

Statement on the Reporters Without Borders World Press Freedom Index, and on Special UN Rapporteur David Kaye

The World Press Freedom Index released on April 20 of this year by French NGO Reporters Without Borders received broad media coverage. According to this Index, Japan, which in 2010 had been ranked no. 11, has dropped precipitously, falling to no. 61 last year and no. 72 in 2016, out of a total of 180 countries listed. The Index noted that, in Japan, “freedom of the press is rapidly deteriorating.” However, our organization finds the Reporters Without Borders ranking to be of highly questionable reliability.

For example, Tanzania occupies the 71st place in the Index, one place above Japan. The Journalists Without Borders’ own website contains the following information on the situation within Tanzania:

“Tanzania has a history of violence against journalists. Two reporters have been killed since 2012, and dozens more have been attacked or threatened. In 2015, Tanzania passed laws making it illegal to publish any “official” data not approved by the government or any information online that the government deemed “deceptive, misleading, or inaccurate.” Introduction of the Access to Information Bill would also allow the government to prosecute journalists if it deems information they published to be not in the public interest. Tanzania also permanently banned a weekly newspaper and detained some of its editors at the beginning of 2016.”

While we refrain here from detailing the conditions within each of the seventy-one countries ranked ahead of Japan, we note that, in the majority of those countries, including Tanzania, freedom of expression falls under direct government pressure.

The Journalists Without Borders website claims that the Secret Information Protection Act constitutes a major threat to the freedom of the press in Japan. However, since the law was promulgated in 2014, there has not been a single report of its having functioned to suppress the freedom of expression.

Is it not, therefore, exceedingly unreasonable, and unfair, to rank the freedom of expression in Japan lower than that in many military dictatorships?

According to some reports, the survey carried out on the press in Japan was based on an 87-point questionnaire sent to twenty people chosen by Reporters Without Borders. However, according to the response to questions sent by us to Reporters Without Borders, they had no intention of limiting the number of respondents to twenty, and are unable to release any exact information on the number of responders, their names, or the standards by which they were selected. One cannot help but be surprised at the fact that an organization which claims to measure and report upon “freedom levels” practices a highly arbitrary secrecy when it comes to its own evaluation practices. These rankings—which treat of delicate subjects such as oppression of free speech, tensions between governments and the press, laws and their application, and transgressions by media institutions on the public’s right to know—are not indexes grounded in a wide array of statistics and facts. Instead, they are the product of “surveys,” and the ranking of countries changes in accordance with the choice of respondents and their own subjective interpretations. As such, these rankings seem to be little more than the playthings of those who create them.

Furthermore, we request that the Japanese press institutions, journalists, and experts in media studies who, with no verification whatsoever, report on and mention this kind of index as though it were an objective international standard, offer an explanation of their evidentiary basis for using the ranking number. If there is no such convincing evidentiary basis, then it seems incumbent upon the press henceforth to refrain from unilaterally evaluating the Japanese media based upon the standards contained in a report lacking all objectivity. We fervently hope that the media will reflect upon their continued use of such unprofessional practices.

On April 19, the day before the Index was announced, UN Special Rapporteur David Kaye wrote, in the interim report of his findings on

“Rights to freedom of opinion and expression” presented to the UN human rights commission headed by Commissioner Zeid Ra’ad al Hussein, “I learnt of deep and genuine concern that trends are moving sharply and alarmingly in the wrong direction.”

The extreme expressions used here are shocking. Were there sufficient grounds in the first place for the United Nations to launch such an investigation against present-day Japan? The fact that Mr. Kaye announced his findings on the same day that the French NGO announced its press freedom rankings seems to indicate that Mr. Kaye and Reporters Without Borders are coordinating their efforts. In fact, in anticipation of Mr. Kaye’s visit to Japan, Reporters Without Borders issued an article to the effect that they had reported to Mr. Kaye that freedom of the press in Japan was endangered by the Abe administration. However, when we asked Reporters Without Borders specific, concrete questions as to how freedom of the press is endangered in Japan, the reply we received directed us to refer to Mr. Kaye’s interim report for details. This is a perfectly formed tautology, and shows us that the conclusion was crafted first and the “facts” shaped to fit it. We suspect that the Kaye report was a political stratagem against Japan conducted under the cover of the UN. As if to confirm these suspicions, Mr. Kaye’s interim report follows the Reporters Without Borders assertions nearly to the letter. There is no assurance that the report is objective in any way.

Mr. Kaye says that, “Broadcast journalists feel pressured by government officials.” As one example of this, Mr. Kaye offers, “Well-known broadcasters and commentators with reputations for tough questions to the Government have left long-term positions.” To be sure, several star news anchors did resign last year. In all of these cases, the anchors themselves have made clear that there was no pressure upon them to leave their jobs, or else have provided no clear evidence to the contrary. For example, Kishii Shigetada, who resigned from TBS’ “NEWS23,” and Furutachi Ichirō, who left TV Asahi’s “Hōdō Station,” have both stated that they did not leave due to any kind of pressure. In an interview published on May 31 in the Asahi Shimbun newspaper, Furutachi strongly denies having been pressured to resign, and then goes on to say, “There is the appearance that I created the space on-air for

fomenting the subtle impression that I had been pressured.” This nonchalant confession strikes directly at a reporter’s moral foundation. Mr. Kaye also offers the example of Koga Shigeaki, who resigned from his “Hōdō Station” commentator position. But in an interview with the Foreign Correspondents’ Club of Japan on April 16, Koga was unable to provide any concrete instances of the pressure to which he was allegedly exposed. As of the present time, there have been no valid testimonies provided on “government pressure on the media.” In other words, Mr. Kaye’s warning is nothing more than baseless hypothesizing, unconnected to any material evidence.

Mr. Kaye also points to the issue of clause 4 of the Broadcast Act—which holds that reporting “must be politically fair”—and the possibility that, in the event that any broadcasting company were to violate this clause, the Minister of Internal Affairs and Communications could exercise her authority to punish such a company, including by suspending the company’s business operations. Mr. Kaye, referring to a Diet question-and-answer session in which Internal Affairs and Communications Minister Takaichi Sanae admitted this possibility, was deeply concerned and recommend the Government to repeal Article 4.

In Minister Takaichi’s response in the Diet, she merely did not deny the possibility such an action would be, legally speaking, plausible under the current iteration of the law. Minister Takaichi did not change the interpretation of this clause as it prevailed under the Democratic Party of Japan administration, and also emphasized that such a punishment as that for which the law provides would be very nearly unthinkable in actual practice. The point-by-point explication of the Broadcast Act, a document understood to be the standard interpretation of the Broadcast Act, states that “in order for the suspension of business practices punishment to be levied for violations of the Act, it is necessary that, despite repeated warnings, a broadcasting company continuously broadcast items which are not true, with there being no hope that the broadcasting company will engage in self-restraint, or that there be some similarly serious violation.” Thus, Mr. Kaye’s warning is not an accurate reflection of Minister Takaichi’s words, and is based upon a factual misunderstanding.

Nevertheless, it is a commonly-known fact that television reporters covered Minister Takaichi's Diet response as "statements calling for shutting down the airwaves," and continued to give the impression that this response itself presented a grave danger to the freedom of the press. In reality, the harmful effects caused by "power being concentrated in the hands of the Ministry of Internal Affairs and Communications" are precisely the opposite of that over which Mr. Kaye frets. It has long been a view taken for granted by the Japanese people that the government has no business interfering in broadcasting. Therefore, even when reporting serves to disseminate errors widely, such as the canard that Minister Takaichi issued "statements calling for shutting down the airwaves," the Ministry of Internal Affairs and Communications does not put a stop to such falsehoods. In fact, nobody does anything to halt the endless propaganda, all of it contrary to the truth that emanates from the media.

To put it another way, we assert that the real danger to reporting in Japan today is not government pressure, but, rather, the fact that no one is able to do anything to stop doctrinaire, wildly speculative, and reckless broadcast journalism.

Moreover, even though Mr. Kaye, along with the aforementioned Reporters Without Borders, speaks of the latent threat posed by The Specially Designated Secrets ACT. Mr. Kaye and the French NGO are both operating under a raft of factual errors. For example, as one of the factors contributing to this Act's dangers, Mr. Kaye offers that the subcategories of the fields of secret information are vague. However, the definitions in this section are actually thoroughly detailed. In the Act, there are ten items on defense, such as regarding "Self Defense Forces operations, or estimates, plans, or research pertaining thereto," five items on diplomacy, four items on special harmful activities (so-called "acts of espionage"), and four items on the prevention of terrorism, for a total of twenty-three items of categorization. Mr. Kaye's criticisms include no mention of any objective transnational comparisons of the protection of classified information, and it is impossible to arrive at any

conclusion other than that Mr. Kaye did no more than to retail the denunciations, utterly lacking in objectivity, of the Act's critics inside of Japan.

We are deeply concerned, on the contrary, about the threat that this kind of interference from the United Nations, which is wholly divorced from fact-finding and from any attempt at fairness, poses to journalistic autonomy in Japan.

As with the Coomaraswamy comfort woman report of the past, this latest United Nations special report is unilateral and eschews objectivity. It has also been put to ill use for political gain. Left without a response, this will surely continue into the future.

Therefore, we, Viewers & Listeners for Legal Compliance in Broadcasting (VLLCB):

First, Call upon Mr. David Kaye to answer the questions, to be submitted separately by VLLCB, regarding the propriety of his report, and to make extensive improvements to the methods of his investigation. In the event that Mr. Kaye refuses or ignores this request, we will file a protest with the United Nations Human Rights Committee, and will report widely, both in Japan and internationally, on the matter.

Second, strongly request that the Japanese government issue a prompt and clear rebuttal.

Third, we hope that Japanese reporting institutions, journalists, and media experts will understand the purport of our statement, and, where necessary, will engage in public rebuttals. Failing this, we ask for stringent discretion in not engaging in cheap reporting and evaluation which, taking advantage of the people's faith in the United Nations, conceals the fact that the UN report is riddled with factual errors, is inappropriately vague as regards the use of hearings and other methods, and is entirely too inferentially and ideologically biased.

Those involved with reporting in Japan, irrespective of whether they be institutions or individuals, demand responsible explanations of others, and do not even shirk, as the occasion demands, social elimination in pursuit of their stories. All of this notwithstanding, this same industry has continuously and consistently refused to respond sincerely to the requests for public questioning and open debate which our organization has made.

Freedom of expression cannot be guaranteed except through ongoing public rebuttals and debates. The organs of public expression—the press and the media—should themselves be the first to spring into action in establishing and maintaining these freedoms.

We conclude this statement by forcefully petitioning the press and the media of Japan to take action on this particular point.

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Secretary General

Viewers & Listeners for Legal Compliance in Broadcasting