

# OP-CAT in Japan

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Aya Kuwayama  
(Center for Prisoners' Rights Japan)

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# Brief Answers to Questions

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How could the OPCAT make a difference in Japan?

What are the most innovative aspects of interest to Japan?

- \* Specific model for Japanese independent mechanisms
- \* Multiplier effect from "dual model"  
=relationship between international and national mechanisms

# Brief Answers to Questions

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What were/are the main obstacles to the OPCAT in Japan?

- \* Policy makers and civil society gave lower priority to the OPCAT issues
- \* Reluctance to establish independent mechanisms = Underestimating independent mechanism

# Brief Answers to Questions

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How to make sure ratification and full implementation?

- \* Find appropriate stakeholders / key-persons
- \* Make “roadmap” toward the OPCAT
- \* Efficient budget and motivated person

# CAT in Japan

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- \* Ratified in 1999
- \* First Gov. report was examined by the CAT in 2007
- \* Abstained from vote of the OPCAT  
“The national visiting mechanism described in the proposal was only one of the options for national preventive measures. “
- \* Soon after that, serious torture cases happened.....

# Developments: Visiting Committees

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2006-- Penal Institution Visiting Committees (PIVCs)

2007-- Police Station Visiting Committees (PSVCs)

2010-- Immigration Detention Institution Visiting Committees (IDIVCs)

\*Future: institution for Juvenile Delinquency (juvenile training schools)

# Differences 3 committees

	<b>PIVCs (prison)</b>	<b>PSVCs (police)</b>	<b>IDIVCs (immigration)</b>
Year to start	2006	2007	2010
Numbers of members / covering institutions (2010)	372 members (77 committees) for 188 prisons (inc. branch institutions)	251 members (51 committees) for 1,239 police detentions	16 members (2 committees) for more than 11 institutions
members	Max 10, All members part time, 1 year term (reappointment is possible)		
Jurisdiction	Ministry of Justice	Each local police Government	Ministry of Justice

# Overview of PIVCs

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At 2010.3.30

- \* Number of Members: 372: incl. lawyers 79, doctors 76, local government officers 67, others 150 (incl. scholars)
- \* Categories of Recommendations:  
Organization and prison staff: 22%; Health and medical treatment: 19%; Possession and purchase of goods: 13%



# Overview of PIVCs

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- \* **Publicity**: Developing but not enough; not so much attention from the public
- \* **Members**: Enhancing gap between motivated committees and not so much motivated ones
- \* **Budget**: do not have their own budget, only can request to the prison warden

# List on measures taken/examined by the governments receiving the PIVCS

庁名	委員会の意見		講じた措置	
	年月日	内容	委員会への報告年月日	内容（講じなかった場合はその理由）
札幌刑	H22. 3. 25	委員会の活動及び意見を踏まえて講じた措置の内容を所内新聞「時計台」に掲載した対応を評価する。 今後もこれを継続するとともに、壁紙や所内放送等を通じ、より頻りに周知されることを希望する。	未報告	委員会の活動及び意見を踏まえて講じた措置の内新聞「時計台」に掲載した。今後も必要に応じて所の掲載等を通じ周知を図る。
札幌刑	H22. 3. 25	意見提案箱の増設について、運動場等への設置や、提案箱の側に意見提案書の用紙を置くなど、更に投函しやすい環境を作られることを希望する。	未報告	提案箱を10個増設し、講堂及び体育館に設置した側には、意見提案書の用紙を置くこととした。
札幌刑	H22. 3. 25	医療について、十分な診察や説明をしてもらえない、希望する薬の投薬を受けられない、診察に当たっての暴言がひどい、さらには医療従事者ではない刑務官が医師と被收容者との話に介入をして、希望通りの受診ができないなど、数多くの要望が出されている。 このうち投薬に関しては、ジェネリックを使用しているためとの説明があったが、効用に何ら違いがないことなどを懇切丁寧に説明する努力を重ねることで、このような苦情・不満は少なくなるであろうし、また、治療行為を行う際にビデオ撮影を始めたということ、医療従事者がこれまで以上に被收容者の訴えに耳を傾け、医療事務従事者以外の者が医療行為に口出しすることがなくなるであろうと予想されるが、それにも関わらず苦情が多く出るということは、医療従事者が無意識のうちに権威的・高圧的態度で臨んでいたり、刑務官が誤解を招くような言動をしているためと考えられなくはないことから、なお一層の改善を図ることを希望する。	未報告	被收容者に対し、診療情報を適切に提供するなど療行為について理解を得られるよう努める。
		刑務官の被收容者に対する言動について、多数の苦情が寄せられている。しかも、特定の刑務官の言動に関するものが		

# How differ / what innovative?

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- \* The OPCAT can suggest **more specific model** of national independent mechanisms
- \* Efficiency from “**dual model**” = good relationship between **international and national** one

# What were/are the main obstacles?

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- \* In the 2<sup>nd</sup> report to the Committee against Torture: “the government is currently studying the relation between the provisions of the Optional Protocol and those of domestic laws, and other matters that need to be studied. “
- \* However, Political, academic, and also civil society = Not put high priority on this issue

# What were/are the main obstacles

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- \* Why OPCAT is not given high priority?
  - **Underestimating** independent mechanisms
  - **Limited capability** on human rights matter in the Gov.
  - **Priority** issues: What is the first?: Individual communication? NHRI? OPCAT?
- \* **Allergy** to powerful NHRI / **Worries** about independent members' misuse of authorities

# Future Hope?

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- \* Existed visiting committees
  - accumulation of practical experiences before the ratification
  - find and appeal to best practices
- \* Interests the OPCAT can serve in line with direction: “from detention to community”

# Measures for ratification and implemented?

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- \* Find appropriate **stakeholders / key-persons**
- \* Make “**roadmap**” toward OPCAT
- \* Efficient **budget** and motivated **person**