



**Written Submission of LEDGE to the UN International Independent Expert Mechanism
to Advance Racial Justice and Equality in Law Enforcement**

Justice, Accountability and Redress

May 24, 2024

LEDGE welcomes this opportunity to provide input for the preparation of the annual report of the Expert Mechanism to be presented at the fifty-seventh session of the Human Rights Council. A grantee of the Open Society Foundations, LEDGE is an organization composed primarily of legal practitioners that is dedicated to promoting human rights and social change in Japan through strategic litigation and advocacy. It has recently initiated a civil legal action to challenge the pervasive practice of racial profiling by Japanese police.

This submission focuses on the widespread practice of police stops and questioning based on racial profiling in Japan. It identifies obstacles and challenges in ensuring access to justice, accountability and redress to victims of racial profiling by law enforcement. These include the lack of a robust legal framework against racial profiling and of independent, accessible, and effective complaints mechanism, and the need for a thorough and impartial audit of racial profiling practices. The submission concludes with a set of recommendations to be undertaken by Japan to effectively end and remedy discriminatory and abusive police practices.

I. The Widespread Practice of Racial Profiling by Japanese Law Enforcement

Police stops and questioning are regulated by Article 2(1) of The Police Duties Execution Act, which provides that “[a] police official may stop and question any person for whom there is sufficient probable cause to suspect that the person has committed or is about to commit a crime or who is deemed to possess information on a crime which has already been committed or is about to be committed, judging reasonably on the basis of unusual behavior and/or other surrounding circumstances.”¹ Despite the requirement that police stops must be based on reasonable suspicion, a significant number of domestic and international reports underscore the pervasive nature of racial profiling by Japanese law enforcement during stops and searches, which constitutes a form of illegal systemic discrimination.

A. Domestic Reports of Racial Profiling by Japanese Law Enforcement

The long-standing issue of police profiling of visible minorities in Japan has come under public scrutiny since early 2021, following the circulation of a video capturing a textbook case of racial profiling. Subsequent media reports, surveys, and testimonies have since revealed an institutional culture ingrained with racial bias and stereotyping that encourages or permits racial profiling.

In February 2021, a video footage² of a police stop and search of a mixed-race Japanese man widely circulated on social media. The video shows a young Bahamian and Japanese man, who was born and raised in Japan, being stopped and searched by the police at Tokyo station.³ In the video, when the

man addressed the police officer, seeking an explanation for his stop and the frequent targeting he experiences, the police officer replied that based on his experience, people wearing locks tend to possess drugs. Following the publication of the video, the media outlet HuffPost Japan requested an answer from the Tokyo Metropolitan Police Department. The Police Department responded in writing that: "In regard to this matter, the handling involved police officers deeming the behavior of the other party suspicious and conducting a questioning during which, with the consent of the other party, a personal belongings search was conducted. We view it as not constituting a breach of the law."⁴ The Police Department did not make any comments when asked about the discriminatory statement made by the police officer during the questioning.⁵

Besides this incident, several other cases have been reported in domestic media. A Black American reported getting frisked by the Tokyo police five times a year,⁶ and a Japanese and Nigerian man in his mid-twenties declared having been subjected to police questioning over 30 times since junior high school.⁷ The latter individual recounted an incident in June 2021 where a police officer searched him and touched his genitals through his clothes without his consent, while saying "you are wearing pants, aren't you? There are people who hide [drugs] here."⁸ He also mentioned another time, in 2017, where he was stopped by a police officer and told, "people of your lineage with that kind of hair⁹ often carry drugs,"¹⁰ or "that hairstyle warrants me to stop you."¹¹

The widespread nature of the issue of racial profiling in Japan was further confirmed by several surveys. In late 2021, the HuffPost Japan conducted a survey¹² on racial profiling during police stops against foreign residents and people of foreign roots. Out of the 384 valid respondents, 365 replied they had experienced being questioned by the police in the past¹³ and 329 stated that it felt like a human rights violation or elicited discomfort.¹⁴ The HuffPost cited an incident involving a Black American who was told by police officers that "foreigners like you usually have dangerous weapons or drugs" when he asked why he was singled out.¹⁵ Another case involved an African man in his 40s who got stopped and asked to inspect his bag while he was at a train station in Tokyo with his Japanese wife. When the man's partner asked why he was stopped, the police officers replied, "because he might have drugs in his backpack" and "I mean, he's Black."¹⁶

The Tokyo Bar Association also conducted a large-scale survey on police questioning of individuals with foreign backgrounds in 2022.¹⁷ 2094 valid responses were collected, and the survey revealed that 62.9% of respondents (1318 individuals) had been questioned by the police in the past five years.¹⁸ Of those who were questioned by the police in the past five years or so, 85.4% perceived that the police officers approached the respondents having identified them as having foreign roots from the beginning. The data also suggests that the police disproportionately target Africans and people of African descent. 82.9% of the respondents who identified themselves as having African roots replied that they had been questioned by the Japanese police within the past five years.

Testimonies of former police officers have revealed an organizational culture permeated with racial bias that encourages or permits profiling. A former police officer disclosed that from the beginning of their assignment, he and his colleagues were instructed to actively conduct questioning of foreign-looking individuals and request them to present their resident cards in order to find weapons, illegal drugs and overstaying visas.¹⁹ He declared that there were prevalent racial stereotypes linking foreigners with crime within training and "crackdown" policies, which contributed to gradually instilling prejudice against foreigners.²⁰ For instance, he stated that "due to training exercises simulating attacks by individuals from specific countries, I was especially cautious around people with darker skin tones, thinking they might be carrying weapons."²¹ In another testimony, a former

police officer who served for over 10 years in a west Japan prefecture recounted instances where his colleagues and his immediate superior said “People with Black roots, Southeast Asians and so on study ways to kill people. So use your service revolver if you have to! You have no idea what they're going to do.”²² According to these testimonies, veteran police officers commonly referred to people of foreign descent using derogatory terms.²³ Besides, one former police officer emphasizes that he received no human rights training despite attending the police academy over ten times.²⁴

These testimonies have further exposed that quotas for stops and questionings were enforced, which incentivized police officers to engage in questioning of foreigners. According to these accounts, arrest records from questioning and traffic enforcement were factors in performance reviews, which encouraged officers to conduct questioning.²⁵ It revealed the existence of a “cracking down on foreigners” month, where police officers were ordered by the criminal investigation division “to put extra effort into checking cards, but also searching foreigners for drugs, knives or anything else illegal.”²⁶ During this month, officers were “given forms to record the personal details - resident card number, birthday, country of origin, "everything" - of each foreigner they stopped to question” and then submitted these forms not only to the local policing division, but also the criminal investigation and public security divisions.²⁷

Furthermore, some internal documentation and training materials of the police promote recourse to racial profiling of foreign-looking individuals. For instance, a training manual for junior police officers of the Aichi Prefectural Police includes the following excerpts: “For foreigners - use the Immigration Control Act, drug offenses, the Firearms Control Act, etc. Anything works!!”; “For those who appear to be foreigners at first glance and those who do not speak Japanese, firmly believe that they have, without exception, committed some sort of illegal act and conduct thorough investigation and search of personal belongings.”²⁸ Another publication designed for training regional police officers on questioning includes a section on “How to spot foreigners” with a subheading “Key Points for Apprehending Delinquent Foreigners”, which recommends officers to proactively initiate casual conversation with individuals they suspect to be foreigners and if identified as such based on intonation or other factors, to conduct police questioning.²⁹ In a case study, the manual describes the following scenario: “Officers A and B, upon seeing a man, exclaimed 'Oh, a foreigner. Let's question them.' As they attempted to exit the patrol car, the man hastily fled...”³⁰ Besides, a textbook for promotion exams of the Hyogo Prefectural Police states that “[s]ince foreign nationals are often in possession of prohibited items such as knives for self-defense and illegal drugs, conduct thorough and detailed searches of their personal belongings.”³¹

B. Reports by Foreign Governments and UN Bodies

In addition to domestic reports highlighting discriminatory practices by the Japanese police, the United States and several bodies of the United Nations have expressed serious concern over the practice of racial profiling by law enforcement in Japan.

On December 6, 2021, the U.S. Embassy issued a post on social media warning U.S. citizens against suspected incidents of racial profiling by the Japanese police: “The U.S. Embassy has received reports of foreigners stopped and searched by Japanese police in suspected racial profiling incidents. Several were detained, questioned, and searched. U.S. citizens should carry proof of immigration and request consular notification if detained.”³² The U.S. Department of State’s Reports on Human Rights Practices in Japan also mention that in 2022, “[t]here were credible reports of foreigners being stopped and searched by police in suspected racial-profiling incidents”³³ and that “[c]ivil society

organizations continued to urge police to end ethnic profiling and unjustified surveillance of foreigners.”³⁴ The 2023 edition highlights that “[a] group of legal experts, researchers, and human rights NGOs continued to report foreigners being stopped and searched by police in suspected racial-profiling incidents.”³⁵

Several United Nations bodies have also expressed concerns over the practice of racial profiling by Japanese law enforcement officials. In 2014, the UN Human Rights Committee stated that it was “concerned about reports on widespread surveillance of Muslims by law enforcement officials”³⁶ and recommended Japan to (a) “[t]rain law enforcement personnel on cultural awareness and the inadmissibility of racial profiling, including the widespread surveillance of Muslims by law enforcement officials” and (b) “[e]nsure that affected persons have access to effective remedies in cases of abuse.”³⁷ In 2018, the UN Committee on the Elimination of Racial Discrimination (CERD) underscored that it was “concerned by the reported continuation of ethnic or ethno-religious profiling and surveillance of Muslims of foreign origin by law enforcement officials”³⁸ and recommended Japan to “put an end to ethnic or ethno-religious profiling and surveillance of Muslims of foreign origin by the police and undertake thorough and impartial investigations into all allegations of profiling and mass surveillance, holding those responsible accountable and providing effective remedies, including guarantees of non-repetition.”³⁹

II. Obstacles and Challenges in Ensuring Access to Justice, Accountability and Redress to Victims of Racial Profiling by Law Enforcement

Overall, Japanese law enforcement authorities operate in total impunity when it comes to racial profiling. Victims of racial profiling in Japan are facing a myriad of obstacles and challenges in accessing justice, obtaining accountability, and securing redress. This section explores three of the main ones: insufficient legal and regulatory safeguards, the lack of an accessible and independent complaints mechanism, and the need for a comprehensive audit of profiling practices to review the institutional police culture. The recent lawsuit initiated by LEDGE seeks to address the accountability gap and obtain wider policy change to put an end to systemic racism by the Japanese police.

A. Insufficient Legal Safeguards Against Racial Profiling by Law Enforcement

A robust legal and regulatory framework that clearly defines and prohibits racial profiling is essential in ensuring access to accountability for victims of such practice by law enforcement officials.

Although the Japanese Constitution prohibits discrimination on the basis of race,⁴⁰ Japan does not have any specific legislation on the prohibition of racial discrimination that enables victims to seek appropriate legal redress for racial discrimination.⁴¹ Furthermore, Japanese laws governing law enforcement institutions and their powers do not include explicit prohibitions of racial discrimination. The Police Act only provides that the police must not interfere with the rights and freedoms guaranteed by the Constitution of Japan,⁴² which encompass the prohibition of racial discrimination. The Police Duties Execution Act,⁴³ which describes the rights and duties of police officers, notably as regards questioning, fails to provide sufficient safeguards against racial profiling, since it does not establish clear and limited circumstances under which police officers may use sensitive personal factors including race and national origin to exercise their powers in areas such as identity checks or stop and search procedures.

Besides, an investigation conducted by HuffPost Japan revealed that none of the police departments across all 47 prefectures have established guidelines to prevent racial discrimination by police officers, and inquiries to the National Police Agency confirmed the absence of any nationwide unified guidelines.⁴⁴

B. Lack of Independent, Accessible, and Effective Complaints and Redress Mechanism

Under Article 79 of the Police Act, individuals may submit a complaint in writing to their Prefectural Public Safety Commission regarding the execution of duties by prefectural police officers.⁴⁵ This mechanism allows individuals to seek corrective action for unlawful or improper conduct by police officers during the execution of their duties, or failures to act, which result in some form of disadvantage. It also enables individuals to submit grievances regarding inappropriate conduct by police officers.⁴⁶ The procedure consists of the following steps:⁴⁷

- *Reception of the Complaint.* Upon receiving a complaint filed under this system, the Prefectural Public Safety Commission must instruct the Prefectural Police Department to investigate the facts.
- *Investigation and Reporting by the Prefectural Police Department.* The designated official or relevant department head must conduct thorough investigation and take appropriate measures. They must report the investigation results and measures taken to the Prefectural Public Safety Commission. If the latter deems the investigation insufficient or the handling inappropriate, it will instruct further investigation or corrective measures.
- *Notification of Investigation Results.* Upon receiving the report from the Prefectural Police Department, the Prefectural Public Safety Commission must notify the complainant about the findings in writing.

In practice, this complaints mechanism is largely underused for racial profiling incidents, as most foreign residents are unaware of its existence, and even when complaints are filed, some remain unaddressed.⁴⁸ While the number of complaints is not publicly available, the Minister of State disclosed, in response to a question at the Diet, that only 16 complaints about police stops and questioning were filed to the Tokyo Metropolitan Public Safety Commission in 2021.⁴⁹ A significant barrier is language accessibility. Although some prefectures offer translated information in English, Chinese, Korean and other languages,⁵⁰ the Tokyo Metropolitan Public Safety Commission has not translated its webpage⁵¹ into English, despite the Minister of State acknowledging this issue.⁵² A targeted outreach should be undertaken to ensure that affected individuals and communities are aware of such complaints process. Besides, the complaint submission process is cumbersome, as most prefectures do not allow email submissions and instead require complaints to be mailed.

Instead, some victims of racial profiling opt to report incidents directly to local police stations, when they manage to overcome language barriers and apprehension of further discriminatory treatment. From interviews we conducted with individuals who have been repeatedly subjected to racial profiling by the police, it emerged that when complaints were addressed to local police stations, the officers involved consistently denied having questioned the complainants based on race or nationality, asserting instead that they were questioned due to appearing "suspicious." As a result, the cases were closed, without any formal apology or disciplinary measures.

Both the formal complaints mechanism and informal local mediation largely rely on internal police investigations into their own misconduct and abuse, and therefore lack independence. The

adjudication of complaints against police officers must frequently be made on the basis of conflicting accounts given by the officer and the civilian complainant. Particularly in instances of racial profiling, challenging an officer's explanation of the rationale behind a stop and search proves exceedingly difficult. It is therefore crucial to establish an independent and well-resourced oversight and complaint body, with the authority to conduct self-initiated investigations on individual complaints, but also structural investigations into broader institutional policies and practices that encourage or permit racial profiling. The mandate of this body should include making recommendations regarding individual complaints to provide redress to victims and proposing reforms to policies and practices aimed at tackling systemic discrimination issues.

C. The Need for a Thorough and Impartial Audit of Racial Profiling Practices

Addressing the institutional racial bias entrenched in policing structures and culture requires law enforcement authorities to first assess the extent of racial profiling practices within its ranks and identify the institutional factors enabling it. A thorough and impartial audit of nationwide racial profiling practices should be conducted.

In March 2022, the Chairperson of the National Public Safety Commission⁵³ acknowledged before the Diet that it was necessary to conduct a nationwide investigation of cases of police misconduct related to discriminatory questioning.⁵⁴ However, in November 2022, the National Police Agency (NPA) disclosed that it only found six cases nationwide in which police officers questioned people inappropriately or without cause based on racial stereotypes in 2021.⁵⁵ The NPA asserted that none of the cases exhibited “discriminatory intent based on prejudice against a race or nationality”⁵⁶ and further concluded that these instances did not constitute racial profiling.⁵⁷

While this internal investigation is a welcomed first step in monitoring law enforcement practices to detect profiling, it falls short of capturing the countless discriminatory stop and search incidents occurring nationwide, as evidenced by the Tokyo Bar Association's findings. Importantly, it should be noted that the investigation was not carried out by an independent body. Moreover, the fact that the disclosed cases involve multiple incidents uncovered by the press and on social media further emphasizes the investigation's shortcomings. The six cases appear to include the incident involving the Bahamian-Japanese man stopped and searched at Tokyo station,⁵⁸ as well as other incidents where the rationale given by police officers for stopping and questioning individuals was “it's rare for a foreigner to be driving a car,” or “you've got sharp facial features, so I mistook you for someone from overseas or a biracial person.”⁵⁹

Furthermore, regarding the six cases identified as inappropriate and racially biased, the NPA failed to offer any form of redress to victims, including guarantees of non-repetition. No public apology was issued, and the officers involved were not subject to disciplinary measures. The NPA only underscored that it offered guidance to the officers involved in these six cases via their supervisors⁶⁰ and affirmed that they “will continue to provide education and guidance repeatedly to ensure that police questioning is conducted appropriately and precisely in accordance with the law.”⁶¹

A significant hurdle in addressing systemic racism in policing and enhancing accountability lies in the absence of systematic data collection concerning stops and searches. Data can constitute indispensable evidence for accountability and the pursuit of legal remedies for individuals subjected to unjustified stops. Moreover, it is essential to refine management practices, as it can help analyze the nature and scope of racial profiling and identify possible interventions. Law enforcement officers should

systematically record data on their use of stops and searches, including the ethnicity of the person stopped and grounds for suspicion, and the statistical data should be shared with the public. It is paramount to note, however, that the use of such data must adhere strictly to data protection standards to mitigate the risk of potential misuse.

D. Bridging the Accountability Gap Through Strategic Litigation

In response to the lack of accountability and the pressing need for policy reform, LEDGE engaged in bringing a civil legal action that challenges police discrimination earlier this year. On January 29, 2024, three individuals of foreign descent who have been repeatedly subjected to discriminatory police stops and searches filed a complaint before the Tokyo District Court against the Japanese State, the Tokyo Metropolitan Government and the Aichi Prefecture.⁶² One of the plaintiffs is a black American citizen, and the two other plaintiffs are a naturalized Japanese citizen of Pakistani origin and a Pacific-Islander of Indian descent. They have been living in Japan for over a decade and have been subjected to police questioning a significant number of times - from fifteen to approximately a hundred times - despite the absence of any suspicious behavior. As a result of these encounters, one of the plaintiffs suffers from severe social withdrawal.

This legal action is the first-ever case in Japan that challenges discriminatory police questioning against visible minorities. The complaint argues that the practice of discriminatory police questioning both at institutional and individual levels is unconstitutional, illegal and violates the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination.⁶³ The plaintiffs are asking the Court to order (i) individual monetary compensation, (ii) confirmation of illegality regarding the practice of racially discriminatory questioning by police officers under the authority of the Tokyo Metropolitan Government and the Aichi Prefecture and (iii) confirmation of the State's obligation to control and supervise police operations for the prevention of discriminatory police questioning. To date, the State and prefectural authorities denied the existence of a systemic practice within prefectural police departments of conducting questioning based solely on race, color, nationality, or ethnicity.⁶⁴

The lawsuit has received significant domestic and international press coverage⁶⁵ and contributed to cast light on a long-standing issue. Following the filing of the complaint, many people gave accounts of similar experiences with the police and added their voices to the collective call for accountability. Beyond the adjudication of reparations for the three plaintiffs, this case will prove pivotal in setting key legal standards, including the burden of proof, determining whether the door to justice remains open or closed for victims of racial profiling.

III. Recommendations

As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, Japan must end and remedy discriminatory and abusive police practices. Pursuant to the Expert Mechanism's mandate in Human Rights Council Resolution 47/21, we call on the Expert Mechanism to recommend that Japan:

1. Develop and effectively implement laws and policies that define and prohibit racial profiling by law enforcement officials;
2. Formulate a national action plan to combat racism that specifically addresses racial profiling;
3. Establish an independent and accessible police oversight and complaints mechanism with authority to conduct self-initiated investigations on individual complaints and structural investigations into broader institutional policies and practices;
4. Institute systems to monitor law enforcement practices to detect patterns of profiling, including the recording of police use of stops, and disclose anonymized statistical data;
5. Conduct open and transparent policy audits and reviews on a regular basis;
6. Build policing skills and capacity to operate without profiling;
7. Enact legislation that prohibits racial, ethnic, or religious discrimination to better protect the rights of minorities.

¹ The Police Duties Execution Act, Act No. 136 of July 12, 1948 (amended by Act No. 94 of 2006), <https://www.japaneselawtranslation.go.jp/en/laws/view/4043/je>.

² YouTube, Japan 4 Black Lives, "Japan's police conducts stop-and-search based on prejudices based on appearance | Japanese Officer racially profiled man and searches his bag", February 1, 2021, <https://www.youtube.com/watch?v=WjyHY0IomVc>.

³ The New York Times, "Racial Profiling in Japan is Prevalent but Unseen, Some Residents Say", March 4, 2024, <https://www.nytimes.com/2024/03/04/world/asia/japan-police-racial-profiling-tokyo.html>.

⁴ The HuffPost Japan, "'People with dreadlocks often carry drugs' Stop-and-search against a mixed-roots man causes controversy, described as 'discriminatory and illegal'", February 14, 2021, https://www.huffingtonpost.jp/entry/story_jp_6022839dc5b6d78d4449d1f4.

⁵ *Ibid.*

⁶ The Japan Times, "Meet the man who gets frisked by the Tokyo police five times a year", January 22, 2017, <https://www.japantimes.co.jp/community/2017/01/22/our-lives/meet-man-gets-frisked-tokyo-police-five-times-year/#.WOczgNTyg2w>. See also Facebook post, September 28, 2016, <https://www.facebook.com/jesse.freeman.925/posts/1133330370056180>.

⁷ NHK, "Questioned by the police thirty times", October 7, 2022, <https://www3.nhk.or.jp/news/html/20221007/k10013847801000.html>.

⁸ The HuffPost Japan, "'People with roots like yourself' A police officer suddenly touched my genitals", March 6, 2022, https://www.huffingtonpost.jp/entry/story_jp_621eb9eee4b0250871a70e59.

⁹ The individual was wearing locks.

¹⁰ The HuffPost Japan, "'People with roots like yourself' A police officer suddenly touched my genitals", March 6, 2022, https://www.huffingtonpost.jp/entry/story_jp_621eb9eee4b0250871a70e59 and NHK, "Questioned by the police thirty times", October 7, 2022, <https://www3.nhk.or.jp/news/html/20221007/k10013847801000.html>.

¹¹ *Ibid.*

¹² The HuffPost Japan, "Survey: Racial Profiling and Police Stops in Japan", conducted between September and December 2021, https://docs.google.com/forms/d/e/1FAIpQLScp-KX23ULCF_bLqdx9j-WjPHnNtPOYSde5tJWjYz0kcJlg/viewform.

¹³ 190 individuals replied they had been questioned from 1 to 3 times, 122 replied from 4 to 10 times, and 53 replied over 10 times.

¹⁴ The HuffPost Japan, “‘But you’re black’ 329 respondents claim racial profiling in a study”, February 26, 2022, https://www.huffingtonpost.jp/entry/story_jp_620c600fe4b05706db6f715b.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Tokyo Bar Association, Final Report, Survey on Police Questioning of People with Foreign Roots in FY2021, <https://www.toben.or.jp/know/iinkai/foreigner/news/2021.html>

¹⁸ 25.6% replied they had been questioned once, 50.4% 2 to 5 times, 10.8% 6 to 9 times, and 11.5% over 10 times.

¹⁹ The HuffPost Japan, “‘Arresting them for their own good’ A former police officer talks about the root causes of racial profiling”, November 12, 2023,

https://www.huffingtonpost.jp/entry/story_jp_6542ff87e4b0cde80b8b8a26.

²⁰ *Ibid.*

²¹ *Ibid.*

²² The Mainichi, “‘We were told to target foreigners’: Ex-officer on systematic racial profiling by Japan police”, April 30, 2024, <https://mainichi.jp/english/articles/20240427/p2a/00m/0na/019000c>. NB: This article is only available in English and has not been published in the Japanese version of The Mainichi.

²³ The HuffPost Japan, “‘Arresting them for their own good’ A former police officer talks about the root causes of racial profiling”, November 12, 2023,

https://www.huffingtonpost.jp/entry/story_jp_6542ff87e4b0cde80b8b8a26 and The Mainichi, “‘We were told to target foreigners’: Ex-officer on systematic racial profiling by Japan police”, April 30, 2024, <https://mainichi.jp/english/articles/20240427/p2a/00m/0na/019000c>.

²⁴ The HuffPost Japan, “‘I was told to go back to my country’ No guidelines regarding racial profiling by Japan’s police”, November 12, 2023,

https://www.huffingtonpost.jp/entry/story_jp_6549f58de4b0e63c9dc0b390.

²⁵ The HuffPost Japan, “‘Arresting them for their own good’ A former police officer talks about the root causes of racial profiling”, November 12, 2023,

https://www.huffingtonpost.jp/entry/story_jp_6542ff87e4b0cde80b8b8a26.

²⁶ The Mainichi, “‘We were told to target foreigners’: Ex-officer on systematic racial profiling by Japan police”, April 30, 2024, <https://mainichi.jp/english/articles/20240427/p2a/00m/0na/019000c>. NB: This article is only available in English and has not been published in the Japanese version of The Mainichi.

²⁷ *Ibid.*

²⁸ Aichi Prefectural Police Headquarters, Regional Affairs Division, “Essential Field Response Guide for Young Police Officers”, April 2009. This document and the following ones were found during the course of the investigation of the lawsuit filed with the support of LEDGE against Japanese authorities in January 2024. We are unable to disclose the document due to the confidential source from which it was obtained. Excerpts can be found on the [case page of the lawsuit](#), the [complaint](#) (pp. 18-19) and [complaint summary](#) (p. 4).

²⁹ Police Operations Research Group, “Close-up Practice I: Questioning”, 2009. See the lawsuit’s complaint, p. 19, <https://www.call4.jp/file/pdf/202402/ad1dbcd370a7ece6927e1e5aa9c014ee.pdf>.

³⁰ *Ibid.*

³¹ Police Officer Promotion Exam Textbook “KOSUZU HYOGO”, January 2022. See the lawsuit’s complaint, pp. 19-20, <https://www.call4.jp/file/pdf/202402/ad1dbcd370a7ece6927e1e5aa9c014ee.pdf>.

³² X (formerly Twitter), The American Citizen Services unit of U.S. Embassy Tokyo, December 6, 2021, <https://twitter.com/ACSTokyo/status/1467629914857816065>.

³³ United States Department of State, 2022 Country Reports on Human Rights Practices: Japan, March 20, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/japan>.

³⁴ *Ibid.*

³⁵ United States Department of State, 2023 Country Reports on Human Rights Practices: Japan, April 22, 2024, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/japan/>.

³⁶ Human Rights Committee, Concluding observations on the sixth periodic report of Japan, CCPR/C/JPN/CO/6, August 20, 2014, para. 20,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FJPN%2FCO%2F6&Lang=en.

³⁷ *Ibid.*

³⁸ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined tenth and eleventh periodic reports of Japan, CERD/C/JPN/CO/10-11, September 26, 2018, para. 23,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CERD%2FCO%2FJPN%2FCO%2F10-11&Lang=en.

³⁹ *Ibid.*, para. 24.

-
- ⁴⁰ The Constitution of Japan (1946), Article 14, https://www.japaneselawtranslation.go.jp/en/laws/view/174/tb#je_ch3at4.
- ⁴¹ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined tenth and eleventh periodic reports of Japan, CERD/C/JPN/CO/10-11, September 26, 2018, paras. 7-8.
- ⁴² The Police Act, Act No. 162, 1954, Article 2(2), <https://elaws.e-gov.go.jp/document?lawid=329AC0000000162> (only available in Japanese).
- ⁴³ The Police Duties Execution Act, Act No. 136 of July 12, 1948 (amended by Act No. 94 of 2006), <https://www.japaneselawtranslation.go.jp/en/laws/view/4043/je>.
- ⁴⁴ The HuffPost Japan, “‘I was told to go back to my country’ No guidelines regarding racial profiling by Japan’s police”, November 12, 2023, https://www.huffingtonpost.jp/entry/story_jp_6549f58de4b0e63c9dc0b390.
- ⁴⁵ Police Act, Act No. 162, 1954, <https://elaws.e-gov.go.jp/document?lawid=329AC0000000162> (only available in Japanese).
- ⁴⁶ Moe Miyashita, *Racial Profiling: Challenging Police Racial Discrimination*, Otsuki Shoten Publishers, 2023, p. 86.
- ⁴⁷ *Ibid.*, pp. 86-87.
- ⁴⁸ A Muslim woman who suffered racially discriminatory treatment at the hands of the police decided to file a lawsuit after her complaint remained unanswered. See details on her lawsuit [here](#).
- ⁴⁹ National Diet of Japan, Committee on Cabinet, 208th Session, March 29, 2022, No. 038, <https://kokkai.ndl.go.jp/#/detail?minId=120814889X00520220329¤t=8>.
- ⁵⁰ An example of good practice is the Shizuoka Prefecture Public Safety Commission’s [webpage](#), which is translated into English, Chinese, Korean, Portuguese, Tagalog and Spanish using an automatic translation service.
- ⁵¹ Webpage of the Tokyo Metropolitan Public Safety Commission, <https://www.kouaniinkai.metro.tokyo.jp/osirase.html>.
- ⁵² National Diet of Japan, Committee on Cabinet, 208th Session, March 29, 2022, Nos. 041-042, <https://kokkai.ndl.go.jp/#/detail?minId=120814889X00520220329¤t=8>.
- ⁵³ The National Public Safety Commission administers the National Police Agency.
- ⁵⁴ National Diet of Japan, Committee on Cabinet, 208th Session, March 29, 2022, No. 046, <https://kokkai.ndl.go.jp/#/detail?minId=120814889X00520220329¤t=8>.
- ⁵⁵ The Mainichi, “Japan police racial profiling probe finds 6 cases of inappropriate questioning in 2021”, November 17, 2022, <https://mainichi.jp/english/articles/20221117/p2a/00m/0na/004000c>. See also Asahi Shinbun, “Japan’s police finds six cases of inappropriate conduct in its first internal investigation”, November 16, 2022, <https://www.asahi.com/articles/ASQJ5FHLOCJUTIL00T.html>; Asahi Shinbun, “Police questioning based on race ‘We will offer thorough guidance’ says police head”, November 17, 2022, <https://www.asahi.com/articles/ASQCK41VKOCKUTIL00T.html>; HuffPost Japan, “‘Dreadlocks’, a reason to suspect drug possession. Japan’s police denies ‘racial intent’ behind six cases of inappropriate police stops”, December 1, 2022, https://www.huffingtonpost.jp/entry/story_jp_6387f06fe4b0d174095e7f85 and The New York Times, “Racial Profiling in Japan is Prevalent but Unseen, Some Residents Say”, March 4, 2024, <https://www.nytimes.com/2024/03/04/world/asia/japan-police-racial-profiling-tokyo.html>.
- ⁵⁶ The Mainichi, “Japan police racial profiling probe finds 6 cases of inappropriate questioning in 2021”, November 17, 2022, <https://mainichi.jp/english/articles/20221117/p2a/00m/0na/004000c>.
- ⁵⁷ HuffPost Japan, “‘Dreadlocks’, a reason to suspect drug possession. Japan’s police denies ‘racial intent’ behind six cases of inappropriate police stops”, December 1, 2022, https://www.huffingtonpost.jp/entry/story_jp_6387f06fe4b0d174095e7f85.
- ⁵⁸ According to the information disclosed by the National Police Agency, in one of the cases involving the Tokyo Metropolitan Police, the police officer had stated, “There have been instances where individuals with stylish dreadlocks have been found in possession of drugs.”
- ⁵⁹ The Mainichi, “Japan police racial profiling probe finds 6 cases of inappropriate questioning in 2021”, November 17, 2022, <https://mainichi.jp/english/articles/20221117/p2a/00m/0na/004000c>.
- ⁶⁰ *Ibid.*
- ⁶¹ *Ibid.*
- ⁶² The complaint is available [here](#) (Japanese only). An English version of the complaint summary is available [here](#).
- ⁶³ Japan ratified the ICCPR in 1979 and the International Convention on the Elimination of All Forms of Racial Discrimination in 1995.
- ⁶⁴ The defense brief of the State is available [here](#), the defense brief of the Tokyo Metropolitan Government is available [here](#) and the Aichi Prefecture’s one is available [here](#) (only available in Japanese).
- ⁶⁵ See, for instance, South China Morning Post, “Foreign-born citizens in Japan file suit against police over racial profiling: ‘they think I’m a criminal’”, January 29, 2024, <https://www.scmp.com/news/asia/east->

[asia/article/3250183/japan-indian-pakistani-citizens-file-suit-against-police-over-alleged-racial-profiling-they-think-im](https://www.bbc.com/news/world-asia-68137532); BBC, “Japan: Foreign-born residents sue government for alleged racial profiling”, January 30, 2024, <https://www.bbc.com/news/world-asia-68137532>; The New York Times, “Racial Profiling in Japan is Prevalent but Unseen, Some Residents Say”, March 4, 2024, <https://www.nytimes.com/2024/03/04/world/asia/japan-police-racial-profiling-tokyo.html>; and Le Monde, “Foreigners increasingly targeted by racial profiling in Japan”, May 9, 2024, https://www.lemonde.fr/en/international/article/2024/05/09/japan-sees-an-increase-in-racial-profiling-of-foreigners_6670946_4.html.