conservative LDP representatives opposed the bill, with some purportedly

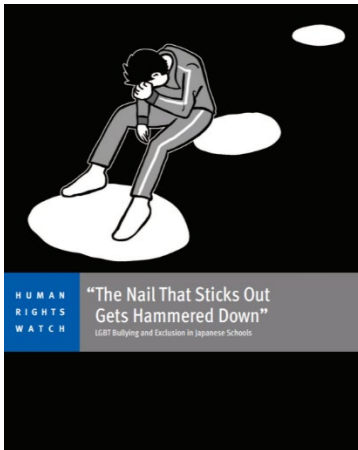
saying that “LGBT goes against the preservation of the species,” and allowing transgender athletes to participate in sports and win Olympic medals is “absurd.”⁷

Despite the widespread public support for the bill, the Diet ended its session in mid-June without passing the promised law. This means Japan will host the Olympic and the Paralympic Games without a national law that extends legal protection to LGBT individuals.

For more Human Rights Watch reporting on lack of legal protection for LGBT individuals and related issues, please see:

Report:

- “‘The Nail that Sticks Out Gets Hammered Down’: LGBT Bullying and Exclusion in Japanese Schools,” May 5, 2016, <https://www.hrw.org/report/2016/05/05/nail-sticks-out-gets-hammered-down/lgbt-bullying-and-exclusion-japanese-schools>



Multimedia feature:

- “Japan Should Protect LGBT People Before Olympics,” January 26, 2021, <https://www.youtube.com/watch?v=DSccQa4cyzw>
- “LGBT Students Bullied in Japan,” July 9, 2016, <https://www.youtube.com/watch?v=kVUyw8Pob68>

⁷ Rich, M., & Hida, H., “Olympics Gave Hope to Japan’s L.G.B.T.Q. Activists. But Old Prejudices Die Hard,” *The New York Times*, June 5, 2021, <https://www.nytimes.com/2021/06/05/world/asia/olympics-japan-lgbtq.html> (accessed June 21, 2021).

News releases:

- “Japan: Global Firms Back LGBT Non-Discrimination Act,” May 31, 2021, <https://www.hrw.org/news/2021/06/01/japan-global-firms-back-lgbt-non-discrimination-act>
- “A Gold Medal for Homophobia in Japan,” May 21, 2021, <https://www.hrw.org/news/2021/05/21/gold-medal-homophobia-japan>
- “Japan’s Ruling Party LGBT Bill Falls Short,” May 7, 2021, <https://www.hrw.org/news/2021/05/07/japans-ruling-party-lgbt-bill-falls-short>
- “Pass Equality Act Before Olympics,” March 25, 2021, <https://www.hrw.org/news/2021/03/25/japan-pass-equality-act-olympics>
- “A Boost to Same-Sex Marriage in Japan,” March 18, 2021, <https://www.hrw.org/news/2021/03/18/boost-same-sex-marriage-japan>
- “Letter to the Tokyo Organizing Committee of the Olympic and Paralympic Games (TOCOG), the Japanese Olympic Committee, and the Japanese Paralympic Committee from the TOCOG Human Rights, Labour, and Participation Committee members,” February 26, 2021, https://www.hrw.org/sites/default/files/media_2021/03/210226%20TOCOG%20letter%20on%20LGBT%20equality%20law%20ENG.pdf
- “Olympics as Game Changer for Japan’s LGBT Rights,” February 3, 2021, <https://www.hrw.org/news/2021/02/03/olympics-game-changer-japans-lgbt-rights>
- “Letter to Prime Minister Yoshihide Suga Regarding National LGBT Non-Discrimination Act,” January 26, 2021, <https://www.hrw.org/news/2021/01/26/letter-prime-minister-yoshihide-suga-regarding-national-lgbt-non-discrimination-act>
- “Letter to Prime Minister Shinzo Abe Regarding National LGBT Non-Discrimination Law,” May 15, 2020, <https://www.hrw.org/news/2020/05/15/letter-prime-minister-shinzo-abe-regarding-national-lgbt-non-discrimination-law>
- “Tokyo: New Law Bars LGBT Discrimination,” October 5, 2018, <https://www.hrw.org/news/2018/10/05/tokyo-new-law-bars-lgbt-discrimination>
- “Japan’s Gay Mockery Throwback,” October 4, 2017, <https://www.hrw.org/news/2017/10/04/japans-gay-mockery-throwback>
- “Japan’s Missed Opportunity to Support LGBT Children,” April 27, 2017, <https://www.hrw.org/news/2017/04/27/japans-missed-opportunity-support-lgbt-children>

- “Japan: Anti-Bullying Policy to Protect LGBT Students,” March 24, 2017, <https://www.hrw.org/news/2017/03/24/japan-anti-bullying-policy-protect-lgbt-students>

Digital Campaign:

- #EqualityActJapan – 日本にも LGBT 平等法を (In English) <https://www.hrw.org/EqualityActJapan>
- #EqualityActJapan – 日本にも LGBT 平等法を (In Japanese) <https://equalityactjapan.org>

Business Support:

- Business Support for LGBT Equality in Japan (In English), June 1, 2021, <https://www.hrw.org/news/2021/06/01/japan-global-firms-back-lgbt-non-discrimination-act>
- Business Support for LGBT Equality in Japan (In Japanese), http://lgbtetc.jp/wp/wp-content/uploads/2021/04/FINALJapanese_Business-Support-for-LGBT-Equality-in-Japan.docx.pdf

For IOC’s statement, please see:

- “Unity in Diversity: IOC emphasises inclusion in sport during LGBTQ Pride Month,” June 2, 2021, <https://olympics.com/ioc/news/unity-in-diversity-ioc-emphasises-inclusion-in-sport-during-lgbtq-pride-month>

Contact Information for Japanese NGOs

Athletes' Rights NGOs

- ATHLETE SAVE JAPAN (一般社団法人 アスリートセーブジャパン) (Japanese)
 - Contact: info@athlete-save.jp
 - Website: <https://athlete-save.jp/>
- Japan Judo Accident Victims Association (全国柔道事故被害者の会) (Japanese)
 - Contact: <http://judojiko.net/contact>
 - Website: <http://judojiko.net/>
- Japan Safe Sport Project (セーフスポーツプロジェクト) (English, Japanese)
 - Contact: <https://www.facebook.com/SafeSportJP/> (Facebook),
<https://www.instagram.com/safesportjp> (Instagram), @SafeSportJP
(twitter)
- Kantokuga Okottewa Ikenai Taikai (一般社団法人 監督が怒ってはいけない大会) (Japanese)
 - Contact: @masukonaomicup (twitter)
- UNISOCC (一般社団法人ユニサカ) (Japanese)
 - Contact: info@unisocc.com
 - Website: <http://unisocc.com/>

LGBT Rights NGOs

- Japan Alliance for LGBT Legislation (J-ALL、LGBT 法連合会) (English, Japanese)
 - Contact: info@lgbtetc.jp /Tel: 81-3-5802-6650
 - Website: <https://lgbtetc.jp/english>
- Pride House Tokyo (プライドハウス東京) (English, Japanese)
 - Contact: tokyo@pridehouse.jp
 - Website: <https://pridehouse.jp/en>
- Tokyo Rainbow Pride (東京レインボープライド) (English, Japanese)
 - Contact: <https://tokyorainbowpride.com/press>
 - Website: <https://tokyorainbowpride.org>

Human Rights Abuses in Japan

Japan is a stable democracy with rule of law and an active civil society. Basic civil and political rights such as freedom of expression, association, and peaceful public assembly are well-respected.

However, Japan does not have a law prohibiting racial, ethnic, or religious discrimination, or discrimination based on sexual orientation or gender identity. Japan also does not have a national human rights commission or other official, independent institution established to protect human rights.

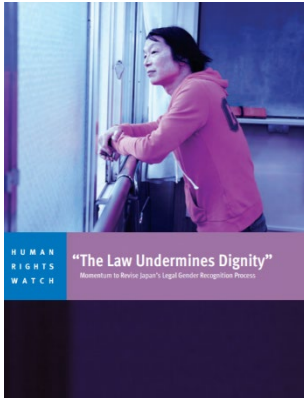
Compulsory Sterilization for Transgender Individuals

Transgender athletes are now permitted to compete in the Olympic Games, an important first at the Tokyo games. However, despite this important step forward for transgender rights and gender equality at the Olympics, members of Japan's ruling LDP continue to publicly make transphobic comments such as that trans athletes competing in sport is "absurd." Japanese laws also continue to discriminate against transgender communities by demanding pre-requisites for legal recognition that violate the human rights of transgender individuals.

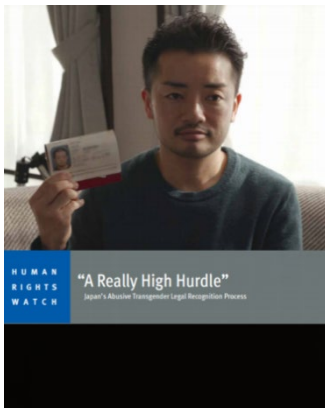
Legally changing one's gender in Japan requires transgender people to undergo burdensome, invasive, and rights-abusing medical procedures, including sterilization surgery, even if they have no discomfort in retaining their bodies as they are. Not only are these procedures psychologically and physically demanding, but they are also irreversible, extremely expensive, and lengthy. Transgender people in Japan who wish to change their legal gender must undergo a lengthy legal process by appealing to a family court under the Gender Identity Disorder Act, enacted in 2004. The law requires applicants to be single and without children under the age of 20. They must also undergo a psychiatric evaluation for a "gender identity disorder" diagnosis, alongside being sterilized.

Reports:

- “The Law Undermines Dignity’: Momentum to Revise Japan’s Legal Gender Recognition Process,” May 25, 2021, <https://www.hrw.org/report/2021/05/25/law-undermines-dignity/momentum-revise-japans-legal-gender-recognition-process>



- “A Really High Hurdle’: Japan’s Abusive Transgender Legal Recognition Process,” March 19, 2019, <https://www.hrw.org/report/2019/03/19/really-high-hurdle/japans-abusive-transgender-legal-recognition-process>



Multimedia feature:

- “Time to Reform Gender Laws,” May 21, 2021, <https://www.youtube.com/watch?v=wT8doRaUynE>
- “Japan: Compelled Sterilization of Transgender People,” March 22, 2019, <https://www.youtube.com/watch?v=xXHbbTpiIqE>

News releases:

- “Japan: New Momentum to Reform Transgender Law,” May 25, 2021, <https://www.hrw.org/news/2021/05/25/japan-new-momentum-reform-transgender-law>
- “Japan Hair Controversy Highlights Harmful School Policies,” February 22, 2021, <https://www.hrw.org/news/2021/02/22/japan-hair-controversy-highlights-harmful-school-policies>
- “Will Japan’s Government Follow Universities’ Lead on Trans Rights?,” November 5, 2020, <https://www.hrw.org/news/2020/11/05/will-japans-government-follow-universities-lead-trans-rights>
- “Human Rights Watch Letter to Japanese Authorities Re: Trans University Students,” October 5, 2020, <https://www.hrw.org/news/2020/10/20/human-rights-watch-letter-japanese-authorities-re-trans-university-students>
- “Interview: Sports, Equality, and the Power of the Olympics,” June 1, 2020, <https://www.hrw.org/news/2020/06/01/interview-sports-equality-and-power-olympics>
- “Outcry as Japanese TV Show Mocks Transgender Woman,” November 21, 2019, <https://www.hrw.org/news/2019/11/21/outcry-japanese-tv-show-mocks-transgender-woman>
- “Global Call to Reform Japan’s Law on Transgender People,” June 14, 2021, <https://www.hrw.org/news/2019/06/14/global-call-reform-japans-law-transgender-people>
- “Japan: Compelled Sterilization of Transgender People,” March 19, 2019, <https://www.hrw.org/news/2019/03/19/japan-compelled-sterilization-transgender-people>
- “A Silver Lining in Japan’s Supreme Court Transgender Ruling,” March 1, 2019, <https://www.hrw.org/news/2019/03/01/silver-lining-japans-supreme-court-transgender-ruling>
- “Japan’s School Uniform Shift Will Help LGBT Students,” June 20, 2018, <https://www.hrw.org/news/2018/06/20/japans-school-uniform-shift-will-help-lgbt-students>

For the letter to IOC President Thomas Bach from Fumino Sugiyama, a transgender man, former member of Japan’s national women’s fencing team, and recently elected member of the Executive Board of the Japanese Olympic Committee (JOC), please see:

- <https://note.com/fuminosugiyama/n/n23b861044060>

For the letter from the World Professional Association for Transgender Health (WPATH) to the Japanese government, please see:

- https://www.wpath.org/media/cms/Documents/Public%20Policies/2019/WPATH%20Letter%20to%20Japanese%20Gov%20Officials%20re%20Identity%20Recognition_May%20%2028%202019.pdf

Women's Rights

Japan has a law against sex discrimination, but its application is limited to the area of employment. Japan's Law on Equal Employment Opportunity Between Men and Women obligates employers to take measures to prevent and respond to sexual harassment in the workplace. However, it does not prohibit sexual harassment or provide sanctions against the harassers or redress for victims.



Protesters hold placards during a rally against sexual harassment at Shinjuku shopping and amusement district in Tokyo, April 28, 2018. © 2018 REUTERS/Issei Kato

Japan has the lowest proportion of female managers across business and government bodies among OECD countries.⁸ The country ranks 166th of 190 countries globally in its percentage of women in parliament.⁹

The continuation of bias against women managers and leaders was seen in February 2021, when Yoshiro Mori, then the president of the Tokyo Olympics organizing committee, was forced to resign after he was quoted as saying women talk too much and that meetings with many female board directors would "take a lot of time."¹⁰ Japan's gender gap in sports federations is also pronounced, and may contribute to difficulties female athletes face in reporting and obtaining remedies for harassment, sexual assault, and other abuses.¹¹

News releases:

- "A Gold Medal for Sexism in Japan," February 4, 2021, <https://www.hrw.org/news/2021/02/04/gold-medal-sexism-japan>
- "Allow married women in Japan to keep their surnames," December 22, 2020, <https://www.hrw.org/news/2020/12/23/allow-married-women-japan-keep-their-surnames>
- "Japan: End Workplace Harassment, Violence," December 2, 2018, <https://www.hrw.org/news/2018/12/02/japan-end-workplace-harassment-violence>
- "Bright Women Need Not Apply," August 10, 2018, <https://www.hrw.org/news/2018/08/10/bright-women-need-not-apply>
- "Japan's Not-So-Secret Shame," July 29, 2018, <https://www.hrw.org/news/2018/07/29/japans-not-so-secret-shame>

⁸ OECD, "Employment: Share of female managers," 2021, <https://stats.oecd.org/index.aspx?quervid=96330> (accessed June 23, 2021).

⁹ UN Women, "Women in politics: 2021," 2021, <https://www.unwomen.org/en/digital-library/publications/2021/03/women-in-politics-map-2021> (accessed June 23, 2021).

¹⁰ "Olympic chief shake-up in Tokyo casts light on wider sexism in Japanese sport," *The Washington Post*, February 12, 2021, https://www.washingtonpost.com/world/japan-mori-sport-abuse-sexism-olympics/2021/02/12/3db6dcca-6aee-11eb-a66e-e27046e9e898_story.html (accessed June 28, 2021). "Tokyo Olympic Chief Resigns Over Sexist Comments," *The New York Times*, February 11, 2021, <https://www.nytimes.com/2021/02/11/world/asia/yoshiro-mori-tokyo-olympics-resigns.html> (accessed June 28, 2021).

¹¹ "Only 15.5% of board members are female at sports federations," *Nikkei Shimbun*, February 6, 2021, <https://www.nikkei.com/article/DGKKZO68899110VooC21A2UU8000/> (accessed June 28, 2021).



Judge Yuichi Tada, top center, before a hearing in the case of former Nissan chairman Carlos Ghosn at the Tokyo District Court on January 8, 2019. © 2019 Kiyoshi Ota/Pool Photo via AP

“Hostage” Justice System in Japan

Under Japan’s “hostage” justice system, criminal suspects are subject to being held in harsh pretrial conditions for long periods to coerce a confession. The Japanese criminal procedure law allows suspects to be detained for up to 23 days prior to prosecution, without the possibility of release on bail. Lawyers are not allowed to be present during interrogations, increasing the prospect of investigators using coercive means and manipulating suspects to extract confessions.

News releases:

- “Call to Eliminate Japan’s ‘Hostage Justice’ System by Japanese Legal Professionals,” April 10, 2019, <https://www.hrw.org/news/2019/04/10/call-eliminate-japans-hostage-justice-system-japanese-legal-professionals>
- “Japan’s Hostage Justice System,” January 10, 2019, <https://thediplomat.com/2019/01/japans-hostage-justice-system/>



Protesters holding placards shout slogans at a rally to call for visa grants for asylum seekers in Japan, in central Tokyo, September 9, 2015. © 2015 REUTERS/Yuya Shino

Bias against Granting Asylum

Japan's asylum and refugee determination system remains strongly oriented against recognizing asylum seekers as refugees. In 2020, the Justice Ministry received 3,936 applications for refugee status, largely from asylum seekers from Turkey, Myanmar, Nepal, Cambodia, and Sri Lanka. During the year, the ministry recognized only 47 persons as refugees, and accepted another 44 persons in the category of needing humanitarian assistance, meaning they were allowed to temporarily stay in Japan but not recognized as refugees.¹²

News release:

- "Japan: Improve Migrant Treatment, Accept Refugees," January 12, 2017, <https://www.hrw.org/news/2017/01/12/japan-improve-migrant-treatment-accept-refugees>

¹² Immigration Services Agency of Japan, "Refugee recognition numbers etc. for 2020," March 31, 2021, http://www.moj.go.jp/isa/publications/press/07_00003.html (accessed June 23, 2021).

Death Penalty

Japan's criminal code provides for imposition of the death penalty by hanging. Since 2017, Japan has executed 22 people.¹³ As of December 2020, 110 people in Japan were on death row awaiting execution.¹⁴ Japan regularly dismisses international criticisms of its use of the death penalty, including death row inmates having inadequate access to legal counsel and being notified of their execution only on the day they are taken to the gallows.

News release:

- “Asian Nations Reject UN Vote Against Death Penalty,” November 24, 2020, <https://www.hrw.org/news/2020/11/25/asian-nations-reject-un-vote-against-death-penalty>

International Abductions and Enforced Disappearances by North Korea

The North Korean government lured approximately 93,000 ethnic Koreans (*zainichi*) and Japanese with false promises to persuade them to migrate from Japan to North Korea between 1959 and 1984. The North Korean government, operating mostly through the pro-Pyongyang General Association of Korean Residents in Japan (*Chongryon*), propagandized that North Korea was a “paradise on earth,” and “anything needed for life including housing, food, clothes are fully guaranteed” in North Korea. However, once they arrived in North Korea, the government abused their rights, subjected them to economic deprivation, and refused to let them return to Japan.

In August 2018, five victims of this “paradise on earth” campaign who escaped from North Korea sued the North Korean government for damages for luring them on false premises. This case, currently pending before a Tokyo District Court, is the first lawsuit brought by people living in Japan against the North Korean government. It is expected that the complaint may be served to the defendant, North Korea, by the form of “service by publication” in mid-2021.

¹³ Amnesty International, “Death Sentences and Executions 2020,” 2020, <https://www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF> (accessed June 23, 2021). Portal Site of Official Statistics of Japan, “Prosecutor’s statistics,” <https://www.e-stat.go.jp/dbview?sid=0003274121> (accessed June 23, 2021).

¹⁴ Amnesty International, “Latest death penalty statistics (2020),” https://www.amnesty.or.jp/human-rights/topic/death_penalty/statistics.html (accessed June 23, 2021).



Five plaintiffs who filed a lawsuit against North Korea for the “Paradise on Earth” campaign hold a banner demanding victims’ return to Japan, in Tokyo, August 19, 2018. © 2018 Kanae Doi/Human Rights Watch



Prime Minister Shinzo Abe, US President Donald Trump, and First Lady Melania Trump listen to Sokie Yokota, second from left, mother of Megumi Yokota, who was kidnapped by North Korean agents at the age of 13 in 1977, at Akasaka Palace in Tokyo, May 27, 2019. © 2019 Kimimasa Mayama/Pool Photo via AP

The North Korean government also abducted an unknown number of persons from Japan during the 1970s and 1980s. The Japanese government officially claims 17 Japanese nationals were abducted by North Korea, including Megumi Yokota, whom North Korean agents abducted in 1977, when she was 13. Among these 17 persons, only 5 have since returned home.¹⁵

News releases:

- “Shigeru Yokota, Tireless Fighter for Daughter Abducted, February 4, 2021, Dies,” June 10, 2020, <https://www.hrw.org/news/2020/06/10/shigeru-yokota-tireless-fighter-daughter-abducted-dies>
- “Japan: Stand Firm on Rights in North Korea,” February 18, 2020, <https://www.hrw.org/news/2020/02/18/japan-stand-firm-rights-north-korea>
- “Japan: Protect Victims Enticed to North,” August 21, 2018, <https://www.hrw.org/news/2018/08/21/japan-protect-victims-enticed-north-korea>
- “No ‘Paradise on Earth’: Why Japan Should Right a Historic Wrong,” September 22, 2015, <https://www.hrw.org/news/2015/09/22/no-paradise-earth-why-japan-should-right-historic-wrong>
- “North Korea: Japan’s Backing of UN Inquiry Gives Hope,” January 25, 2013, <https://www.hrw.org/news/2013/01/25/north-korea-japans-backing-un-inquiry-gives-hope>

For more Human Rights Watch’s reporting on the rights situation in Japan, please see:

- “World Report 2021 – Japan, Events of 2020,” <https://www.hrw.org/world-report/2021/country-chapters/japan>
- “World Report 2020 – Japan, Events of 2019,” <https://www.hrw.org/world-report/2020/country-chapters/japan>
- “World Report 2019 – Japan, Events of 2018,” <https://www.hrw.org/world-report/2019/country-chapters/japan>
- “World Report 2018 – Japan, Events of 2017,” <https://www.hrw.org/world-report/2018/country-chapters/japan>
- “World Report 2017 – Japan, Events of 2016,” <https://www.hrw.org/world-report/2017/country-chapters/japan>

¹⁵ Johnston, E., “The North Korean abduction issue in Japan: When will the waiting end?,” *The Japan Times*, June 11, 2020, <https://www.japantimes.co.jp/news/2020/06/11/national/japan-north-korean-abduction-issue/> (accessed June 23, 2021).

Olympic Organizations and the 2020 Tokyo Games

Following our publication of research on child abuse in sport in Japan in July 2020, Human Rights Watch has regularly shared with the IOC, the Japanese Olympic Committee (JOC), and the Tokyo Organizing Committee of the Olympic and Paralympic Games (TOCOG) information about rights abuses against athletes and the need for legal protections for LGBT people. To their credit, these committees have been open to receiving this information and conducting dialogues on these issues with Human Rights Watch.

The IOC responded to the abuse of athletes by organizing a telephone meeting between IOC President Thomas Bach and JOC President Yasuhiro Yamashita to address measures to eradicate harassment and rights abuses in Japanese sport.¹⁶ The IOC also responded to the lack of legal protection for LGBT people by issuing an unprecedented and detailed statement in support of LGBT rights during June 2021, Pride Month.

However, the Japanese Olympic Committee and the Tokyo Organizing Committee's responses on human rights issues have fallen short of supporting necessary legal protections. Despite the apparent need for reforms to end violence by coaches, the JOC only promised to "continuously exert the utmost effort to revert to the fundamental understanding of wiping abuse from elite sports activities."¹⁷ TOCOG's President Seiko Hashimoto made a welcome visit to Pride House Tokyo Legacy in April 2021, but the Tokyo Organizing Committee failed to support legal protection for LGBT people despite the call by its own TOCOG Human Rights, Labour, and Participation Committee members to do so.

For IOC statements, please see:

- "Unity in Diversity: IOC emphasizes inclusion in sport during LGBTQ Pride Month," June 2, 2021, <https://olympics.com/ioc/news/unity-in-diversity-ioc-emphasises-inclusion-in-sport-during-lgbtq-pride-month>

¹⁶ Ali Iveson, "IOC and JOC Presidents discuss methods to stop abuse in Japanese sport," *insidethegames.biz*, August 7, 2020, <https://www.insidethegames.biz/articles/1097096/ioc-ioc-abuse-talks> (accessed June 25, 2021).

¹⁷ Japanese Olympic Committee, "IOC and JOC discussed measures to eradicate harassment and abuse in Japanese sport," August 6, 2020, https://www.ioc.or.jp/english/aboutioc/statement/pdf/IOC_statement_20200806.pdf (accessed June 23, 2021).

- “IOC and JOC Discuss Measures to Eradicate Harassment and Abuse in Japanese Sport,” August 6, 2020, <https://olympics.com/ioc/news/ioc-and-joc-discuss-measures-to-eradicate-harassment-and-abuse-in-japanese-sport>

For JOC statement, please see:

- “IOC and JOC discussed measures to eradicate harassment and abuse in Japanese sport,” August 6, 2020, https://www.joc.or.jp/english/aboutioc/statement/pdf/JOC_statement_20200806.pdf

For the call from TOCOG’s Human Rights, Labour, and Participation Committee members and the response of TOCOG, please see:

- “Letter to the Tokyo Organizing Committee of the Olympic and Paralympic Games (TOCOG), the Japanese Olympic Committee, and the Japanese Paralympic Committee from the TOCOG Human Rights, Labour, and Participation Committee members,” February 26, 2021, https://www.hrw.org/sites/default/files/media_2021/03/210226%20TOCOG%20letter%20on%20LGBT%20equality%20law%20ENG.pdf
- TOCOG’s response to “Letter to the Tokyo Organizing Committee of the Olympic and Paralympic Games (TOCOG), the Japanese Olympic Committee, and the Japanese Paralympic Committee from the TOCOG Human Rights, Labour, and Participation Committee members,” March 16, 2021, <https://www.hrw.org/news/2021/03/16/tocogs-response-letter-supporting-national-lgbt-equality-law-protect-against>

What is the Olympic Charter?

The Olympic Charter acts as a “constitution” for the Olympic Games and the Olympic Movement: it sets out principles that should be obeyed. The charter contains the fundamental principles of Olympism, alongside the rules and bylaws adopted by the International Olympic Committee. The charter also regulates the way in which the organization functions and establishes the conditions for the celebration of the Olympic Games.

Human rights organizations have used the charter to hold the IOC accountable and demand host countries to meet benchmarks for compliance with human rights principles and with the Olympic Charter.

Responding to the outcry against the “gay propaganda law,” which Russian President Vladimir Putin signed in June 2013, just months before the opening ceremony of the Sochi Olympics, the IOC revised the Olympic Charter to include non-discrimination regarding sexual orientation in Principle 6 of the Olympic Charter. Further, in 2017, the IOC revised its standard Host City Contract to incorporate human rights principles that is expected to help prevent major abuses by future Olympic hosts. In December 2020, the IOC published its expert report, “Recommendations for an IOC Human Rights Strategy,” an important roadmap for adopting human rights across its operations.¹⁸ Human Rights Watch has recommended immediate adoption of this strategy, consistent with the steps set out in the UN Guiding Principles on Business and Human Rights (the “UN Guiding Principles”),¹⁹ and with the IOC’s ongoing work to build a strategic framework on human rights.²⁰

In June 2018, the TOCOG declared its commitment to the UN Guiding Principles, becoming the first Olympic host to do so. Under the UN Guiding Principles, the organizing committee should investigate, know and show that they respect human rights, and prevent human rights risks, provide remedies, and be transparent about the entire process. However, since the adoption of the UN Guiding Principles, the TOCOG has done relatively little for the effective implementation of those principles.

For the Olympic Charter, please see:

- <https://olympics.com/ioc/olympic-charter>

¹⁸ Prince Zeid Ra’ad Al Hussein and Rachel Davis, “Recommendations for an IOC Human Rights Strategy,” March 2020, https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_HumanRights.pdf#_ga=2.240213376.263148656.1607971790-659856200.1599013158 (accessed June 25, 2021).

¹⁹ United Nations, “Guiding Principles on Business and Human Rights,” June 16, 2011, https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf (accessed June 25, 2021).

²⁰ International Olympic Committee, “IOC continues working on human rights and takes first steps on a strategy,” March 3, 2020, <https://olympics.com/ioc/news/ioc-continues-working-on-human-rights-and-takes-first-steps-on-a-strategy> (accessed June 25, 2021).

The “Fundamental Principles of Olympism”

- The Olympic movement seeks to create a way of life based on social responsibility and respect for universal fundamental ethical principles;
- Olympism promotes a peaceful society concerned with the preservation of human dignity and the development of humankind;
- The practice of sport is a human right. Every individual must be allowed to practice sport, without discrimination of any kind; and
- Any form of discrimination with regard to a country or a person on grounds of race, sex, sexual orientation, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.

Mission and Role of the IOC

The mission of the IOC is to promote Olympism throughout the world and to lead the Olympic Movement. According to the Olympic Charter, the IOC’s role includes:

- To ensure the regular celebration of the Olympic Games;
- To act against any form of discrimination affecting the Olympic Movement;
- To encourage and support the promotion of women in sport at all levels;
- To encourage and support responsibility for environmental issues and to promote sustainable development; and
- To promote a positive legacy to host cities and host countries.

Mission and Role of the National Olympic Committees

The mission of the National Olympic Committees is to develop, promote, and protect the Olympic Movement in their respective countries. Their role is:

- To promote the fundamental principles and values of Olympism;
- To ensure the observance of the Olympic Charter in their countries; and
- To take action against any form of discrimination and violence in sport.

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REPORTERS' GUIDE

For the 2020 Summer Olympic and Paralympic Games in Tokyo, Japan

Japan is hosting the Tokyo 2020 Olympic and Paralympic Games starting on July 23, 2021. While Japan is an established democracy with a demonstrated commitment to rule of law and an active, independent civil society, it also has serious rights issues that need to be addressed, including the abuse of children in sport, restrictions on the rights of lesbian, gay, bisexual and transgender (LGBT) people, violations of women's rights, and wholly inadequate protection of asylum seekers and refugees.

Reporters' Guide for the 2020 Summer Olympic and Paralympic Games in Tokyo, Japan summarizes Human Rights Watch's rights concerns and recommendations relevant to the Tokyo 2020 Games. The guide also describes the role of the International Olympic Committee (IOC) and other Olympic organizations, and explains what they have done on human rights with regard to the Tokyo Olympics.

The Tokyo 2020 Summer Games are advertised as celebrating “unity in diversity” and “passing on legacy for the future.” Amidst the global impact of the Covid-19 pandemic, the Japanese government should act to build a legacy of respect for human rights in Japan and beyond.

Human Rights Watch hopes this guide will be a useful tool for journalists interested in reporting on a wider range of issues in Japan.



Members of the Equality Act Japan campaign stand outside the National Diet Building before handing over 106,250 signatures gathered in support of the LGBT Equality Act to the government, March 25, 2021.

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