

April 23, 2026

Sanae Takaichi
Prime Minister of Japan
Cabinet Secretariat, Government of Japan
1-6-1 Nagata-cho, Chiyoda-ku
Tokyo 100-8968 Japan

CC: Minister of Foreign Affairs Toshimitsu Motegi

Re: Anti-Espionage Law and Foreign Agents Registration Act

Dear Prime Minister Sanae Takaichi,

We, the undersigned nongovernmental organizations, are writing to call on your administration to ensure that should your government decide to enact an anti-espionage law and a foreign agents registration act, such laws should be consistent with the Japanese Constitution and international human rights law, notably the International Covenant on Civil and Political Rights (ICCPR).

While we recognize that protecting national security and tackling the unlawful influence of money in politics are important to promote and protect the country's democratic institutions, your government should adopt a rights-respecting approach. This means ensuring that any measures that may restrict human rights in the pursuit of national security aims comply with the principles of legality, necessity, and proportionality. It is also crucial that any restrictions are non-discriminatory and monitored by an independent body to identify and prevent any harm.

Specifically, we urge the Japanese government to ensure that the proposed anti-espionage law and new foreign agents registration act do not violate fundamental rights guaranteed by the Japanese Constitution, including the rights to freedom of thought and conscience (Article 19), as well as freedom of assembly, association, speech, press and all other forms of expression (Article 21), and the rights set out in the ICCPR.

Regarding the proposed anti-espionage law, we urge the Japanese authorities, at a minimum, to ensure that "national security" is interpreted in accordance with international human rights law and standards, and that no restrictions are imposed on the basis of vague and overbroad terms such as "espionage," "foreign agent," and "political activity". We also urge your government to ensure the protection of freedom of expression, including by adding a general "public interest" clause to explicitly protect those who collect and disclose information in the public interest, including whistleblowers, journalists, academics, activists, and other human rights defenders.

In parallel, we urge your government to ensure that the proposed new foreign agents registration act is consistent with recommendations by the United Nations Human Rights Committee and the UN special rapporteurs on the rights to freedom of peaceful assembly

and of association, among other international human rights mechanisms. It should not unduly hinder or prevent organizations from seeking and receiving funding from foreign sources, nor penalize them solely due to their receipt of foreign funds. The government should establish independent oversight bodies that are consistent with the Global Principles on National Security and the Right to Information ([Tshwane principles](#)) to monitor both laws.

A number of countries that have adopted anti-espionage laws and foreign agents registration acts have come under serious criticism by domestic, regional, and international human rights bodies for their failure to comply with international human rights law and standards. The requirements referenced above are based on the international human rights framework and its application by relevant UN human rights mechanisms, the details of which are set out in the Annex.

Thank you for your consideration. We would be pleased to discuss these and other matters of mutual concern with you and the pertinent government officials at any time. We can be reached at [REDACTED]

Sincerely,

3 Coordinating Organizations

Human Rights Watch
Amnesty International Japan
Green Peace Japan

15 Organizations (Japanese alphabetical order)

Women's Active Museum on War and Peace (WAM)
Center for Prisoners' Rights
Greenpeace Japan
Amnesty International Japan
Japan NGO Center for International Cooperation
Cambodia National Rescue Movement in Japan
Japan NGO Action Network for Civic Space (NANCiS)
Nagoya NGO Center
Human Rights Now
Development Education Association and Resource Center
Japan International Center for the Rights of the Child (C-Rights)
Human Rights Watch
Anti-war Network
Lady Liberty Hong Kong
Students for a Free Tibet, Japan

Annex: Legal basis under international human rights law and standards

Anti-Espionage Law

Adhere to the principle of legality under international human rights law.

Under the ICCPR, for a law to be valid, it needs to be sufficiently clear so that an average person can reasonably foresee the consequences of their actions and in particular when they may be in violation of the law. That is, the law must be accessible, clear, precise, foreseeable, and non-arbitrary, and applied prospectively, not retroactively.

This means, in any proposed law, definitions of key terms including “national security” should be consistent with internationally-recognized definitions where possible, and otherwise narrow and clearly defined.

Explicitly protect the right to freedom of expression, including for those who collect and disclose information in the public interest, consistent with the Japanese Constitution and international law.

Article 19, paragraph 2 of the ICCPR [states](#) that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds...” Paragraph 3 states that this right may be subject to certain restrictions only if provided by law and necessary for the “respect of the rights or reputations of others” and for “the protection of national security or of public order (ordre public), or of public health or morals.”

In 2011, the UN Human Rights Committee, an independent expert body that provides authoritative interpretation of the ICCPR, [stated](#) in its General Comment No. 34 on article 19 that “when a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself” and that “[e]xtreme care must be taken by States parties to ensure that treason laws and similar provisions relating to national security, whether described as official secrets or sedition laws or otherwise, are crafted and applied in a manner that conforms to the strict requirements of paragraph 3. It is not compatible with paragraph 3, for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information.

Thus, in any proposed law, safeguards including a general “public interest” defense should be included, to explicitly protect those who collect information in the public interest, such as whistleblowers, journalists, academics, activists, and independent observers.

Foreign Agents Registration Act

Ensure civil society organizations’ right to seek, receive, and use funds, including from foreign sources.

In 2012, the UN special rapporteur on the rights to freedom of peaceful assembly and of

association [stated](#) that “[a]ny associations, both registered or unregistered, should have the right to seek and secure funding and resources from domestic, foreign, and international entities, including individuals, businesses, civil society organizations, Governments and international organizations,” adding that “[i]n many countries, domestic funding is very limited or non-existent, leading associations to rely on foreign assistance to conduct their activities.”

Thus, any proposed law should not prohibit or hinder civil society organizations’ ability to seek and receive funding from foreign sources.

Prevent the stigmatization and misperceptions of civil society organizations.

In March 2025, Georgia’s parliament [adopted](#) a “foreign agents” law, requiring individuals and entities to register as “foreign agents” if they operate under the vaguely defined “political activities” in the interests of this principal. It also requires that they file onerous annual financial declarations by providing excessive details, submit copies of any public statement within 48 hours of publication, and mark all such statements with the pejorative “foreign agent” label. Failure to comply carries criminal penalties, including up to five years in prison.

The Venice Commission, the Council of Europe’s advisory body on constitutional matters, [concluded](#) that the rights restrictions that the law imposes fail to meet the “requirements of legality, legitimacy, and necessity in a democratic society” and “strongly recommended” the authorities to repeal it.

In 2024, Kyrgyzstan [adopted](#) an abusive “foreign representatives” law, that applies the stigmatizing designation of “foreign representative” to any nongovernmental organization receiving any amount of foreign funding and engaging in vaguely defined “political activity.” Before the bill was passed, Matteo Mecacci, director of the Organization for Security and Co-operation in Europe’s (OSCE) Office for Democratic Institutions and Human Rights said the bill would have a negative impact on civil society, human rights defenders, and the media.

In 2017, [Hungary adopted a nongovernmental organizations Transparency Law](#) targeting non-profit organizations receiving foreign funds and engaging in almost any type of activity. Affected groups had to identify themselves in all published and online material as “foreign funded organizations.” The law was [repealed](#) in 2021 after the European Union Court of Justice [ruled](#) in a landmark case that it violates EU law, including the EU Charter of Fundamental Rights. The court identified the right to access funding as a substantive element of freedom of association and recognized the chilling effect of such laws, which can foster a climate of distrust in the work of associations.

In 2024, the European Court of Human Rights [found](#) that Russia’s foreign agents law violated the rights to freedom of expression and association. The court found that “the requirement to use the stigmatizing and misleading ‘foreign agent’ label in public communications” created an “environment of forced self-stigmatization.” It said that the Russian legislation “bears the hallmarks of a totalitarian regime.” This followed a 2022

[ruling](#) by the European Court of Human Rights that found Russia’s law violates the rights to freedom of assembly and association.

The 2024 ruling illustrates the risks associated with labeling requirements. Such labels allow governments to present the crackdown against civil society organizations through a narrative that has a greater chance of certain public acceptability than that of blunt government control over civic activity. They also delegitimize causes that many of these organizations work for, including civil and political rights, equality, and anti-discrimination, as the agendas of foreign powers rather than universal values.

Thus, in any proposed law, civil society organizations that receive funding from foreign sources should not be labeled a “foreign agent” solely because they receive foreign funds. Terms central to the law including “foreign agent” and “political activity” should also be narrow and clear to prevent the arbitrary use of the law.

Independent Oversight

Establish independent oversight bodies consistent with international best standards.

[Principle 31](#) of the Tshwane Principles provide that “[s]tates should establish...independent oversight bodies to oversee security sector entities, including their operations, regulations, policies, finances, and administration” and that they be “institutionally, operationally, and financially independent from the institutions they are mandated to oversee.”

Thus, the Japanese government should ensure it establishes independent oversight bodies consistent with the Tshwane Principles if it decides to strengthen intelligence capabilities, including legislating an anti-espionage law and a foreign agents registration act. In a February 20, 2026 statement, the Japan Federation of Bar Associations urged the Japanese government to establish such bodies to monitor Japan’s intelligence agencies.