

**CLARIFICATION:
Status of SRP's Communication to the Government of Japan
concerning the "anti-conspiracy bill"**

"The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As stated in his letter of 18th May 2018 addressed to the Prime Minister of Japan, concerning the proposed adoption of a anti conspiracy legislation, Mr. Joseph Cannataci wrote in his capacity as Special Rapporteur appointed by the Human Rights Council to develop the UN mandate on the right to privacy, which was established by Human Rights Council resolution 28/16.

The mandate was created, inter alia, "to gather relevant information, including on international and national frameworks, national practices and experience, to study trends, developments and challenges in relation to the right to privacy and to make recommendations to ensure its promotion and protection, including in connection with the challenges arising from new technologies." (Text of the resolution: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/28/L.27).

The Human Rights Council, **of which Japan is member**, has reaffirmed the obligation of States to cooperate with the Special Procedures, and the integrity and independence of Special Procedures. It also reaffirmed the principles of cooperation, transparency and accountability and the role of the system of Special Procedures in enhancing the capacity of the Human Rights Council to address human rights situations.

When Japan presented its candidature to the General Assembly to become a member of the Human Rights Council for the period 2017-2020, it underlined "*the great importance*" it attached "*to the role of the Office of the United Nations High Commissioner for Human Rights and the Special Procedures*", adding that "*Japan will continue to offer its full cooperation to realise meaningful and constructive dialogues with thematic mandate-holders.*" (A/71/165, 20 July 2016).

On 28 May 2017, in response to questions on the meeting between the Secretary-General and Prime Minister Abe of Japan, regarding the reports of Special Rapporteurs: the Secretary-General told the Prime Minister that Special Rapporteurs are experts that are independent and report directly to the Human Rights Council. (See United Nations Secretary General: Office of the spokesperson's Note to Correspondents: <https://www.un.org/sg/en/content/sg/notes-correspondents>).

Further clarification by the United Nations Secretary General's spokesperson office concerning UN Special Procedures:

Question: My name is Hiromoto from Nippon Television. I'd like to also ask you about the discussion when SG [Secretary-General] and Mr. Prime Minister Abe. And, according the press statement on 28 May from UN, SG said to Mr. Prime Minister, regarding... about the special reporters... regarding that report of special reporters, the Secretary- General told Prime Minister that special reporters are expert on independent and report directly to the Human Right Council. My question is this statement... is this everything that the SG told the Prime Minister about the special reporters?

Spokesman: That's the gist and the... and what the Secretary- General told him. I mean, the... you know, we talk often about Special Rapporteurs here. Special Rapporteurs have a critical role to play in the human rights architecture of the UN system. But, they do not report to the Secretary- General of the United Nations. He does not appoint them. He does not set their mandates. Their mandates are set by the Human Rights Council. They're appointed by the Human Rights Council, and they report to the Human Rights Council, and they are independent experts. That's just a fact.

Question: I have one more question. According to the brief made by Japanese Government, they said SG told that the reporter's view do not necessarily reflect opinion... opinion of the United Nations. Is this true?

Spokesman: I think I just answered your question. There are independent rapporteurs who have specific mandates, and they report to the Human Rights Council. Evelyn?

Link: <https://www.un.org/press/en/2017/db170530.doc.htm> _