

The Experiences of the internship at the United Nations Human Rights Committee

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I. Introduction

I experienced three weeks of internship, from 7 to 24 July 2015, during the 114th session of the United Nations Human Rights Committee (“Committee”) in Geneva, and worked as an assistant to Professor Yuji Iwasawa, Vice-Chairperson of the Committee. Experiences at the Committee and other international organizations provided me with many insights, and changed the attitude toward my future career. In this essay, I would like to describe my experiences at the Committee and what I learned through this internship.

II. Experiences as an assistant

The main work as an assistant to Professor Iwasawa was to draft questions related to human rights situations in States Parties. In addition, assistants were allowed to attend conferences of the Committee, public or closed, and were strongly encouraged to visit officials who worked for other international organizations in Geneva.

A. Preparation of drafts

The Committee plays a significant role in the United Nations with regard to human rights protection. The Committee regularly examines the human rights situations in States Parties.¹² Such procedure, called the Periodic Review, is highlighted by public dialogue between the Committee and the delegations of States Parties, for which I sat in during the internship.

As an assistant to Professor Iwasawa, I prepared drafts of oral questions from the professor to a delegation of a State Party. I was assigned questions to Canada, which were related to;

- (a) observance of the *non-refoulement* principle in refugee policies;
- (b) information sharing with security and intelligence agencies in foreign countries;
- (c) procedures and consequences of torture cases in foreign countries to which Canadian officials had been reportedly related;
- (d) general social policies on Aboriginal peoples; and
- (e) policies aimed at protecting the languages of Aboriginal peoples.

I made a thorough research on human rights situations in Canada from various aspects, and revised drafts based on feedbacks from Professor Iwasawa. In drafting the questions, I analyzed publications which covered the accumulated discussions between the Committee and Canada in previous Periodic Reviews, reports from other treaty based committees, and relevant NGO reports. Knowledge and perspectives obtained through lessons in the law school was also beneficial to the preparation of drafts.

As a consequence of my research, I wrote drafts which mainly focused on the issue of discretions. For example, with regard to information sharing between foreign entities, I found that related laws overall provided Canadian authorities with wide discretion. Moreover, the country report did

¹ See Office of High Commissioner for Human Rights, Civil and Political Rights: The Human Rights Committee, Fact sheet No.15 (Rev.1). 1.14-18 (2005), available at <http://www.ohchr.org/Documents/Publications/FactSheet15rev.1en.pdf>.

² Another important function of the Committee is to consider individual complaints from citizens on alleged human rights violations by the States Parties to the first optional protocol to the International Covenant on Civil and Political Rights. See *id.* at 25.

not seem to make much explanation from this point of view. Therefore, in my draft, I asked the Canadian delegation for additional explanation on measures and adjudications to restrict the apparently wide discretion and to prevent authorities from taking arbitrary actions. It goes without saying that the relevant discussions in the field of Japanese criminal procedure law were reflected in my draft.

Concerning the observance of the *non-refoulement* principle, I also asked to elaborate on the administrative discretion. By contrast, as to social policies on Aboriginal peoples, my draft focused on the way to gather consent of Aboriginal peoples, based on the idea that administration had wider discretion on social policies than measures which directly restricted human rights.

Most of the questions I drafted were actually raised by Professor Iwasawa to the Canadian delegation. The dialogue seemed to result in constructive discussion because the Canadian delegation made detailed replies in response to the professor's questions.

B. Experiences at the Committee and other international organizations



During the internship, I was allowed to attend almost all of the meetings of the Committee. That is to say, I could see closed internal discussions on individual complaints from citizens,³ as well as public dialogues on country reports.

In addition, various conferences of other international organizations were held during the period of my internship in Geneva. Therefore, Professor Iwasawa recommended that we sit in for interesting meetings, and I could see the discussions in the Committee on the Elimination of Discrimination against Women and International Law Commission.

³ See *supra* note 2.

C. Visits to officials in Geneva

Professor Iwasawa expected Japanese law students to accumulate more experiences under multinational environments and to widen their perspectives. Accordingly, he strongly encouraged his assistants to visit officials working in international organizations, and to hear about their work experiences so that we could understand the significance and challenges in working there.

During the internship, I could visit a Japanese manager in the Office of the High Commissioner for Human Rights, a Korean official in United Nations High Commissioner for Refugees, WTO senior officials at law-related divisions, and an ILO officer who had previously worked for the Japanese government. Moreover, I also visited the permanent mission of Japan to the international organizations in Geneva, and met Japanese officials, one of whom had worked as a prosecutor in Japan.



III. What I learned through the internship

A. Common framework of jurisprudence

Prior to the internship, my attention was paid to the differences between domestic and international jurisprudence rather than the similarities. Moreover, I did not expect that the solid understanding of domestic law system led to one's success under multinational environments, since each country has a different law system. Through the internship, however, I realized the advantage of the understanding of domestic laws.

During the discussions in the Periodic Review, I realized that the same legal issues as those in Japanese law were discussed, including the restriction of freedom of speech and due process protection. This similarity was also true of the consideration of individual complaints from citizens. During the consideration, among frequent issues were exclusionary rule of

illegally obtained evidence and issues on the negligence of administrative agencies, which is also the case in Japanese law.

As well as these substantive similarities, the framework of consideration had much in common with domestic legal discussion, such as the distinction of rules and applications, and the way of interpretation of provisions, which Japanese law professors repeatedly emphasized through their lectures. The remarks that were not in accordance with this framework did not seem persuasive inside the Committee.

Consequently, I found that intensive legal training on domestic law system is highly beneficial to have sufficient and plausible discussions under multinational environments.

B. Consistency of one's career

Through my visits to officers in international organizations, I realized that they pursued their academic and professional career as a specialist. While this is frequently pointed out, the difference from typical white-collar employees in Japan, who tend to work as a generalist, was astonishing to me.

To my knowledge, many of Japanese office workers, private or public, experience frequent job rotation and gather working experiences in various fields. In addition, it is frequently observed that one's professional career is not related to one's academic achievement.

By contrast, many of those who I visited decided their major field specifically from an early stage, and they accumulated working experiences in consistency with their choices. For example, I heard that many WTO officials majored in the WTO jurisprudence in college, sought to gain relevant working experiences, and obtained a graduate degree, all of which were aimed at working for the WTO in the future. As to other organizations, including UNHCR, the situation seemed to be the same where specialists tended to be highly regarded.

While, in Japan, foreign language proficiency is considered the sole prerequisite in order to be competitive under international environments, I realized that it significantly matters how we can make our academic and professional experiences as consistent as possible. Accordingly, lawyers, who tend to be already regarded as specialists, are required to concentrate more on specific fields and to gain relevant experiences.

IV. Acknowledgments

I could experience the internship at the Committee, thanks to Professor Iwasawa, who kindly received me as his assistant, and Business Law Center at the University of Tokyo, which funded me prior to the internship. In addition, I could receive kind assistance from Professor Iwamura, Professor Kanda, Professor Fujita, and Ms. Koaze with preparation for the internship. I would like to express my deepest gratitude toward all of them.