



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined seventh to ninth
periodic reports of Japan**

Addendum

**Information received from Japan on follow-up to the
concluding observations***

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* The present document is being issued without formal editing.

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Comments by the Government of Japan regarding the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9)

1. In the concluding observations of the Committee on the Elimination of Racial Discrimination (hereinafter referred to as “the Committee”) (CERD/C/JPN/CO/7-9) that were adopted on September 26, 2014, following the consideration of the combined seventh to ninth periodic reports of Japan during the Committee’s 85th session, the Committee requested the Government of Japan to provide information on its follow-up to the recommendations contained in paragraphs 17, and 22 within one year. The Government of Japan hereby submits an additional report in response to that request. The Government of Japan also provides additional comments regarding paragraph 19 and 21 for which information on its follow-up was not requested, as the Government of Japan deems it necessary to provide the Committee with further explanation. The additional report is as follows.

2. The Government of Japan will provide information on its follow-up to the recommendations contained in paragraphs 18 in due course.

Paragraph 17

3. **In the light of its general recommendation No. 25 (2000) on the gender-related dimensions of racial discrimination and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take adequate measures to effectively address the issue of violence against migrant, minority and indigenous women by prosecuting and sanctioning all forms of violence against them, and to ensure that victims have access to immediate means of redress and protection. The State party should also review its legislation on residence status to ensure that foreign women married to Japanese citizens or to non-citizens with permanent residence status will not be expelled upon divorce or repudiation, and that the application of the law does not have the effect, in practice, of forcing women to remain in abusive relationships.**

4. The efforts made to ensure that foreign victims of spousal violence have access to immediate means of redress and protection include the preparation of information materials for foreign victims and their distribution to relevant organizations as well as the provision of useful information for foreign victims in eight languages via the website of the Cabinet Office. Spousal Violence Counselling and Support Centers are also making efforts, such as the appointment of counsellors who can speak foreign languages.

5. In cases of domestic violence (hereinafter referred to as “DV”) and other occasions where the physical safety of persons needs to be secured immediately, the police has been promoting prompt and appropriate responses in an organized manner, including the arrest of the perpetrator and protective measures for victims and their related persons, placing highest priority on their safety.

6. The Immigration Bureau has established its own guidelines concerning cases of DV in line with the “Basic Policy Concerning Measures for the Prevention of Spousal Violence and the Protection of Victims” formulated by the ministries and agencies concerned, including the Ministry of Justice. Under the guidelines, if any victim of DV is identified, appropriate measures will be taken commensurate with the victim’s physical and psychological conditions, while placing top priority on the protection of the victim and taking into account the fact that the victim was subjected to both physically and mentally harrowing conditions. The Immigration Bureau is also making efforts for further protection

of victims through cooperation with Spousal Violence Counselling and Support Centers, Women's consultation offices, and relevant organizations, including the police.

7. Women's consultation offices provide consultation for DV victims of any nationality, and if temporary protection is necessary, in addition to providing temporary protection themselves, these offices entrust temporary protection to private shelters, etc., that can provide appropriate support for victims.

8. In Japan, in cases where a foreign national who entered and has been residing in Japan with a status of residence of "Spouse or Child of Japanese National" or "Spouse or Child of Permanent Resident" that was acquired upon marriage to a Japanese national or a person who has the status of permanent resident is divorced from or bereaved of his/her spouse, if he/she applies for permission to continue residing in Japan for any reason, whether or not to grant permission to reside is determined from a comprehensive perspective taking into account the situation that led to the divorce or bereavement including the reason for application, the history and situation of residence in Japan of the applicant, and family relationships. In particular, in cases where the applicant is a foreign national and parent of a child with Japanese nationality who requires care and protection and wishes to reside in Japan for the purpose of supporting the child, change of residential status to that of "Long-Term Resident" is permitted if the parent-child relationship and the fact that the applicant has parental authority over his/her own child and is actually bringing up and looking after the child are confirmed.

9. The provision of Item 7, Paragraph 1, Article 22-4 (Revocation of Status of Residence) of the Immigration Control and Refugee Recognition Act stipulates that if a foreign national residing in Japan with a status of residence of spouse of a Japanese national or spouse of a permanent resident fails to continue to engage in the activities of a spouse while residing in Japan for more than six months, the current status of residence of such foreign nationals may be revoked except for cases in which he/she "has a justifiable reason." Regarding this provision, DV is considered as "a justifiable reason" and the status of residence is not revoked in cases involving DV.

10. Such treatment as described in the preceding paragraph is based on the recognition by the Government of Japan that DV is a serious infringement on human rights and includes acts that constitute a crime and that, as most DV victims are women, DV against some women who sometimes experience difficulty in being economically independent impairs the dignity of such individuals and impedes the realization of gender equality.

11. If a foreign DV victim is identified, the protection of the victim is ensured in cooperation with relevant organizations. At the same time, the application for an extension of the period of stay by a DV victim who has been obliged to live separately due to DV or who has difficulty in preparing documents to be submitted, or the application for a change of status of residence by a DV victim who needs to change her status of residence as a result of DV are appropriately treated from a humanitarian standpoint, giving due consideration to the individual situation of the applicants. In 2014, the permission for an extension of the period of stay or a change of status of residence was granted to 62 applicants (preliminary data).

12. In addition, with respect to DV victims who are overstaying or otherwise in breach of the Immigration Control and Refugee Recognition Act as a result of DV, humanitarian measures are taken with due consideration, depending on the situation of each case. In 2014, status of residence was granted to one such victim (preliminary data) through special permission for residence.

Paragraph 22

13. **Bearing in mind its general recommendation No. 29 (2002) on descent, the Committee recalls that discrimination on grounds of descent is fully covered by the Convention. The Committee recommends that the State revise its position and adopt a clear definition of Burakumin in consultation with the Buraku people. The Committee also recommends that the State party provide information and indicators on the concrete measures taken upon the termination of the Dowa Special Measures in 2002, in particular on the living conditions of the Burakumin. The Committee further recommends that the State party effectively apply its legislation to protect the Burakumin from the illegal access to their family data which may expose them to discriminatory acts, investigate all incidents relating to illegal abuses of family registration and punish those responsible.**

14. As stated in the comments by the Government of Japan regarding the concluding observations of the Committee following the consideration of the combined first and second periodic reports of Japan, the term “descent” provided in Article 1(1) of the Convention indicates a concept focusing on the race or skin color of a past generation, or the national or ethnic origins of a past generation, and it is not understood as indicating a concept focusing on social origin.

15. At the same time, with regard to the Dowa issue (discrimination against the Burakumin), the Government of Japan believes that “Dowa people are not a different race or a different ethnic group, and they belong to the Japanese race and are Japanese nationals without question” as stated in the report of the Council on Dowa Measures (August 11, 1965).

16. As described above, the Government of Japan does not share the interpretation of “descent” with the Committee. At any rate, however, on the basis of the spirit declared in the preamble of the Convention, we take it for granted that no discrimination should be conducted including discrimination such as the Dowa issue. For those related to the Burakumin, the Constitution of Japan stipulates not only the guarantee of equality as Japanese nationals under the law but also the guarantee of equality in terms of all rights of Japanese nationals. Therefore, there is no discrimination at all for civil, political, economic and cultural rights under the legal system. The efforts of the Government of Japan to address the Dowa issue are as follows.

17. With the expiration of the Act on the Dowa Special Measures at the end of fiscal 2001 (March 31, 2002), the Ministry of Education, Culture, Sports, Science and Technology ended the High School Scholarship Subsidy Program that it had been implementing as part of the Dowa Special Measures up to the end of fiscal 2001.

18. Since fiscal 2002, the above-mentioned program has been integrated into general programs. Today, the scholarship program for high school students, including those from Dowa districts, is carried out by each prefectural government, and the scholarship program for university students, etc., is carried out by the Japan Student Services Organization.

19. In addition, education to enhance awareness of respect for human rights is promoted through school education and social education. The roadmap for the resolution of the Dowa issue is now being implemented, in line with “the Basic Plan for Promotion of Human Rights Education and Encouragement” approved by the Cabinet in March 2002, by promoting measures for human rights education and awareness-raising, comprehensively and systematically.

20. The Ministry of Health, Labor and Welfare is making various efforts to encourage each business establishment to open their doors widely to applicants for employment and to conduct a fair recruitment and selection process based on the aptitude and ability of the

applicants. Specifically, business establishments above a certain size are required to assign a “Fair Recruitment and Human Rights Awareness Promoter” who assumes responsibility for the administrative affairs of each establishment in order to ensure a fair worker recruitment and selection process at the establishment. Since the termination of the Dowa Special Measures in 2002, the Ministry has been making efforts to further promote the assignment of persons in the position of Fair Recruitment and Human Rights Awareness Promoter.

21. From the viewpoint of respecting the basic human rights of applicants in the recruitment and selection process of businesses and preventing discrimination in employment based on the place of birth or family-related or other matters for which the applicant is not responsible, or for any situation that each applicant should be free to choose (those related to thoughts or beliefs), the Government of Japan provides various guidance and encourages employers to conduct fair recruitment and selection.

22. Concrete measures include:

- Ensuring the use of an application form that does not contain any question that might lead to discrimination in employment in the recruitment of new junior and senior high school graduates;
- Preparing and distributing a brochure to promote fair recruitment and selection; and
- Publishing the “matters that require thoughtful consideration in the recruitment and selection process,” which is a list of matters that might lead to discrimination in employment if asked about in an interview, including the place of birth of the applicant, etc., on the website of the Ministry of Health, Labor and Welfare or in brochures.

23. If any event that might lead to discrimination in employment is reported, a verification of the report is conducted, and if it is determined to be true, the staff of the Public Employment Security Office provide guidance to the business owner.

24. The *Rimpokan* (settlement house) has been engaging in various services, including consultation services, with the aim of contributing to the resolution of the Dowa issue and thus helping to improve the livelihood of the people of the community and enhancing human rights awareness. After the termination of the Dowa Special Measures in accordance with the Cabinet decision in July 1996, etc., as part of general measures, the *Rimpokan* has been established and operated as an open community center that provides residents with a place of exchange concerning welfare improvement and the enhancement of human rights awareness for the whole community, including the surrounding area.

25. To be specific, the *Rimpokan* provides various services in a comprehensive manner, including various consultation services concerning daily life in the community and awareness-raising and information dissemination services concerning human rights protection as well as regional exchange promotion services and day services that are conducted depending on the actual situation of the community.

26. In order to eliminate a sense of discrimination related to Dowa issues, the Human Rights Organs of the Ministry of Justice hold lecture meetings and training workshops, distribute promotional pamphlets, and carry out promotional activities at various events under the slogan of “Eliminate Prejudice and Discrimination against Dowa issues” as one of annual priority matters of promotional activities.

27. Although not intended to address the Dowa issue directly, the “principle of the openness of the family register” was reconsidered from the viewpoint of preventing false requests for certificates of matters recorded in the family register and protecting personal information. The amended Family Register Act in effect from May 1, 2008 contains

measures to prevent false requests for information, such as setting stricter conditions for third-party requests for information, requiring the identification of the person making the request, and strengthening penal provisions applied to any person who has obtained family data by wrongful means.

28. Regarding the details of the handling of these measures, a directive was issued by the Director General of the Civil Affairs Bureau, Ministry of Justice, and efforts are being made to make them known to municipalities that issue certificates concerning family registers.
