



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

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## Committee on the Elimination of Racial Discrimination Eighty-fifth session

### Summary record of the 2309th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 August 2014, at 3 p.m.

*Chairperson:* Mr. Calí Tzay

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article 9 of the Convention (*continued*)

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties  
under article 9 of the Convention** (*continued*)

*Seventh to ninth periodic reports of Japan* (CERD/C/JPN/7-9; CERD/C/JPN/Q/7-9; HRI/CORE/JPN/2012)

1. *At the invitation of the Chairperson, the delegation of Japan took places at the Committee table.*
2. **Mr. Kono** (Japan), introducing his country's seventh to ninth periodic reports, expressed respect for the unstinting efforts of the members of the Committee, with whom it was an honour for his delegation to engage in constructive dialogue.
3. The Government of Japan believed that all human rights and fundamental freedoms represented universal values and were legitimate concerns of the international community. With that belief, the Government was actively engaged in the protection and promotion of human rights, and its agencies and ministries, in consultation with civil society, had participated in preparing its seventh to ninth periodic reports. The Government recognized the importance of private-sector activities in promoting respect for human rights.
4. The extent to which the rights stipulated in the International Convention on the Elimination of All Forms of Racial Discrimination were protected and promoted was important and, for that reason, the delegation was looking forward to listening to the opinions of the Committee, which it would use to improve the human rights situation in Japan.
5. Japan had recently taken measures to establish a comprehensive policy to ensure respect for the human rights of the Ainu people. The opening of a Symbolic Space for Ethnic Harmony was planned to coincide with the 2020 Tokyo Olympic and Paralympic Games. The space would be a symbol of a society that respected the harmony of diverse cultures, ethnic groups and the dignity of the Ainu people, who were indigenous to Japan.
6. A refugee recognition system had been in place in Japan since 1982 and it strictly practised the principle of non-refoulement. A substantial increase in the number of refugee examination counsellors had helped to expedite appeal procedures, while guidance on application procedures had been published in 14 languages. Interviews were conducted with an interpreter in the language requested by the applicant. The Government had accepted 63 refugees from Myanmar who were residing in a refugee camp in Thailand and, subsequently, their family members. It strove to support the acceptance and local integration of resettled refugees by providing guidance on daily life, Japanese language training, and employment placements.
7. The Government placed emphasis on human rights education and awareness-raising based on the concept of mutual respect and awareness of the responsibilities that accompanied the exercise of rights. It had introduced an Act for Promotion of Human Rights Education and Encouragement in 2000 and a related plan, through which the Ministry of Justice actively promoted and strengthened dissemination of the philosophy of respect for human rights, including the rights of foreign nationals. Human Rights Counseling Offices for Foreign Nationals investigated human rights infringements and took appropriate measures.
8. The 2020 Olympic and Paralympic Games in Tokyo would provide a festive occasion for the whole of the country to celebrate the spirit of the Olympic Charter, which prohibited discrimination, the Constitution of Japan and the Convention: Japan would work tirelessly to improve its human rights situation and to eliminate all forms of discrimination, including discrimination on the basis of race or ethnicity.

9. **Mr. Yamanaka** (Japan) provided oral answers to the list of themes concerning the combined seventh to ninth periodic reports of Japan. With regard to paragraph 1 (a), which concerned anti-discrimination laws and the national human rights institution, he said that article 14, paragraph (1) of the Constitution of Japan provided for the equality of all people under the law, including prohibition of discrimination on the grounds of race. The prohibition of discriminatory treatment was widely covered in relevant laws and regulations, particularly in the fields of employment, education, medical care and transport. Where a racially discriminatory act constituted a tort under the Civil Code, the person who had committed such an act became liable for damages. The dissemination and expression of a racist thought could constitute a crime of defamation and other crimes under the Penal Code. The Government would strive to maintain the principle of equality under the law to the maximum extent possible. A human rights commission bill had been abandoned in 2012 following the dissolution of parliament, but consideration was being given to a system for remedying human rights issues.

10. Paragraph 1 (b) of the list of themes concerned the enactment of a law that prohibited racist and xenophobic attitudes and its application in the event of discrimination against a foreign national or in the event of racially discriminatory acts, including on the Internet. The dissemination of racist thought could constitute defamation and other crimes under the Penal Code although acts that could not be considered as crimes needed to be carefully examined in relation to the freedom of expression guaranteed by the Constitution of Japan. The Government would continue to pay close attention to words and actions that might cause people to feel a sense of discrimination and to work on awareness-raising activities with the aim of eliminating prejudice and discrimination against foreign nationals. The Government was currently considering a law that limited the liability of a provider in cases where it had deleted information from the Internet that infringed the right of others.

11. Paragraph 1 (c) of the list of themes concerned information on the judgements of domestic courts concerning racially discriminatory acts, including the dissemination of racist ideas and hate speech, and access to judicial and non-judicial remedies to deal with racially discriminatory acts. A judicial precedent had been set in an Osaka High Court judgement on an appeal in July 2014. The court of first instance had found that a demonstration held in an intimidating and insulting manner in front of a school for Korean residents and related video footage released on the Internet had constituted the tort of obstructing educational business and defaming the plaintiff. The appeal court had upheld the judgement and an action was pending in the Supreme Court. The persons responsible had been prosecuted and punished for forcible obstruction of business, insult and damage to property.

12. Regarding guarantees of access to remedies, the Japan Legal Support Center, which had begun operating in 2006, provided information on legal systems and counseling organizations free of charge. The Human Rights Organs of the Ministry of Justice had established Human Rights Counseling Offices for Foreign Nationals, which investigated and took appropriate measures in cases of discrimination.

13. Concerning paragraph 1 (d), human rights training was provided for public officials, including teachers, judges, court officials, probation officers, human rights organs, immigration bureaux, police officers and civil servants. The Ministry of Education, Culture, Sports, Science and Technology implemented the Project to Promote Research on Human Rights Education, through which research on comprehensive human rights training was carried out. Furthermore, a Liaison Council of Supervisors in Charge of Human Rights Education had been formed in 2010 and the Government collected and published practical examples of human rights education.

14. Pursuant to the Broadcast Act, each broadcaster must establish a deliberative body in order to ensure that no broadcast programmes would harm public safety or good morals by

justifying or encouraging the dissemination and incitement of racial discrimination. The 2009 Forum to Consider the State of the Protection of Citizen's Rights in the Future ICT Field had led to the establishment of an organization for broadcasting ethics and programme improvement.

15. Referring to paragraph 2 (a) of the list of themes, he said that, since the Convention did not deal with discrimination on the basis of social origin, the Government of Japan did not perceive the Burakumin people to be covered by it. Regarding employment, guidance and education were provided to employers with the aim of eliminating discrimination and ensuring fair recruitment. Fair procedures were also in place in selecting tenants for rental and public housing. Classes on human rights education were provided at social education facilities and in schools. The Human Rights Organs of the Ministry of Justice had carried out awareness-raising activities under the slogan "Eliminate Prejudice and Discrimination in relation to Dowa issues".

16. With respect to paragraphs 2 (b) and 2 (c) of the list of themes, the Government considered the Ainu people to be the only indigenous people of Japan; people who were born in or lived in the Okinawa Prefecture were equal under the law and were not the subject of racial discrimination. Since the reversion of Okinawa to Japanese administration in 1972, measures had been introduced for the promotion and development of the islands and the Okinawa Prefecture had been given increased independence. Following a report issued in 2009 by the Advisory Council for Future Ainu Policy, the Government had undertaken a number of initiatives to promote Ainu culture and language, effective use of land and resources and to improve their livelihoods. The Hokkaido prefectural government had introduced educational scholarships for Ainu children.

17. In response to the question concerning a comprehensive immigration policy, he said that individual ministries in Japan dealt with matters relating to foreign nationals, including respect for their human rights, access to employment and education and the right to accommodation in rental housing and in hotels and inns. Japan had established an action plan in 2009 to combat people trafficking and worked in a concerted manner with non-governmental organizations to protect victims. In general, foreign nationals residing illegally in Japan were granted permission to stay provisionally if they had filed a request for recognition as refugees. The views of detainees were taken into account in immigration detention centres and detainees were entitled to file complaints concerning their treatment. Where a person subject to deportation physically resisted an immigration control officer, the minimum necessary force was used in carrying out the deportation.

18. **Mr. Kemal** (Country Rapporteur) noted that Japan had an ancient and sophisticated culture, shared its wealth and technical know-how with developing countries and had established a democratic constitution with a wide range of provisions to protect human rights. However, the Constitution of Japan did not cover all five grounds for discrimination listed in the Convention, so that anti-discrimination legislation was required to cover articles 2, 4 and 6.

19. While the State party had responded to the substance of some of the Committee's concluding observations of 2010 (CERD/C/JPN/CO/6/CRP.1), no attempt had been made to link its replies to them in its seventh to ninth periodic reports. For clarity's sake, it would be useful if future reports could include a brief indication of references made to previous reports.

20. Japan had made progress in several areas such as consultation with civil society; it had addressed problems faced by the Ainu people and lifted the living standards of the Ryukus. It had also provided training to public officials on problems facing minorities in Japan. However, the State party had not responded to the point raised by the Committee in paragraph 8 of the 2010 concluding observations, namely that the Convention covered

discrimination based on descent. The Government of Japan deserved credit for the improved living conditions of the Baraku, but social and employment discrimination remained a troubling problem. He would be grateful to receive up-to-date information of the situation of the Baraku people.

21. Paragraph 9 of the concluding observations reiterated the view that the State party should adopt specific legislation to outlaw direct and indirect discrimination in accordance with article 1 of the Convention. While the State party had stated that it had no intention to enact such legislation, it did seem that law enforcement officials had been receiving training to deal with racial discrimination cases.

22. The Committee had requested disaggregated data on the situation of vulnerable groups but only general tables had been provided. While the commitment to establish a national human rights institution remained, progress on the ground had been slow. The State party had declined to comply with paragraph 13 of the concluding observations, in which the Committee had encouraged it to re-examine the need to maintain its reservations to articles 4 (a) and (b) of the Convention. The Committee noted with concern the continued incidence of explicit racist statements and actions against groups, including against children attending Korean schools, and harmful and racist expressions on the Internet, particularly against the Burakumin. The Committee's most recent general recommendation, No. 35 on combating racist hate speech, made clear that freedom of speech was not absolute and did not give individuals or organizations licence to demonize vulnerable groups.

23. While noting the measures taken to provide human rights education to public officials, the Committee had reiterated its concern, in paragraph 14 of the concluding observations, that discriminatory statements by public officials persisted. He acknowledged that the Japanese system of governance was based on consensus building and not on an adversarial model and sought confirmation that victimization of vulnerable groups was against Japanese culture, thus justifying firm action by the State party.

24. He asked whether competent non-nationals were allowed to perform mediation work in Japanese courts, as mentioned in paragraph 15 of the concluding observations. There had also been no response to the recommendation that the identity of non-Japanese nationals should be respected on application forms during the naturalization process. Paragraph 17 had requested that all necessary measures be adopted to avoid double discrimination, in particular regarding women and children from vulnerable groups. Information had also been requested on legislative changes to protect personal information in the family registration system.

25. He would be grateful to receive the delegation's comments on paragraph 19 of the concluding observations, in which the Committee had recommended that a specific government agency be assigned to deal with Baraku issues. While some progress had been made towards implementing the United Nations Declaration on the Rights of Indigenous Peoples, the State party had expressed its inability to accept International Labour Organization (ILO) Convention No. 169 (1989) concerning Indigenous and Tribal Peoples on several legal grounds.

26. While it was clear that the Japanese Government did not consider the Ryukyu people of Okinawa to be an indigenous people, he asked how the Ryukyu themselves felt about their status. He expressed concern regarding the Ainu, Ryukyu and Okinawa communities' enjoyment of their rights of access to their traditional land and natural resources, and to education for their children in their own language. On education for foreign children, he asked why Korean schools lacked funding, while other foreign schools were well supported.

27. While the Committee noted progress in some areas relating to refugees, it remained concerned about reports of preferential treatment for asylum seekers from certain countries and the forcible return of others. Asylum seekers of non-Asian origin in particular seemed to be subject to discrimination. He asked what measures were taken to ensure that no person would be forcibly returned to a country where he or she would be at risk. He also asked whether standardized asylum procedures were being established with equal entitlement to public services for all refugees. The Committee was concerned about the lack of procedures for determining the status of stateless persons, the prolonged detention of asylum seekers and difficulties with regard to naturalization of refugees. The United Nations Human Rights Committee had recently concluded that Japanese and non-Japanese were not treated equally, and that access to certain public facilities was restricted for non-Japanese. He wished to know whether the State party intended to amend its legislation to prohibit discriminatory practices.

28. He welcomed the measures taken by the State party to improve human rights education and public awareness-raising. Continued, concerted efforts were still required, however, to overcome ingrained racial prejudice. He wished to know whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Discrimination (Occupation and Employment) Convention, 1958 (No. 111), the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Convention on the Prevention and Punishment of the Crime of Genocide.

29. Lastly, he requested information regarding the use of interns from developing countries as cheap, unskilled labour. The Committee had received reports about interns having been subjected to excessively long working hours, discrimination and mistreatment. He wondered whether any plans were in place to do away with internships and instead encourage economically active immigrants to join Japan's workforce.

30. **Mr. Vázquez** said that serious concerns about hate speech in Japan had been brought to the Committee's attention: the Committee had been shown a disturbing film documenting hate speech against Korean residents in Japan. He welcomed the Prime Minister's intention to take measures to address hate speech, and drew the State party's attention to the Committee's general recommendation No. 35 in that regard.

31. He requested information on why the State party considered it necessary to maintain its reservation to article 4 of the Convention, and said he would appreciate further details on the nature and scope of that reservation. It was particularly important for the Committee to know what the State party considered to be the limit to the scope of freedom of expression. The film that the Committee had watched had not only involved hate speech, but also threats of imminent violence, which had, in his view, gone beyond what should be considered to be protected freedom of expression. He wished to know whether greater efforts could be made to raise awareness about the need for tolerance and inclusiveness through education and public awareness-raising schemes, as well as to ensure that racist hate speech was publically condemned by high-level officials.

32. With regard to efforts to counter racist hate speech, the Committee had received worrying information from civil society with regard to anti-racist speech: racist groups tended to be granted approval for demonstrations, whereas anti-racist groups were often hampered in their meetings, arrested, or otherwise prohibited from making their views known, and were thereby deprived of their right to freedom of expression. Some civil society groups were concerned that legislation against hate speech, if enacted, would be abused by the Government to target vulnerable groups and to curtail legitimate protests on social discontent, injustice or political opposition. He urged the State party to ensure that such legislation would only be used to protect the vulnerable.

33. **Mr. Avtonomov** pointed out that the United Nations Educational, Scientific and Cultural Organization (UNESCO) had reported that eight languages and dialects in the State party, including the language of the Ainu people, were under threat of extinction. While the Committee had been informed that positive measures were being taken to protect the Ainu language, further information on the status of the remaining seven endangered languages and efforts to revive them would be appreciated. He welcomed the fact that the Ainu had been officially recognized as an indigenous people and as such had the right to access their ancestral lands on the island of Hokkaido. Turning to the issue of the Burakumin, while he had understood that they were classed as a social group and not an indigenous group, they were segregated, and only allowed to live in specifically designated settlements. They were subject to severe discrimination, a situation which had not been resolved. He acknowledged the complexity of the issue, and encouraged the State party to give it very careful consideration.

34. The Committee was concerned that waivers to tuition fees were not applied to Korean schools. Although Korean schools received financial support from some municipalities, those municipalities had not received funds from the central budget for that purpose. The Government had argued that Korean schools were not eligible for tuition fees to be waived and that municipalities had therefore assisted them illegally. The Committee had been informed that Japanese migrants, who, after migrating to Brazil and subsequently returning to Japan, had faced discrimination on their return. He would appreciate information from the State party regarding their repatriation. He wished to know whether the State party intended to issue a declaration under article 14 of the Convention on individual complaints, and to ratify the amendments to article 8.

35. **Mr. Murillo Martínez** said that he had taken note of the State party's decision to use the opportunity while hosting the Olympic Games in 2020 to raise awareness of the Ainu community. He would appreciate disaggregated data on the living conditions of the Ainu people, since the State party's report simply referred the Committee back to its previous report and did not contain any new information. The Committee had been informed that the Council for Ainu Policy Promotion had undertaken surveys on the standard of living of the Ainu, and he would like to know what conclusions had been drawn and how the results had differed from those of the previous survey. The State party's core document (HRI/CORE/JPN/2012) provided information on life expectancy, infant mortality, maternal mortality and mortality rates in general. With that information, as well as disaggregated data on prisoners and on political participation, the Committee would be able to establish whether the Ainu community was subject to discrimination. More information on the situation of Ainu women would also be particularly welcome. He wished to know whether any special measures were being taken in respect of protection for minority women and, in that regard, drew the State party's attention to the Committee's general recommendation No. 32. He requested further details on the situation of trafficking in persons and the measures being taken by the State party in that regard. Lastly, he wished to know how many people of African descent were resident in Japan.

36. **Mr. Diaconu** said that the State party's tendency in its report to simply refer back to information contained in its previous reports had not been particularly helpful. The Committee had, however, received new information from non-governmental sources. Although discrimination was prohibited in general terms in the Constitution, the provision only covered discrimination on grounds of race. He therefore wished to know how the State party defined "race", since that would impact the scope of the prohibition. He urged the State party to consider drafting legislation specifically on racial discrimination, since Japan was host to large numbers of migrants and permanent residence issues had arisen.

37. Turning to freedom of expression and racist hate speech, he referred to the Committee's general recommendation No. 35, and said that the Committee considered that

curtailing incitement to racial hatred did not constitute a violation of freedom of expression. Any imbalance between freedom of expression and incitement to hatred was likely to give rise to violence and must be prevented through clear definitions in law.

38. He asked what measures were being taken to protect the Ainu language and culture. Although the Ryukyu language and culture were specifically recognized by UNESCO, they were not acknowledged by Japan. He wished to know why, given that the Ryukyu was part of Japan's rich cultural heritage and should be protected. With regard to the Burakumin, while he had taken note of the Government's response that the issue was a social one, rather than one of ethnicity, he would urge the State party to acknowledge the particularities of the Burakumin and their need for protection.

39. He expressed concern that the State party did not have a comprehensive policy on the rights of migrants. A clear policy must be put in place to prevent discrimination against them and promote their integration into Japanese society. The Committee had received reports of migrants who had been resident in Japan for long periods not receiving special permission to stay until after deportation procedures had been initiated. The situation of irregular migrant workers was particularly worrying: they were often detained indefinitely. Discrimination existed in employment, including excessive unpaid overtime and limited access to health insurance for some migrants. The situation for migrant children in the education system was also a matter for grave concern, and migrant women often faced double discrimination.

40. He asked what progress had been made towards setting up a national human rights institution, as recommended by the United Nations Human Rights Council in its Universal Periodic Review. He also asked what was being done to change public attitudes of prejudice against minorities and urged the State party to take measures to protect ethnic and cultural minorities, their languages and traditions.

41. **Mr. Yeung Sik Yuen** referred to the upholding by the Osaka high court of a district court ruling that hate speech targeted at Korean school children had been unlawful and requested more information on the criminal aspect of that case, in particular what provisions of the Criminal Code provided for prosecution and conviction of cases of incitement to racial hatred, and what specific offences were listed. He wished to know specifically which provisions of the Criminal Code had been invoked in that particular case.

42. He had been concerned to learn that Japan did not have any specific legislation prohibiting hate speech, since it considered that prohibition to be a violation of the right to freedom of expression. He had been particularly worried by the film that the Committee had been shown, in which the perpetrators of hate speech had been accompanied by the police. In most countries the perpetrators would have been arrested and taken into police custody. He asked whether any specific information was available regarding the time frame in which new legislation on that issue could be expected.

43. **Mr. Huang Yong'an** expressed concern over the State party's claim that there was no dissemination of racist ideas or incitation to racial discrimination in present-day Japan to the extent that would justify withdrawal of the reservations on article 4 of the Convention, or adoption of legislation to punish such acts. Unfortunately, right-wing groups currently propagated ideas of Japanese superiority; degraded, harassed and provoked foreigners; and used the Internet and other media to disseminate hate speeches and nationalist views. He provided several other examples of acts of discrimination, xenophobia and incitation to racial hatred and referred to xenophobic statements made by government officials. In the absence of an independent national human rights institution and anti-discrimination legislation, such acts went unpunished and the victims had no access to justice. The reservation placed on article 4 of the Convention created a serious gap in legal protection.

The State party should lift that reservation and adopt specific anti-discrimination legislation.

44. Following the great Kanto Earthquake in 1923, more than 6,000 Koreans living in Japan, and several hundred Chinese and Japanese mistaken for Koreans, had been murdered by the Japanese military and police, following rumours about a planned uprising. Investigations into the incident at the time had been highly unsatisfactory. He asked whether the State party intended to reopen investigations, as requested by the Koreans, and deliver justice to the victims' children.

45. **Mr. Bossuyt** said that Korean residents of Japan reportedly suffered discrimination in several areas. He asked how many persons of Korean origin were permanently residing in Japan, and when and why the Government had decided to exclude Korean schools from the tuition-waiver programme for high-school education. The Committee needed to understand the reasons behind that decision in order to evaluate whether the differential treatment afforded to Korean schools constituted discrimination within the meaning of the Convention.

46. **Mr. Lahiri** said that Japan was home to one of the most advanced philosophical systems, which had provided much inspiration to Asian countries in the fight against colonialism. Also, the country had a very advanced human rights infrastructure and had made good progress in the implementation of human rights. However, immigrant communities, especially Koreans, continued to suffer from discrimination and the Committee had been struck by a video it had been shown that depicted a shocking incident involving hate speech. The State party must take action on that type of conduct and ban incitation to hate speech. It was unclear why the State party still had no independent national human rights institution, despite considering the possibility for years.

47. **Ms. Crickley** deplored the scantiness of information provided in the State party report and requested full consideration of the Committee's concluding observations in future reports. If the Committee reiterated certain concerns, that was because they had not been addressed satisfactorily.

48. She urged the State party to establish an independent national human rights institution, in accordance with the Paris Principles, and to facilitate the active participation of civil society organizations in both the design of such a body and the implementation of the Committee's recommendations. Consultation was not enough. She asked what the State party intended to do to address the calls for violence against foreigners, which constituted a direct contravention of the Convention. She would also welcome additional information on the discontinuation of the tuition-waiver programme for Korean schools and the reported discrimination against Korean pupils.

49. She asked whether the Third Basic Plan for Gender Equality contained special measures to address issues of domestic violence in Buraku communities. The dismissal of cases brought by the victims of sexual slavery, known as "comfort women", during the Second World War constituted an ongoing violation of their rights. The declaration by a group in Tokyo that "Comfort women were not sex slaves, but wartime prostitutes" had caused tremendous agony to the victims and their families and had not been met with any public rebuttal. The women and their families deserved reparation and compensation.

50. The State party had reported a decrease in the number of persons trafficked for the purpose of sexual exploitation. Given the situation of trafficking in the region, it was difficult to believe those statistics and she asked what measures had been taken to address trafficking-related issues. Measures should be taken to recognize the rights of the Ryukyuan people of Okinawa, including land and resource rights, and to engage with them on policies that affected them directly. She asked whether the State party planned to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

51. **Mr. Lindgren Alves** said that Brazil was home to the largest Japanese immigrant community in the world. At the same time, Brazilians of Japanese origin constituted the third largest group of immigrants to Japan. Japanese immigrants to Brazil had received government support and their children had automatically become Brazilian citizens. Conversely, under Japanese legislation, the children of the Brazilians of Japanese origin who had migrated back to Japan could never become Japanese. He asked the delegation to comment.

52. **Mr. Khalaf** recognized the efforts by the State party since the consideration of its previous report and expressed the hope that it could go one step further and lift its reservation to article 4 of the Convention. Adherence to article 14 of the Convention, which was currently being studied by the State party, would also be an important step towards alleviating the plight of victims of racial discrimination. He requested data disaggregated by ethnicity on rape victims and perpetrators.

53. **Ms. January-Bardill** said that the State party appeared to pursue a policy of assimilation with regard to foreign residents. She enquired how the notion of “being Japanese” was understood in the State party, since it appeared that foreign-born persons could never become Japanese. It was unfortunate that the desire for national cohesion often seemed to go hand in hand with xenophobia. She asked the delegation to explain why permanent foreign residents, who had lived, worked and paid taxes in Japan for many years, were not entitled to welfare benefits, pensions or civil service employment. She struggled to understand why the State party sought to assimilate foreign nationals, on the one hand, and excluded them at the same time. Exclusion was never useful. Instead, the State party should recognize the contribution made by foreigners to the country’s national character.

54. **Ms. Hohoueto** requested additional information on the online consultations undertaken in preparation for the report. Given the considerable number of discriminatory acts reported, the establishment of an independent national human rights institution would be an important step. In the absence of such an institution, and pending ratification of article 14 of the Convention, victims of racial discrimination had no adequate legal recourse.

55. She had been surprised to learn that the residence status of foreign women married to Japanese nationals and their children was subject to renewal every three years, and was revoked if the couple separated, regardless of the reason for reparation. On separation, the women were reportedly forced to leave Japan, and the decision on granting them permanent residency depended on the discretion of the official handling the case. That situation rendered women highly vulnerable and the State party might wish to review its legislation in that regard. She asked what was being done to protect women from human trafficking and to award the victims of wartime sexual slavery recognition, rehabilitation and reparation.

56. **Mr. Amir** asked whether it was true that Muslims in Japan were subject to surveillance. While it might be acceptable that persons engaging in terrorist activities, for example, were subject to government surveillance, the world had long come to understand the difference between terrorists and Muslims, who were adherents to a peaceful religion. Blanket surveillance of Muslims constituted an act of discrimination.

57. **The Chairperson**, speaking in his capacity as a member of the Committee, said that the Ainu language education programmes implemented by the State party were insufficient to strengthen and preserve that language. According to information before the Committee, advanced Ainu language courses comprised 36 hours; classes for parent and children 66 hours; and training courses for traditional storytellers 45 hours annually. Such courses were an important contribution to preserving the Ainu language and indigenous identity but too limited in scope. According to UNESCO, the Ainu language, together with seven other

indigenous languages of Japan, was considered critically endangered. He asked whether the State party intended to include Ainu language teaching in public education. He had been surprised to learn that the burden of proof in cases of racial discrimination lay with the victim and asked the delegation to comment.

58. **Mr. Huang** Yong'an said that the use of so-called "comfort women" by the Japanese military during the Second World War constituted a grave violation of their rights. Recalling a recent statement made by the United Nations High Commissioner for Human Rights in that regard, he urged the State party to pursue a comprehensive and lasting solution to the issue of wartime sexual slavery by affording the victims and their families a formal apology, reparation and compensation. History could not be undone. Only by recognizing and facing it, a country could win the respect of others. Calls by other United Nations human rights bodies for effective measures to be taken to address the issue had been to no avail. He hoped that recommendations made by the Committee would not suffer the same fate.

59. **Mr. Yamanaka** (Japan) said that his Government was considering adherence to article 14 of the Convention, but needed to conclude its current study on the compatibility of the instrument with domestic legislation.

60. Foreign nationals were excluded from civil service jobs involving the exercise of public power or decision-making, which was by no means unreasonable. They could, however, occupy positions in the civil service that did not involve the exercise of public power or decision-making.

*The meeting rose at 6 p.m.*