



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

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**REPLIES BY THE GOVERNMENT OF JAPAN TO THE  
LIST OF QUESTIONS SENT BY THE COUNTRY RAPporteur  
IN CONNECTION WITH THE CONSIDERATION OF THE  
THIRD TO SIXTH PERIODIC REPORTS OF JAPAN  
(CERD/C/JPN/Q/3-6)\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

**Reply to the questions raised in paragraph 1 of the list of issues  
(CERD/C/JPN/Q/3-6)**

1. It is not unambiguously clear what is meant by “returnees from China”. However, if this refers to the remaining Japanese in China (note), then the remaining Japanese in China, the people related to the Dowa, the people who live in Okinawa prefecture and natives of Okinawa are all Japanese nationals, and the Constitution of Japan stipulates that they are equal under the law, and also guaranteed all of their rights as Japanese nationals equally.

2. As of 1 October 2005, Japan’s total population was 127,767,994.

3. According to the Ministry of Justice statistics on foreigner registration, the total number of foreigners registered as of the end of 2008 was 2,217,426 (1.74 per cent of Japan’s total population). As for disaggregation by nationality (birthplace), Chinese (including Taiwan and Hong Kong) are the largest group with 655,377 (29.6 per cent of the total), followed by Koreans with 589,239 (26.6 per cent), of whom 416,309 have the status “Special Permanent Resident,” and Brazilians in third place with 312,582 (14.1 per cent).

4. With regard to refugees, since 1982 when the refugee recognition system was introduced in Japan, until the end of 2008, a total of 508 people have been recognized as refugees, and a total of 882 people were allowed to stay in Japan on humanitarian grounds. In addition, Japan allowed the settlement of 11,319 refugees from three Indochinese countries (Vietnam, Laos and Cambodia) from 1978 until the end of 2005.

(Note) The remaining Japanese in China are Japanese people who were forced to continue living in areas other than Japan because they could not withdraw to Japan due to the chaos, and other reasons arising from the Second World War.

**Reply to questions raised in paragraph 2**

5. When preparing the third to sixth combined periodic report of the Government of Japan for the International Convention on the Elimination of All Forms of Racial Discrimination, Japan solicited public views in writing through the Ministry of Foreign Affairs web-site in February 2006, held informal hearings with NGOs in March 2006, and organized meetings to exchange views with the general public in July 2006 and August 2007.

6. Sixteen NGOs and seven government ministries and agencies participated in the informal hearings carried out in March 2006, and they freely exchanged views regarding the making of the periodic report. Furthermore, 60 people from the general public who applied to participate through the Ministry of Foreign Affairs web site and seven government ministries and agencies participated in the first meeting to exchange views held in July 2006. Approximately 40 people from the general public and six government ministries and agencies participated in the second meeting to exchange views held in August 2007, and active discussions took place at both meetings.

### **Reply to questions raised in paragraph 3**

7. With regard to the relationship between the Convention and domestic laws, Article 98, Paragraph 2 of the Constitution of Japan provides that "the treaties concluded by Japan and established laws of nations shall be faithfully observed." Therefore, international agreements which Japan concluded and promulgated have legal effect as part of its domestic laws. There is no express provision concerning the relation between treaties concluded by Japan and domestic laws in the Constitution of Japan, however treaties are considered to be superior to domestic laws in general.

8. There have been several cases in the domestic courts in which the International Convention on the Elimination of All Forms of Racial Discrimination was mentioned. For example, when a community bathhouse proprietor refused to allow foreign nationals to bathe in his bathhouse, the Sapporo District Court affirmed that the proprietor's act constituted an illegal act of racial discrimination, and therefore that the proprietor was liable for compensation for damages on the basis of the illegal act (November 11, 2002 decision). The decision indicated that the provisions of relevant international agreements, including the International Convention on the Elimination of All Forms of Racial Discrimination, were valid as one criterion when interpreting the various provisions in private law which regulate relations among private individuals. Furthermore, when the owners of a jewelry store asked a customer to leave the store because the individual was a foreigner, the Hamamatsu Branch of the Shizuoka District Court affirmed that this constituted an illegal act and therefore that the owners were liable to pay compensation for damages to the customer (October 12, 1999 decision). The decision indicated that the substantive provisions of the International Convention on the Elimination of All Forms of Racial Discrimination acted as criteria for the interpretation of the necessary conditions for an illegal act.

### **Reply to questions raised in paragraph 4**

9. As stated in the comments of the Government of Japan on the concluding observations adopted by the Committee on the Elimination of Racial Discrimination regarding the first and second periodic report of the Government of Japan, concerning the term "descent" provided in Article 1.1 of the Convention, in the process of deliberation on the Convention, there was a problem that the term "national origin" could lead to a misunderstanding that the term includes the concept of "nationality" which is a concept based on legal status. In order to solve the problem, "descent" was proposed together with "place of origin" as a replacement for "national origin". However, we understand that the wording was not sufficiently arranged after that, and "descent" remained in this provision.

10. Based on this deliberation process, in application of the Convention, "descent" indicates a concept focusing on the race or skin color of a past generation, or the national or ethnic origins of a past generation, and it is not interpreted as indicating a concept focusing on social origin, so we do not consider that discrimination against "persons belonging to or descending from the Buraku community" is discrimination based on "descent" provided in the Convention.

11. At any rate, on the basis of the spirit declared in the preamble of the Convention, it is needless to say that no discrimination should be tolerated including discrimination such as the Dowa issue (discrimination against the Burakumin). For those related to the Dowa, the Constitution of Japan stipulates not only the guarantee of being equal as Japanese nationals under the law but also the guarantee of equality of all rights as Japanese nationals. Therefore, there is no discrimination at all for civil, economic, social and cultural rights under the legal system. Furthermore, based on the 'Basic Plan for Promotion of Human Rights Education and Encouragement' (established in March 2002), the Government of Japan is promoting education to raise awareness of respect for human rights, including the Dowa issue, through school education and social education, expanding and strengthening awareness-raising activities to spread and enhance the idea of respect for human rights with a view to eliminating prejudice and discrimination regarding the Dowa issue and thus reaching an early resolution of the Dowa issue, promoting guidance and education for employers to encourage them to establish fair employment screening systems to ensure equal opportunity in recruitment, giving lectures and holding symposiums for people from the industrial and economic communities about various human rights problems in corporate activities in order to promote corporate social responsibility, holding training sessions and distributing educational materials for employees of agriculture, forestry and fisheries organizations on a wide range of human rights problems, including the Dowa issue, that arise in the agriculture, forestry and fisheries industries and rural areas.

#### **Reply to questions raised in paragraph 5**

12. It is difficult to comment on the reports referred to in the question without knowing the specific details of the reports, but generally the characters which can be used in the name recorded in the family register are restricted. This restriction applies not only to people who apply to obtain Japanese nationality but also to native-born Japanese people. Therefore, even if people applying for Japanese nationality are given instructions about the characters which can be used in the name recorded in the family register, it is not the fact that they are urged to change their names to Japanese names.

13. At any rate, the Government of Japan has been making continuous efforts to create a society free of discrimination through various educational activities and awareness-raising activities.

#### **Reply to questions raised in paragraph 6**

14. In the case of Japan, Article 14, Paragraph 1 of the Constitution stipulates that all people are equal under the law and there shall be no discrimination because of race.

15. Regarding Article 4 and Article 5 of the Convention, firstly, Article 4 (a) and (b) put the States Parties under an obligation of penalization; however, Japan formulated a reservation stating that the country fulfils the obligations under Article 4 to the extent that fulfilment of the obligations is compatible with the guarantee of the rights under the Constitution. Since Article 4 (c) does not provide any concrete measures which the States Parties shall take, it is understood to be left to the rational discretion of each State Party.

16. Also, Article 5 provides "In compliance with the fundamental obligations laid down in

Article 2 of this Convention...", and therefore, it is understood as not exceeding the scope of obligations provided in Article 2. However, on the other hand, as it is obvious from the provision "by all appropriate means" in Article 2.1, legislative measures are required, where appropriate and necessary. We do not recognize that the present situation of Japan is one in which discriminative acts cannot be effectively restrained by the existing legal system and in which explicit racial discriminative acts, which cannot be restrained by measures other than legislation, are conducted. Therefore, penalization of these acts is not considered necessary.

17. Furthermore, with regard to dissemination or expression of ideas of racial discrimination, if such conduct damages the honor or credit of a certain individual or group, it could be punished under the crime of defamation or damage of credit/obstruction of business under the Penal Code. In addition, if the content includes intimidation against a certain individual, such conduct could be punished under the crime of intimidation under the Penal Code or the crimes of group intimidation, habitual intimidation, etc. under the Act for the Punishment of Acts of Violence. Also, violent actions with a motivation or background of a racially discriminatory idea can be penalized under the crime of inflicting injury, crime of violence, etc. under the Penal Code.

18. At any rate, Japan will respect the principle of equality under the law guaranteed by the Constitution (Article 14, Paragraph 1) to the fullest, and will continue to endeavor to create a society without any forms of discrimination.

19. Finally, the Human Rights Protection Bill which the Government of Japan submitted to the Diet in 2002 expressly prohibited unreasonable discriminatory treatment and the promotion of discrimination based on race, ethnicity, creed, sex and other criteria. It provided that a human rights commission, to be independent of the government, take measures to remedy in a simple, quick and flexible manner these and other human rights infringements. However, the bill did not pass due to the dissolution of the House of Representatives in October 2003. Currently a bill on a new human rights remedy system is under review.

#### **Reply to questions raised in paragraph 7**

20. Japan is currently working on studies aimed at the establishment of a national human rights institution independent of the Government of Japan in accordance with the Paris Principles, in order to realize an effective remedy for the victims of human rights infringements, including discrimination against persons from the Buraku, Ainu, Okinawa, and resident Korean communities.

#### **Reply to questions raised in paragraph 8**

21. Before the revision of the Family Registration Act in 2007, there were reports of cases in which professional organizations and others transferred the documents they had received under the name of their work duties to other parties, and that false demands were made using these documents. Therefore, in order to prevent these kinds of abusive request cases and protect personal information, the revised Family Registration Act, which revised the way in which family registration is made public, came into force on May 1, 2008. The revised Family Registration Act imposes stricter requirements for the acquisition of a copy of the family

register, etc. by a third party, and introduces measures for the prevention of false demands, through the identification of persons making demands and stronger penalties for persons making false demands; and the Government is widely disseminating the changes so that documents will be handled appropriately in accordance with the intent of the revised Act.

22. The Government of Japan believes that the current family registration system is an important system for registering and notarizing the family relationships of citizens, and is a rational system in the sense that it provides all information about relationships between husbands and wives and parents and children in one place, and so the Government does not intend to revise the system, including the method of organizing the information used in the current family registers. Furthermore, the Government believes that with regard to demanding a copy of a family register of another person, acquiring the prior consent of the person recorded in the family register and other concerned persons, despite the necessity related to social life, is not appropriate from the viewpoint of the notarizing function of the family registration system.

23. Regarding these cases of discrimination, violations and abuse, the Human Rights Organs of the Ministry of Justice have carried out various nationwide awareness raising activities throughout the year, by putting the slogan “No discrimination against Burakumin” in their annual matters of priority. Also, with respect to the various problems related to human rights including invasion of privacy and the promotion of discrimination, they provide appropriate advice and introduce appropriate institutions through human rights counseling. In addition, if a human rights infringement is suspected, it is investigated as a human rights infringement case, and appropriate measures are taken to eliminate human rights infringements and prevent their reoccurrence.

#### **Reply to questions raised in paragraph 9**

24. With regard to the Human Rights Protection Bill repealed in October 2003, which had objectives including the establishment of a human rights commission, there have been arguments concerning various issues such as the scope of the human rights infringements that are eligible for remedies, the measures to guarantee the independence of the human rights commission, and the matters the commission should have the authority to investigate. A new bill for a human rights remedy system, therefore, has not been submitted to the Diet yet.

25. The Government of Japan intends to continue making preparations necessary for the establishment of a national human rights institution independent of the Government, in order to realize a more effective remedy for the victims of human rights infringements.

#### **Reply to questions raised in paragraph 10**

26. The stages of the refugee recognition procedures are as follows: (1) application for recognition of refugee status made to the Minister of Justice by a foreigner who wishes to be recognized as a refugee (persons who cannot fill out the application form because of illiteracy, physical handicap or other reasons may apply by making an oral statement; furthermore, those who are under the age of 16 and those who cannot appear at the hearing themselves due to illness or some other reasons may apply through a proxy), and (2) the decision by the Minister

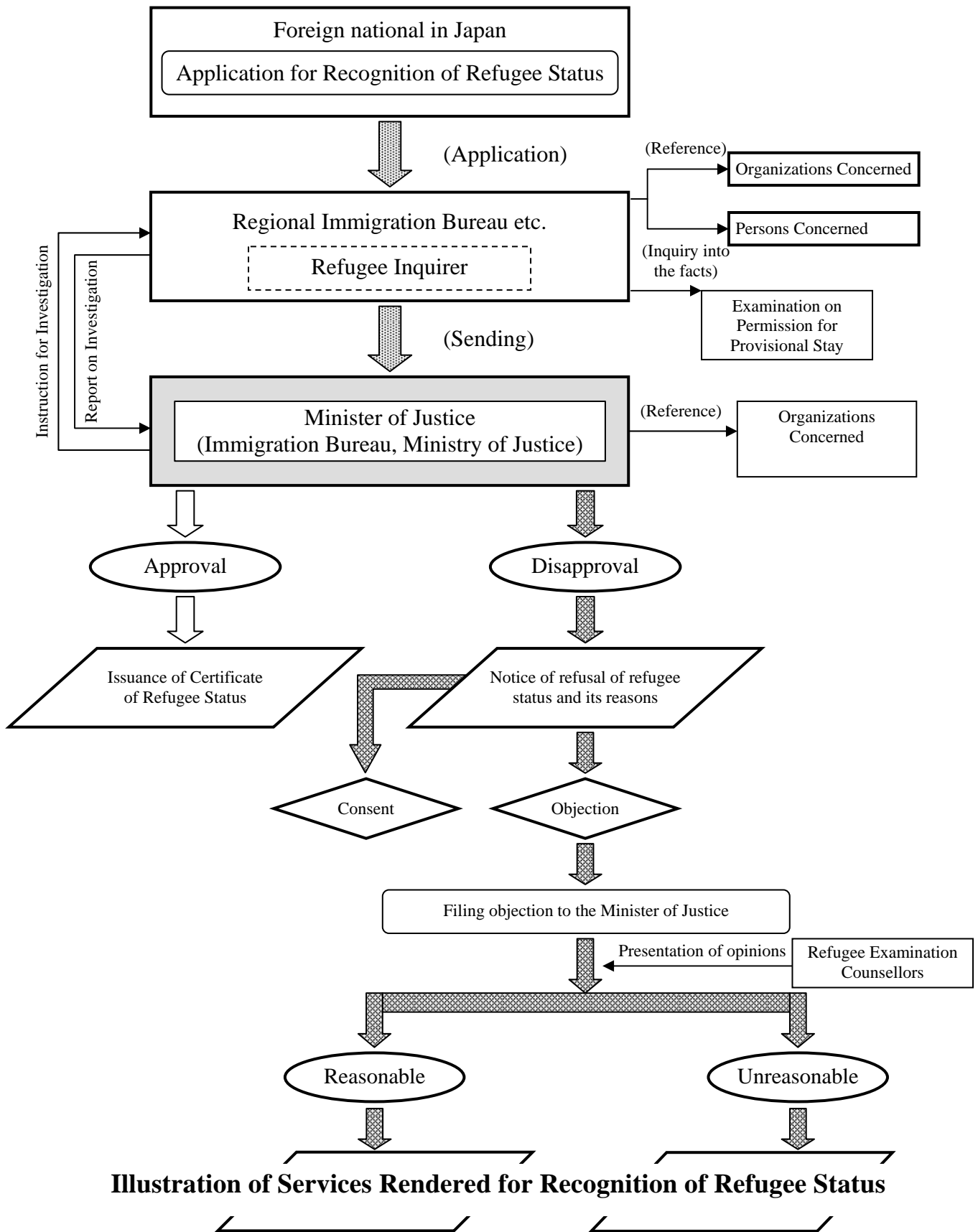
of Justice regarding whether or not the applicant should be recognized as a refugee (during the decision-making process the refugee inquirer conducts an inquiry into the facts).

27. The Minister of Justice determines the eligibility of refugee status of the applicant based on the results of the inquiry by the refugee inquirer. Persons who were denied recognition as a result of this process may file an objection with the Minister of Justice and there is a provision stating that the Minister of Justice is required to consult with the refugee examination counselors for every case of filing an objection, when the Minister makes a decision on the objection. Experts with neutral stances, from a broad range of fields such as law, academia, and NGOs, are selected as refugee examination counselors. Three counselors from different specialized fields form one group to inspect cases. They may request the Minister of Justice to give the person filing the objection opportunities to present their opinion of the matter orally, they may observe when the person filing the objection presents their oral statement of opinion and question him or her about it, and they have been granted the authority to directly interview the person filing the objection in order to form their own impression of the application. In addition, since the system of refugee examination counselors was enforced in May 2005, there have been no instances where the Minister of Justice has made a decision which differed from the majority opinion of the refugee examination counselors.

28. In this way, Japan has ensured that the procedures for an application for recognition of refugee status are appropriate procedures taking into account the rights and interests of the applicant for asylum from the time of the application to the filing of an objection. In addition, the Refugee Examination Counselors System has been established as a neutral third-party institution to carry out a secondary adjudication of the application, and their opinions are respected.

29. The Government of Japan implements measures to protect people who are going through the process of applying for recognition of refugee status and are facing difficulties with making their living. For example, the Government provides them with funds to meet their living, housing, and medical expenses. As a general rule, these protection measures are implemented for four months, but the period is extended and protection is provided to persons who are still facing difficulties with making their living at the time of the completion of the four-month protection period. As a result, the average protection period per person in fiscal year 2008 was approximately ten months.

30. There are also some cases in which the person receiving protection obtains a work permit and as a result becomes able to maintain him/herself, and so the protection is ended by the ratification by the person, without waiting for the completion of the four-month protection period.





### **Reply to questions raised in paragraph 11**

31. There are no legal regulations in place regarding the use of Internet maps and search engines, but we understand that voluntary efforts in this area are being made by the industry. Furthermore, the Provider Liability Limitation Law clearly states the cases for which providers shall be responsible, and providers are making efforts such as voluntary deletion.

32. In the case that the rights of specific individuals are infringed by the posting of anonymous hateful messages and threats against certain communities, including in particular the people related to the Dowa, and Korean residents in Japan or by obtaining and sharing personal information on family names and the housing location of members or descendants from these communities, the Provider Liability Limitation Law urges providers to delete the information voluntarily. Moreover, the Provider Liability Limitation Law establishes a right to demand the disclosure of the identification information of the sender to ensure the right to claim compensation for damages from the perpetrator.

33. The Human Rights Organs of the Ministry of Justice hold nationwide awareness raising activities throughout the year, by putting the slogan “Stop human rights infringements through misuse of the Internet” in their annual matters of priority, and endeavor to take appropriate measures in response to serious infringements of the human rights of other persons, such as defamation and invasion of privacy. Specifically, the Organs endeavor to eliminate infringements by encouraging the sender to have respect for human rights if the sender is known, and by requesting the providers to delete the information in question if the sender cannot be identified.

34. During 2008, a total of 515 new cases of Internet-related human rights infringements occurred, including 176 cases of defamation and 238 cases of invasion of privacy. Furthermore, there were 19 cases of the promotion of discrimination, such as writing a comment that pointed out a specific area as a Dowa area. Of these, the Organs requested deletion by the providers in 75 cases, including some cases in which they requested deletion by the providers in accordance with the procedures stipulated in the Provider Liability Limitation Law Guidelines for Defamation and Privacy (Council for Research into Provider Liability Limitation Law Guidelines) which were amended in October 2004.

35. The Study Group on Actions against Illegal and Harmful Information on the Internet has studied (1) voluntary actions against illegal information on the Internet by providers, electronic bulletin board administrators, etc. and measures to support them, (2) voluntary actions against harmful information on the Internet by providers, electronic bulletin board administrators, etc. and measures to support them, (3) criminal responsibility in the case that providers, electronic bulletin board administrators, etc. do nothing about illegal information posted by other persons, (4) the operation of the disclosure of the identification information of the sender under the Provider Liability Limitation Law, (5) anonymity on the Internet, and (6) sending information from overseas.

36. Regarding (1) and (2), the Government established the Illegal and Harmful Information Consultation Center in which it participates as an observer, and the center provides support for

voluntary actions by providers, electronic bulletin board administrators, etc. Furthermore, with observer participation from the Ministry of Internal Affairs and Communications, four private sector organizations including the Telecommunications Carriers Association formulated the Guidelines on Actions against Illegal Information on the Internet and Model Provision for Contracts related to Actions against Illegal and Harmful Information. Regarding (4), a private sector organization called the Council for Research into Provider Liability Limitation Law Guidelines formulated the Guidelines on Demands for Disclosure of the Identification Information of the Sender under the Provider Liability Limitation Law with the Ministry of Internal Affairs and Communications participating as an observer. Regarding (6), action is being taken against illegal information from overseas through cooperation between the Internet Hotline Center and INHOPE.

### **Reply to questions raised in paragraph 12**

37. Under the provisions of Article 5 of the Convention, Japan is obliged to prohibit and to eliminate racial discrimination in all forms and to guarantee the right to equality before the law of all persons, without distinction as to race, colour, or national or ethnic origin, in the enjoyment of rights such as the right to work and the right to free choice of employment.

38. In relation to this issue, based on the principle of equal treatment in Article 27 of the National Public Service Act (“In the application of this Act, all citizens shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, or political opinions or affiliation...”), recruitment of any public officials is carried out through open and equal employment examinations. Moreover, the principle of merit-based appointment (Article 33 of the National Public Service Act) stipulates that versatile and promising human resources should be ensured. In addition, based on the National Public Service Act and the rules of the National Personnel Authority, when employment examinations are to be held, an announcement of the examinations must be made in the Official Gazette, and the examinations must be open on equal conditions to all persons qualified for such examinations by making the holding of the examination widely known through newspapers and other methods. The Government of Japan is also utilizing the web sites of each ministry and agency and using other methods to widely provide information about matters related to the employment of persons qualified for such examinations.

39. Regarding the employment of local public officials, under the principles of equal treatment and merit-based appointment stipulated in the Local Public Service Act (Article 13 and Article 15 of the act), all citizens must be accorded equal treatment, and employment must be based on their demonstrated abilities. In addition, all of the local governments are widely providing information to all persons qualified for the examinations in order to ensure diverse and capable human resources.

40. Although the Government of Japan does not know about the reports that “discrimination often occurs with regard to recruitment and employment and the fact that members of communities or their descendants, including the Ainu, Buraku and migrants of Japanese descent, are highly overrepresented in unstable, ‘blue collar’ work in small- and medium-size companies, and underrepresented in management positions”, the Government is

working to eliminate discrimination with regard to recruitment by providing guidance to and raising awareness of employers to encourage them to establish fair employment screening systems to ensure equal opportunity in recruitment. Furthermore, labor laws and regulations are applied to all workers employed by domestic entities, regardless of whether or not they are Ainu, people related to the Dowa (the Burakumin), migrants of Japanese descent; and Article 3 of the Labor Standards Law stipulates that an employer shall not discriminate against or in favour of any workers with wages, working hours or other working conditions because of the nationality, creed or social status of any worker.

### **Reply to questions raised in paragraph 13**

41. The Projects promoting the acceptance of Japanese children returning from overseas and foreign schoolchildren, which is part of the Educational Programs to Promote Foreigners' Adjustment to Japan, are aimed at foreign children who require support and reside within the jurisdiction of one of the local governments implementing the project. In the current fiscal year, 47 municipalities are implementing the project.

42. Furthermore, the Japanese-language Education Projects for Foreigners Residing in Japan, which is a part of the same program, is aimed at people staying in Japan based on specific immigration statuses such as "General Permanent Resident," "Long-Term Resident," and "Spouse or Child of Japanese National," etc., as well as people staying in Japan on the basis of "Family Stay," etc.

43. The Projects promoting the acceptance of Japanese children returning from overseas and foreign schoolchildren, as well as Japanese-language Education Projects for Foreigners Residing in Japan also apply to foreigners who are the spouse of a Japanese national and children of an international marriage.

### **Reply to questions raised in paragraph 14**

44. Labour laws and regulations are applied to all workers employed by domestic entities, regardless of whether they are migrant workers or not. Article 3 of the Employment Security Act prohibits discriminatory treatment with respect to employment placement, etc. because of race, nationality or other criteria.

[Reference] Article 3 of the Employment Security Act

45. No one shall be discriminated against in employment placement, vocational guidance, or the like, by reason of race, nationality, creed, sex, social status, family origin, previous profession, membership of a labor union, etc.; provided, however, that this shall not apply in the case where the terms of a collective agreement entered into between an employer and a labor union in accordance with the Labor Union Act provide otherwise.

[Reference] Article 3 of the Labour Standards Law

46. An employer shall not discriminate against or in favour of any workers with wages, working hours or other working conditions because of nationality, creed or social status of any worker.

**Reply to questions raised in paragraph 15**

47. With regard to education, the Government of Japan does not recognize any disadvantages with regard to access to education in the school system, for any person who is a Japanese national (note that the term “Japanese national” includes the Ainu people, residents of Okinawa prefecture possessing Japanese nationality, and people related to the Dowa). Moreover, if foreign children, including Korean residents in Japan, wish to attend Japanese public schools at the compulsory education level, they are accepted without charge and, if they wish to receive their education at a school for foreigners, they may also do so. There are also schools for foreigners that are approved as ‘miscellaneous schools’ by prefectural governments. Furthermore, in the area of lifelong learning, public libraries provide multicultural services including the provision of multicultural information and library services for national and cultural groups. In addition, with regard to the Ainu people, under the Second Promotion Policy for the Improvement of the Ainu People’s Life (2008), formulated by the Prefectural Government of Hokkaido, the prefecture is running a scholarship project for young Ainu people including both high school and university students so that young Ainu people do not abandon the opportunity for high school and university due to economic difficulties. The project is intended to ensure equal opportunity in education, and the national government is subsidizing part of its cost.

48. The Government of Japan is working to eliminate discrimination with regards to employment by providing guidance to and raising awareness of employers to encourage them to establish fair employment screening systems to ensure equal opportunity in recruitment. Furthermore, the Government is monitoring the number of cases of employment through the Hello Work job centres throughout Japan, while providing guidance and education. Finally, labour laws and regulations are applied to all workers employed by domestic entities, regardless of their nationality or other criteria.

49. In addition, settlement houses, which are social welfare facilities, are implementing comprehensive measures to eliminate discrimination against the Dowa people, including various projects to provide life counseling and human rights awareness projects, for residents of areas in which it is necessary to improve the stability of the living environment and surrounding areas. Furthermore, community centers, which are also social welfare facilities, are comprehensively implementing various projects, including life counseling and human rights awareness projects, in order to improve the lives and welfare of residents in Ainu villages in Hokkaido.

50. Health care is provided to all people equally regardless of nationality or other criteria.

51. No specific indicators exist to measure progress of the above-mentioned measures.

**Reply to questions raised in paragraph 16**

52. The National Pension Scheme had been applied only to Japanese nationals before 1982 when the nationality requirement was abolished, and the scheme has been since then applied to foreigners residing in Japan as to Japanese nationals.

53. At the time of the launch of the Basic Pension through the revision of the National Pension Act in 1985, the Government established a complementary period, a period that is not reflected in the amount of the pension but is taken into account to establish entitlement.

54. Because of this change, for people who have obtained Japanese nationality and people who have received permanent residency permit (including Korean residents in Japan), the period during which they were excluded from the scheme due to the nationality requirement (from April 1, 1961 to December 31, 1981) is now counted as the complementary period, and, if these people meet all of the necessary requirements under the scheme, they are paid the national pension from when they reach the age of 65 years, as is the case for Japanese nationals.

**Reply to questions raised in paragraph 17**

55. The objective of the measures to improve the living conditions of the Ainu people in Hokkaido is to improve the social and economic status of the Ainu people by further improving the living conditions of the Ainu people. The Government of Japan uses the gap between the public assistance ratio for the Ainu people and the public assistance ratio for the municipalities in which the Ainu people reside as an indicator of the status of public assistance.

56. According to the survey of living conditions of the Hokkaido Ainu (2006), regarding education, the ratio of Ainu youth who go on to university steadily increased in the previous two surveys (1993, 1999) and it increased by 1.3 percentage points in the current survey as well, but there was still a 21.1 percentage point difference compared to the 38.5% ratio for all youth in the municipalities where the Ainu people reside (compared to an 18.4 percentage point difference in the previous survey). Furthermore, regarding average annual household income, based on the amount of residents' tax imposed, the number of households not required to pay the tax has decreased continuously since the 1986 survey and so based on this we conclude that income is increasing for Ainu households overall.

57. Also, in June 2008 the Japanese Diet adopted a Resolution Calling for the Recognition of the Ainu People as an Indigenous People and, in response, the Government of Japan established the 'Advisory Panel of Eminent Persons on Policies for the Ainu People' under the Chief Cabinet Secretary, with representatives of the Ainu people participating as members of the panel. The expert panel held deliberations on future policies for the Ainu people, listening specifically to comments about the current conditions of the Ainu people obtained through on-the-spot inspections and exchanges of views carried out three times in regions in which many Ainu people reside, and in July 2009 it compiled its report and submitted it to the Government of Japan.

58. Taking into consideration the above report, the Government of Japan has been developing national structures for the comprehensive planning, formulation and promotion of policies for the Ainu people. For example, in August it established the Comprehensive Ainu Policy Department in the Cabinet Secretariat, and in November it directed that a forum for consultation be established. The Government of Japan "seeks to promote cultural diversity to enable everyone to live with dignity, by respecting the history and culture of the Ainu people,

who are indigenous to Japan,” just as the Prime Minister stated in his policy speech at the Diet.

**Reply to questions raised in paragraph 18**

59. Regarding “indigenous people,” there is no written definition of this term in the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by consensus with the participation of Japan, and there is no established definition in the Japanese domestic laws, either. But at any rate people who live in Okinawa and natives of Okinawa are Japanese nationals and there exist no special measures in place to recognize the rights of people who live in Okinawa and natives of Okinawa with respect to land.

60. Furthermore, in Japan the rights to enjoy one’s own culture, believe in and practice one’s own religion, and use one’s own language are not denied to anyone. Based on that condition, regarding the cultural heritage and ways of life of Okinawa, according to the Okinawa Promotion Plan, the Government of Japan is working to preserve and activate the cultural artifacts that have been handed down in Okinawa and to promote the culture in the region.

**Reply to questions raised in paragraph 19**

61. Foreign children who wish to attend any of the public schools for compulsory education are accepted without charge.

62. Furthermore, measures for foreign children include the development and dissemination of the JSL (Japanese as a second language) Curriculum. There are also schools for foreigners that are approved as “miscellaneous schools” by prefectural governments. In addition, there are also cases in which certain schools may fulfill eligibility requirements for their students to enter a Japanese university.

63. The Government of Japan has no knowledge of figures relating to the enrollment rate in compulsory education; advancement rate to higher education; or university enrollment rates of South American children of Japanese descent, or children of migrant workers, Korean residents in Japan, and other minorities.

64. To facilitate access to education in minority languages, school enrollment guidance and consultations are provided to boards of education through the deployment of counselors who understand minority languages, as well as supporters who understand the native languages of foreign students who assist with Japanese language instruction.

65. Regarding the harassment of students attending North and South Korean schools, the Human Rights Organs of the Ministry of Justice hold nationwide awareness-raising activities throughout the year, by putting the slogan “Respect the human rights of foreigners” in their annual matters of priority. In addition, the Organs have established Human Rights Counseling Offices and taken other steps to respond to inquiries from resident Korean minorities about human rights, and if a human rights infringement is suspected, they rapidly investigate it and take appropriate measures depending on the case.

66. In particular, on each occasion that there is a particular concern that harassment of the children of resident Korean minorities is occurring because of intermittent nuclear tests or missile-launching tests carried out by North Korea, the Human Rights Organs carry out awareness-raising activities such as putting up awareness-raising posters and distributing awareness-raising materials such as pamphlets throughout the country. In addition, in order to relieve the children of the damage of the human rights infringement, the Human Rights Organs are actively engaged in human rights counseling services and information gathering; and if a human rights infringement is suspected, it is rapidly investigated as a human rights infringement case, and the related departments of the Human Rights Organs are instructed to strengthen their human rights protection efforts, including taking strict measures. Recently, at the time of the missile-launching test by North Korea in April 2009, instructions were given to actively deal with any such behavior, for example, by gathering information carefully to determine whether or not this kind of cases was occurring and implementing awareness-raising activities appropriately.

### **Reply to questions raised in paragraph 20**

#### **Judges, law enforcement officials**

67. Human rights training programmes for judges include the human rights issue-themed curriculum which is always included in the various training programmes for judges who have just been appointed and who have taken up new duties or posts.

68. The Government of Japan understands that in these training programmes there is a curriculum on the theme of the human rights issues, in which the participants are given materials including the concluding observations of the Human Rights Committees and other documents related to human rights issues, and there are lectures by specialists in these fields and discussions.

69. The Government of Japan also understands that the specialists invited to give lectures at these training courses include, for example, university professors who specialize in international human rights issues, the Director General of the Human Rights Bureau of the Ministry of Justice, the officials of international organizations engaged in human rights protection, and experts well-versed in human rights issues and that lectures are held on the various issues faced by women, children, foreigners and other minorities, measures to address these issues, and international trends and challenges regarding various provisions related to human rights.

70. In addition to the education about human rights for officials of the Public Prosecutor's Office mentioned in the periodic report on the implementation of the ICERD, courses on human rights are mandatory in the curriculum for newly-appointed correctional officials (such as prison officers), probation officers, officials in charge of human rights protection, Immigration Bureau officials; courses on human rights based on the number of years of service and work duties are provided as follow-up training as well. These include, for example, courses specialized in human rights education, and courses which provide practical

training for volunteers in welfare facilities. In fiscal year 2008, approximately 2,900 officials from the Ministry of Justice, including public prosecutors, took training courses on human rights, and courses on human rights were provided in the local institutions as well. The training is targeted at those from newly-recruited officials to high-ranking officials and the aims of the training are to acquire a wide range of knowledge about and to raise awareness of human rights issues.

71. Given that the police become deeply involved in human rights issues when they perform their duties such as investigating crimes, human rights education is being actively provided in police schools at every level and in workplaces. Specifically, in the training at the police schools of the prefectural police which newly hired police officers must undergo after they are recruited, the officers are taught the knowledge and skills necessary for them to engage in appropriate police activities taking into consideration basic human rights in classes of jurisprudence including the Constitution and the Code of Criminal Procedure and service ethics. In addition, education is provided on international trends in human rights, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture, and on various human rights issues including the Dowa issue and the formation of a gender-equal society.

72. Furthermore, in the training at the National Police Academy or the regional police schools which officers must undergo at the time of the promotion, education is provided on international trends in human rights, and various human rights issues including the Dowa issue and the appropriate treatment of foreigners.

73. Police officers who are engaged full-time in operations such as crime investigations, detention services, and assistance for victims are thoroughly educated to acquire the knowledge and skills necessary to ensure that they execute duties appropriately, by taking into consideration the human rights of suspects, detainees, crime victims, and others. Such education is provided through the specialized education in police schools at every level and through the training sessions held in police headquarters and is designed to match the content of the specialized field in which each officer is engaged.

## **Teachers**

74. With regard to teachers, the National Center for Teachers' Development implements training with the objective of cultivating instructors who promote human rights education. This training is held for three days once per year, and is targeted at those who are teacher's consultants or teachers for prefectural boards of education, and who plan to work as training lecturers based on the content of such training (persons who will have a leadership position in human rights education).

75. Furthermore, in FY2008, human rights education is covered in approximately 90% of in-house training that is provided by prefectural boards of education for newly recruited



teachers; over 80% of extra-scholastic induction training; and approximately half of any extra-scholastic training for teachers with ten years of experience.

### **Other public officials**

76. Regarding other public officials, human rights training is regularly held as a part of both newly-recruited officials' training and training for general officials. For example, with the objective of deepening the understanding and raising awareness of human rights issues by public officials such as national public officials, training sessions for national public officials about human rights are held twice a year, with the attendance of about 400 officials from central government ministries and agencies including executive officials.

### **Reply to questions raised in paragraph 21**

77. In Japan, the Textbook Authorization System has been implemented for the adoption of textbooks. Textbooks authored and edited in the private sector are permitted if they pass the specialized academic screening of the Textbook Authorization Research Council, as based on the Courses of Study and other elements.

78. Specifically, the objectivity and accuracy of statements made in textbooks for which an application has been submitted, are ensured through objective academic screening focused on identifying errors based on supporting documentation, etc., that is available at any given time. Such screening is not carried out with the purpose of enabling the Government of Japan to establish any particular interpretation of historical perceptions or facts.

79. It is left to the judgement of private sector authors as to how individual matters/issues in textbooks are described, and the Government cannot instruct private sector textbook producers in specifically-directed descriptions of individual matters. Furthermore, many textbooks have been published that describe in detail the particular areas of history that allegedly "have been particularly reduced," as noted with concern in the Special Rapporteur's report.

### **Reply to questions raised in paragraph 22**

80. Regarding awareness-raising activities directed at the public at large, the Government of Japan decides on annual slogans such as "Let's deepen understanding of the Ainu people," "Let's respect the human rights of foreigners," and conducts various awareness-raising activities in many places of Japan throughout the year, not just during Human Rights Week.

81. With regarding to human rights education activities, the Government of Japan has endeavored in promoting education to raise awareness and respect for human rights, through school and social education, in accordance with the spirit of the Constitution and the Fundamental Law of Education. The Government is also conducting research at the prefectural level, on measures for enhancing learning opportunities in human rights education; the development of participation-based learning programs to increase the willingness to learn; and measures to enhance the training of instructors for human rights education. Additionally, the Government of Japan strives to disseminate results of its research by publishing them at

annual meetings that are attended by officials in charge of prefectural human rights education.

82. Moreover, the Government of Japan is making efforts to evaluate the impact of the various awareness-raising activities, including those related to the problems within the scope of the Convention, by conducting a questionnaire survey and so on.

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