



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

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Seventh to ninth periodic reports of States parties due in  
2013**

**Japan\* \*\***

[14 January 2013]

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\* This document contains the seventh, eight and ninth periodic reports of Japan, due on 14 January 2013, submitted in one document. For third, fourth, fifth and sixth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/JPN/CO/3-6 and CERD/C/SR.1988, 1989, 2004.

\*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited.

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## **I. Preface**

1. Based on the provisions of article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Japan hereby submits its combined seventh, eighth and ninth periodic reports under the Convention. This is the updated version of the combined third, fourth, fifth and sixth periodic reports (CERD/C/JPN/3-6) submitted in August 2008. This report also describes the measures that the Government of Japan has taken to eliminate racial discrimination from the time when the combined third, fourth, fifth and sixth periodic report was submitted to December 2012.

2. In drafting this report, the Government of Japan heard opinions from the public at large via website, and also conducted a dialogue with civil society including NGOs. The Government of Japan recognizes the important role played by civil society in promoting respect for human rights and, therefore, is committed to attaching importance to exchanges with the civil society. This report will be disseminated and distributed, as past reports have been, for use by the civil society, including NGOs, in its activities.

3. Japan has taken every conceivable measure to fight against racial discrimination. The Constitution, the supreme law of Japan, guarantees equality under the law without any form of discrimination, irrespective of the form, that is, whether discrimination is direct or indirect, as is evidenced by the provision laid down in paragraph 1 of article 14 that “all of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.” Based on this principle of the Constitution, Japan has striven to realize a society without any form of racial or ethnic discrimination, and will continue to make efforts to achieve a society in which each person is treated without any discrimination and respected as an individual and can fully develop his or her own personality.

## **II. Introduction**

### **A. Basic information concerning Japan**

4. For basic information concerning Japan, including land and population, see Japan’s common core document (HRI/CORE/JPN/2012).

### **B. General legal framework for the protection of human rights**

5. See paragraphs 3 to 5 of the initial and second periodic reports.

6. See chapter III, article 6, paragraph 141 of this report for the structure of the Human Rights Organs of the Ministry of Justice.

### **C. Information concerning the situation of women**

#### **1. Act on the Prevention of Spousal Violence and the Protection of Victims**

7. The “Act on the Prevention of Spousal Violence and the Protection of Victims” (Spousal Violence Prevention Act) was promulgated in April 2001 to prevent spousal violence and thereby champion human rights and realize gender equality. The Act was revised for the first time in June 2004. Furthermore, the revised Act, which focuses on the

expansion of protection orders and strengthening of provisions on municipalities, was enacted in July 2007 and came into effect in January 2008.

8. The Act is designed to prevent spousal violence and protect victims by creating a system for reporting cases of spousal violence, offering victims consultation and protection, and otherwise helping them to become self-reliant.

9. The main contents of the second revision are as follows:

- (a) Expansion of the protection order system;<sup>1</sup>
  - (i) Protection order for a victim who has been subjected to intimidation through expression of an intention to inflict harm on the life or body of the victim;
  - (ii) Protection order that prohibits making phone calls, etc. to a victim;
  - (iii) Order to prohibit approaching the relatives, etc. of a victim;
- (b) Obligation to make efforts to formulate Municipal Basic Plans;
- (c) Revision concerning the Spousal Violence Counseling and Support Centers;
  - (i) Revision to stipulate that municipalities have the obligation to make efforts to have appropriate municipal facilities that function as Spousal Violence Counseling and Support Centers;
  - (ii) Revision to clearly stipulate that securing of the safety of a victim in an emergency is one of the operations of Spousal Violence Counseling and Support Centers;
- (d) Notification of protection orders from the court to Spousal Violence Counseling and Support Centers, etc.

## **2. Efforts of the Government of Japan**

10. The Government of Japan reviewed the existing basic policy based on the second revision in 2007 and formulated a “basic policy concerning measures for the prevention of spousal violence and the protection of victims” on 11 January 2008.

11. In addition, the Specialist Committee on Violence against Women of the Council for Gender Equality, which is established within the Cabinet Office, held discussions toward smooth enforcement of the Spousal Violence Prevention Act. The results of the discussions are included in the “Third Basic Plan for Gender Equality,” formulated by the Government of Japan on 17 December 2010. Based on the Plan, the Government of Japan is now promoting wide-ranging efforts to cope with violence against women, including violence by husbands or partners.

12. As one such effort, the Government of Japan conducted the “Survey on Violence between Men and Women,” targeting 5,000 men and women aged 20 or above across the country, in FY 2011, and published the survey results in April 2012.

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<sup>1</sup> Protection order system: A system under which, upon a petition from a victim, the court prohibits a spouse who has committed bodily harm or used life-threatening intimidation from approaching, etc. the victim or the children or relatives, etc. of the victim and orders the spouse to leave the domicile that the spouse shares as the main home with the victim, etc. for a certain period of time in order to prevent harm to the victim's life or body, and a spouse who has violated a protection order is subject to criminal punishment.

## **D. Ainu people**

### **1. Hokkaido Ainu living conditions survey**

13. See paragraphs 10 and 11 of the combined third to sixth periodic reports.

### **2. Measures to improve the livelihood of Ainu people in Hokkaido**

14. See paragraph 12 of the combined third to sixth periodic reports.

### **3. Advisory Council for Future Ainu Policy**

15. In June 2008, the Japanese Diet unanimously adopted resolutions concerning Ainu people. Responding to this resolution, the Government of Japan issued a Statement by the Chief Cabinet Secretary, based on which it was decided to establish the Advisory Council for Future Ainu Policy, in order to further promote Ainu policy and make efforts to establish comprehensive measures while listening to the opinions of eminent high-level experts.

16. With an Ainu representative among its members, the Advisory Council conducted a comprehensive deliberation on the history of Ainu people and their indigenesness, as well as new principles and measures for future Ainu policy. The report of the Advisory Council, submitted to the Chief Cabinet Secretary in July 2009, recommended a variety of desirable Ainu policy measures in Japan, in line with the actual conditions of Japan and those of Ainu people, while referring to the related provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

### **4. Council for Ainu Policy Promotion**

17. In response to the recommendations of the Advisory Council, the Government of Japan decided to establish the Council for Ainu Policy Promotion in December 2009, hosted by the Chief Cabinet Secretary, in order to promote comprehensive and effective Ainu policy, with taking the opinions of Ainu people into consideration. The Council, with several Ainu representatives among its members, discusses the promotion of overall Ainu policy, including the follow-up of various measures recommended by the Advisory Council.

18. Regarding the two issues that require particular consideration by experts, i.e., the “Research on Living Conditions of Ainu People outside Hokkaido” and the “Symbolic Space for Ethnic Harmony,” respective working groups were established in March 2010 which held discussions over a one-year period.

19. The Working Group for the “Research on Living Conditions of Ainu People outside Hokkaido” conducted research on the living conditions, etc. of Ainu people who have transferred their livelihoods outside Hokkaido, in order to consider necessary policies from a nationwide perspective, so that Ainu people can be self-reliant and play a part in the promotion and inheritance of Ainu culture, irrespective of their places of residence. According to the results of the research, the living conditions of Ainu people in and outside Hokkaido are closely similar. However, compared to those of the general public, there is still a gap in terms of income, education, etc.

20. The Working Group for the “Symbolic Space for Ethnic Harmony” considered the basic concept and the vision concerning the “Symbolic Space for Ethnic Harmony” which was recommended as the most important measure in the report of the Advisory Council.

21. Both of the working groups compiled the results of their considerations in June 2011 and reported them to the Council for Ainu Policy Promotion. Following that, in August 2011, the “Working Group for Ainu Policy Promotion” was newly established, and it is

holding discussions mainly on the following three points: (1) concretization of the “Symbolic Space for Ethnic Harmony,” (2) development of measures from a nationwide perspective based on the “Research on Living Conditions of Ainu People outside Hokkaido” and (3) activities to promote public understanding of the history and culture of Ainu people.

22. Representatives who are Ainu account for one-third or more of the members of the Council for Ainu Policy Promotion and its working groups. In addition, most of the other members are specialists who are well-versed in Ainu culture and Ainu policy.

**5. Protection of the human rights of Ainu people**

23. See paragraph 13 of the combined third to sixth periodic reports.

**6. Measures based on the “Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition, etc.”**

24. See paragraph 19 of the initial and second periodic report and chapter III, article 7, paragraphs 179-181 this report for the measures taken based on the said Act.

**E. Foreign nationals in Japan and efforts for the protection of their human rights**

**1. Basic framework**

25. See paragraphs 19 and 20 of the combined third to sixth periodic reports.

**2. Breakdown of foreign nationals in Japan**

26. As for classification by status of residence as of the end of 2011, 47.5 per cent of the total number of registered foreign nationals stay under the status of “Special Permanent Resident” or “Permanent Resident,” 8.7 per cent stay under “Spouse or Child of Japanese National” and 8.6 per cent stay under “Long-Term Resident.”

- 9.6 per cent of all registered foreign nationals are under statuses which allow them to work. As of the end of 2011, their number reached 200,271, which is 6,956 (3.4 per cent) less than in the previous year.
- As for region of origin, 92.0 per cent of the total number of registered foreign nationals under “Engineer” and 78.9 per cent under “Investor/Business Manager” are from Asia. 64.3 per cent under “Instructor” are from North America. 43.6 per cent under “Religious Activities” are from Asia and 37.2 per cent thereunder are from North America.

**3. System of status of residence**

27. See paragraph 20 of the initial and second periodic reports for the fact that Japan adopts a system of status of residence as a basic framework for foreign nationals to enter and stay in Japan.

28. Incidentally, the Government of Japan introduced a new residency management system and abolished its previous alien registration system in July 2012 in order to contribute to securing appropriate residency management of foreign nationals and improving convenience for legitimate foreign residents in Japan.

#### **4. Foreign workers**

29. See paragraph 17 of the combined third to sixth periodic reports for the fact that foreign workers whose purpose is to engage in so-called unskilled labor are in principle not permitted to enter Japan.

30. In addition, on 7 May 2012, the Government of Japan introduced a system under which points are set with respect to each item, such as “academic background,” “business career” and “annual income,” and foreign nationals whose points reach a certain total are recognized as “Highly Skilled Foreign Professionals (HSFP)” and become subject to preferential treatment in terms of immigration control, in order to promote acceptance of advanced personnel. However, the recognition standard for this system is objective as mentioned above, and there is no discriminatory treatment for the reason of race, ethnicity, etc.

#### **5. Overstayers**

31. The number of overstayers was 67,065 as of 1 January 2012. The number marks a decrease of about 230,000 compared to a peak of 298,646 on 1 May 1993, and it has consistently decreased since the previous report. In 2011, there were 20,659 illegal residents against whom deportation procedures were initiated. Of these, 13,913 were judged to be working illegally. Out of them, 7,932, who accounted for about 57 per cent of all illegal foreign workers, were judged to have worked illegally for “at least three years.” This figure includes the number of foreign nationals judged to have worked illegally for “at least five years,” which makes up about 39.5 per cent of all illegal foreign workers. Many of those who violate the Immigration Control Act still work illegally, and there is a trend toward long-term employment periods and settlement among illegal foreign workers.

32. The issue of illegal foreign workers not only hampers the proper management of immigration control but also gives rise to criminal acts through the exploitation of the vulnerability of such persons, such as intermediary exploitation, forced labor and human trafficking. There are also reports of infringements on human rights. Related ministries and agencies cooperate to clamp down on job brokers, organized crime members and unscrupulous employers, all of whom may be involved in the entry and/or employment of illegal foreign workers.

#### **6. Measures against trafficking in persons**

33. The Government of Japan recognizes trafficking in persons as a serious human rights infringement and addresses it based on “Japan’s Action Plan of Measures to Combat Trafficking in Persons,” formulated in December 2004 (revised in December 2009). Consequently, the Government of Japan protected 45 victims in 2011. Of these, the Immigration Bureau of the Ministry of Justice took protection procedures (including support for returning home) for 21 foreign nationals who were victims of trafficking in persons. The number of victims has significantly decreased since the Immigration Bureau started taking statistics in 2005 and 115 victims were protected. It has hovered around 20-30 for several years.

#### **7. Education**

34. See below chapter III, article 5, paragraphs 124-134 for education for the children of foreign nationals in Japan.

## **F. Korean residents in Japan**

### **1. Historical background and the number of Korean residents in Japan**

35. See paragraph 21 of the combined third to sixth periodic reports for the historical background of Korean residents in Japan. However, the percentage of Korean residents in Japan among all foreign residents in Japan declined by up to 18.5 per cent as of the end of 2011.

36. Korean residents in Japan stay in Japan under the status of “Special Permanent Resident.” They numbered 385,232 as of the end of 2011. (The total number of “Special Permanent Residents” was 389,085, including 2,597 Chinese nationals as well as people of other nationalities (countries of origin) in addition to Korean residents). As for the region of their residence, 26.2 per cent of Korean residents live in Osaka, followed by Tokyo where 12.3 per cent of them live.

### **2. Legal status**

37. See paragraph 39 of the initial and second periodic reports.

38. See paragraphs 41 to 43 of the initial and second periodic reports and paragraph 23 of the combined third to sixth periodic reports for preferential treatment under the Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan.

39. As to the valid period for a re-entry permit for those under the status of “Special Permanent Resident,” a longer period was previously permitted than for foreign nationals staying under other statuses, taking into account cases in which they worked abroad as corporate representatives or studied abroad and so on. The Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan was partially revised in July 2012, and thereby, the upper limit of the valid period was extended from four to six years (extended from three to five years for foreign nationals staying under other statuses). In addition, as to the extension of a re-entry permit from outside Japan, the period was extended to within seven years from the original permission (extended to six years for foreign nationals staying under other statuses).

40. Furthermore, a system of “special re-entry permit” was introduced. Thereby, it has become in principle unnecessary for those under the status of “Special Permanent Resident” who leave Japan with a valid passport, etc. to obtain re-entry permission in cases in which they re-enter Japan within two years after their departure (“special re-entry permit” is applicable to foreign nationals staying under other statuses in cases in which they re-enter Japan within one year after their departure).

### **3. Education**

41. For Korean residents in Japan, as described in chapter III, article 5, paragraphs 124-134 if they want their children to receive education in Japan, foreign children can study at public compulsory schools at no cost. Every foreign child in Japanese schools is treated as equivalent to Japanese students. In addition, the Government of Japan is steadily implementing efforts described below in paragraphs 124-134 in relation to specific measures which the Ministry of Education, Culture, Sports, Science and Technology is taking to establish a system to provide appropriate Japanese language education and orientation for children of Korean residents in Japan who enter public schools, to guarantee the opportunity for children of Korean residents in Japan to learn their native language, native culture, etc., and to promote international understanding among Japanese children.



42. Likewise, at the social education level, a variety of opportunities to cultivate international understanding, including those to learn about the cultures of South/North Korea and the Korean language, are offered, according to local circumstances, in classes and lectures for youth, adults and women.

43. Most of the Korean residents who do not wish to be educated in Japanese schools attend Korean schools established in Japan. Most of these schools have been approved by prefectural governors as “miscellaneous schools.”

44. In Japan, the “Upper Secondary School Equivalency Examination” was established in January 2005 as a test to certify academic ability equivalent to or higher than those who have graduated high school. Any person who is 16 years old or older by the end of the relevant fiscal year can take the test, irrespective of nationality. Furthermore, in September 2003, the system was revised to make university entrance qualification more flexible. Thereby, those who have completed a course of study at an educational facility which is positioned as one that has a curriculum equivalent to a curriculum of a foreign school that corresponds to that of high school in Japan under the educational system of the foreign country are now recognized as qualified for university entrance.

45. Also, this revision enables universities to examine each candidate in terms of his/her total educational background; and when examination demonstrates that the candidates, including graduates of Korean high schools, have academic ability equal to or higher than that of graduates of Japanese high schools, they are afforded university entrance qualification.

#### **4. Dealing with harassment of school children**

46. See paragraph 26 of the combined third to sixth periodic reports.

47. Furthermore, when North Korea’s missile launch in April 2009, underground nuclear test in May 2009 and missile launches in April and December 2012 were reported, the Government of Japan undertook awareness-raising activities to prevent the occurrence of harassment against Korean school children and students in Japan, and also took necessary measures including through providing counseling for them.

#### **5. Employment**

48. See paragraphs 49 and 50 of the initial and second periodic reports.

### **G. Refugees**

#### **1. Treatment of refugees**

49. See paragraph 28 of the combined third to sixth periodic reports for treatment of refugees.

50. When a foreign national in Japan files an application for refugee recognition, he/she is recognized as a refugee under the Convention Relating to the Status of Refugees (Refugee Convention) without fail if he/she is a refugee. Those who would not be categorized as refugees as set forth in the convention are also specially permitted to stay in Japan and are protected if it is recognized as appropriate to safeguard them in consideration of circumstances in their home countries and conditions of residence in Japan on an individual basis. In addition, the Government of Japan is aiming at prompt processing while setting the standard processing (examination) period at six months in order to stabilize the legal status of refugee recognition applicants at an early date. Moreover, the Government of Japan is promoting expedition of procedures for appeals by doubling the number of refugee examination counselors (from 28 to 56).

51. As for refugee recognition procedures, the Government of Japan has prepared informational pamphlets in 14 languages for those who wish to apply for refugee recognition and makes them available at regional immigration bureaus nationwide and on the Internet. In addition, the Government of Japan is making efforts to ensure applicant-friendly procedures, including conducting, in principle, an interview concerning application for refugee recognition through an interpreter in a language which the applicant desires to use. To ensure appropriate determination of refugees, the Government of Japan provides training designed to instill refugee inquirers with a high level of knowledge and inquiry capability in cooperation with the United Nations High Commissioner for Refugees.

52. On 10 February 2012, the Government of Japan established a framework to collaborate and cooperate with private bodies and NGOs which provide support for refugees, and is carrying out consultations to seek improvements for refugee-related administration and exchange of opinions, etc. concerning support for those who are applying for refugee recognition.

53. Data on refugee recognition administration from 1982 to the end of December 2011 are as follows:

<i>Applications</i>		<i>11,754</i>
Results of examinations	Recognized	598
	Not recognized	9,440
	Withdrawn and others	997

54. The number of foreign nationals who were recognized as refugees between January 1982 when the refugee recognition system was inaugurated in Japan and December 2011 is 598. In addition, 1,994 foreign nationals were permitted to stay in Japan for safeguarding purposes, though they were not recognized as refugees, over the same period.

55. The refugee recognition system permits foreign nationals in Japan to apply for refugee recognition. However, under another system, Japan allows the settlement of refugees from three Indochinese countries (Vietnam, Laos and Cambodia) and Myanmar, and their number had reached 11,364 as of the end of December 2011. Such persons who have been allowed to settle in Japan as refugees can also be recognized as refugees and, in fact, some of them have been.

## 2. Acceptance of Indochinese refugees

56. Acceptance of Indochinese refugees initially started in 1978 when Japan permitted the settlement of the Vietnamese refugees who had been temporarily staying in Japan. Subsequently, Japan expanded the scope of the settlement permit to include Indochinese refugees staying in Asian countries in 1979. Since then, Japan eased permit conditions twice, having allowed settlement of those who had been staying in Japan as foreign students before political changes took place in the three Indochinese countries and those who entered Japan from Viet Nam as family members under the Orderly Departure Program (ODP). At the end of December 2005, the number of Indochinese refugees settled in Japan reached 11,319.

57. As for bringing members of one's family to Japan from Vietnam based on ODP, the Government stopped accepting applications at the end of March 2004, mainly on the grounds that the political situation had stabilized in these three countries.

### 3. Measures for promoting local integration of Indochinese refugees and Convention refugees<sup>2</sup> as well as admission of refugees for resettlement

58. With a Cabinet Agreement in 1979, the Government of Japan decided to offer Japanese language training, vocational training and employment placement to Indochinese refugees with a view to promoting their local integration in Japan, and to entrust the implementation of these measures to the Foundation for the Welfare and Education of the Asian People. In response, the Refugee Assistance Headquarters (RHQ) was established within the Foundation, followed by the Himeji Resettlement Promotion Center in Hyogo Prefecture (closed in March 1996), the Yamato Resettlement Promotion Center in Kanagawa Prefecture in 1980 (closed in March 1998), and the Omura Refugee Reception Center in Nagasaki Prefecture in 1982 (closed in March 1995). In 1983, furthermore, the Foundation opened the International Refugee Assistance Center in Tokyo. The total number of residents of the centers since their opening was 11,523, as of the end of December 2005.

59. Based on a Cabinet Agreement on 7 August 2002, it was decided that relevant ministries and agencies would also offer various kinds of support for those recognized as convention refugees in accordance with the Immigration Control and Refugee Recognition Act (Immigration Control Act). The same support as for the Indochinese refugees had been provided to a total of 25 Convention refugees at the International Refugee Assistance Center by FY2005. From April 2006, the Government of Japan decided to launch new measures for local integration support, including Japanese language training, livelihood guidance, and employment consultation, at the new local integration support facility for convention refugees, the “RHQ Support Center.”

60. From the perspective of international contribution and humanitarian assistance, as per a Cabinet Agreement on December 16, 2008 and other related agreements, the Government of Japan decided to admit approximately 30 Myanmar refugees (consisting of families) from a refugee camp in Thailand once a year for three consecutive years from FY2010 as a pilot project. Forty-five refugees of nine families had come to Japan by the end of FY2011. In March 2012, the Government of Japan decided to continue this pilot project for an additional two years after FY2013, to expand the number of camps targeted in Thailand and to enhance local integration support.

### 4. Living conditions

61. A summary of the 2000 Survey of the Status of Local Integration Situation of Indochinese Refugees (conducted by the RHQ of the Foundation for the Welfare and Education of the Asian People) indicated a relatively smooth local integration of the refugees. However, the survey also found that 35 per cent of the refugees had difficulty with the Japanese language. Additionally, a glance at the living conditions of Indochinese refugees through the local integration support and livelihood consultation service provided by the RHQ reveals challenges arising from the aging of the first-generation refugees as their stay in Japan becomes longer. Nevertheless, the status of their local integration in Japanese society is generally stable.

62. Most Indochinese refugees, convention refugees and resettled refugees who have settled in Japan are considered to have adjusted to their working place and local communities in a relatively smooth manner, being sustained by the understanding and support of their employers and local communities. With the gradual increase in the number of settled refugees, however, there are some cases of those facing various challenges in their daily lives due to differences in language and customs. To respond to such challenges,

<sup>2</sup> Those who are recognized as a refugee under the Refugee Convention.

the Foundation for the Welfare and Education of the Asian People (RHQ), which has currently been entrusted with the implementation of the local integration support by the Government of Japan, places consultants at its Headquarters and the International Refugee Assistance Center (since April 2006, the “RHQ Support Center”) in order to address the complicated and specialized details of consultation and to offer thorough and continuous consultation and guidance for refugees themselves, their family members, and their employers. The consultants continue to provide livelihood consultation even after refugees leave the local integration support facility. In addition, since FY 2012, the Foundation has deployed community-based local integration support staffs to local communities where resettled refugees are living, thereby providing livelihood support that is necessary for resettled refugees to establish themselves and settle into local communities.

63. The understanding and cooperation of local residents is indispensable for the smooth settlement of Indochinese refugees, convention refugees, and resettled refugees. Therefore, for these refugees, the Foundation annually holds a “Festival for Resettled Refugees in Japan” to deepen mutual understanding through communications with local residents.

64. Furthermore, applicants for the recognition of refugee status are also provided with funds to meet their living, housing (including provision of temporary living), and medical expenses as needed, while they are waiting for the results of their application.

### **III. Information relating to articles 2-7 of the Convention**

#### **Article 2**

##### **Prohibition of discrimination in the Constitution and legislation**

65. See paragraphs 59, 60 and 62 of the initial and second periodic reports.

##### **Efforts of the Human Rights Organs of the Ministry of Justice**

66. The Human Rights Organs of the Ministry of Justice conduct necessary investigation of alleged human rights infringement including racial discrimination and adopt measures most suitable for each case in question in accordance with the Regulation on Investigation and Resolution of Human Rights Infringement Cases, the Human Rights Volunteers Act, etc.

67. The Government of Japan positions the establishment of an independent national human rights institution as an important task. In November 2012, the Cabinet submitted a bill to establish a Human Rights Commission and a bill to partially amend the Human Rights Volunteers Act to the Diet. The Human Rights Commission will be an independent commission that executes its duties without the control and supervision of the Government, and therefore is compliant with the Paris Principles. Although the bills were scrapped because of the dissolution of the House of the Representatives on 16 November 2012, the Government of Japan will make further efforts for necessary preparations for its establishment.

## **Human rights education and training for public officials**

### **1. Civil servants in general**

68. With regard to administrators, the National Personnel Authority (NPA) has established a curriculum concerning human rights in all forms of training implemented for national public officers, and has been providing guidance to the Cabinet Office and each Ministry concerning the enhancement of education on respecting human rights in training therein. In response to such guidance, the Cabinet Office and each Ministry have also been giving training including education on respecting human rights.

69. In accordance with the second phase of the World Programme for Human Rights Education, the Ministry of Justice holds human rights training seminars for national public officers of central ministries and agencies twice a year, with the aim of enhancing their understanding and appreciation of human rights issues. In addition, the Ministry of Justice holds human rights leadership training seminars for officials engaged in duties for human rights awareness-raising activities in prefectures and municipalities three times a year, with the aim of providing knowledge necessary for them to act as leaders.

### **2. Police officers**

70. Given that the police are deeply involved in human rights issues when they perform their duties such as investigating crimes, the “Rules Governing Police Officer’s Ethics and Service” (National Public Safety Commission Rule No. 1 of 2000) prescribes “Fundamentals of Service Ethics,” which rest upon respect for human rights as one of its pillars. The Government of Japan also proactively and continuously implements human rights education for police since it considers education on service ethics as the top priority among the various themes covered by the education of police officers.

71. Newly hired police officers and those who are about to be promoted are educated at police academies with regard to human rights through classes of jurisprudence including the Constitution and the Code of Criminal Procedure and service ethics.

72. Police officers who are engaged in crime investigations, detainment management, and assistance for victims are thoroughly educated to acquire the knowledge and skills necessary to ensure appropriate execution of duties that takes into consideration the human rights of suspects, detainees, crime victims, and others. Such education is offered using every possible occasion, such as professional education at police academies of each rank and training, etc. provided on site, including that at police headquarters and police stations.

### **3. Officials of the Public Prosecutors Office**

73. The Ministry of Justice offers lectures concerning international conventions on human rights, including the Convention on the Elimination of All Forms of Racial Discrimination, in various kinds of training which prosecutors and officials of the Public Prosecutors Office are obliged to receive at the time of their appointment and according to their years of experience, etc.

### **4. Officials of correctional institutions**

74. For officials of correctional institutions, with a view to promoting respect for the human rights of inmates, the Training Institute for Correctional Personnel and its branches provide lectures concerning the human rights of inmates based on the Constitution and international human rights treaties and/or hold training sessions adopting behavioral science approaches, etc., for various kinds of training programmes suitable to the years after employment and the type of duties. In addition, respective correctional institutions are also

making efforts to improve their officials' awareness of human rights through implementation of in-house training that corresponds to actual practice.

**5. Officials of offender rehabilitation offices**

75. Lectures concerning the human rights of probationers and parolees, etc. are provided to the officials of offender rehabilitation offices in training for probation officers, etc.

**6. Officials of immigration bureaus**

76. Lectures concerning conventions on human rights, etc. are provided to the officials of immigration bureaus in various kinds of training, thereby promoting further improvement of their awareness of human rights.

**7. Judges**

77. The Government of Japan recognizes that the Legal Training and Research Institute for the training of judges and legal apprentices holds lectures relating to human rights issues in its judges' training curriculum. The lectures are given on such themes as human rights issues in criminal proceedings, women's and children's rights, domestic violence, the Dowa issue, human rights for foreign nationals, and issues relating to international human rights law such as human rights instruments. The training curriculum for legal apprentices also includes lectures dealing with human rights.

**8. Other court officials**

78. The Government of Japan recognizes that the Training and Research Institute for Court Officials provides training of court officials other than judges, which includes lectures on guaranteeing fundamental human rights, domestic violence issues, and similar themes in its training curriculum for those officials.

**9. Local civil servants**

79. The Local Autonomy College provides a high level of training for the purpose of comprehensively developing the policy formation ability, etc. of local civil servants who serve as the top officials of local governments, including lectures concerning human rights education.

**10. Teachers**

80. The National Center for Teachers' Development conducts study, consultations, and exercises relating to the trends of human rights education in and outside Japan and effective methods of human rights education, targeting those who play a leading role in human rights education, thereby having them acquire knowledge, etc. necessary to develop respect for human rights among schoolchildren. It also implements the "Training for Developing Teachers in Human Rights Education" in local communities for the purpose of having trainees carry out activities as lecturers, etc. in training for human rights education and give guidance and advice, etc. to schools. In addition, schools incorporate training for human rights education in their in-school training, and many prefectural boards of education, etc. provide training for those in charge of human rights education. Moreover, training programmes according to the life stage of teachers, such as beginning teachers' training and training for teachers who have ten years of experience, include content concerning human rights education.

## Article 3

81. See paragraph 36 of the combined third to sixth periodic reports.

82. Regarding segregation in terms of residence and choice of employment, article 22, paragraph 1 of the Constitution provides that “[e]very person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.” In addition, regarding the field of education, Article 26, paragraph 1 of the Constitution provides that “[a]ll people shall have the right to receive an equal education correspondent to their ability, as provided by law.”

## Article 4

### Reservations

83. See paragraphs 72 to 74 of the initial and second periodic reports for the reservations made by Japan on subparagraphs (a) and (b) of article 4 of the Convention and reasons therefore.

84. The Government of Japan does not believe that, in present-day Japan, racist thoughts are disseminated and racial discrimination is incited, to the extent that the withdrawal of its reservations or legislation to impose punishment against dissemination of racist thoughts and other acts should be considered even at the risk of unduly stifling legitimate speech.

85. Japan was recommended to examine the need to maintain its reservations to subparagraphs (a) and (b) of article 4 of the Convention with a view to reducing their scope and preferably their withdrawal in the concluding observations of the Committee on the Elimination of Racial Discrimination, which was issued following consideration of the combined third to sixth periodic reports. However, for the reasons given above, Japan does not intend to retract or narrow the scope of the reservations.

### Making dissemination, incitement and violence punishable

86. See paragraphs 39 and 40 of the combined third to sixth periodic reports.

### Regulations in the field of telecommunication

87. The Ministry of Internal Affairs and Communications supports efforts to widely disseminate guidelines, etc. formulated by associations of telecommunications carriers concerning response to illegal and harmful information on the Internet (including racist information), such as the “Guidelines For Dealing with Illegal Information” and the “Model Clause regarding Response to Illegal or Harmful Information for Inclusion in Contracts.”

88. In addition, the Ministry of Internal Affairs and Communications is making efforts to implement the “Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders” (Provider Liability Limitation Act) (put in force in May 2002), which limits the liability of a provider, etc. in cases where it deleted, etc. information on the Internet that infringes the rights of others.

89. In particular, a new procedure was incorporated into the “Guidelines Relating to Defamation and Privacy” (guidelines formulated by a council consisting of associations of telecommunications carriers, etc. as a code of conduct for providers, etc. at the same time of

the enforcement of the Provider Liability Limitation Act) in its revision in October 2004. Under the new procedure, the Human Rights Organs of the Ministry of Justice request providers, etc. to remove information on the Internet that infringes human rights, in certain cases such as those where it is difficult for the victim to make request for him/herself. The Ministry of Internal Affairs and Communications supports efforts to widely disseminate these guidelines.

90. Regarding broadcasting, the Broadcast Act provides that a broadcaster shall, in editing programmes for domestic broadcasting, not endanger the public safety or good morals, shall be politically fair, and shall report news without distorting facts, etc. The Act also provides that a broadcaster shall establish standards for the editing of broadcast programmes (programme standards), edit broadcast programmes in compliance with the standards, and establish a deliberative organ for broadcast programmes to ensure the appropriateness of broadcast programmes. Under these provisions, broadcasters ensure proper broadcasting so that no broadcast programme will threaten public safety or good morals, etc. by justifying or encouraging dissemination and incitement of racial discrimination and violence.

91. The Ministry of Internal Affairs and Communications held the “Forum to Consider the State of the Protection of Citizen’s Rights in the Future ICT Field,” in which persons of learning and experience, journalists and media workers participated, for a period of about one year from December 2009. This Forum compiled a report that encourages autonomous efforts by broadcasters and the “Broadcasting Ethics & Program Improvement Organization (BPO),” which broadcasters voluntarily established.

### **Prohibition of activities to incite groups**

92. See paragraphs 88 to 90 of the initial and second periodic reports.

### **Handling of racially discriminatory motive under the Penal Code**

93. The Government of Japan recognizes that racially discriminatory motive is proven as vicious motive accordingly in the criminal trials in Japan and that the court takes it into consideration in sentencing.

### **Related domestic court decisions**

94. An example of a court decision on a racial discrimination case relating to article 4 of the Convention (from January 2008 to December 2012) is as follows. See article 6 of this report for information on court decisions relating to other articles of the Convention.

#### **“Tokyo District Court decision on 28 May 2009”**

95. The Minister of Justice added “good behavior and conduct” as one of the requirements for decision of the status of residence of “Long-Term Resident” in relation to Japanese descendants and their family members, from the perspective of maintaining national public security, which is one of the purposes of immigration control, in a public notice<sup>3</sup>. The court determined that the Minister’s decision does not violate article 14,

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<sup>3</sup> Public Notice of the Ministry of Justice (Public Notice Which Adds a Good Behavior and Conduct Requirement to a Public Notice (Ministry of Justice Public Notice No. 132 of 1990) Which Prescribes the Status Listed in the Right-Hand Column under “Long-Term Resident” of Appended Table II of



paragraph 1 of the Constitution of Japan (principle of equality) or article 2, paragraph 1 (a) and article 4 (c) of the Convention on the Elimination of All Forms of Racial Discrimination on the grounds that it is neither recognized as deviating from the scope of the discretion of the Minister of Justice nor abusing the discretion, nor falls under engagement in and encouragement and incitement of acts or customs of irrational discrimination or racial discrimination.

## **Article 5**

### **Right to receive fair treatment in a court of law**

96. See paragraphs 91 and 92 of the initial and second periodic reports.

### **Rights concerning the physical safety of a person against violence or being injured and protection by the State**

97. See paragraph 49 of the combined third to sixth periodic reports and paragraphs 96 and 97 of the initial and second periodic reports.

98. In Japan, strict immigration examination is implemented to prevent terrorists, etc. posing such as tourists, from entering Japan at the border. As part of this, immigration examination has been conducted using biometric information since 20 November 2007, and foreign nationals who intend to land in Japan have been obliged to provide their fingerprints and photographs of their faces. All foreign nationals, excluding some exceptions such as those granted the status of residence of “Diplomat” or “Official” and those under 16 years of age, are obliged to go through this examination. There is no discriminatory treatment for the reason of race, ethnicity, etc. in implementing this examination.

### **Political rights**

99. See paragraphs 102 to 106 of the initial and second periodic reports.

100. Incidentally, the fact that a foreign national cannot become a Conciliation Commissioner of Domestic Relations does not fall under discriminatory treatment for the reason of nationality: a person shall have Japanese nationality to become a public servant engaged in the exercise of public authority or participation in the formation of national intention; and a commissioner, which is a part-time court official, falls under the category of such public servants. Japanese nationality is thus considered as necessary to become a commissioner.

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the Immigration Control and Refugee Recognition Act under the Provisions of article 7, paragraph (1), Item (ii) of the Said Act (Ministry of Justice Public Notice No. 172 of 2006); of Japanese descendants and their family members, Japanese orphans left behind in China and their relatives as well as Indochinese refugees and Vietnamese refugees are excluded from persons subject to the addition).

## **Civil rights**

### **1. Rights to freedom of movement and residence**

101. See paragraph 107 of the initial and second periodic reports.

### **2. Rights to freedom of leaving and entering Japan**

102. See paragraphs 108 to 111 of the initial and second periodic reports.

103. Article 53 of the Immigration Control Act provides for deportation destinations. In principle, a person subject to deportation is deported to a country of which he/she is a national or citizen. However, paragraph 3 of said article prescribes the following as countries that are not included in deportation destinations: “countries which include the territories prescribed in paragraph 1 of article 33 of the Refugee Convention (except for cases in which the Minister of Justice finds it significantly detrimental to the interests or public security of Japan)” (paragraph (3), item (i) of said article), “countries prescribed in paragraph 1, of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (paragraph (3), item (ii) of said article), and “countries prescribed in paragraph 1 of article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance” (paragraph (3), item (iii) of said article). The Act clearly stipulates that no person subject to deportation is in principle deported or transferred to a country or region where he/she is at risk of being subject to serious human rights abuse including torture.

### **3. Right to nationality**

104. With regard to the acquisition of nationality by birth, article 2 of Japan’s Nationality Law provides that a child shall be a Japanese national in the following cases: when either the father or the mother is a Japanese national at the time of the birth of the child (item 1); when the father who has died prior to the birth of the child was a Japanese national at the time of his death (item 2); when both parents are unknown or have no nationality in a case where the child was born in Japan (item 3). In addition, the Nationality Law, in article 3 and article 17, paragraphs 1 and 2, provides for the acquisition of nationality by submitting notification. Article 3 establishes, for instance, that a child who has acquired the status of a legitimate child through the legitimization process, who is under 20 years of age and whose legitimate father or mother was a Japanese national at the time of the child’s birth, may acquire Japanese nationality by submitting notification to the Minister of Justice. Under article 17, paragraph 1, a person, born in a foreign country and having acquired a foreign nationality by birth, who has lost Japanese nationality by not clearly indicating his or her volition to reserve it may, if he or she is under 20 years of age and has a domicile in Japan, reacquire Japanese nationality by submitting notification to the Minister of Justice.

105. Naturalization is provided for in article 4 of the Nationality Law, and the minimum requirements for naturalization are stipulated in article 5 of the said Law. The requirements include having a domicile, possessing full capacity, demonstrating upright conduct, being capable of earning a living, and having respect for the provisions of the Constitution. The principle of prevention of dual nationality must also be respected.

106. However, in any of the above cases, the requirements are applied equally without discrimination for the reason of race, ethnicity, etc. under the principle of article 14 of the Constitution.

107. The Nationality Law of Japan in principle adopts the *jus sanguinis* principle. However, adhering to this principle may result in some children born in Japan without nationality. To prevent that, the Government of Japan makes arrangements to add the principle of place of birth.

108. Where a child was born in Japan, if both of his/her parents are unknown or are without nationality, he/she shall acquire Japanese nationality by birth (art. 2, item (iii) of the Nationality Law).

109. In addition, even with this measure, there may still be limited cases of children born in Japan without nationality. Therefore, requirements for naturalization of a child born in Japan who is without nationality are extremely relaxed compared to those for foreign nationals in general (art. 8, item (iv) of the said Law).

**4. Right to marriage and choice of spouse**

110. See paragraph 116 of the initial and second periodic reports.

**5. Severalty (and condo) ownership**

111. See paragraph 117 of the initial and second periodic reports.

**6. Right to inherit**

112. See paragraph 116 of the initial and second periodic reports.

**7. Rights to freedom of thought, conscience and religion**

113. See paragraphs 118 and 119 of the initial and second periodic reports.

114. Incidentally, “Paragraph 1 of Article 9 of the Basic Act on Education” in the text of the report is amended to “Paragraph 1 of Article 15 of the Basic Act on Education.”

**8. Rights to freedom of opinion and expression and freedom of peaceful assembly and association**

115. See paragraph 120 of the initial and second periodic reports.

**Economic, social and cultural rights**

**1. Rights to labour**

116. See paragraph 52 of the combined third to sixth periodic reports.

117. Article 3 of the Labor Union Act provides that “[t]he term ‘Workers’ as used in this Act shall mean those persons who live on their wages, salaries, or other equivalent income, regardless of the kind of occupation.” In addition, article 2 of the Labor Union Act provides that “[t]he term ‘Labor unions’ as used in this Act shall mean those organizations, or federations thereof, formed voluntarily and composed mainly of workers for the main purposes of maintaining and improving working conditions and raising the economic status of the workers.” Item (i) of said Article provides that organizations which admit membership of persons who represent the interests of the employer shall not be labor unions under the Labor Union Act. However, there is no distinction based on nationality, etc. with regard to workers who organize a labor union. Therefore, workers having foreign nationality and workers in groups subject to protection under the Convention are also granted the right to organize and join a labor union.

**2. Rights to housing**

118. Regarding equal treatment in selecting tenants for rental housing, on qualifications for tenants for public housing, etc., the Act on Public Housing, the Residential Areas Improvement Act, the Urban Development Corporation Act, the Local Housing Corporation Act, and the Act on the Japan Housing Finance Agency, Independent

Administrative Agency provide for fair procedures and requirements for the methods of recruiting tenants, qualifications, and selection.

119. As to private rental housing, the Government of Japan provides housing assistance councils which are organized by local governments, related business operators, housing assistance organizations, etc. with support for their efforts to facilitate those who require consideration in terms of securing of housing, including foreign nationals, to smoothly move into private rental housing.

120. The Human Rights Organs of the Ministry of Justice make efforts to ensure equality in the selection of tenants through human rights promotion activities to eliminate unfair treatment.

### **3. Rights to public health, medical care, social security, and social services**

121. See paragraphs 132 to 135 of the initial and second periodic reports.

122. Incidentally, “midwives” and the “Health Nurses, Midwives and Nurses Law” in Paragraph 132 have been amended to “birthing assistants” and the “Act on Public Health Nurses, Midwives and Nurses,” respectively. “Child allowances (paid to families who have a child under three years of age and who earn less than a certain amount set by Cabinet order)” and “child-rearing allowances (paid to families who have a child under 18 years of age and who do not have a father who can work)” in Paragraph 133 have been amended to “child allowances (paid to families who have a child who resides in Japan until he/she reaches junior high school)” and “child-rearing allowances (paid to fatherless and motherless families who have a child under 18 years of age)”. “(Livelihood aid, education aid, housing aid, medical aid, childbirth aid, unemployment aid, funeral aid)” in Paragraph 135 is amended to “(livelihood aid, education aid, housing aid, medical aid, nursing-care aid, childbirth aid, occupational aid, funeral aid).”

123. In addition, the number of persons who belong to a household receiving public assistance of which the head is a foreign national was 68,965 in FY2010. See annex I for details.

### **4. Rights to education and training**

124. Regarding education, if foreign residents want their children to receive education in Japan, foreign children can study at public compulsory schools with no school fees required. Every foreign child in Japanese public school is treated as equivalent to Japanese students, including through provision of free textbooks, study assistance, etc.

125. The municipal boards of education send school guidance for foreign residents who have children at school age to prevent them from missing the opportunity to send their children to school.

126. In addition, regarding upper secondary schools, under the School Education Act, all students who have graduated from a lower secondary or an equivalent school, or who have completed the first-term course of secondary educational school, or whose academic achievement has been recognized as being equivalent to or higher than the criteria laid down by the Minister of Education, Culture, Sports, Science and Technology, are qualified to be admitted to upper secondary schools, without any kind of discrimination.

127. In receiving foreign children at public schools, it is necessary to establish systems to provide appropriate Japanese language education and orientation regarding Japanese schools. The Ministry of Education, Culture, Sports, Science and Technology is working on the following measures (particularly to support learning by foreign children who are at the stage of compulsory education):

- Implementation of additional allocation of teachers to enrich Japanese language education
- Implementation of practical training mainly for the methods of teaching Japanese language, etc. targeting teachers engaged in teaching foreign students and those at the management level, such as the principals, and supervisors of school education
- Preparation of a guidebook on school enrollment, which summarizes the Japanese education system and procedures for school enrollment, and its outline in seven languages, including Portuguese and Chinese, and distribution thereof to boards of education, etc.
- Implementation of operations, including allocation of support staff who can speak a foreign language and are necessary in holding initial guidance classes (pre-classes) for foreign children before and after school entrance or transfer, in assisting Japanese language instruction at schools, and in conducting liaison and coordination between schools and guardians.

128. In addition, it is also important for children to develop their personalities and abilities with an international point of view in order to understand and live with people who have different customs and are from different cultures. Therefore, schools are now providing education for international understanding through subjects such as Social Studies, Moral Education, Special Activities, and the Period for Integrated Studies. In such education, it is also possible to use the Period for Integrated Studies to learn about the native languages and native cultures of foreign students, in keeping with the actual circumstances of communities and those of such students. Incidentally, learning about native languages, native cultures, etc. can also be included in extracurricular activities. Several local governments are implementing such activities in practice.

129. The Ministry of Education, Culture, Sports, Science and Technology supported municipalities, schools, etc. which implement advanced efforts, by implementing the “International Education Promotion Plan” designed to develop people who could take an active part in the international community through the deepening of international understanding from FY2006 to FY2009. Moreover, the ministry is also making efforts to promote education for international understanding by introducing case studies, etc. under said plan at the liaison council meeting it holds every year with the participation of responsible persons from the boards of education of prefectures and designated cities nationwide.

130. In addition, if a foreign student, etc. who is enrolled in a Japanese elementary, lower secondary, or higher secondary school, etc. and has joined the Injury and Accident Mutual Aid Benefit System is affected by a disaster, he/she will be eligible for disaster mutual benefit in the same manner as Japanese citizens.

131. The Government of Japan carries out teacher training for foreign nationals, etc. who have Japanese skills, consultations with the governments of foreign children’s countries of origin, as well as provides support for the school enrollment of foreign children and has established a Japanese language education system.

132. Some schools for foreign nationals, such as international schools, are approved as miscellaneous schools by prefectural governors; and their independence is respected.

133. For the stage of upper secondary education, a system to eliminate tuition fees for public high schools and supply support funds to students of national and private high schools, etc. (free tuition fee at public high schools/high school enrollment support fund system) was started in April 2010 in order to reduce the burden of education expenses on households.

134. This system covers students who are enrolled in (1) national, public, or private high schools, (2) secondary education schools (latter course), (3) schools for special needs education (upper secondary school), (4) colleges of technology (from the first to third year), (5) advanced courses at specialized training colleges, or (6) schools for foreign nationals approved as miscellaneous schools which are designated by the Minister of Education, Culture, Sports, Science and Technology as having curricula equivalent to the high school curricula, irrespective of their national affiliation. Incidentally, schools for foreign nationals approved as miscellaneous schools which have curricula equivalent to high school curricula include (a) those which can be confirmed through an embassy as having curricula equivalent to those of Japanese high schools, (b) those which can be confirmed as having obtained certification from an internationally-proven school evaluation organization, and (c) those which have been designated by the Minister of Education, Culture, Sports, Science and Technology as those which are recognized to have curricula equivalent to those of Japanese high schools in addition to those listed in (a) and (b).

**5. Rights to equal participation in cultural activities**

135. See paragraph 142 of the initial and second periodic reports.

**Rights to utilize places or services intended for use by the general public**

136. See paragraphs 56 and 57 of the combined third to sixth periodic reports.

**Information concerning social indexes**

137. See annexes II to X.

**Article 6**

**Remedies by the judicial organs**

138. See paragraphs 145 to 149 of the initial and second periodic reports.

139. Recent court decisions that deal with “racial discrimination” cases are as follows:

*Osaka High Court decision on 27 November 2008*

140. The plaintiffs who have foreign nationality claimed damages, asserting, inter alia, that their right to education as minorities was infringed due to the downsizing and abolition of educational projects for foreign nationals by the city government. In response, the court held that, taking into account the means of provision, article 2, paragraph 2 of Convention on the Elimination of All Forms of Racial Discrimination merely provides that State Parties shall have political responsibility to promote active measures to ensure the relevant rights and that it cannot be construed to directly guarantee the right to education of minorities as a concrete right. The court also held that the plaintiffs merely benefited from the implementation of the educational projects by the city government targeting children of foreign nationality and that the implementation had not established the aforementioned right as a concrete right.

## **Redress by the administrative organs**

### **1. Organization of the Human Rights Organs of the Ministry of Justice**

141. The Ministry of Justice has a Human Rights Bureau which acts as an administrative organ engaging in human rights protection. As subordinate organs, there are the Human Rights Departments of the Legal Affairs Bureaus (eight locations nationwide), the Human Rights Divisions of the District Legal Affairs Bureaus (42 locations nationwide), and their branch bureaus (265 locations nationwide) (as of 1 July 2012).

- Moreover, in Japan, about 14,000 Human Rights Volunteers (private citizens appointed by the Minister of Justice) engage in human rights protection activities across Japan in cooperation with the Human Rights Bureau of the Ministry of Justice, the Legal Affairs Bureaus and the District Legal Affairs Bureaus.
- The Human Rights Bureau of the Ministry of Justice, the Human Rights Departments of the Legal Affairs Bureaus and the Human Rights Divisions of the District Legal Affairs Bureaus and their branch bureaus as well as Human Rights Volunteers are collectively referred to as the “Human Rights Organs of the Ministry of Justice.”

### **2. Human rights counseling and investigation of and resolution of human rights infringement cases by the Human Rights Organs of the Ministry of Justice**

142. The Human Rights Organs of the Ministry of Justice widely provide human rights counselling services at the Legal Affairs Bureaus, the District Legal Affairs Bureaus and their branch bureaus at 315 locations nationwide (as of 1 July 2012), covering all forms of human rights infringements, including racial discrimination. In addition, they engage in investigation and resolution of human rights infringement cases on fair and impartial grounds. The outline of the investigation and resolution of human rights infringement cases is as follows.

#### *(a) Commencement of remedy procedures*

143. The Human Rights Organs commence remedy procedures when they recognize a suspected case of human rights infringement based on a request for relief from an alleged victim of human rights infringement or his/her relative or other person concerned or a report from a related administrative organ, etc. A request for relief may be made to the Legal Affairs Bureaus, the District Legal Affairs Bureaus and their branch bureaus either orally, in writing, by telephone, or by email.

144. Moreover, regarding human rights issues concerning foreign nationals, “Human Rights Counseling Offices for Foreign Nationals” with interpretation services have been established within the Legal Affairs Bureaus in Tokyo, Osaka, Nagoya, Hiroshima, Fukuoka and Takamatsu as well as within the District Legal Affairs Bureaus in Kobe and Matsuyama. Human rights counseling services are provided in seven languages in total, including English and Chinese, though the available languages differ depending on the offices.

#### *(b) Implementation of investigation*

145. The Human Rights Organs conduct questioning of persons concerned and other necessary investigation.

146. The Human Rights Organs do not have compulsory measures for investigation; and, therefore, investigation is conducted based on the voluntary cooperation of persons concerned. This is because, unlike criminal proceedings, investigation conducted by the

Human Rights Organs is not intended to impose criminal sanctions against persons who have infringed human rights but is intended to have the persons concerned voluntarily eliminate the situation of human rights infringement by raising their awareness of respect for human rights through investigation and remedy measures. By doing so, remedies for victims will be promoted.

(c) *Remedy measures, etc.*

147. The Human Rights Organs take remedy measures such as “assistance” (introduction to a related administrative organ or a related public or private organization, providing alleged victims with legal advice, etc.) and “mediation” (coordinating relationships between alleged victims and other parties) on a case-by-case basis. They also take the following remedy measures if they identify an act of human rights infringement through investigation:

(i) “Request”

To request a third party who is capable of taking effective measures regarding the relief or prevention of the damages by human rights infringement to take such measures

(ii) “Instruction”

To indicate to the party who committed human rights infringement why his/her action infringed human rights and to instruct him/her to take adequate measures.

(iii) “Recommendation”

To make the necessary recommendation in writing to the party who committed human rights infringement by specifying what kind of human rights infringement they committed, in order to stop it or to prevent him/her from recommitting a similar human rights infringement.

(iv) “Notification”

To give a notification to a related administrative organ in writing that a party committed human rights infringement in order to request the exercise of appropriate measures to remedy or prevent damages.

(v) “Accusation”

To make an accusation in writing pursuant to the provisions of the Code of Criminal Procedure.

148. If it is necessary to conduct human rights promotion to deepen understanding of the principle of respect for human rights in the course of investigation, the Human Rights Organs conduct awareness-raising directed at the persons concerned on a case-by-case basis.

149. The number of human rights infringement cases received in 2011 was 22,168. Incidentally, cases cleared in 2011 include the following cases of discrimination.

(a) The Human Rights Organ of the Ministry of Justice conducted investigation into a case where a foreign national applied for membership registration at an equipment rental shop and for the rental of a camera but was refused the services for the reason of being a foreign national. Through the investigation, said shop explained that it refused to register non-Japanese persons as members with no exceptions in its terms of membership in order to avoid the risk that they would take the rented equipment back to their home countries. The said shop voluntarily reviewed said terms of membership in response to the



investigation by the Human Rights Organs to make it possible for foreign nationals to use said services. (The situation was resolved through "assistance.");

(b) The Human Rights Organ of the Ministry of Justice conducted investigation into a case in which a superior had made a remark that "being a foreign national is the cause of the problem" during an argument at a workplace. After investigation, the Human Rights Organ confirmed that said superior regretted having made the remark, had not had the intention to discriminate against the victim, and was ready to apologize for having caused a misunderstanding. When the Human Rights Organ communicated the results of the investigation to the victim, the victim accepted said superior's apology and their relationship was restored. (The situation was resolved through "mediation.").

150. See annex XI for the statistics on the number of human rights infringement cases in which the victim was a foreign national and the number of counseling cases concerning human rights infringement against foreign nationals.

### **Securing access to the judiciary**

151. The Human Rights Organs of the Ministry of Justice provide human rights counseling services and investigation and remedy procedures for human rights infringement cases free of charge for the purpose of realizing simple, quick and flexible remedy for the victims. The Human Rights Organs conduct investigation and remedy activities for human rights infringement cases ex officio, and no legal knowledge or other special knowledge is required of a person who request relief. In addition, the matter is kept strictly confidential so that those who request relief will not fear societal criticism or retribution.

152. In addition, the Human Rights Organs are making efforts to disseminate and publicize the rights of individuals through various human rights promotion activities. In addition, in receiving requests for human rights counseling, they give appropriate advice on the rights of those who request human rights counseling on a case-by-case basis.

153. The Japan Legal Support Center (*Houterasu*), established in 2006 based on the Comprehensive Legal Support Act, provides victims, etc. of racial discrimination with information concerning legal systems for compensation, etc. and counseling organs, organizations, etc. free of charge. *Houterasu* also introduces attorneys at law who have experience in and understanding of support for crime victims to the victims, etc. of racially-motivated crimes free of charge.

154. Moreover, *Houterasu* provides services, such as free legal counseling services and temporary payment of attorney's fees, for the victims, etc. of racial discrimination who are not able to consult with an attorney at law and perform a civil lawsuit due to lack of financial resources in cases where such a victim, etc. claims damages against the perpetrator.

155. The Code of Civil Procedure of Japan establishes a system of judicial aid whereby a person who lacks the financial resources to pay the expenses necessary for preparing for and conducting a suit, or a person who will suffer substantial detriment in his/her standard of living by paying such expenses, is granted grace of payment of judicial costs, etc. where it cannot be said that such person is unlikely to win the case (art. 82 and thereafter of the Code of Civil Procedure).

### **Support for crime victims**

156. The police are making efforts to promote various measures from the perspective of crime victims, as the institution most closely involved with crime victims, through

notification of damages, arrest of suspects, prevention of recurrence of crimes, and in the area of recovery from and alleviation of damages, etc. as well as playing the role of protecting crime victims.

157. Specific measures for supporting crime victims taken by the police include the implementation of the “Benefit System for Crime Victims,” provision of information to crime victims, and establishment of a consultation and counseling system.

158. Regarding provision of information to crime victims, the police prepare and issue the “Brochure for Crime Victims”, which summarizes the outline of criminal procedures and systems that are available for crime victims, etc., including the “Benefit System for Crime Victims,” in an easy-to-understand manner. In addition, the police also implement the “System for Contacting Victims” designed to appropriately communicate with the victims of crimes against their person (or, in some cases, their bereaved families), including homicides, sexual crimes, hit-and-run accidents, and fatal traffic accidents, about the situation of investigation, etc.

159. Upon request from a crime victim, the Public Prosecutors Office, penal institutions, juvenile training schools, juvenile classification homes, Regional Parole Boards and probation offices make notifications such as the result of disposition on the case, trial dates, the result of the criminal proceedings, the treatment status of a perpetrator serving his/her sentence or in a juvenile training school, matters concerning examinations for release on parole from a penal institution or a juvenile training school, and the treatment status of a perpetrator under probation, etc. at each stage of investigation, trial and post decision (judgment). In addition, at the stage of trial, there are various systems to protect the rights and interests of crime victims, such as protection of information concerning crime victims, the victim participation system and the order of compensation of damages system. Furthermore, as measures for crime victims within the rehabilitation of offenders, there are systems to hear opinions from victims concerning the offender during the examination of the possibility of the offender being released on parole from a penal institution or a juvenile training school. Also, there are systems to hear victims’ sentiments and communicate such sentiments to perpetrators under probation. A counseling and support system to respond to requests from the victims and the introduction of other agencies to victims are also available. Brochures that explain these systems in an easy-to-understand manner, entitled “For Victims of Crime” (in Japanese and English) and “Systems for Crime Victims in Offenders Rehabilitation”, are printed and distributed.

160. In addition to those mentioned in “3. Securing access to the judiciary” above, where a crime victim, etc. who has been allowed to participate in criminal proceedings under the victim participation system is not economically fit, when the State makes it possible for such a crime victim, etc. to receive assistance from an attorney at law by bearing relevant expenses, the Japan Legal Support Center (*Houterasu*) nominates a candidate to serve as said attorney at law and notifies the court of said candidate.

161. These measures are implemented irrespective of the race, ethnicity, etc. of crime victims.

### **Burden of proof in civil cases**

162. In civil lawsuits in Japan, a party who asserts the occurrence, change or extinction of a right in principle bears the burden of proving the facts that are required to provide the basis for a legal effect and cannot achieve the legal effect that he/she asserts unless he/she can convince the court of the facts to be proven. This is also the same in a case in which a person who asserts that he/she has been victim to acts of racial discrimination seeks remedy in a civil lawsuit.

## **Individual communications procedure**

163. Japan considers the individual communications procedure set forth in article 14 of Convention on the Elimination of All Forms of Racial Discrimination to be noteworthy in that it effectively guarantees the implementation of human rights treaties.

164. With regard to the acceptance of the procedure, the Government of Japan is making an internal study on various issues including whether it poses any problem in relation to Japan's judicial system or legislative policy, and a possible organizational framework for implementing the procedure in case Japan is to accept it. In this process, the Division for Implementation of Human Rights Treaties was set up in the Ministry of Foreign Affairs in April 2010. The Government of Japan will continue to seriously consider whether or not to accept the procedure, while taking into account opinions from various quarters.

## **Article 7**

### **Education and teaching**

#### **1. The Act for Promotion of Human Rights Education and Encouragement**

165. See paragraphs 77 to 79 of the combined third, to sixth periodic reports.

#### **2. General information concerning the educational system**

166. See paragraphs 169 and 170 of the initial and second periodic reports.

167. In addition, universities and junior colleges provide at their own discretion various courses and subjects that deal with human rights so that students can deepen their knowledge and understanding of human rights.

#### **3. Efforts for mutual understanding**

168. Based on the recognition that it is important that schoolchildren properly acquire the spirit of respecting fundamental human rights and deepen their level of understanding of different racial and ethnic groups in order to eliminate discrimination and prejudice against people of different races and ethnicities, the Government of Japan will further promote human rights-oriented education through the educational activities of schools.

169. The Ministry of Education, Culture, Sports, Science and Technology implements the "Project to Promote Research on Human Rights Education" designed to conduct practical research on comprehensive efforts made cooperatively by schools, households, and local communities as well as on the improvement and enrichment of the method of human rights education in schools in order to promote human rights education in schools.

170. In addition, the "Study Group on Educational Methods on Human Rights Education" has been held since 2003, and it compiled its third report in March 2008. In 2008 and 2009, the Study Group conducted research designed to verify the way that the first to third reports are being utilized in the efforts of boards of education and schools to enrich human rights education, and also conducted analysis thereof.

171. Furthermore, the Government of Japan has held the "Liaison Council of Supervisors in Charge of Human Rights Education" since 2010 with the participation of persons in charge of human rights education at prefectural boards of education, etc. In addition, the Government of Japan also makes efforts to collect and make public practical examples of human rights education to promote human rights education throughout the country.

**4. Information concerning textbooks**

172. Regarding textbooks used in Japan, the Government of Japan has adopted a textbook authorization system. Based on the Course of Study, etc., books written and edited by private companies are examined in a fair and neutral manner through academic and specialized deliberation by the Textbook Authorization Research Council, and the Government of Japan permits the use of those which have been authorized.

173. For example, textbooks for social studies at junior high schools include statements concerning respect for human rights and fundamental human rights as well as statements concerning the Ainu people.

**5. Training for the officials of law enforcement authorities**

174. See above chapter III, article 2, paragraphs 68-76 and 78-80.

**6. Human rights promotion activities by the Human Rights Organs of the Ministry of Justice**

175. The Human Rights Organs of the Ministry of Justice carry out a wide variety of activities to disseminate and enhance respect for human rights among the general public, based on the “Basic Plan for Promotion of Human Rights Education and Encouragement.” Various methods are used to conduct these activities, including producing and distributing handbooks, leaflets, posters and other printed material; sponsoring lectures, discussion meetings, debates and symposia; showing films and stage dramas; and campaigns through mass-media such as television/radio/cable broadcasting and the Internet.

176. Since 1949, the year after the adoption of the Universal Declaration of Human Rights, the Ministry of Justice and the National Association of Human Rights Volunteers have designated the week prior to each Human Rights Day, 10 December, as Human Rights Week and have carried out nationwide activities to enhance respect for human rights and raise public awareness of its importance. During Human Rights Week, the Human Rights Organs of the Ministry of Justice intensify various nationwide awareness-raising activities with slogans such as “Deepen your understanding of Ainu people” and “Respect the human rights of foreign nationals.”

177. Moreover, having designated June 1 of every year as Human Rights Volunteer’s Day to commemorate the day of enforcement of the Human Rights Volunteers Act (1 June 1949), the National Association of Human Rights Volunteers carries out nationwide activities to make the Human Rights Volunteers System widely known to the public and also to raise public awareness of respect for human rights.

178. The Human Rights Organs of the Ministry of Justice, as a part of promotion activities to spread respect for human rights, conduct promotion activities in schools. As an example, since 1982 the Human Rights Flower Campaign has been in place, mainly elementary schools, in order to foster respect and consideration for life through raising flowers. The National Human Rights Essay Contest for Junior High School Students is held each year, with about 890,000 entries in FY2011. Human Rights Volunteers visit schools, etc. and take a leading role in holding a “Human Rights Class” which provides opportunities for children to think about issues such as bullying. This is an excellent chance for elementary and lower secondary school children to learn the value and necessity of respect for human rights.

## Culture

### 1. Ainu culture

179. The “Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition, etc.” designed to realize a society in which Ainu people can live with a sense of pride as an ethnic group, was enacted in May 1997, and put in force in July of the same year. Based on the said Act, the State, local governments and the corporation designated under the said Act are implementing measures to promote comprehensive and practical research concerning Ainu, promote Ainu culture including the Ainu language, raise awareness of Ainu traditions, and promote the re-creation of traditional living spaces (*Ior*) of Ainu people.

180. The State and the Hokkaido prefectural government provide subsidies for almost all of the expenses required for the operations of the Foundation for Research and Promotion of Ainu Culture (FRPAC), the designed corporation under the said Act.

181. Ainu people and relevant organizations highly evaluate the efforts for the promotion of Ainu culture which have made over 15 years since 1997. Two-thirds of the respondents to a survey conducted by the FRPAC, answered affirmatively on the progress of dissemination of Ainu culture.

### 2. International cultural exchange

182. See paragraphs 178 and 179 of the initial and second periodic reports.

### 3. Artistic field

183. The Government of Japan dispatches cultural figures and artists, etc. in Japan to other countries to deepen the understanding of Japanese culture. At the same time, the Government of Japan also aims to increase the mutual understanding of culture and art with other countries by promoting exchange among cultural figures and artists in Japan and abroad through provision of support for projects under which foreign artists, etc. stay in Japan and conduct creative activities.

184. In addition, the Government of Japan aims to protect and promote cultural diversity by holding international conferences to discuss the recent situation and issues in various fields relating to culture under the theme of "diversity of culture", inviting famous cultural figures and artists, etc. from Japan and abroad.

### 4. Language policy

#### *Japanese language education for foreign nationals*

185. Regarding Japanese language education for foreign nationals who are minorities living in Japan, the Government of Japan is making various efforts to promote Japanese language education as the means of communication and the basis for transmission of culture.

186. Major efforts include preparation of a standard curriculum plan and sample teaching materials for Japanese language education for foreign nationals at the Subdivision on Japanese Language of the Council for Cultural Affairs and implementation of various programmes, including establishment and operation of Japanese language classes and development and training, etc. of human resources who engage in Japanese language education, to ensure that foreign nationals can live without difficulty as members of Japanese society.

*Ainu language*

187. In response to UNESCO's announcement in February 2009 that eight languages and dialects in Japan, including the Ainu language, the Hachijo language (Hachijo dialect), and the Amami language (Amami dialect), are in danger of extinction, the Government of Japan conducted research, including an actual condition survey, regarding activities that have been conducted to spread the Ainu language to those other than the Ainu people. Regarding the Ainu language, this research study compiled information on the characteristics of the Ainu language, its degree of endangerment, reference materials concerning the Ainu language, and the status of Ainu language education. The results are available to the public on the Agency for Cultural Affairs' website.

188. In addition, the State designated the Foundation for Research and Promotion of Ainu Culture to promote Ainu culture as a designated corporation pursuant to the law, and provides subsidies for the projects conducted by said foundation, including a "radio course in the Ainu language," "advanced course in the Ainu language," and "speech contest in the Ainu language."

**Information****1. Dissemination of the purpose and principle of the Convention**

189. The Government of Japan endeavors to disseminate the significance, content, and other related issues of the Convention by offering important information with respect to the Convention through the Internet. In addition, the concluding observations of the Committee on the Elimination of Racial Discrimination to the periodic reports and other information relating to the past periodic reports are widely available to the public on the Ministry of Foreign Affairs' website. This periodic report and other important information will likewise be available on the website.

**2. Promotion of broadcasters' efforts**

190. Regarding broadcasting, pursuant to the provisions of the Broadcast Act, a broadcaster is to establish a deliberative organ for broadcast programmes in order to ensure the appropriateness of broadcast programmes. By respecting the reports and opinions of this deliberative organ for broadcast programmes, each broadcaster ensures appropriate broadcasting so that no broadcast programme will harm public safety or good morals, etc. by justifying or encouraging dissemination and/or incitement of racial discrimination and violence.

191. The Ministry of Internal Affairs and Communications held the "Forum to Consider the State of the Protection of Citizen's Rights in the Future ICT Field," in which persons of learning and experience, journalists and media workers participated, for a period of about one year from December 2009. This Forum compiled a report that encourages autonomous efforts by broadcasters and the "Broadcasting Ethics & Program Improvement Organization (BPO)," which broadcasters voluntarily established.

## List of annexes\*

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\* Annexes can be consulted in the files of the Secretariat.