

Comments on “Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights; Comments on the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène.”

Comparative table by paragraph

Japan NGO Network for the Elimination of Racial Discrimination
2007/2/26

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Comparative table: Diene Report/ “Note verbale” by the Government of Japan/ Comments by NGOs

Note Verbale by the Government of Japan (A/HRC/1/G/3)	Comments by NGOs
<p>“Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights; Comments on the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène.”</p> <p>(Summary)</p> <p>The Government of Japan welcomed the visit to Japan in July 2005 by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (hereinafter referred to as “the Special Rapporteur”). The Government of Japan also expresses its respect for the Special Rapporteur’s effort in making a detailed report on his visit (E/CN.4/2006/16/Add.2, hereinafter referred to as “the report”).</p> <p>Japan has taken all measures to combat racial discrimination. Japan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. The Constitution of Japan, the supreme law in Japan’s legal system, provides that “All of people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status or family origin”, and guarantees equality before the law without any discrimination. Based on the above principles of the Constitution, Japan has been striving to realize a society without any form of racial or ethnic discrimination.</p> <p>As part of this, Japan has been active towards eliminating racial discrimination in United Nations fora as well as in our own country and has cooperated fully with the Special Rapporteur’s activities. When the Special Rapporteur visited Japan, the Government of Japan, including the local governments, arranged venues as much as possible, exchanged views with him, and has contributed by providing information in response to his requests after his return home.</p> <p>However, the Government of Japan would like to express some concerns about the report as follows:</p> <p>First, there are many statements in the report which are beyond the Special Rapporteur’s mandate. The mandate of the Special Rapporteur is “to examine ... incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as governmental measures to overcome them”(E/CN.4/RES/1994/164). However, for example, the Special Rapporteur reports on the issue of the military bases in Okinawa (paragraphs 6, 51, 52, 88), which has no relation to the issue of racial discrimination. Also he reports on past issues which have no relation to the issue of “contemporary forms of” discrimination: “forced</p>	<p>Comments on “Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights; Comments on the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène.”</p> <p>【Japan NGO Network for the Elimination of Racial Discrimination】</p> <p>[Summary]</p> <p>We welcome the report submitted by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, recognizing that it is the first UN document to address racism, racial discrimination and xenophobia in Japan in a comprehensive way that deals not only with the legal aspects of these issues but also with their social and historical context. Keeping that in mind, we have been requesting that policymaking institutions, including the Government of Japan, reaffirm the existence of “others”, deepen understanding of their conditions and backgrounds, including social, economic and political structure, history, and unique culture, and honestly fulfill the recommendations in the report.</p> <p>We appreciate, to a certain extent, that the Government of Japan has received the official visit of Special Rapporteur Diène and cooperated with him by providing necessary support and information. However, we express deep regret regarding the contents of “Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights (Comments on the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène)” (hereafter referred to as “note verbale”). The contents of the note verbale are best described as “negating arguments,” which do not respond to the most crucial point of the Diène report that “there exists racial discrimination and xenophobia in Japan.” Furthermore, it does not show basic reaffirmation or positive attitude towards the fulfillment of the recommendations in the report, and the Government does not show any willingness to take the issues raised by the report seriously and continue the dialogue positively. Most of the note verbale consists of the enumeration of existing laws and policies, and it shows the government’s lack of willingness to grasp the actual situation of the ground where discrimination is happening, and argue on the basis of such ground reality. We question the good sense of the Government to draft and submit such a document which was created to deny</p>

labor” (paragraph 8) and “comfort women” (paragraph 59, 82) during World War II. The Special Rapporteur’s mandate given by the Commission on Human Rights was carefully decided in order to resolve the various human rights issues confronted all over the world. Japan believes that the Special Rapporteur should follow his mandate and act within it. Japan considers his comments beyond his mandate to be inappropriate.

Second, there are many incorrect facts in the report, and many of the recommendations are based on those incorrect facts. For example, the Special Rapporteur reports that Article 14 of the Constitution, the only provision in the national legislation which prohibits racial discrimination is not considered by courts to be self-executing, and that there is no provision in the national legislation that provides a judicial remedy for the victims (paragraph 11), and based on this, he recommends that “the Government and the parliament should as a matter of urgency proceed to the adoption of a national law against racism, discrimination and xenophobia” (paragraph 76). However, the purpose of Article 14 of the Constitution is interpreted as extending to the relations among private citizens through the provisions of the Civil Code. In fact, there are cases in which the courts judged that acts of private citizens were invalid because of discrimination. Also, a victim who suffers damage because of racial discrimination can claim damages in accordance with the provisions of the Civil Code and other laws. Therefore, the Special Rapporteur’s statements regarding this point are incorrect.

The Special Rapporteur reports that “some of the people of Okinawa want it to become an independent territory” (paragraph 53). However, the Government of Japan did not have information that the Special Rapporteur had visited Okinawa before writing his report, and furthermore Okinawa Prefecture as a local authority does not take such a view. Thus, such an opinion cannot be considered as representing the view of the people of Okinawa.

Moreover, the Special Rapporteur indicates that there is discrimination against foreigners in the tax system (paragraph 57) and the labor laws (paragraph 67), but these indications are incorrect. Also, there are many incorrect facts regarding the content of history textbooks and their authorization system in Japan. For example, the Special Rapporteur recommends that history textbooks should “include explanations of the crimes linked to the colonial era and wartime committed by Japan” (paragraph 82). However, there is no Japanese history textbook that does not describe the considerable harm Japan caused to people in many countries—particularly in Asia—during a certain period in its past. Similarly, the Special Rapporteur indicates that “decisions on the content of the school textbooks can be taken locally without any capacity of control at the national level” and recommends the adoption of a legal provision at the national level (paragraph 82). However, this recommendation seems to be made without accurately understanding Japan’s system for screening and authorizing textbooks in which private textbook publishers and their writers compile and edit their draft textbooks. The government undertakes its authorization and then the local governing body selects the textbooks to use from among those that have been approved.

What are mentioned above are only some examples. Following this summary, the

the significance and value of the Diène report. At the same time, on the points and recommendations of the report which the note verbale does not touch upon, we recognize that the government has accepted them and has a policy of fulfillment of the recommendations, and demand the implementation of them.

In the summary of the note verbale, the Government states that the Constitution of Japan secures equity under the law without any discrimination, and presents a view as though discrimination in Japan does not exist. However, we recognize that the legal system itself is sometimes discriminatory and unchanged, and without recognizing it, it is impossible to combat the discrimination. For example, under the current Constitution, children born out of wedlock, which is a typical case of social status, are never secured equity under the law.

We recognize the fact, for example, that their inheritance is half that of children of married couples under the law, and social discrimination arising from their description in the family register as “children born out of wedlock,” are clear indications of discrimination in the legal system, which are still maintained today.

Moreover, in the summary of the note verbale, the Government of Japan claims that “there are many statements which are beyond the mandate of the Special Rapporteur”, by pointing out that the issue of U.S. bases in Okinawa has “no relation to the issue of racial discrimination” and issues such as “forced labor” and “comfort women” during the World War II are “past issues which have no relation to the issue of “contemporary forms of” discrimination”. Their claim displays an extreme lack of understanding of contemporary forms of racism and racial discrimination.

The concentration of U. S. bases in Okinawa is deeply connected to the history of the colonialism, racial and ethnic discrimination, and the denial of self-determination in the past. Moreover, the issues of “forced labor” and “comfort women” are deeply related to Japanese colonialism and racial and ethnic discrimination, and as long as the victims claim relief and there is a lack of fundamental solution, the issues should be recognized as contemporary forms of racism and racial discrimination. From this point of view, we strongly support the Special Rapporteur’s stance that if we limit the mandate of the Special Rapporteur to “contemporary” forms and consider historic aspects as out of his mandate, the invisible part of the iceberg would remain untouched, and that history is the process whereby discrimination is constructed, so it is essential to focus on the deep roots of racism and racial discrimination. (From the Statement made by the Special Rapporteur in the second session of the Human Rights Council.)

Moreover, the Government of Japan points out that “there are many incorrect facts in the report.” It has disregarded the fact that mistakes in several paragraphs have been corrected by the Special Rapporteur Doudou Diène himself in a corrigendum which was submitted on March

Government of Japan would like to comment in detail on each paragraph. To conclude this summary, Japan will continue to make efforts to achieve a society in which each person is respected as an individual and can fully develop his or her own character.

31, 2006 (E/CN.4/2006/16/Add.2/Corr.1) and hence their comments are rendered irrelevant. We urge the Government of Japan to reflect seriously on the fact that they did not consult with all the documents while they prepared a counterargument. For example, paragraph 11 has been corrected as follows: “Racial discrimination is prohibited by Article 14 of the Constitution, which is not considered by courts to be self-executing, and to a limited extent in certain statutes, but they are inadequate in scope and effect.” “[T]here is at present no legislation that is specifically directed towards the elimination of racial discrimination and provides an adequate judicial remedy for the victims.” However, the comments totally disregard this correction.

Moreover, paragraph 82 has been corrected as follows: “The Special Rapporteur is concerned that decisions on the content of the school textbooks can be taken without any accountability at the national level.” “He therefore recommends the revision of the Curriculum Guidelines at the national level in order to guarantee that the above-mentioned minimum content requirements be included in school textbooks.” The argument made in the note verbale is not based on this correction and are hence irrelevant.

In the summary of the note verbale, the Government of Japan also argues against the statement that “some of the people of Okinawa want it to become an independent territory” by stating that the Special Rapporteur had not visited Okinawa before he wrote his report, and also by stating that Okinawa Prefecture as a local authority does not take such a view and hence the opinion cannot be considered as representing the view of the people of Okinawa. However, even though the Special Rapporteur had not visited Okinawa at that time, hearing the voices of Okinawans was still a possibility, and it is also clear from the content that the Special Rapporteur has not described the view as representing the people of Okinawa.

Furthermore, as the Government of Japan’s recognition of the facts is shown, it has stated in its “Comments (summary) of the Japanese Government on the concluding observations adopted by the Committee on 20 March 2001, regarding the initial and second periodic reports of the Japanese Government” submitted to the Human Rights Commission in August 2001, that “we know that some people claim that the population in Okinawa is a different race from the Japanese race”. This statement made by the government itself does not contradict the Special Rapporteur’s account. Moreover, even though they might not mention an “independent territory,” there are quite a few suggestions [from the people of Okinawa] for the establishment of a unique political and administrative system such as a special prefectural system or independent regional system, unlike other prefectures in Japan. It is a sheer fact that by these claims, calls for reclaiming self-determination have never ceased in Okinawa. It should not be possible for the Government to deny the fact that there exist people who want Okinawa to become independent.

Below we state our comments on the remarks made by the Government of Japan in the note verbale, regarding each paragraph of the Diène report.

We expect the Government of Japan to change their negative attitude which is apparent in their comments, and go back to the basics of the claim of the Diène report, that there do exist many groups of people who have been rendered invisible or whose presence has been poorly recognized, and it is impossible to achieve a multicultural society without acknowledging the fact, including its social and historical background. Furthermore, we demand that the Government officially admit the existence of racial discrimination towards the Buraku people, the Ainu, the people of Okinawa, people from former Japanese colonies and their descendants, and foreigners and migrant workers, express their political will to abolish them, and implement the twenty-four comprehensive recommendations, such as the conducting of a survey to find out the present conditions of each discriminated group, the adopting of a law against discrimination, the establishment of a national commission to deal with the problems, and a reexamination of history textbooks. Moreover, we reiterate the demand for constructive consultation and dialogue between the Government of Japan and minority organisations as well as NGOs combating racial discrimination, in order for efforts to be based on the ground reality of the racial discrimination.

Diene Report (E/CN.4/2006/16/Add.2)	Note Verbale by the Government of Japan (A/HRC/1/G/3)	Comments by NGOs (Summary)
<p>3. The Special Rapporteur carried out his visit in excellent conditions, thanks to the full cooperation of the Japanese authorities. He regrets however that he could not meet with a number of high-level authorities, in particular the Governor of Tokyo. The Special Rapporteur also thanks the United Nations Information Centre in Tokyo, the NGOs and the communities he met for their excellent support.</p>	<p>1. Paragraph 3 (Appointment with the Governor of Tokyo) In paragraph 3, the Special Rapporteur states that “(he) regrets however that he could not meet with a number of hi-level authorities, in particular the Governor of Tokyo.” However, the fact is that he could not meet with Governor Shintaro Ishihara because he sought an appointment on a specific date and time and was inflexible, regardless of the governor’s hectic schedule. The above statement is inappropriate and misleading in that it may give the wrong impression that the governor had refused to meet with the Special Rapporteur.</p>	<p>【by IMADR-JC】 The government in its note verbale highlights the portion of the report in which regret is expressed for the fact that a meeting with the government was not realized. The context in which paragraph.3 was written was not to determine the cause for this failure or which side was at fault as stated by the Japanese Government. It is natural for the special rapporteur to express regret for being unable to realize a meeting with the governor, who has gained notoriety for his extreme racist statements.</p>
<p>8. In 1910, Japan annexed Korea, which became a Japanese province. Koreans were considered as inferiors and could only work in subaltern jobs, while the decision-making jobs were taken by the Japanese. Korea was forced into a strict colonial rule: liberties were suppressed, the use of the Korean language discouraged and then totally forbidden in 1940. During the Second World War, the Koreans were obliged to participate to the efforts of war: in 1945, 4 million Koreans in the peninsula and 2 million in Japan were subjected to forced labour. Following the end of the war and the independence and separation of the two Koreas after 40 years of Japanese rule, a large community of Koreans continues to live in Japan.</p>	<p>2. Paragraph 8 (Forced Labor on Koreans) Taking into account the Special Rapporteur’s mandate, this paragraph regarding “the colonial past” is beyond his mandate. Therefore, it is not necessary to comment on the content of this paragraph, but the Government of Japan will point out the following problems for reference. The number of people from the Korean Peninsula in Japan was about 1 million at the end of 1939 and reached 2 million at the end of the Second World War in 1945. The report says that during the Second World War, the Koreans were obliged to participate in the efforts of war and that in 1945, 2 million Koreans in Japan were subjected to forced labour. However, an increase of about 700 thousand out of the 1 million during 1939 to 1945 was due to voluntary immigrants seeking jobs in Japan and natural increase by birth. Most of the remaining 300 thousand were those who applied for recruitment in mining and construction companies based on voluntary contracts. Few of them were enlisted through the National Enlistment Law and the reference in the report to the effect that a total of 6 million Koreans were subjected to forced labour lacks ground. Designated payments were duly made. The National Enlistment Law was basically intended to apply to all Japanese nationals as well as to people on the</p>	<p>【by The Investigation Team on the Truth about Forced Korean Laborers in Japan】 The term “forcible displacement” of Koreans, which includes mental and physical coercion, is a concept that was established internationally and domestically at least in the early 20th century. The Japanese government revealed that the number of people forcibly mobilized from the Korean peninsula to Japan from 1939 to 1945 by National Mobilization Act was 667,684 (according to a document submitted to GHQ by the Ministry of Health and Welfare work bureau and compiled by the American strategic bombing investigating group. The number was confirmed by the House of Councilors Budget Committee, 118th Diet session of June 6, 1990). In other words, the forms of mobilization from the year 1939 were "to recruit" (from September 1939 to January 1942), "official mediation" (from February 1942 to August 1944), and "conscription" (from September 1944 to August 1945). However, what the government wrote was only "conscription," from the period after September, 1944, intentionally omitting "recruitment" and "official mediation.". According to the Japanese Government, so-called “workers from the Korean peninsula” were “sent to Japan only from</p>

	<p>Korean Peninsula, who were Japanese nationals at the time. Although the Law was put into effect in Japan in July 1939, its application on the Korean Peninsula was postponed as late as possible and it was in September 1944 that the Law came into force for the first time on the Korean Peninsula. The so-called “workers from the Korean Peninsula” were sent to Japan only from September 1944 to March 1945. In this connection, it should be noted that it was practically impossible to continue applying the Law after March 1945, due to the termination of traffic between Shimonoseki (Japan) and Pusan (Korea).</p>	<p>September 1944 to March, 1945, but it was recently revealed by a list of those forcibly taken that the government returned to the South Korean government, that Koreans were forced to come to Japan using a route other than by the Shimonoseki (Japan) Busan (the Korean Peninsula) one.</p> <p>Moreover it has also become clear that after September 1942, Korean residents in Japan before 1939 were forcibly conscripted (there are statistics that show that in one round, about 5,000 people were conscripted).The problem is that the numerous documents related to forcible transfers that the Japanese government possesses have not been open to public under the pretence of privacy. Even though the Japanese government made a list of 137,406 people that includes the Korean victims of forced labor, it has refused to make the list public. As for the why, the government explained that “such information is about the individual, and is the information that can distinguish specific individuals”, and, this matter “comes under Article 5 (1) of "The Law concerning to the release of information" (Minister of Health, Labour and Welfare, September 3, 2002.. By the Ministry of Health, Labour and Welfare 0903001). However, the said law "excludes information which can be deemed necessary to publicize in order to protect human life, health, life or property." Therefore, what the government of Japan did is intentional hide the information.</p>
<p>20. The Kyoto prefectural government also considers discrimination against Buraku people a major human rights issue. The level of education and employment of Buraku people is lower than for the rest of the population of the prefecture: the rate of children going to high school is 20 per cent lower amongst Buraku people. On the employment side, Buraku people mainly work in the construction field and in precarious employment. At the end of the Second World War, the prefecture included the teaching of the history of Buraku people at school as an essential means to eradicate discrimination, but the discriminatory mentality persisted. The prefecture currently promotes a better dialogue between Buraku people and the administration. Also, it promotes</p>	<p>3. Paragraph 20 (Rate of children going to high school and the employment of Dowa (Buraku) people)</p> <p>With regard to the rate of children going to high school and the employment of Dowa (Buraku) people, both figures mentioned in his report came from the data of the Dowa Policy Committee held in 1965. Although we cannot conclude that the gap in the rate of children going to high school between Dowa communities and the rest of the population of Kyoto Prefecture has been resolved, it has been shrinking at present.</p>	<p>【by Buraku Liberation League(BLL) and Buraku Liberation and Human Rights Research Institute(BLHRRRI)】</p> <ol style="list-style-type: none"> 1. National figures for high school enrolment are shown in the annex. 2. According to the figures, the high school enrolment rate for Buraku children in the first half of 1960’s was below 50%, but gradually improved due to the creation of a special scholarship program. By 1997 the rate had risen to 92.0%, 4.5 points below the national average of 96.5%. 3. However, it should be noted as a matter of concern that since 1975, when the gap between the national average of 91.5% and the Buraku rate of 87.5% was 4.4 points, the difference between the two figures has continued to hover between 4 and 7 points.

<p>exchanges between Buraku and the rest of the population, through the establishment of community centres. Finally, sensitization activities are carried out for teachers, police officers, social actors and municipalities, to invite them to include human rights education in their programmes.</p>		<ol style="list-style-type: none"> 4. It should also be noted that the table represents the rate of high school enrollment. The gap between the two rates for graduation is 10 points. This is because the dropout rate among Buraku students is two to three times higher than that for non-Buraku students. 5. Furthermore, considering the expiry of the “Law on Special Measures” at the end of March 2002, the subsequent abolition of the special scholarship program, and increasing gaps in many other areas of society, it is feared that the high school enrolment rate for Buraku children, which was on the increase, could now be lower than when previously measured. In order to clarify the present situation and implement appropriate measures, the Ministry of Education, Culture, Sports, Science and Technology must conduct a survey into the actual current conditions surrounding high school enrollment amongst Buraku children. 6. With regard to the university enrollment rate, there is a major gap between the 40.7% national average and 28.6% for Buraku students as of 1997. 7. With regard to employment, a survey conducted by Osaka Prefecture in 2000 showed that the unemployment rate for Buraku people exceeded the average for Osaka Prefecture across every age group. In the 15-19 and 20-24 age groups, for example, the unemployment rates for young Buraku men and women were double of those that for Osaka Prefecture (see the annex). From this data, an image emerges of Buraku youth who do not enroll in high school, or if they do enroll, withdraw early, while remaining unemployed.
<p>33. In Kyoto prefecture, foreigners represent 2.1 per cent of the population: 66 per cent of these are Koreans. Some are students or researchers in university. To promote the integration of foreigners, the Prefecture disseminates information on housing, health, security etc. in several languages, through brochures, a web page and a radio program.</p>	<p>4. Paragraph 33 (Discrimination against Koreans in Kyoto Prefecture)</p> <p>The report mentions that Kyoto Prefecture indicated that the most serious problem of discrimination in the region is discrimination against Koreans and there is a risk of xenophobia in this regard. But Kyoto Prefecture didn’t explain this as mentioned above. Kyoto Prefecture told the</p>	<p>[by The Kyoto Korean Community Center - LFA]</p> <p>64.1% of 54,208 foreign residents (2005) in Kyoto hold North and South Korean nationality. They have lived in poor living environments in highly concentrated areas such as Utoro and Higashi-Kujyō where the traces of imperial colonial policy and postwar discriminatory policy still remain strongly today. Among the discriminatory and human rights problems</p>

<p>It assists foreign students and researchers to find an accommodation and sends voluntary interpreters to hospitals. Concerning the education of the Korean community, there are Korean schools, some of which receive grants if they meet the conditions set by law. Kyoto prefecture indicated that the most serious problem of discrimination in their region is discrimination against Koreans: there is a risk of xenophobia in this regard.</p>	<p>Special Rapporteur that it is very regrettable that human rights issues, especially against Koreans, still remain in Kyoto Prefecture, and there is a concern that widespread news reported through the mass media covering crimes committed by foreigners might lead to the rejection of foreigners among Japanese people.</p>	<p>regarding Korean residents in Kyoto, firstly, we can point to inequality in welfare among the aged and handicapped. Since they are not eligible to receive pension benefits, many of those over 80 years old are forced to work. Their literacy rate is low and it often prevents them from accessing to information to receive welfare. In addition, the Welfare Commission of the Ministry of Health, Labour, and Welfare does not support them due to nationality discrimination under current operational conditions, and they continue to be excluded from public welfare services.</p> <p>Secondly, and this will be mentioned in detail in the following, there is severe discrimination against Korean children who go to Korean schools and Japanese public schools, in that their right to ethnic education is not guaranteed. In addition, 90% of Korean residents in Japan adopt Japanese names or tsūmei (pass-name), and it is extremely difficult for them to clarify their ethnic identity in public.</p> <p>As the number of foreign residents in Kyoto has been increasing in recent years, they often face discrimination in securing accommodation, and this is even the case for Korean residents in Japan.</p> <p>While foreign residents and students are increasing in number in Japan, many hospitals in Kyoto cannot provide translation services, and this means patients often do not receive appropriate medical translations.</p> <p>As mentioned above, discrimination against Korean residents in Japan still strongly exists today. We believe that neglecting minorities under such difficult conditions will foster the sense of discrimination and xenophobia in Japanese society, and it must be dealt with immediately.</p>
<p>51. The people of Okinawa explained that they have suffered from a discriminatory governmental policy since the annexation of the island in 1879. The people of Okinawa are rarely consulted on the decisions affecting their island and its future. The most serious discrimination they presently endure is linked to the presence of the American military bases in their island. The Government justifies the presence of the bases in the name of “public interest”. However, the people of</p>	<p>5. Paragraphs 51-53 (Okinawa)</p> <p>The report on Okinawa is written from a one-sided perspective. The report does not explain sufficient grounds for the alleged presence of “racial discrimination” against Okinawa. Moreover it is not appropriate to regard the matters pointed out in the report as those of “racial discrimination” and therefore, they are beyond the mandate of the Special Rapporteur. Although it is not necessary to comment on matters beyond the mandate of the Special Rapporteur, the</p>	<p>【by The Association of Indigenous Peoples in the Ryukyus (AIPR)】</p> <p>In the Government of Japan’s statement, it contends that issues raised by Diene’s report are not appropriately regarded as matters of “racial discrimination” and that it has “steadily reduced the burden on the people of Okinawa prefecture.” Comparing this stance with its 2001 report to the Convention on the Elimination of All Forms of Racial Discrimination, we see neither discernable change nor any sincere effort by the</p>

Okinawa explained that they suffered daily from the consequences of the military bases: permanent noise linked to the military airport, plane and helicopter crashes, accidents due to bullets or “whiz-bangs”, oil pollution, fires due to air manoeuvres, and criminal acts by American military officers. The noise due to airplanes and helicopters is higher than the level prescribed by law and causes severe health consequences, including in schools where children cannot concentrate and lessons are regularly interrupted. A number of court trials have taken place, but the Okinawan people have almost always lost. During one of these trials, the Government was reported to have made discriminatory statements about the people of Okinawa, saying that they had special feelings, that they were not normal, which provoked a scandal.

52. Between 1972 and 2003, there were around 250 cases of military plane crashes and accidents caused by objects falling from such planes on the island. In particular, in a case of a helicopter crash on a university campus, the aid workers and police were driven out, the prefecture could not participate in the investigations and the victims received no personal compensation. Many people on the island fear crashes. Also, several cases of women being raped and killed by American military officers have occurred, as well as of young schoolgirls being sexually harassed. On those occasions, the Government said it would take appropriate measures, but thereafter nothing was done.

53. As a consequence, some of the people of Okinawa want it to become an independent territory, in order to stop being subject to permanent human rights violations.

Government of Japan would like to point out the following factual errors for reference.

- Although the first and second sentences of paragraph 51 describe an alleged discriminatory policy toward Okinawa and the government’s rare consultation with Okinawa, the government has taken a set of actions toward Okinawa, including formulating the “Okinawa Promotion and Development Plan” (with a view to closing the economic gap with the mainland), establishing the Okinawa Policy Council (consisting all of the Cabinet ministers and the Governor of Okinawa as a member, so as to deliberate on basic policies regarding Okinawa), and passing the Law on Special Measures for the Promotion and Development of Okinawa (promoting an independent economy).
- With regard to the third sentence of the same paragraph on the discriminatory concentration of US bases in Okinawa, while 75% of the US bases in Japan are located in Okinawa, it is because of geopolitical and military reasons and not because of discriminatory intentions on the part of the Japanese government. Furthermore, the government has steadily lessened the burden on people of Okinawa arising from the US bases. Examples of such efforts include the SACO (Special Action Committee on Okinawa) Final Report in 1995 and the Force Posture Realignment which is currently taking place.
- Concerning the second last sentence of the same paragraph on lawsuits arising from airplane and helicopter noise, all such lawsuits have actually resulted in judgments in favor of plaintiffs to recover damages incurred in the past. In this regard, it should be noted that the government has taken noise abatement measures at houses and schools in the vicinity of air bases and agreed with the US government on Aircraft Noise Abatement Countermeasures.
- Concerning the second sentence of paragraph 52 on the helicopter crash, the police have not been driven out as the report suggests, and control over the incident site and the investigations as to the cause of the incident were duly conducted by both the government of Japan and the US

government to comply with the Convention. In light of the historical record, Okinawans themselves recognize these issues as racial discrimination. Okinawans also reject the notion that there has been any reduction in the burden associated with the massive US military presence they have been forced to live with for over sixty years, since the end of World War Two. We offer the following comments as a corrective to the lack of recognition by the Government of Japan.

Annexation of the Ryūkyūs

On March 25, 1879, General Matsuda Michiyuki marshaled over 160 police and 400 soldiers from Kumamoto Garrison to force the Ryūkyū monarch (whose proxy was the prince of Nakijin) to accept Japan’s annexation of the Ryūkyūs. The Ryūkyū annexation not only violates Article 51 of the Vienna Convention, which protects against the “coercion of a representative of a State,” but it is also invalid in light of the customary international law upon which the Convention is premised.

Assimilation policies

Before the Ryūkyū annexation, the Japanese government began implementing assimilation policies in 1872. It set down regulations ultimately based on self-centered claims. The government drew on the principle of lineage to claim that the Ryūkyū king was a blood descendent of the Japanese Imperial family; it cited syntactical ordering of nouns and verbs to claim that the Okinawan and Japanese language shared a common origin; and insisted that Okinawan ceremonial practices follow the Ogasawara (Japanese Samurai) style. The government’s assimilation policies have been destructive, such as its practice of constructing Japanese Shinto archways at sites (utaki) considered sacred in the Ryūkyū spiritual tradition. The Japanese government is thus in violation of its obligations under Article 5d.vii of the Convention on the Elimination of Racial Discrimination, which guarantees the right to freedom of thought, conscience and religion.

government in accordance with the Status of US Forces Agreement and as the Japan-US Joint Committee deemed appropriate pursuant to the Agreement; the damages were rewarded to the plaintiffs flexibly and expeditiously. The number of airplane crashes in Okinawa between 1972 and 2005 is 25 and not 338 as indicated in the report.

- As for the last sentence of the same paragraph on US military-personnel related incidents, regular meetings are held among the government, the Okinawa prefecture and the US for the prevention of such incidents, and the US has taken measures such as curfew and off-site patrol. Indeed, according to the local police, the number of such incidents since 2004 has been on a declining trend.
- Concerning paragraph 53 stating that some of the people of Okinawa want it to become an independent territory, the Okinawa Prefecture has not taken such a view, which therefore cannot be considered to represent the people of Okinawa.

Racial Discrimination

From the Meiji period (which began in 1868) to the end of World War Two, Japanese called Okinawans ‘Rikijin’ (a derogatory term for a person from the Ryūkyūs). At the Japanese government’s 1903 National Industrial Exposition in Osaka, Japan, two Ryūkyū women were “exhibited” along with Ainu, indigenous Taiwanese and Koreans in an enclosed display within the “Hall of Anthropological Science,” built near the Exposition. In 1917, the Japanese government prohibited screenings of the Ryūkyū opera. In 1947, the government ordered its police force to prevent Okinawan theater, and to ensure that all lines in any performances must be translated into Japanese.

In 1924, signs reading “No Koreans or Okinawans” went up around Osaka-area factories, contributing to employment discrimination based on ethnicity. This was in the wake of the 1923 Great Kanto Earthquake, when a great number of Koreans were killed by police and vigilante groups. There are also reports of Okinawans being rounded up and killed during the same time. This is in violation of Article 8 of ILO Convention 50, which guarantees the right of indigenous workers to be recruited under ethnically suitable conditions.

Interestingly, in 1945 the Japanese government outlawed the use of the Okinawan language, which it had originally insisted was linguistically the same as Japanese. During the Battle of Okinawa, the headquarters of the Japanese Imperial Army ordered that “Use of the Okinawan language is prohibited. Anyone who is caught using the Okinawan language shall be considered a spy and executed.” Countless Okinawans were accused of being a spy and killed. This violates Article 5d.viii of the Convention on the Elimination of Racial Discrimination, which protects the right to freedom of opinion and expression.

Noise Pollution, Health Problems and Incidents Associated with US Military Bases

Although the Government of Japan refers to the outcome of “lawsuits arising from airplane and helicopter noise” (which presumably refers to the February 2005 decision in the Kadena court case), as judgments “favorable to the plaintiffs”, in reality

the decision was not so at all. It only recognizes an extremely circumscribed area as being affected by aircraft noise; it rejects the legality of the causal relationship between aircraft noise and those who suffer from hearing loss; and it rejects the possibility of prohibiting nighttime aviation on the basis of third-party infringement on US military operations.

Regarding the terms of what the Government of Japan calls its “Aircraft Noise Abatement Countermeasures,” because final decisions about what flights are “operationally essential” still rest with the US military, Okinawans can never know how many flights are “operationally essential.”

Between 1972 and 2003, there were 277 accidents involving US military aircraft. Regarding accidents involving US military personnel, the Government of Japan states that “According to the local police, the number of such incidents since 2004 has been on a declining trend.” However, between 1997 and 2003 there was a steadily increasing trend, and in the years 2003 and 2004, the actual number of US military personnel in Okinawa decreased due to deployments to Iraq. To use data from only these years to conclude that incidents themselves are on a “declining trend” is regrettable.

Okinawa Promotion and Development Plan

The Government of Japan has indeed established the Okinawa Policy Council, Okinawa Promotion and Development Plan and the Law on Special Measures for the Promotion and Development of Okinawa. However, to what extent these accomplish the aim of lessening the economic disparity between Okinawa and Japan remains questionable. Instead, these measures prevent Okinawa’s independent development. They function systemically to sustain and even strengthen the institutional and financial dependence of Okinawa on the U.S. military bases. Currently, 11% of the Ryūkyū Archipelago and 21% of the main island of Okinawa is occupied by military bases. Okinawans’ right to pursue their own form of economic development and social infrastructure is effectively denied. This violates Section 1, subsections g, f, and k, of the Charter of Economic Rights and Duties of States,

		<p>which pertains to the basis of international economic relations; and Section 2, Article 1 of the same Charter, which protects the right to freely choose economic and social systems.</p> <p>1. “Accidents and Incidents related to US Military Training: Aircraft Subtotal,” based on records from the Okinawa Prefectural Police Headquarters, published in US Bases in Okinawa, Okinawa Prefecture Military Affairs Office, 2003 (p. 432).</p>
<p>54. During his visit to the Utoro district, the Special Rapporteur had the opportunity to witness concretely the conditions in which a Korean community lives today, one which was placed by the Government of Japan on this piece of land during the Second World War, in order to build a military airport. When the war ended, the project of building the airport was abandoned, and the Koreans who were working there, far from receiving war reparations, were forgotten and left in that land without work, resources, protection or legal status. The sanitary conditions of Utoro are deplorable: a considerable number of the families have no running water, and the district has no channels to evacuate water, which often provokes floods. There are no sewage pipes, but an open-air sewer whose level often rises because a neighbouring canal managed by the city of Uji often causes a reflux into the Utoro sewer. The poor existing basic infrastructures were built by the inhabitants: public authorities never came to this area. The inhabitants see this lack of basic infrastructure as unjustifiable, stressing that those who work pay their income tax.</p> <p>55. Many of the inhabitants have spent more than 60 years in Utoro, have suffered and continue to suffer from these very precarious conditions of life, but are profoundly attached to their land as their only identity, memory and emotional link. However, they are now under the threat of expulsion. After the war, the land continued to be owned by the contractor (the present Nissan Shatai Corporation), but in 1987 it was sold without notice to the dwellers to a real estate agent, who</p>	<p>6. Paragraphs 54, 55 (Utoro)</p> <p>Nihon Kokusai Koku Kogyo Corporation acquired a piece of land, presently called Utoro district, in order to build a military airport in accordance with the national policy of that time. Utoro was a living quarter for Korean construction workers hired by the company. Therefore, the statement in the report “a Korean community which was placed by the Japanese Government” is incorrect. Furthermore, the statement “after the war the land continued to be owned by the contractor (the present Nissan Shatai Corporation)” does not properly state the facts since it might mislead people to believe that the land was first owned by the Japanese Government during the pre-war era, then after the war the contractor acquired the land.</p> <p>The report states that the “public authorities never came to Utoro.” We understand that “public authorities” mean all Japanese administrative bodies. The intention of the Special Rapporteur by this statement is not clear, but local authorities (those of Uji City and others) are tied to Utoro through the water-supply services and as such this statement is incorrect.</p> <p>Regarding the issue of removal of the buildings and vacating of the land, the Supreme Court judged in favor of the land owner in November 2000. The Government must respect the judgment of the Judiciary.</p>	<p>【by Association to Protect Utoro】</p> <p>The Government argues that Utoro was a living quarter for Korean construction workers hired by the Nihon Kokusai Koku Kogyo Corporation. If this is true, then the government should present evidence that clearly demonstrates that the company in question hired Korean workers. The wartime Kyoto Airport construction project was a project run by both the government and the private sector. Kyoto Prefecture was commissioned by the Postal Ministry and the Nihon Kokusai Koku Kogyo Cooperation to undertake the airport construction project. Kyoto Prefecture set up a liaison office at the construction site where Korean workers were recruited as cheap and strong labor. The description of “a Korean community placed on this piece of land by the Government of Japan during the Second World War” in the Special Rapporteur’s Report is accurate in this historical context of Utoro.</p> <p>Also, it was stated in the note verbale that “the statement ‘after the war the land continued to be owned by the contractor (the present Nissan Shatai Corporation)’ does not properly state the facts since it might mislead people to believe that the land was first owned by the Japanese Government during the pre-war era, then after the war the contractor acquired the land.” However, in the report of the Special Rapporteur, no statement is found that states “the Japanese Government owned the land during the pre-war era.” This is a misinterpretation of the government whose recognition itself is incorrect and irrelevant to the report of the Special Rapporteur.</p>

<p>requested the residents to immediately evacuate. The Kyoto District Court and the Osaka High Court rejected the arguments of the Utoro dwellers that the land had been occupied illegally. The courts ruled and that they should demolish their houses and leave Utoro. The Supreme Court confirmed the expulsion, failing to recognize any right of the Utoro people on the land where many of them were brought by the Japanese authorities and where they lived for more than 60 years. In addition, the sentence does not indicate any date for the expulsion, which makes the Utoro people live under an unbearable constant threat of expulsion. The Koreans living in Utoro feel they are the victims first of colonialism and war, thereafter of discrimination and exclusion, and most recently of real estate speculation: their basic rights have been violated for over 60 years.</p>		
<p>57. Turning to the situation of the education of minorities in Japan, and in particular of its Korean minority, since Japan’s surrender in 1945 Koreans have created a number of Korean schools in Japan to preserve their national identity and enable the young generations to be familiar with their language, history and culture. The Special Rapporteur visited a Korean secondary school in the Kyoto Prefecture. A major concern of Korean schools is the lack of appropriate recognition by the Japanese authorities: students have no automatic eligibility to take the university entrance examination, as is the case for students with a diploma issued by Japanese schools and by the majority of the international and foreign schools. Also, Korean schools do not receive financial support from the Government, which puts a very heavy burden on the parents. Some prefectural governments and municipalities give voluntary contributions, as in Kyoto, but these remain much lower than the ones given to Japanese schools. Finally, parents cannot benefit from tax exemption on their donations to Korean schools, while donations to international schools are tax-exempt.</p>	<p>7. Paragraph 57 (International schools)</p> <p>The report says “A major concern of Korean schools is the lack of recognition by the Japanese authorities: students have no automatic eligibility to take the university entrance examination, as is the case for students with a diploma issued by Japanese schools and by the majority of the international and foreign schools³.” But eligibility to take the university entrance examination is stipulated in Article 56 of the School Education Law and in Article 69 of the Regulations of the Law, which give eligibility to those who have the same or greater scholastic ability than graduates from Japanese high schools. Therefore, Korean schools aren’t subject to discriminatory treatment as distinct from other foreign schools. The international schools whose graduates are given eligibility to take Japanese university entrance examinations are limited to those that have been certified by international accreditation organizations or whose education is recognized by the home country as legally equivalent, in terms of the school education system, to the education provided by schools in the home country.</p> <p>The report also says “Finally, parents cannot benefit from tax exemption on their donations to Korean schools, while donations to other foreign schools are tax-exempt.” But this is</p>	<p>【by Yasuko Morooka (Network for Human Rights Legislation for Foreigners and Ethnic Minorities (FR-Net))】</p> <p>① Regarding the eligibility for graduates of foreign schools within Japan to enter Japanese universities, the Government of Japan (GOJ) has stated that it has expanded the eligibility to foreign schools which are in the position to offer education that is the legal equivalent to schools in the home country, and which has been “officially recognized” by the home country. However, in the case of North Korean ethnic schools in Japan, Japan has no official diplomatic relations with North Korea. Due to this, school credits are not “officially recognized”, and thus graduates become ineligible to enter Japanese universities. On the other hand, even though Japan similarly has no official diplomatic relations with Taiwan either, the GOJ takes a softer stance: Taiwanese ethnic schools in Japan have been able to receive “official recognition” through zaidan houjin legally-incorporated foundations, which means there is different, discriminatory treatment. Even after the GOJ’s expanded the eligibility requirements for entering Japanese universities, out of all curricula of the foreign high schools in Japan, only the graduates of North Korean high schools have had their high school credits ruled ineligible for entry, and those graduates must demonstrate certifiably on an individual</p>

	<p>clearly a misunderstanding of facts, as at present the Japanese taxation system neither distinguishes Korean schools from other foreign schools in Japan nor treats them discriminatorily. However, tax exemptions can be received on donations to those foreign schools that have fulfilled certain requisites.</p> <p>³Note by NGO; This part (in Paragraph 57) on the report has been amended to “A major concern of Korean schools is the lack of appropriate recognition by the Japanese authorities: students have no automatic eligibility to take the university entrance examination, as is the case for students with a diploma issued by Japanese schools and by the majority of the international and foreign schools.” by Corrigendum issued on 31st March 2006 by Mr. Doudou Diène (E/CN.4/2006/16/Add.2/Corr.1). The comment from the Government of Japan does not concern said amendment.</p>	<p>basis to each school they wish to attend that their academic ability is in fact higher than regular high-school graduates. This is also discriminatory treatment. The OHCHR Committee on the Convention on the Rights of the Child has also pointed out (Jan. 30, 2004) that “although eligibility criteria has been broadened for graduates from foreign schools in Japan applying to university, some continue to be denied access to higher education”.</p> <p>② Regarding the tax exempt status of foreign schools in Japan: Of all the foreign schools in Japan, the ones which can receive tax exemption on school donations are limited to Western international schools, which have received special certification by official school appraisal organizations, or those which offer short-stay education for expatriate children, in order to encourage foreign investment in Japan. This means that starting with the ethnic North Korean schools, schools where non-Western foreign children or foreign resident children learn do receive discriminatory treatment. The Diene Report also raised this point, and it is not a misunderstanding of facts.</p>
<p>59. Finally, concerning the most shameful form of discrimination endured by the Koreans - the system of sexual slavery of Korean women put at the disposal of the Japanese military during the Second World War - only in 1993 did the Government of Japan recognize its responsibility in the establishment of this system. However, issues such as official apology, compensation and proper education about this tragic historical episode known as “comfort women” have still not been settled. The Special Rapporteur was even informed that, starting from next year, school textbooks will not include any reference to the “comfort women”.</p>	<p>8. Paragraph 59 (“comfort women”)</p> <p>The remarks in this paragraph have no relation to the Special Rapporteur’s mandate. Therefore it is not necessary to comment on the report’s content in this paragraph, but commenting for reference, it is inappropriate to regard “comfort women” as “the system of sexual slavery.” In addition, other remarks contain factual errors and they are also inappropriate.</p> <p>The Government of Japan has extended its sincere apologies and remorse to all those who suffered immeasurable pain and incurable physical and psychological wounds as “comfort women” on many occasions, such as the Statement by the Chief Cabinet Secretary Yohei Kono on August 4, 1993.</p> <p>The Government of Japan addressed in good faith the issues of reparations, property and claims arising from the Second World War, according to the provisions of the San Francisco Peace Treaty and other related treaties, agreements and instruments. The issues, including the so-called “comfort women” issue, have been legally settled by these treaties,</p>	<p>【by The Investigation Team on the Truth about Forced Korean Laborers in Japan】</p> <p>(1) The Japanese government mentioned “the remarks in this paragraph have no relation to the Special Rapporteurs’ mandate”.</p> <p>The Japanese government seems not to know that there are victims of Japanese sexual slavery within the Koreans resident in Japan. Two Korean women in Japan, the late PEA Bong-gi and SONG Sin-do, have already come out in public but there are many who are unable to do the same – this surely relates to the mandate of the Special Rapporteur.</p> <p>(2) Although the Japanese government stated “it is inappropriate to regard “comfort women” as “the system of sexual slavery”, the report by a Special Rapporteur stating that Japanese Comfort Women are sexual slaves has already been adopted unanimously by the member states, including Japan itself, at the Commission on Human Rights in 1996 (E/CN.4/1996/53/Add.1).</p>

	<p>agreements and instruments.</p> <p>However, to fulfill its moral responsibility, the Government of Japan, together with the people of Japan, seriously discussed what could be done for expressing their sincere apologies and remorse to the former “wartime comfort women,” and the Asian Women's Fund(AWF) was established in 1995 to extend atonement from Japanese people to the former “wartime comfort women.”</p> <p>The AWF has provided 2 million yen(atonement money) from contributions of the people of Japan to over 285 former “wartime comfort women” and also carried out medical and welfare support projects with the financial support of the Government of Japan. At the time when the atonement money was provided and medical and welfare support projects were being implemented, the Prime Minister, on behalf of the Government of Japan, sent a letter expressing apologies and remorse directly to each former “wartime comfort woman.”</p> <p>The report says “Starting from next year, school textbooks will not include any reference to the comfort women.” But this is a misunderstanding of the facts, as some of the history textbooks to be used in middle schools and high schools in 2006 mention “comfort women.”</p>	<p>(3) It is clear that the issue of “sexual slavery” was absent from the debates regarding war reparations, as well as the San Francisco Peace Treaty and other relevant documents.</p> <p>To say more, the expression “sexual slavery” cannot be found in the any of the records of the conference on the ratification of the Japan-Korean treaty, which lasted 15 years and was recently made public.</p> <p>(4) The report by the Special Rapportuer, Ms. Radhika Coomaraswamy, agreed upon by the Japanese government and adopted, revealed the legal responsibilities of the government of Japan.</p> <p>Many of the victims of “sexual slavery” hope that the legal responsibilities should be revealed. Nevertheless, the Japanese government established the Asian Women’s Fund, or AWF, on condition that it does not have any legal responsibilities. This caused much pain to the victims. In other words, we saw friction between those who receive the money from AWF and those who reject it.</p> <p>(5) After the adoption of the report by Ms. Radhika Coomaraswamy in 1996, there was a description of the issue of Japanese “Comfort Women” in all Social Studies textbooks of Japanese junior high schools published by 7 companies.Of course, Japanese textbook screening standards stated that textbooks should give necessary consideration to historical events between Japan and neighboring Asian countries in recent years based on the international understanding and cooperation. However, since 2002, Japanese military “comfort women” are no longer mentioned in any of the textbooks used in junior high schools.</p> <p>【by The Investigation Team on the Truth about Forced Korean Laborers in Japan】</p> <p>【by Rights of Immigrants Network in Kansai (RINK)】</p>
<p>60. The foreign communities concerned and a number of Japanese human rights NGOs reported that public authorities</p>	<p>9. Paragraph 60 (Crimes by foreigners)</p> <p>The report says “The police disseminate posters and flyers in which foreigners are assimilated to thieves.” But there is no</p>	<p>There are two points in the paragraph 60 of Mr. Diène's report. One is that public authorities do not take appropriate measures</p>

<p>do not take appropriate measures to fight against xenophobia and discrimination against foreigners. On the contrary, they play a role in encouraging such discrimination. Discriminatory statements against foreigners are made by some public officials. The police disseminate posters and flyers in which foreigners are assimilated to thieves. Posters by extreme right political organizations asking for the expulsion of foreigners are tolerated. The National Police Agency's press releases exaggerate the role of foreigners in criminal offences by mentioning that crimes by foreigners were worsening, or widespread, spreading thus the wrong impression that foreigners are responsible for the country's security problems, when in reality in 2003 the proportion of criminal offences committed by foreigners was only 2.3 per cent.</p>	<p>fact that the police have disseminated posters and flyers in which foreigners are assimilated to thieves. Therefore, the alleged statement is wrong. The report also says the "National Police Agency's press releases exaggerate the role of foreigners in criminal offences by mentioning that crimes by foreigners were worsening, or widespread, spreading thus the wrong impression that foreigners are responsible for the country's security problems, when in reality in 2003 the proportion of criminal offences committed by foreigners was only 2.3 per cent." Although the proportion of criminal offences committed by foreign visitors to Japan (i.e. foreigners in Japan except permanent residents, U.S. military personnel stationed in Japan, and people whose residential status is unclear) in all criminal offences was 2.3 per cent, the number of criminal cases committed by foreigners was 27,258 and that the number of foreigners arrested was 8,725. The above-mentioned numbers increased by about ten percent from the previous year and registered a record high. The number of cases doubled and the number of those arrested is about 1.2 times that of 1993. The police recognize that criminal offences committed by foreign visitors to Japan are becoming worse. The police also recognize that some foreign criminals visiting Japan and criminal organizations that have Japanese members who commit crimes in cooperation with them are one of the factors of worsening public security, but they do not intimate that many good foreigners are responsible for the country's public security problems. The police release the analysis based on the objective data for deterrence of crime. The description of "spreading thus the wrong impression" is clearly wrong.</p>	<p>to fight against xenophobia and discrimination against foreigners. And the second one is that the Government plays a role in encouraging such discrimination. The Government did not comment on the first point while it only made partial reference to the second one. Whether or not discrimination was encouraged should be judged by the effect that those languages promoted discrimination. The measures taken by two public institutions that the Government presented, might lead to discrimination after all.</p> <p>(1) Posters created by Police Agency etc. The Special Rapporteur was presented by an NGO with five samples of posters prepared by the Police. For example, the poster displayed in banks in the metropolitan area in 2003 says as follows. "Larcenists preying on people with money on their way home from banks" and "Criminals are groups of foreigners including women either from Southeast Asia, South America or India".</p> <p>(2) Press Release of the National Police Agency The Government argued that the police release the analysis based on the objective data for deterrence of crime. Granted that their argument is valid, those official statements can still spread the wrong impression that foreigners are responsible for the country's security problems as was pointed out by the Special Rapporteur. The National Police Agency not only release the separate criminal statistics of foreign visitors to Japan every year, but also often point out that the security has been deteriorated due to the increasing crime rates of foreigners in Japan.</p> <p>(Example.) "2003 Security Emergency Program" had the section "Countermeasures to combat the Crimes of Foreign Nationals in Japan". Mass media are anxious to pick up those topics and report these official statements and measures. In the meantime, there are</p>
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		<p>some experts including the National Police Agency staffs, former officials of the Ministry of Justice who doubt or deny the validity of statistical analysis that the aggravation of security situation in Japan is caused by rapid increase of crimes, and increasing atrocious nature of the crimes.</p> <p>The same can be said about the statistical analysis that foreigners' crimes constitute a factor of the deterioration of security in Japan. They also have the same doubts about the conclusion that increase in the number of crimes is the cause of deteriorating security.</p>
<p>62. Most worryingly, elected public officials make xenophobic and racial statements against foreigners in total impunity, and affected groups cannot denounce such statements. For example, the Governor of Tokyo declared in 2000 that in Tokyo “foreigners are repeating very vicious crimes ... in case of a serious disaster, even a big riot could be expected”, and in 2001 that the “very pragmatic DNA of Chinese ... [makes them] steal without hesitation in order to satisfy their desire.”(Quotations provided by the “Solidarity Network with Migrants Japan”) The national Government did not react to such statements.</p>	<p>10. Paragraph 62 (Remarks by the Governor of Tokyo)</p> <p>Paragraph 62 refers to two quotations of remarks by Governor Shintaro Ishihara as the alleged examples that “elected public officials make xenophobic and racial statements against foreigners in total impunity....”</p> <p>However, regarding the first quotation of remarks, the governor’s remark was made out of concern over deteriorating public safety and security in Tokyo, given the high incidence of crimes committed by those illegally entering or staying in Japan. By inaccurately citing the governor’s words, the Special Rapporteur has distorted the true intention of those remarks.</p> <p>And regarding the second one, the governor first points out the actual state of crimes committed by illegal immigrants, and based on this awareness, asserts that “in order to address the declining population, the imbalance among age groups...as well as the problem of illegal immigrants, the time has come for us to dispel our odd illusion of ethnic consciousness that has no historical grounds, and to carry out positive immigration policies to achieve a new national prosperity.” The Special Rapporteur doesn’t understand the governor’s real meaning in the whole context of his statement.</p> <p>Additionally, as freedom of speech and expression is fully guaranteed in Japan, it is perfectly possible for any organization to publicly express its views concerning the governor’s remark. The statement that “affected groups cannot denounce such statements” does not reflect the fact.</p> <p>The Special Rapporteur also cites quotations of the</p>	<p>【by Research-Action Institute for the Koreans in Japan (RAIK)】</p> <p>The Japanese government rebuts saying that "By inaccurately citing the governor’s words, the Special Rapporteur has distorted the true intention of those remarks." But to quote the speech in front of the Self-Defense Forces by Tokyo Governor Shintaroh Ishihara accurately: "Looking at Tokyo today, we have repeated vicious crimes by foreigners and <i>Sangokujin</i>⁽¹⁾, many of whom have entered the country illegally." He further stated: “In such a situation we are in, we can expect massive civil disorder in the case of major disasters. [...] Therefore, I expect you [Self-Defense Forces] to take action at such times, and carry out not only disaster relief actions but also security duties.” In fact, the true intention of the governor was to realize pacification drills of the capital by the Self-Defense Forces, by exaggerating "foreign crime," which actually makes up only a tiny fraction of overall crime in Japan, intentionally using the word "<i>Sangokujin</i>", which was used to disparage Koreans and Taiwanese who were liberated from Japanese colonial rule in 1945, creating a fiction such that we can expect massive civil disorder from foreigners, and consequently inspiring hatred and prejudice against foreigners among Japanese people.</p> <p>Regarding the second comment, the governor states in the latter part of the statement that we "should put into effect an aggressive immigration policy." However, looking at the whole text, such a mild conclusion is unwarranted; rather the truth is a thorough disparaging of a specific ethnicity: "The</p>

	<p>governor’s remarks using information provided by the NGO, “Solidarity Network with Migrants Japan.” We believe it is inappropriate and unfair to include the governor’s alleged remarks as quoted by only one specific NGO in a report to the UN Commission on Human Rights.</p>	<p>Chinese believe in no politics and have an extremely practical-minded DNA. Since their near exclusive goal is to improve their own economic situation, they come in hoards to Japan due to the economic disparity and openly steal in order to realize their wishes." (Aug. 4, 2003, Sankei Shimbun).</p> <p>These gubernatorial comments are racist and xenophobic. It is the Japanese government that is intentionally distorting the "whole context" of the statements.</p> <p>1)Literally, “People from third countries”: a discriminatory term toward subjects of the former Japanese empire.</p>
<p>67. The Special Rapporteur was also informed that the majority of the foreigners working in Japan have no job security and some of them are in a situation of overstay. Foreigners mostly work for many years with short-term contracts, and have no appropriate medical coverage. The Japanese labour law which provides for its application without any discrimination based on nationality is often not implemented. The Special Rapporteur also heard testimonies on harsh treatment of foreigners, including foreigners arrested in a situation of overstay, in Immigration Bureau Facilities and other places of detention. In particular, he heard several cases of arrested and detained foreigners in need of medical treatment who were not allowed to get it and were released after prolonged detention with permanent and very serious health consequences.</p>	<p>11. Paragraph 67 (Limited access to work and medical care for foreigners)</p> <p>The health insurance system in Japan is applied on the principle of equality regardless of the nationality of patients. With regard to the Employee’s Health Insurance which employees join in, any person employed at a workplace covered by the Employee’s Health Insurance is eligible, regardless of their nationality. Concerning the National Health Insurance which people who do not belong to the Employee’s Health Insurance may join in, any person who has a domicile in Japan is eligible for it, without racial or ethnic discrimination, such as nationality requirements.</p> <p>Labour laws aim at protecting workers, without distinguishing between Japanese people and foreign nationals.</p>	<p>【by Jumpei Yamamura (Minatomachi Medical Center) and Solidarity Network with Migrants Japan】</p> <p>Minatomachi Medical Center conducted a survey on the medical condition of foreigners in 2003. The result showed that 10,699 patients (99%), out of 10,885 did not have health insurance. Because most of them were foreigners without resident status, they were ineligible to join any health insurance system. Moreover, in a certain district of Japan, although many foreigners have resident status, qualifying them for health insurance benefits, close to 60% of them did not avail themselves of any health insurance coverage. Thus, the question of health insurance for foreigners is complicated, and leaves them without access to adequate medical treatment. Although a few local governments have implemented a limited supplementary budget for medical expenses on a case-by-case emergency basis, the Japanese national government carries out neither a subsidy for emergency cases nor provisions for general medical check-ups for foreigners. It does not assure even minimal medical care. The Japanese government’s stance of not offering either curative or preventative care for the sake of maintaining the health of peoples living in this society is deficient.</p> <p>Additionally, many foreigners have suffered mental and physical illnesses in detention centers due to crackdowns by the Immigration Bureau and police. The Japanese government causes and worsens foreigners’ ill health increasingly. The Labor Standards Law applies to all foreigners regardless of nationality or resident status. However, working conditions of</p>

		<p>foreigners are very severe compared to that of Japanese workers. For example, most foreigners work under fixed term contracts, or wages of foreigners tend to be lower than Japanese workers in the manufacturing industry.</p> <p>Foreign trainees and technical interns are forced to work under conditions below those set by the Labor Standards Laws and other labor-related acts, yet, sufficient measures for retrieving their rights, improving the system, or preventing violations are inadequate. In addition, their passports are illegally confiscated and they are restricted from going out freely. It could be said that they are virtually deprived of their freedom.</p>
<p>68. In the light of the spread of discriminatory messages on the Internet, the prefecture of Nara decided to host a Liaison Centre established by 46 municipalities, which monitors such messages. The majority of them target the Buraku (76 per cent) referring to them as non-humans and calling for their death. The Nara Liaison Centre campaigns for the establishment of an effective legal framework to prohibit such messages and sanction their authors. In May 2002, a law on the responsibility of the Internet providers was passed, which does not provide sufficient protection to the victims: the deletion of a message depends on the will of the provider.</p>	<p>12. Paragraph 68 (discriminatory messages on the Internet)</p> <p>Industrial associations in Japan made up of telecommunications carriers, etc. have established guidelines which stipulate that their telecommunications carriers should prescribe, in their conditions, measures on illegal or harmful information including discriminatory contents that would violate a person's rights. They also make the guidelines widely known and provide support for Internet Service Providers and people using these guidelines.</p> <p>In addition to such measures, on the provider's side, appropriate measures such as deletion based on their conditions are taken by telecommunications service providers in cases such as distribution of discriminatory information violating a person's rights.</p> <p>“Law on Restrictions on the Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identity Information of the Sender” (Law No. 137 of 2001, hereinafter referred to as “Providers Liability Restriction Law”) which came to force in March 2001 stipulates that, when distribution of information violates another person's rights, i) there are restrictions on the liability of telecommunications service providers who delete or neglect the information concerned, and ii) the person whose rights have been violated by the information concerned can request the provider to disclose the sender's identity information. The law thus encourages telecommunications service providers to take voluntary measures in such cases.</p>	<p>【by Network against Discrimination for Research on Human Rights】</p> <p>With regards to voluntary regulations of discriminatory messages by industrial associations, only a few Internet Service Providers (ISPs) are members of such industrial associations. Because such guidelines are not enforceable, many ISPs do not follow them. In addition, ISPs more than likely take actions when individuals or legal persons file a suit for defamation and other causes; however, there are many cases where ISPs keep their distance from discrimination against specific groups such as the Buraku people, Koreans in Japan and people with disabilities.</p> <p>The Japanese Government should directly face the reality that the problem cannot be appropriately handled for resolution because only few cases are reported, due to the fact that ISPs' terms of use in line with guidelines are posted on providers' websites where people can't find them easily; many people do not even notice the existence of such terms of use. This is clearly indicated from the fact that we, as just one organization, received as many as 2,100 reports in the year of 2005.</p> <p>There are only few cases in which ISPs voluntarily deleted controversial messages. Such controversial messages were deleted in the course of our repeated communication with ISPs via email. We have to say that the Japanese Government not only overestimates ISPs but also shuts its eyes to the truth.</p>

	<p>Upon legislation of the Providers Liability Restriction Law, at a conference consisting of telecommunications industry associations, etc. held in May 2002, the “Guidelines concerning defamation or privacy violation under the Providers Liability Restriction Law” were established. In the guidelines, action standards for telecommunications service providers were clarified in cases where telecommunications service providers are requested to block the transmission of the information concerned by a person claiming to have had his/her reputation slandered or his/her privacy infringed because of information distribution by specified telecommunications. In October 2004, the guidelines were revised to prepare more effective remedy frameworks by specifying procedures for human rights organs of the Ministry of Justice to request deletion of such information concerning libel and violation of privacy posted on the Internet.</p>	<p>Because levels of cooperation according to the Providers Liability Restriction Law vary from ISP to ISP, in many cases, victims are often forced to simply bear the injuries. In addition, the Law only applies to libel and defamation against individuals; discrimination against certain specific groups such as the Buraku people is beyond the law’s reach.</p> <p>This is also clear from an answer of the then Vice Minister of Public Management, Home Affairs, Posts and Telecommunications during a Diet session when this law was being considered. Also, a Regional Legal Affairs Bureau is reported to have ignored a complaint regarding discriminatory remarks such as “B is kichigai” and “K is kichigai” on the Internet. It is obvious that “B” and “K” respectively mean the Buraku people and Koreans in Japan, “kichigai,” which Chinese characters used here means “out of base,” is a homonym for a “wacko”. The Bureau, however, is said to have resisted the complaint stating such remarks were not found discriminatory on the grounds that there was a possibility that B and K could be initials of individuals and “outside a base” could literally mean so.</p> <p>Some of such discriminatory messages were posted by public officials. This violates the provisions of paragraph c of Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Other discriminatory postings also violate Article 20 of the International Covenant on Civil and Political Rights.</p> <p>Additionally, many messages such as, “We have every right to discriminate.” are seen on the Internet. Although such messages are clearly inciting acts of discrimination, measures currently taken by the Japanese Government cannot make such acts punishable at all.</p> <p>The Japanese Government should prepare domestic laws to punish such acts which are prohibited under international laws. The Japanese Government also should withdraw its reservation</p>
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		for paragraphs a and b of the Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.
<p>72. Finally, the most profound manifestations are of a cultural and historical nature. This type of discrimination affects principally the national minorities, but also descendents of former Japanese colonies. The fundamental sources of these discriminations are the identity construction of Japan, the writing and teaching of Japanese history, the image of the communities and people concerned and their perception by the society. For example, concerning the Buraku people, the historical origin of their discrimination, linked to the division of labour in the feudal era, is not at present an important element of the teaching and education of the young generations. If this is not clearly taught, it will reinforce the existing negative images and perceptions of the Buraku community. Concerning the Korean and Chinese communities, there is a lack of awareness in Japan of the historical and cultural profundity of the discrimination against these minorities which is illustrated by the frequent controversies surrounding the way in which certain episodes of Japan's history are written in school textbooks, particularly vis-à-vis its historical relations with the Korean peninsula and China. The Special Rapporteur also noticed a strong presence of the discriminatory mentality towards Koreans and Chinese in the media and other communications targeting the young generations. He learned that new comic books that became best-sellers recently, such as "Hating the Korean wave" and "Introduction to China", deny and revise the most relevant episodes of the Japanese colonial history, and have as an objective the denigration of the Korean and Chinese culture and civilization. They mention that "there is nothing at all in Korean culture to be proud of" and portray Chinese as obsessed with cannibalism and prostitution. Concerning the foreigners and migrant workers of other Asian countries, Middle East, African and indeed European, their discrimination is not only linked to cultural and historical xenophobia, but also, in different degrees, to the vast ignorance</p>	<p>13. Paragraph 72 (Writing and teaching Minority's history)</p> <p>The report says "For example, concerning the Buraku people, the historical origin of their discrimination, linked to the division of labour in the feudal era, is not at present an important element of the teaching and education of the young generations." But, in 2002, Japan drew up its "Basic Plan of Human Rights Education and Encouragement" based on the "Law for Development of Human Rights Education and Encouragement." And the Buraku/Dowa issue has also been taken up as a distinctive human rights issue under this plan. With this basic plan in mind, human rights education is being advanced in Japan. The sentence "not an important element of the teaching and education of the younger generations" of Buraku is not correct, as it is not a fact.</p>	<p style="text-align: center;">【by BLL/BLHRRRI】</p> <p>The report points out the existence of deep-rooted cultural and historical discrimination against minority groups including minorities of Japanese nationality such as Buraku, Ainu and Okinawan people, Korean and Chinese communities, and migrants, due to a lack of adequate teaching of the culture, history, and values of these groups and Japan's colonial rule and history of discrimination. The government failed to respond to these statements.</p> <p>While the books referred to by the Special Rapporteur in Paragraph 72 clearly fall under the provisions of CERD, which prescribes "discriminatory expression, or dissemination of discriminatory ideas and documents," the Government has failed to take any action against them.</p> <p>The objectives of the "Law for Development of Human Rights Education and Promotion" of 2002, quoted in the Government's note verbale, includes the abolition of discrimination including that against Buraku. However, the curriculum guidelines do not express any proper position for education efforts to eliminate such discrimination. It is therefore not compulsory to provide education at any school for this purpose.</p> <p>For instance, regarding Buraku problem, the following points illustrate a number of current conditions. The authorities should squarely address these problems, which those affected consider are "not being given due importance."</p> <ol style="list-style-type: none"> 1. An analysis of Japanese history textbooks for elementary, junior high and high schools reveals that some textbooks do not contain information about Buraku history. Of those that do include information on Buraku history, some only show limited concern, while others do not refer to findings of contemporary research on the Buraku problem. (Reference material: "Comparison of Descriptions of the Buraku Problem in

<p>of their culture, history and values systems.</p>		<p>History Textbooks – Versions used in Current Courses at Elementary, Junior High and High Schools as of 2002”, by Shoji Adachi, Kyoiku Jissen Kenkyu No.5, 2005)</p> <ol style="list-style-type: none"> 2. Despite the fact that some history books contain descriptions of the Buraku problem, a large number of schools do not teach about the problem. Even when the issue is taught, it is not taught in an appropriate way, thus allowing students to make fun of the issue or to use degrading names for Buraku in order to insult other individuals. 3. For this reason, a proper place for education for the elimination of Buraku discrimination should be given within curriculum guidelines. Japanese history textbooks for elementary, junior high and high schools should include descriptions of Buraku history, which should reflect the findings of current research. They should also describe the positive social contributions that Buraku people have made in the areas of industry, culture and human rights. In addition, effective teaching methodologies utilizing these textbooks must be developed and promoted.
<p>74. (Recommendation; Official and public recognition on the existence of racial discrimination, conducting the survey on the present conditions of each discriminated group in Japan, and expressing in clear and strong terms its political will to combat any forms of discrimination.)</p> <p>The Government, at the highest levels, should officially and publicly recognize the existence of racial discrimination and xenophobia in Japanese society. It should be done by conducting a survey to find out the present conditions of each discriminated group in Japan. The Government, at the highest levels, should also officially and publicly recognize historical and cultural roots of racial discrimination and xenophobia in the Japanese society, and express in clear and strong terms its political will to combat it. Such a message will not only create the political conditions of combating discrimination and xenophobia at all levels of society, but also facilitate the promotion of the complex but profound process of</p>	<p>14. Paragraph 74 (Recommendation; Official and public recognition on the existence of racial discrimination, conducting the survey on the present conditions of each discriminated group in Japan, and expressing in clear and strong terms its political will to combat any forms of discrimination.)</p> <p>Japan concluded the International Convention on the Elimination of All Forms of Racial Discrimination on 15 December 1995, which provides in its preamble that the States Parties to this Convention resolved “to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination.” In this regard, Japan has already expressed its will to combat discrimination and has been striving to eliminate all forms of</p>	<p>【by Hideaki Uemura (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples)】</p> <p>The Japanese Government does not acknowledge groups including the Buraku people, Okinawans and children out of wedlock as minorities covered by the International Convention on the Elimination of All Forms of Racial Discrimination. Such lack of public acknowledgement is a major obstacle to the eradication of discrimination. Additionally, the Basic Plan of Human Rights Education and Encouragement does not analyze how discriminated groups in Japan have become victims of discrimination and prejudice in what context, which includes tracing back through history. The plan does not make it explicit at all who benefited from such discrimination and how the government would take responsibility for it. Accordingly, no fact-finding survey, which will become a basis for policies on eradication of discrimination, has been conducted by the Government. The</p>

<p>multiculturalism in Japanese society. Moreover, in the context of globalization, such a message will undoubtedly enhance the standing and image of Japan in the world and in particular in the countries economically related to Japan and whose citizens or people migrate or visit Japan. Japanese citizens, who are increasingly visiting foreign countries for tourism or business-related reasons, will be in a stronger moral position not only to combat the manifestations of discrimination they may be subjected to, but also to promote the image of their country.</p>	<p>racial discrimination.</p> <p>The Japanese Government formulated the Basic Plan of Human Rights Education and Encouragement through a Cabinet decision in March 2002 based on Article 7 of the Law for the Development of Human Rights Education and Encouragement. The Basic Plan lists the specific human rights problems which need to be addressed, such as the issues of Dowa, the Ainu people and foreign nationals, and provides that measures to eliminate prejudice and discrimination against such persons should be promoted. The measures for human rights education and encouragement under the Basic Plan are reported to the Diet as an annual report in accordance with the provision of Article 8 of the law.</p> <p>In addition, the human rights organs of the Ministry of Justice have carried out various activities to promote human rights on a nationwide basis throughout the year. In particular, during Human Rights Week (December 4 - 10), the human rights organs have conducted promotion activities, setting priority targets such as “Eliminate Dowa discrimination,” “Improve understanding of the Ainu people” and “Respect the human rights of foreign nationals.”</p>	<p>idea of the basic plan is that discrimination is a mere problem with the state of mind, and all that the plan proposes is the use of audio visual materials or lectures on human rights promotion, which really just creates an excuse that measures have been taken. As a result, no full evaluation has been conducted appropriately and by a third party on how effective human rights education and promotion have been, and what problems are still left. In addition, recommendations by the Committee on the Elimination of Racial Discrimination are not fulfilled in good faith, and not enough public information in Japan has been implemented. Because of these, discriminatory remarks and behaviors including those by politicians are repeated throughout Japan. The fact that political will is not clearly expressed is a major problem in the eradication of discrimination.</p>
<p>75 (Recommendation; Dealing with discriminatory comments by public officials)</p> <p>The Government should strongly condemn and oppose to any statement by public officials which tolerates or even encourages racial discrimination and xenophobia, in accordance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Japan, and in particular its paragraph (c), which provides that States “shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination”, and in accordance with article 20 of the International Covenant on Civil and Political Rights, also ratified by Japan, which prohibits “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.</p>	<p>15. Paragraph 75 (Recommendation; Dealing with discriminatory comments by public officials)</p> <p>Article 4, paragraph (c) of the International Convention on the Elimination of All Forms of Racial Discrimination requests State Parties to ensure that exercise of public power by public authorities, national or local, shall not permit the measure to promote or incite discrimination since, when public authorities promote or incite discrimination as exercise of public power or as part of measure, it cannot be expected to be subject to the punishment. In Japan, when public authorities or public institutions, national or local make laws or undertake measures to “promote or incite racial discrimination” based on the power, those measures are invalid and not permitted, since equality under the law is guaranteed in the Constitution, and the laws, the instructions and exercise of public power against the Constitution are invalid. Japan continues to observe Article 4,</p>	<p style="text-align: right;">【by RAIK】</p> <p>Even after Japan ratified International Covenant on Civil and Political Rights in 1979 and International Convention on the Elimination of All Forms of Racial Discrimination in 1996, politicians including Shintaro Ishihara, Governor of Tokyo, repeatedly made racist remarks which encouraged discrimination.</p> <p>The Committee on the Elimination of Racial Discrimination criticized that the authority did not take proper administrative or legal measures when Mr. Shintaro Ishihara made a discriminating remark on "<i>Sangokujin</i>" in April, 2000. (March, 2001) Actually, the Government defended Mr. Ishihara by arguing that his remark was not intended to encourage racial discrimination in August, 2000 and refused to take any corrective measure.</p> <p>Since then, the Governor repeatedly made racially</p>

	<p>paragraph (c) of this Convention.</p>	<p>discriminatory remarks verbally as well as in writing as explained in full detail in Paragraph 10.</p> <p>As recently as on September 15, 2006 at the symposium sponsored by the National Police Agency, the then Defense Agency, the Fire Defense Agency, the Ministry of Internal Affairs and Communications, and Japan Coast Guard, he said, "The Immigration Office can't do anything to control illegal entry of the people from third countries, especially, Chinese. Mr. Ishihara, after the "people-from-third-countries" controversy in 2000, promised not to use improper language which could cause misunderstanding from then on. And on April 19th 2000, he wrote, "I had no intention to hurt decent foreigners in general. It is highly regrettable that my careless words offended them." Yet the same abusive language was used again.</p> <p>Apart from Ishihara, Mr. Thalami Eto, a member of the House of Representative, said on July 12, 2003,"Shinjuku Kabukicho (a busy quarter of Tokyo) is a lawless zone controlled by the people from the third countries where illegal immigrants from South Korea and China have concentrated, doing robbery and killing. " Even a high ranking public officer Taro Aso, then Minister of Public Management, Home Affairs, Posts and Telecommunications (Presently Foreign Minister), made an indiscreet remark on October 15, 2005, "There is no other country than Japan which has one culture, one civilization, one people and one language." Moreover, the former Prime Minister Yoshihiro Mori said before the budget committee, "I am annoyed to hear that our cabinet is born as an illegitimate child." It is part of every day language to use discriminatory remarks against children born out of wedlock in the Diet. Such abusive languages by "the elected officials" must be regarded as "acts to promote or agitate racial discrimination based on the authority of the State or the local authorities."</p> <p>In the meanwhile, the Japanese Government did not take corrective measures, tolerating the repetition of discriminatory remarks. Thus, it is clear that Japan has intentionally failed to observe the duties of the State Parties provided in Article 4 (c) of the International Convention on the Elimination of All</p>
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<p>76 (Recommendation; Adoption of a national law against racism, discrimination and xenophobia)</p> <p>The Government and the parliament (Diet) should as a matter of urgency proceed to the adoption of a national law against racism, discrimination and xenophobia, giving effect into its domestic legal order to the provisions of its Constitution and of the international instruments to which Japan is a party, which include the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Such a domestic law should:</p> <ul style="list-style-type: none"> – Penalize racial discrimination in all its forms, and specifically discrimination in the field of employment, housing and marriage, and guarantee access to effective protection and remedies, including compensation, to victims; – Declare an offence all propaganda and all organizations which are based on racial superiority or hatred and promote or incite racial discrimination, as provided for in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. In this regard, the Special Rapporteur shares the view of the Committee on the Elimination of Discrimination that the reservation made by Japan to article 4 (a) and (b) of the Convention is in conflict with Japan’s obligations under article 4, which is of a mandatory nature, and that the prohibition of the dissemination of all ideas based upon racial superiority and hatred is compatible with the rights to freedom of opinion and expression. Therefore, the inclusion in the domestic legal system of a prohibition of all propaganda and all organizations which promote or incite racial discrimination cannot validly be 	<p>16. Paragraph 76 (Recommendation; Adoption of a national law against racism, discrimination and xenophobia)</p> <p>Article 14 of the Constitution prohibits racial discrimination and xenophobia. The article is not directly applicable to the relations among private citizens, but the purpose of the article is interpreted as extending to the relations among private citizens through the provisions for torts and other matters of the Civil Code. A victim who suffers loss or injury through racial discrimination can claim damages in accordance with the provisions regarding torts under the Civil Code.</p> <p>The Human Rights Protection Bill, abolished due to the dissolution of the House of Representatives in October 2003, aimed to explicitly prohibit discrimination and behavior that promotes discrimination on the basis of race, ethnicity, creed, gender, social position, family origin, disability, disorder, and sexual orientation. Further, the bill would have established a Human Rights Committee as an independent administrative committee in order to afford remedy easily, promptly and flexibly thereby creating a system more effective than the present system.</p> <p>The Japanese Government is now reviewing the bill in order to re-submit it to the Diet as soon as possible.</p> <p>An act that may be construed as racism, xenophobia, and other forms of discrimination can be committed in various settings and take various forms. To penalize “racial discrimination in all its forms,” as is recommended by the report, would likely lead to a violation of constitutional guarantees such as that of freedom of speech and expression. Moreover, such criminal legislation would be extremely unclear as to its scope of application, and there is a likelihood that it would violate the principle of the legality of crimes and punishment that is derived from Article 31 of the Constitution.</p> <p>Since discrimination, including that on the basis of race or nationality, is prohibited by Article 14 of the Constitution, the government should (and does) endeavor to abolish and prevent any such practices. At the same time, it has to be borne in mind that the use of criminal penalty for that purpose would</p>	<p>Forms of Racial Discrimination.</p> <p>【by Multi-Ethnic’ Human Right’s Education Center for the Pro-existence (MEHREC)】</p> <p>The Japanese Government states that the Constitution prohibits racial discrimination and xenophobia, and that a victim who suffers loss or injury through racial discrimination can claim damages. The victim, however, has the burden of proving all the loss or injury in accordance with the provisions regarding torts under the Civil Code. In the current situation of hidden racial discrimination, it is extremely difficult to prove discriminatory remarks or discriminatory acts with no material proof. Therefore, under the current legal system, it is difficult to make judgment in the position of victims of discrimination, and it is made difficult for victims to file their cases. Additionally, while in cases where a victim is a specific individual, a behavior can be regulated for contempt or an illegal act, if victims are specific groups, such as in the case of libel “Koreans are trash,” however, there are no measures to regulate such acts. Therefore, more than discretions under the civil code is necessary; the establishment of an anti-discrimination law, which clearly states that all forms of discrimination are banned, is essential. The Human Rights Protection Bill recounts discrimination based on race, ethnicity, belief, sex, social status and disability and so on as the types of unjustly discriminatory acts; it fails to include discrimination based upon nationality. In current Japan, the possession or non-possession of the Japanese nationality is emphasized and it has become a major cause of discrimination. As a symbolic example, when there was a move of reintroduction of the Human Rights Protection Bill to a regular session of the Diet in 2005, a proposal was made from the Liberal Democratic Party that a nationality clause should be added to the necessary qualifications of the Human Rights Committee members, because of the grounds that individuals with an influence of the North Korean government could enter the Human Rights Committee. This is exactly a case of discrimination based upon nationality. The fact that such a problem appeared in a committee stage of the Human Rights Protection Bill is an indication that the Japanese Government</p>
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<p>avoided by invoking the rights to freedom of opinion and expression.</p> <p>The communities concerned should be consulted and should participate in the process of elaboration of this law.</p>	<p>pose serious constitutional concerns as mentioned above. Since criminal penalty would impose strong restrictions on human rights, it should only be legislated sparingly.</p>	<p>does not grasp the current situation of discrimination against foreign nationals. In addition, speaking of discrimination in the “field of marriage” which is mentioned in the paragraph 76 of the Diène Report, there was no reference, in the committee stage of the Human Rights Protection Bill, of legal discrimination against children out of wedlock which is a typical case of social status. The Japanese Government has not conducted any encouragement of rights of children out of wedlock. As affairs stand, even “introductory books on the Civil Code,” which permit social discrimination, have been published. If the Japanese government thinks all human rights should be protected, it should humbly accept the situation of discrimination in the Japanese society, and enact a law in a prompt manner to prohibit discrimination.</p>
<p>77 (Recommendation; Restrict Buraku Discriminatory Investigation, Ratification of ILO convention No.111)</p> <p>Appropriate legal provisions should be adopted that prohibit any lists and enquiries as to the origins of a person which could be used to discriminate against a person in relation to recruitment, renting or selling of an accommodation or the exercise of any other right of that person. The Osaka Prefecture Ordinance to Restrict Buraku Discriminatory Investigation of 1985 could be taken as a basis, but its scope should be expanded. It is also recommended that Japan ratify ILO Convention No. 111 (1958); which prohibits discrimination regarding employment and occupation.</p>	<p>17. Paragraph 77 (Recommendation; Restrict Buraku Discriminatory Investigation, Ratification of ILO convention No.111)</p> <p>The Government of Japan ratifies an ILO convention after confirming its consistency with relevant national laws and regulations. In examining the possibility of ratification of a convention, the Government of Japan takes into consideration the objective, contents, and significance of the Convention.</p> <p>ILO convention No. 111 (the Discrimination (Employment and Occupation) convention) targets a wide range of discrimination regarding employment and occupation. In Japan, the Government of Japan takes basic measures against discrimination regarding employment and occupation through provisions of related labor laws and regulations. However, the Government of Japan would like to consider carefully ratification of the convention because further study is needed in view of the consistency of the provisions of the convention with related national laws and regulations.</p>	<p style="text-align: center;">【by BLL/BLHRRI】</p> <ol style="list-style-type: none"> 1. As people within the family register system are registered as a family unit, it is possible to identify an individual’s marital status or family ties by examining the register. Individuals’ ancestry descent is also traceable on the family register. It is therefore possible to identify whether or not an individual has a Buraku origin or if he or she is a naturalized citizen. 2. Nine specific professions including employees of the state or local public authorities, lawyers, judicial scriveners and administrative scriveners may obtain copies of other people’s family registers without the knowledge of the persons concerned by filing an official request form. Since January 2005, there have been repeated instances where administrative scriveners in Hyogo, Osaka, Aichi and Tokyo prefectures misused official request forms to obtain copies of the family registers of a large number of individuals, and have sold these copies to private investigative agencies who purchased them at the request of either private companies, which wanted to investigate into the personal backgrounds of prospective employees, or parents, who wanted to trace the family lines of their children’s prospective spouses. Whether or not a child is illegitimate can be easily discerned from family registers due to the way in which the information is listed, thus

		<p>exposing such children to direct discrimination.</p> <ol style="list-style-type: none">3. “Buraku Lists” are used to check whether or not an individual listed in a copy of a family register is of Buraku origin. The existence and widespread distribution of such “Buraku Lists” was discovered in 1975, but a comprehensive picture of the situation has not yet been uncovered, and it is assumed that not all lists have been discovered. In fact, during the period between the end of 2005 and the beginning of 2006, three new “Buraku Lists” were discovered and collected from private investigative agencies in Osaka. Two of these three lists were new versions. Furthermore, it is disturbing that the two new versions of the lists were not original copies, but duplicates. It is therefore safe to assume that many more “Buraku Lists” exist in the hands of other private investigative agencies.4. At the end of September 2006, two “Buraku List” versions stored on floppy discs were collected from private investigative agencies in Osaka. These two versions were identical to those that had been collected earlier in printed form. As electronically stored data can be easily duplicated, there is a very high risk that the availability of such data will cause serious damage.5. The reality of the situation is such that there is an urgent need for the enactment of a law to prohibit discriminatory personal background investigations and employment discrimination using “Buraku Lists,” as well as the ratification of the ILO111 (Discrimination Convention). Furthermore, within the Family Registration System, it is essential that there be a move from family-based to either individual-based or event-based registration.
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78 (Recommendation; Adapting the Human Rights Bill including clear ban on of racism, racial discrimination and xenophobia)

Concerning the draft human rights bill, the Special Rapporteur considers that it needs to include a clear ban of racism, racial discrimination and xenophobia. He reiterates the urgency of adopting such provisions and urges the Diet to proceed without delay, as a matter of priority, to the discussion and adoption of such a law.

18. Paragraph 78 (Recommendation; Adapting the Human Rights Bill including clear ban on of racism, racial discrimination and xenophobia)

The Japanese Government is now reviewing the bill in order to re-submit it to the Diet as soon as possible.

【by IMADR-JC, Nobuki Fujimoto】 (1/3)

Paragraphs 78 through 80 of the Diène Report made various and specific recommendations such as an urgent adoption of a law against discrimination, the establishment of national human rights institution and governmental function which specifically deals with discrimination, and the drafting of a national plan of action to fight against racism, racial discrimination and xenophobia. In response to all of this, the Japanese Government goes no further than introducing the Human Rights Protection Bill, which was withdrawn from the Diet in 2003, and stating that it is considering resubmitting the bill.

Although the Human Rights Protection Bill has welcomed facts such as the inclusion of banning discrimination provisions, the Bill contains various problems. The Japanese Government states that the Human Rights Committee, which was proposed to be established based upon the bill, “would have been ensured a high degree of independence in conformity with the Paris Principles to prevent the influence of the Cabinet and/or the Minister of Justice.” There are, however, grave concerns for the Human Rights Committee of its independence, effectiveness and securement of its advocacy function, since it is established as an external organ of the Ministry of Justice, the staff in the Committee office was planned to be mainly constituted of employees loaned from the Ministry of Justice, and organizational foundation in local regions are fragile. Thus, the nature of the Human Rights Committee is far from in conformity with the Paris Principles. In addition, the Bill fails to include discrimination against children out of wedlock and discrimination based upon nationality.

Some people have the tone that the nationality clause should be added to the requirement for the appointment of Human Rights Committee members. Other people make an objection against the passage of the Bill. The Japanese Government is required to do its best to establish the truly effective legislation to eradicate discrimination with drastic improvements in the Bill with a strong will.

79 (Recommendation; Establishing a national commission for equality and human rights and its status)

A national commission for equality and human rights should be established, in conformity with the Paris Principles, in particular with the requirement of its independence. Given the interlinkage between all forms of discrimination, and for the purposes of efficiency and empowerment, this Commission's mandate should bring together in a holistic way the most important and indeed related fields of contemporary discrimination, namely: race, colour, gender, descent, nationality, ethnic origin, disability, age, religion and sexual orientation. This Commission should be attached to the Office of the Prime Minister and not to the Ministry of Justice, since this Ministry is the governmental office in charge of implementing the human rights policy that such an independent organ would be responsible of reviewing. Such a commission should also have offices at the municipal level since around 20,000 cases are currently submitted yearly to the Ministry of Justice which concern human rights violations all around the country. Moreover, there should be no Japanese nationality clause to become investigator of this commission, as such a clause would be discriminatory. It is also recommended that the Government establish an appropriate administrative function that specifically deals the problem of discrimination, including Buraku discrimination.

19. Paragraph 79 (Recommendation; Establishing a national commission for equality and human rights and its status)

The Human Rights Protection Bill, which was abolished in October 2003 due to the dissolution of the House of Representatives, aimed to establish a Human Rights Committee as an independent administrative committee in accordance with Article 3.2 of the National Government Organization Law. The committee would have been ensured a high degree of independence in conformity with the Paris Principles to prevent the influence of the Cabinet or the Minister of Justice, through being granted independence regarding the appointment method of the chairperson and committee members, and guarantee of their status and the independent nature of their official authority.

The Human Rights Committee was to be established as an extra-ministerial bureau of the Ministry of Justice, composed of staff with expert knowledge and experience in human rights relief, with the primary duty of protecting human rights, and as explained above there would have been no conflict in terms of independence since the bill ensured a high degree of independence.

Further, the bill would have established regional offices and the Committee would also have been able to appoint foreign nationals as human rights volunteers in charge of the investigation of designated cases. Moreover, the Committee would have dealt with problems of discrimination.

The Japanese Government is now reviewing the bill in order to re-submit it to the Diet as soon as possible.

【by IMADR-JC, Nobuki Fujimoto】 (2/3)

The Report recommends, in the paragraph 79, “the Government establish an appropriate administrative function that specifically deals the problem of discrimination, including Buraku discrimination.” The Government, however, does not mention anything about it at all. In the beginning of its Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights (A/HRC/1/G/3), the Japanese Government clearly says, “Japan has taken all measures to combat racial discrimination. If the government keeps its attitude as it is, reasons not to implement the resolution; thus, it should take immediate and appropriate measures establish an administrative department to specifically address discrimination issues separately from enacting of the Human Rights Protection Bill.

The Report recommends, in paragraph 80, that a national plan of action should be developed in close consultation with minorities. In addition, the Report also claims that the action plan should be based upon the Durban Declaration and Plan of Action. This is not mentioned by the Japanese Government's document at all.

At the “World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance” (Durban Conference) hosted by the United Nations in 2001, the Durban Declaration and Program Action, which consists of 122 items of the declaration and 219 items of Program Action, was adopted.

The Program Action, as states “[C]alls upon States to apply diligently all commitments undertaken by them in the declarations and plans of action of the regional conferences in which they participated, and to formulate national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance in compliance with the objectives set forth therein, and as provided for in other relevant instruments and decisions...” (paragraph 167) and others, repeatedly urges States to develop national policies and action plans including enacting legislation (regardless of the existence of a national human rights committee).

<p>80 (Recommendation; A national plan of action to fight against racism, racial discrimination and xenophobia) The commission on equality and human rights should as a matter of urgency draft, in close consultation with the minorities concerned, and then submit to the Government a national plan of action to fight against racism, racial discrimination and xenophobia. The national plan of action should be based on the Durban Declaration and Plan of Action.</p>	<p>20. Paragraph 80 (Recommendation; A national plan of action to fight against racism, racial discrimination and xenophobia) The Human Rights Protection Bill would have established a Human Rights Committee which would be able to submit opinions to the Prime Minister and other ministers on necessary matters in order to achieve the purpose of this bill. The Japanese Government is now reviewing the bill in order to re-submit it to the Diet as soon as possible.</p>	<p style="text-align: right;">【by IMADR-JC, Nobuki Fujimoto】 (3/3)</p> <p>As of December 2006, after more than five years since the conference was held, the Japanese Government, however, has yet to develop its national plan of action.</p> <p>With regards to efforts on the implementation of the Durban Declaration and Plan of Action, the United Nations General Assembly adopted, on Dec. 19, 2006, the resolution “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Program Action” (A/61/441).</p> <p>The resolution asks each State Government to comprehensively implement measures to fight against racism and racial discrimination, and calls on “Governments which have not established their national action plan to be based upon each Government’s commitments promised at the Durban conference” (paragraph 27).</p> <p>The Japanese Government agreed with the resolution, therefore, the Government is required to fulfill its international obligation by establishing and implementing its national plan of action.</p> <p>The Recommendation of the Report calls a Human Rights committee to draft a national plan of action. Having considered that five years have passed since the Durban declaration which requires the development of a national plan of action regardless of the existence of the Human Rights Committee, the Japanese Government should develop the national plan of action on its own by establishing an exclusive function on discrimination issues as stated above and by other measures, rather than that the Government wait until the Human Rights Committee is established.</p>
<p>81 (Recommendation; Abolishment of the system to report suspected illegal migrants) The system put in place by the Immigration Bureau of the Ministry of Justice urging citizens to report suspected illegal migrants anonymously on its website is an incitement to racism, racial discrimination and xenophobia: it is essentially based on the criminalization of foreigners and promotes a climate of suspicion and rejection towards foreigners. This</p>	<p>21. Paragraph 81 (Recommendation; Abolishment of the system to report suspected illegal migrants) The Immigration Bureau had received information on foreign nationals who might be staying illegally via telephone or post under Article 62, Paragraph 1 of the Immigration Control and Refugee Recognition Act (hereinafter referred to as “Immigration Control Act). To receive information via e-mail was newly added as one of the ways of receiving such</p>	<p style="text-align: right;">【by Solidarity Network with Migrants Japan】</p> <p>In this reporting system, the government invites its people to rely on physical appearance to determine someone’s nationality or the legality of his or her immigration status. One’s nationality cannot be determined by appearance. Furthermore, the immigration status of a foreign national cannot be determined until his or her passport and other documents are examined. Therefore, if we are asked to look for</p>

<p>reporting system should therefore be abolished without delay.</p>	<p>information, and there is no intention or fact to the claim that this invites or promotes racism, racial discrimination and xenophobia.</p> <p>The Immigration Bureau clearly disseminates the intent of receiving information at the top of its website, and warns that slander of foreign nationals who are staying legally is strictly forbidden and that the IP addresses of those who send e-mails are automatically obtained to prevent such slander. The Bureau also carefully operates the system so that it does not deviate from the purposes provided for in Article 62, Paragraph 1 of the Immigration Control Act, and prevents the system from being misused, abused or from inviting slander.</p> <p>Information received via e-mail is not disclosed, is carefully examined and fully investigated as is information received via telephone or post. Then, such information is utilized with thorough consideration being given so as not to cause problems of exclusion of foreign nationals or human rights issues.</p> <p>The immigration control administration of Japan aims, as part of its immigration policies, not only to restore public security through the promotion of strong measures to halve the number of illegal foreign residents, but also aims to openly accept foreign nationals, by developing an environment where foreign nationals are easily accepted through the reduction of the number of illegal foreign residents who exert negative influence on Japanese society for the acceptance of all foreign nationals.</p> <p>The information received via e-mail is based on the intent of the above-mentioned immigration policies and does not promote racism, racial discrimination and xenophobia. It is not necessary for the Immigration Bureau to abolish this system.</p>	<p>“a person who is likely to be an illegal resident,” we have no choice but to rely on “seemingly foreign” appearance and racial, ethnic and linguistic characteristics. Hence, people who are targeted by this e-mail reporting system are racial, ethnic and linguistic minorities, and particularly those who are from countries that are suspected to send a large number of “illegal residents.” Inviting people to speculate on the possible violation of the immigration law based on appearance creates a negative image of a particular group of people and encourages discrimination and prejudice in society.</p> <p>The Diène Report raised a concern on this issue in Paragraph 61 by stating “Since citizens cannot enquire on the nationality of a person, the only way they can suspect that a person could be an illegal migrant is by their “foreign appearance”, on the basis of racial or linguistic characteristics: this system is a direct incitement to racial profiling and xenophobia.” However, there has been no response from the Japanese government to this assertion.</p> <p>The e-mail reporting system cannot be seen the same as reporting by telephone or by postal mail because the Internet allows people to send information much more easily than other modes of communication. Regarding the anonymity of a reporter, although the website automatically obtains the sender’s IP address, this only identifies a computer that was used to send a report and does not identify the person who reported.</p>
<p>82 (Recommendation; Revision of history textbooks) The Government should revise history textbooks in order to better reflect, with objectivity and accuracy, the history of minorities and the relations with neighbouring countries. The Special Rapporteur noticed with concern that the parts of the history books dedicated to the history of the Buraku people, the</p>	<p>22. Paragraph 82 (Recommendation; Revision of history textbooks) The report states that “Textbooks should also include explanations of the crimes linked to the colonial era and wartime committed by Japan.” This request is based on a misunderstanding of reality, as there is no history textbook in</p>	<p>【by Children and Textbooks Japan Network 21】 The Japanese Government used an expression "during a certain period in its past" in paragraph 22. The Government did not explain clearly when it was. The Government should recognize that Japan's colonial rule had not been limited to the wars and should clearly explain the facts. Long before Japan</p>

Ainu, the people of Okinawa, the Koreans and the Chinese have been particularly reduced, and therefore urges the Government to proceed to the revision of such textbooks in order to include a detailed section on the history and culture of these groups, in the perspective of the long memory of history, the relations and interactions with the people and communities concerned, and the origins and reasons of the discrimination to which they were subjected. Their important contribution to the construction of the Japanese identity should also be highlighted. Textbooks should also include explanations of the crimes linked to the colonial era and wartime committed by Japan, including a recognition of its responsibility, and for the establishment of the “comfort women” system. The Special Rapporteur is concerned that decisions on the content of the school textbooks can be taken without any accountability at the national level. He therefore recommends the revision of the Curriculum Guideline at the national level in order to guarantee that the above-mentioned minimum content requirements be included in school textbooks. Moreover, given the fundamental impact of the drafting and teaching of history in the actual and future relations between the countries of the region, the Special Rapporteur recommends that, in the spirit and the scientific methodology of the drafting by UNESCO of the regional histories of Africa, Latin America, the Caribbean countries and Central Asia, Japan in consultation and with the agreement of all the countries of the region invite UNESCO to start the process of drafting the general history of the region.

our country that does not describe the considerable harm Japan caused to people in many countries—particularly in Asia—during a certain period in its past.

Furthermore, the report says in concern with the Dowa (Buraku) people, Ainu, people of Okinawa, Koreans, and Chinese, that “the Japanese government ought to be requested to promote revisions of textbooks in order to include details concerning the history and culture of these groups from the perspective of the origins of and reasons for the discrimination they have received.” Despite the fact that the mention of the problem of discrimination against minorities is included in civics textbooks, this request ignores such reality.

In addition, the report states, “decisions about the contents of the textbooks are made in other quarters without any regulation at the governmental level.” However, this is a misunderstanding concerning Japan’s system for sanctioning and adopting textbooks⁴ whereby private textbook publishing companies edit textbooks, the government (Ministry of Education, Culture, Sports, Science and Technology) undertakes their approval, and then the local governing body selects the textbooks to use from among those that have been approved.

This paragraph, along with paragraphs 59 and 72, misunderstands and misrepresents the circumstances concerning the aforementioned textbook approval system and textbook notations in Japan.

⁴ Note by NGO; This part (in Paragraph 82) on the report has been amended to “The Special Rapporteur is concerned that decisions on the content of the school textbooks can be taken without any accountability at the national level”, “He therefore recommends the revision of the Curriculum Guideline at the national level in order to guarantee that the above-mentioned minimum content requirements be included in school textbooks” by Corrigendum issued on 31st March 2006 by Mr. Doudou Diène (E/CN.4/2006/16/Add.2/Corr.1). The comment from the Government of Japan does not concern said amendments.

waged wars in the Pacific regions, and as soon as Japan started to act as a modern State, Japan put pressure on Okinawa and Hokkaido through various means including diplomacy to be colonies of Japan. The success of the above led to the aggression into Asia and the subsequent world wars. History textbooks should explain not only the damages caused by the wars waged by Japan but also those untold facts before the wars.

In paragraph 22, the Government stated, “This request is based on a misunderstanding of reality, as there is no history textbook in our country that does not describe the considerable harm Japan caused to people in many countries- particularly in Asia.” However, as there is practically no history textbook which meets the criteria set up by the Special Rapporteur, his request is valid based on the reality, but not on misunderstanding.

There are multiple textbooks in which Japan's aggression to Asia is not described with the perception that Japan inflicted considerable damage. We have compared the history textbooks in 90's – a 1997 version of junior high textbook and a 1994 version of high school textbooks – with the today's description of wars to find out that today's textbooks tend to whitewash the wars.

The Government also stated, “...the mention of the problem of discrimination against minorities is included in civics textbooks”. But such a statement does not reflect the reality as explained in the same manner in the above. The Government did not specify whether the “civic textbooks” mean junior high textbooks or high school textbooks. Is it made ambiguous intentionally? If so, the burden of proof is with the Government to present the textbooks of Fusosha, which include “discriminatory language against minority” and quote all the related descriptions from all textbooks.

The Special Rapporteur made several suggestions and proposals so that history of minority groups in Japan can be better reflected in history textbooks, to which the Government made no replies. The official curriculum guidelines should be revised so that history textbooks reflecting the reality may be used widely at schools, informing war crimes, colonial rules

		<p>and the history of minority groups as recommended by the Special Rapporteur.</p> <p>Also the process of sanctioning and adopting textbooks should be democratized to better reflect the opinions of communities in the choice of textbooks. Furthermore, the Government should materialize the recommendations about the compilation of regional history in consultation with the agreement of all the countries in the region, with an eye to possible reflection of the contents in history textbooks.</p>
<p>84 (Recommendation; A programme of promotion on the culture of discriminated groups)</p> <p>The Government is invited to launch a programme of promotion on the culture of discriminated groups: for example, the contribution Buraku work and knowledge gave to society should be recognized and valued, and Buraku cultural specificities disseminated, in order to transform the perception of Buraku people by Japanese society through culture. The creation of cultural centres for minorities in the main Japanese cities would be a very welcome step.</p>	<p>23. Paragraph 84 (Recommendation; A programme of promotion on the culture of discriminated groups)</p> <p>With the aim of resolving the problem of discrimination against the Dowa (Buraku) people through improvement of the low economic level, living environment, etc., of Dowa communities, the government enacted three special measures laws, which are the Law on Special Measures for Dowa Projects, the Law on Special Measures for Regional Improvement and the Law Concerning Special Government Financial Measures for Regional Improvement Special Projects, and has been actively promoting various measures for more than 30 years.</p> <p>We believe that as a result of long-standing activities to resolve the problem of discrimination against the Dowa people by both the government and local public entities, including the establishment of infrastructure to improve the living conditions of the Dowa people, gaps in various aspects have been largely reduced. We also believe that education and enlightenment for relieving the sense of discrimination have been promoted based on various plans, and the sense of discrimination among the people has certainly been lessened.</p>	<p style="text-align: center;">【by BLL/BLHRRRI】</p> <ol style="list-style-type: none"> 1. The implementation of Dowa measures by the administration under the “Law on Special Measures for Dowa Projects, ” enacted in 1969, focused on improving the environmental conditions of Buraku. Together with educational programs, this has led to some alleviation of prejudice against Buraku. 2. The results of a survey into residents’ awareness of and attitudes towards the Buraku problem conducted by Tottori and Osaka prefectures in 2005, however, reveal the existence of a negative perception of Buraku. Furthermore, there is still a strong sense of envy-based discrimination against Buraku due to the special measures implemented in Buraku districts. <p style="margin-left: 40px;">(Reference material: “Sense of Discrimination Supported by Avoidance Attitudes – from the 2005 Survey into Residents’ Awareness of Human Rights conducted by Osaka Prefecture” by Hitoshi Okuda, monthly “Human Rights” No. 221, issued in August 2006).</p> 3. Education and awareness-raising must be promoted to overcome these negative views against Buraku and envy-based discrimination. Understanding must be sought through school education, social education and the media of the historical contributions that Buraku people have made to society. Such contributions include industrial contributions in the fields of leather and meatpacking, cultural contributions in the areas of performing arts such as noh and kabuki, and in the establishment of human rights through, for example, the Levelers’ Association

		<p>Declaration which is referred to a Japan's human rights declaration.</p> <p>4. The Japanese government is rarely directly involved in promoting understanding of the cultures and values of other oppressed groups such as Ainu and Okinawan people. In the curricula for compulsory education, for instance, there are no programs related to these diverse cultures.</p>
<p>85 (Recommendation; Guarantee the rights of the Ainu as an indigenous people) Japan should recognize the Ainu as an indigenous people. A number of specific indigenous rights should be recognized to the Ainu people, in accordance with international law and standards. In this context, Japan is encouraged to ratify the ILO Convention No. 169 (1989) concerning indigenous and tribal peoples. In particular, stunned by the fact that the Ainu have been deprived of their right to access their traditional food, the Special Rapporteur urges the Government to return to the Ainu the freedom to fish for salmon in their territories.</p>	<p>24. Paragraph 85 (Recommendation; Guarantee the rights of the Ainu as an indigenous people) The Government of Japan recognizes that the Ainu, who have developed a unique culture including the Ainu language as well as original manners and customs, lived in the north of Japan, especially in Hokkaido before the arrival of so-called "Wajin" as a historical fact.</p> <p>ILO convention No. 169 provides for respect for indigenous and tribal peoples' social and cultural identity. Since the convention includes many provisions other than the protection of workers beyond the mandate of the ILO, and also still includes provisions that conflict with Japan's legislation, the convention is considered to include too many difficulties for Japan to ratify it immediately.</p> <p>Since this is a situation in which the Government of Japan cannot ratify the convention immediately and finds it necessary to consider it carefully, the present situation is not one in which the Government of Japan expresses clearly whether the Ainu fall under "indigenous people" as defined in this convention or whether "indigenous people" as defined in this convention exist in Japan.</p>	<p>【by The Ainu Association of Hokkaido, Ainu Association of RERA (Osamu Hasegawa, Mina Sakai) and Citizens' Diplomatic Centre for the Rights of Indigenous Peoples (Hideaki Uemura)】</p> <p>The non-recognition of the Ainu as indigenous peoples by the Japanese Government, stemming from the existing denial of indigenous rights, and despite the judiciary recognizing the Ainu as indigenous peoples under ICCPR article 27 in the conclusion of the Nibutani Decision, is nothing more than a continuation of public discrimination by the state. Until 20 years ago the Japanese government made statements to the United Nations that there were no minorities in Japan, asserting that Japan was a "homogeneous state." The Japanese Government recognized the Ainu as a "minority" in 1991 and enacted the "Ainu Culture Promotion Act", although continuing to deny not only "indigenous rights" but also "minority rights" to the Ainu. In addition, the Government has not sought to gain an understanding of the human rights situation of the Ainu and the approach for improving the living environment and social environment of the Ainu is passive.</p> <p>The historical details, that traditional Ainu land/territory was appropriated into Japanese territory and Ainu identity was denied, has never been accurately taught in the Japanese public education system. This lack of historical recognition became a breeding ground for the various contemporary forms of discrimination against the Ainu.</p> <p>It is essential to approach contemporary forms of discrimination through historical processes such as described by Special Rapporteur Diene in his report, and this is an important issue lacking in Japanese society.</p> <p>In the process of colonizing Ainu land, the Japanese</p>

		<p>government instituted a forced assimilation policy, prohibited the use of the Ainu language, as well as the unique traditional culture and livelihood of the Ainu. Large amounts of resources were extracted through colonial policy and the natural environment surrounding the Ainu changed suddenly. Because of this policy, the Ainu were forced to the bottom of society. As the result of this history of hardship, at present the majority of Ainu speaking people are elderly and there are few people who can pass on Ainu culture to the next generation. Furthermore, it is essential to have rights to use land and natural resources that were appropriated, in order to pass on and develop traditional Ainu culture. The "Ainu Culture Promotion Act" by itself is inadequate to provide the opportunity for the Ainu people to recover and develop their culture themselves.</p> <p>Since 1987 Ainu representatives have attended United Nations human rights related meetings and demanded recognition as indigenous peoples and ratification of ILO Convention No.169. With regard to this, the Japanese government has shown an insincere attitude, stating that as there is no definition of indigenous peoples, in this case, whether or not the Ainu fall under the definition of indigenous peoples is not one in which the Government of Japan can clearly express right now. This is truly a discriminatory attitude and regrettable with respect to the functioning of this partnership.</p> <p>The issues of the Ainu indigenous peoples is dealt with as a regional issue of Hokkaido, slowly divided into separate elements and trivialized. Ainu who live outside of Hokkaido are excluded from Ainu social welfare measures and Ainu living standard surveys, and so demand that a responsible body be established by the Japanese government and local governments.</p>
<p>89 (Recommendation; Elimination of differential treatment on Korean schools) The Government should adopt all measures required to eliminate differential treatment between Korean schools and other foreign schools, which can be considered as racial discrimination. In particular, Korean schools should be allowed to receive subsidies and other financial assistance, as</p>	<p>25. Paragraph 89 (Recommendation; Elimination of differential treatment on Korean schools) The Special Rapporteur says “In particular, Korean schools should be allowed to receive subsidies and other financial assistance, as well as the recognition of their certificates as university entrance examination qualifications, on the same footing as other foreign schools, and even more so taking into</p>	<p>[by The Association of Korean Human Rights in Japan] As for the issue of university entrance examinations, it has already been mentioned in the argument for Para 7. In the first place, as the Committee on the Elimination of Racial Discrimination has pointed out, the Japanese Government does not consider children of foreign nationals as the beneficiaries of compulsory education and does not</p>

<p>well as the recognition of their certificates as university entrance examination qualifications, on the same footing as other international schools, and even more so taking into account the special historical circumstances of the Korean presence in Japan.</p>	<p>account the special historical circumstances of the Korean presence in Japan.”⁵ But this is a clear misunderstanding of the facts, as the university entrance qualifications in Japan, as mentioned paragraph 8 of this document, neither distinguish Korean schools from other foreign schools in Japan nor treat them discriminatorily.</p> <p>Moreover, with regard to financial aid for Korean schools, some of these schools have been recognized as schools in the “miscellaneous” category by prefectural governors, and there are examples of aid granted to such schools at the discretion of the local governing body.</p> <p>⁵ Note by NGO; This part (in Paragraph 89) on the report has been amended to “In particular, Korean schools should be allowed to receive subsidies and other financial assistance, as well as the recognition of their certificates as university entrance examination qualifications, on the same footing as other international schools, and even more so taking into account the special historical circumstances of the Korean presence in Japan.” by Corrigendum issued on 31st March 2006 by Mr. Doudou Diène (E/CN.4/2006/16/Add.2/Corr.1). The comment from the Government of Japan does not concern said amendments.</p>	<p>ensure the right to education of all people, which is clearly written in international Human Rights treaties. Although children of foreign nationals are able to register and enter a Japanese public school if they wish to do so, their opportunities for Japanese education are not guaranteed as right.</p> <p>In addition, the possibility of receiving an education in their own language, which is indispensable when a child of minorities would like to establish his/her own identity, is extremely limited within Japanese public school system, as the Committee of the Rights of the Child pointed out in 2004. For such reasons, a considerable number of children belonging to minorities, especially children of “new comers” do not go to school and they are not part of any kind of education system.</p> <p>All foreign schools, including Korean schools, are not recognized as standard schools so that they cannot receive any financial support from the central government. Some of them are recognized as vocational schools but they are not categorized as standard schools.</p> <p>It is true that some of the local governments provide financial aid for Korean schools by their own initiative, but such aid amounts to only 1/20 of what Japanese public schools receive from both the central and local governments. As the Committee on the Economic, Social and Cultural Rights pointed out in 2001, when minority schools adhere to the national education curriculum they should be recognized properly and provided both central government subsidies and local governments’ ones.</p>
<p>90 (Recommendations; Action to stop violent racially motivated acts against Korean children)</p> <p>The Government should adopt strong preventive and punitive measures to stop and firmly sanction violent racially motivated acts against Korean children.</p>	<p>26. Paragraph 90 (Recommendation; Action to stop violent racially motivated acts against Korean children)</p> <p>Racially motivated violence is penalized under the Penal Code. The government has been taking appropriate measures under the Penal Code and other criminal laws against such cases and has been implementing educational measures in order to prevent them in advance.</p> <p>In order to prevent violent actions and harassment against Korean children and students in Japan, the human rights organs of the Ministry of Justice promptly gathered information on</p>	<p>[by The Association of Korean Human Rights in Japan and MEHREC]</p> <p>The violation of the human rights of Korean school children would peak at the particular times when there are any developments in the relationship between Japan and the DPRK. Although Korean school staff and children’s parents have been asking for the prevention of such violence, violent attacks have not stopped; instead, the number of such cases have even been increasing,</p> <p>Incidents of human rights infringements towards Korean</p>

	<p>these incidents of violence, and aggressively conducted awareness raising activities by calling public attention to the prevention of discrimination on the streets, distributing information booklets and putting up posters in school-commuting roads and public transport that are used by many Korean children and students residing in Japan. The government will continue to conduct investigations and implement appropriate measures regarding the cases that are suspected of infringing human rights and make efforts to raise awareness of respect for human rights among those concerned.</p>	<p>school children occurred after the missile launch test in last July and nuclear test in October by the DPRK. From 9th of October to 7th of November, there were 52 cases of such incidents all over Japan, including threatening telephone calls to Korean schools and abusive words by using red ink on the school entrance gate. (by The Korean Teachers Union, 7th Nov.2006)</p> <p>It should be pointed out that the Japanese Government is not fully aware that Korean children who attend Japanese schools are in a difficult situation because of the lack of measures for prevention of, and, awareness of infringements at school. It is difficult to say that the preventative measures and awareness activities mentioned in Para 90 by the Government are not good in effect, and require fundamental reexamination.</p> <p>The reality is that those who commit violent acts and abusive words based on the motivation of racism are punished merely on the basis of criminal law, because of the lack of any law which punishes acts of racial discrimination themselves.</p> <p>There are two cases of violence against Korean children whereby the attackers were captured or arrested; a female student's uniform (Chima-chogori, a Korean traditional costume), was cut in a train in 1994 and male student was hit by hand in 1994. The former was a crime of assault and the latter was the charge of injuring another. These are merely examples, and criminal law cannot deal with most of the incidents. There is no doubt that the absence of any law to prohibit racial discrimination is the root-cause of the reoccurrence of incidents of violence.</p>
<p>91 (Recommendation; Adoption of remedial measures for Koreans who have no access to pension benefits) The Government should adopt remedial measures for Koreans who are more than 70 years old and who have no access to pension benefits because of the existence of the nationality clause when they were of working age.</p>	<p>27. Paragraph 91 (Recommendation; Adoption of remedial measures for Koreans who have no access to pension benefits) The National Pension System in Japan is a social insurance system, from which benefits are paid for a person who has paid contributions and meets prescribed conditions. Therefore, if he/she has not joined in and not contributed to the System, any benefit cannot be paid to him/her as a rule.</p>	<p>【by Prof. Hiroshi Tanaka and MEHREC】 The Government stated "if he/she has not joined in and not contributed to the (National Pension) System, any benefit cannot be paid to him/her as a rule." Today, Korean residents in Japan receive no pension only because the then National Pension Law had "the requirements for nationality" clause, limiting the benefit of pension to Japanese nationals. That is why they are not part of the National Pension Plan and why</p>

	<p>It is also impossible to make special rules granting foreign nationals some benefits from the System when they cannot receive any pension because:</p> <ul style="list-style-type: none">- when foreign nationals came to be compulsorily covered due to the Convention Relating to the Status of Refugees, concluded in 1982, the Convention requested State Parties to give equal treatment to foreign nationals as is accorded to nationals in respect of social security in the future, but did not require State Parties to take into account events prior to its ratification.- it is not fair to Japanese people at the same age who have contributed to the System for a long time. <p>Moreover, the Employees' Pension System of Japan covers and treats equally all employees, including foreign nationals, since the system was established in 1942.</p>	<p>they did not make any contribution to the system. It is not their fault. The governmental counterargument did not touch these important facts.</p> <p>In 1982, the nationality requirement of National Pension Law were eliminated by the municipal law revision following the ratification of the Convention on the Status of Refugees in 1982, and the Korean residents in Japan joined the National Pension System.</p> <p>However, as there was no corrective measure taken to incorporate the unqualified Koreans into the public pension system at that time, elderly Korean residents in the certain age group remain unqualified for public pension. The Government said, "It is not fair to Japanese people at the same age who have contributed to the System for a long time," Yet, it is just contrary in fact.</p> <p>In 2004, special legislation was enacted in order to give relief to the disabled people who had been unqualified for the national pension benefit because they had not joined the voluntary Pension System. Once again, foreign disabled people were left out of the new legislation. While Japanese disabled who had been unqualified for the pension benefit due to their decision not to join the pension system came to receive the benefit, the foreign disabled who had been rejected to join the pension system because of "the nationality requirements" remain as non-pensioners. Isn't it the lack of justice?</p> <p>When the elderly care insurance system was enforced in 2000, the elderly Korean people with no-pension were forced to join the system and to pay the premium, without any consideration given to the history and their situation.</p> <p>Moreover, when the Government set a premium rate, the Japanese recipients of noncontributory old-age pension were allowed to pay the minimum rate for the group of the lowest income. On the other hand, the elderly Koreans who had never been given right to receive the noncontributory old-age pension were classified as a rank higher than the group of the lowest income.</p> <p>Some Korean residents were too poor to pay the due and the duration of non-payment lasted longer than two years, they automatically lost the right to the benefit of the elderly care</p>
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		<p>insurance. That is, when they need the care, they have to pay the total cost instead of ten percent that Japanese elderly are requested to pay under the insurance.</p> <p>Consequently, some of the elderly Korean residents can not afford to receive the elderly care even if they want to. We urge the Government to take appropriate measures immediately to correct the situation.</p>
<p>92 (Guarantee the rights of occupation for Korean community living in Utoro) Concerning the situation of the Korean community living in Utoro, the Government should enter into a dialogue with the Utoro residents and take immediate action to protect them against forced evictions and prevent them from becoming homeless. In the light of the fact that the Koreans residents of Utoro have been placed in this land during the colonial times to work for the Japanese State for its war effort, and considering that they have been allowed to live there for 60 years, the Government should take appropriate measures to recognize their right to continue to live in this land.</p>	<p>28. Paragraph 92 (Guarantee the rights of occupation for Korean community living in Utoro)</p> <p>All issues relating to property and claims have been completely and finally settled by the Agreement on the Settlement of Problem Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea of 1965.</p> <p>Regarding this case, as is mentioned in paragraph 7 of this document, the land owner claimed the residents should remove their buildings and vacate the land, and the Supreme Court judged in favor of the land owner in November 2000. The Government must respect the judgment of the Judiciary.</p> <p>The Government understands that this case is basically a civil case to be resolved between the residents and the land owner. The Government expects this case to be resolved as soon as possible in a mutually satisfactory manner, and intends to keep close eye on it.</p> <p>In addition, the reports and recommendations concerning Utoro are likely to have been drawn up without visits to the local government of Uji or research through direct consultation and as such, some aspects of the report may not be fully accurate.</p>	<p style="text-align: center;">【by Association to Protect Utoro】</p> <p>The Japanese government responded: “Regarding the issue of the removal of the buildings and vacating of the land, the Supreme Court judged in favour of the landowner in November 2000. The Government must respect the judgment of the judiciary”. However; this was concluded based on existing domestic law and neglects the idea of adopting international human rights law on the domestic level. In April 2001, the Concluding Observations of the Committee on the Elimination of Racial Discrimination stated: “The Committee notes with concern that although article 98 of the Constitution provides that treaties ratified by the State party are part of the domestic law, the provisions of the Convention on the Elimination of All Forms of Racial Discrimination have rarely been referred to by national courts.” In August 2001, the Concluding Observations of the Committee on Economic, Social and Cultural Rights (CESCR) pointed out: “The Committee is concerned that the State party does not give effect to the provisions of the Covenant in domestic law in a satisfactory manner, despite the fact that many of its provision are reflected in the Constitution,” and advised the Japanese government to thoroughly implement the convention domestically including in judicial judgements.</p> <p>In fact, judicial decisions in Japan continue to violate international human rights standards. The Utoro case is a typical example of such which was raised by the CESCR. The Committee stated: “While noting that the State party is currently in the process of consultations with Koreans living in the Utoro area regarding their unresolved situation, the Committee recommends that the State party continue to undertake necessary measures to combat patterns of de jure and</p>

		<p>de facto discrimination against all minority groups in Japanese society, including the Buraku people, the people of Okinawa and the indigenous Ainu, particularly in the fields of employment, housing and education.” The Japanese government must satisfy state obligations toward human rights covenants with sincerity.</p> <p>The Article 11(1) “The right to adequate housing” of the CESCR considers that “instances of forced eviction are prima facie incompatible with the requirement of the Covenant.” The government must first establish a dialogue with residents and implement prior aid measure to prevent residents from the worst outcome of being homeless. In the case that the execution of the court decision over Utoro caused the worst outcome, the State party would be considered as in breach of its duties as based on the human rights covenant, and the government would be criticized as causing “further concern [regarding violations of human rights]” by the international human rights organizations and other State parties.</p> <p>Furthermore, the government responded: “the reports and recommendations concerning Utoro are likely to have been drawn up without visits to the local government of Uji or research through direct consultation and as such, some aspects of the report may not be fully accurate”. However, if he [the special rapporteur] could have visited Uji City, the problem of local administration in the historical processes concerning Utoro case would have become clearer. While the government is advised “to undertake necessary measures to combat discrimination” by CESCR, it has not implemented any kinds of relief measures, and Uji City government has not complied with the field survey which is requested by its residents.</p>
<p>94 (Recommendation; Elimination of racial discrimination against foreigners and to guarantee the right for them to access public places)</p> <p>The Government should adopt appropriate measures to guarantee that foreigners are treated equally in Japan. It should avoid the adoption of any measure that would discriminate against them in the fields of employment, social security, housing, etc., as well as in the exercise of all their</p>	<p>29. Paragraph 94 (Recommendation; Elimination of racial discrimination against foreigners and to guarantee the right for them to access public places)</p> <p>The description of this paragraph can give a false impression that the Government treats foreign nationals discriminatorily. In the field of employment, discriminatory treatment in labour conditions on the grounds of race and nationality, as well as in job placement service, is prohibited.</p>	<p style="text-align: center;">【by MEHREC】</p> <p>Regarding employment: The Government of Japan (GOJ) states that “discriminatory treatment in labour conditions on the grounds of race and nationality, as well as in job placement service, is prohibited”, in reality we cannot feel that this has been put into practice. In particular, as the foreign “Researcher” and “Trainee” visa programs become a common employment practice, harsh employment conditions in the</p>

rights and freedoms, in particular their freedom to move, to access public places and their right not to be persecuted and perceived as potentially more dangerous than the Japanese. Situations such as blatant refusal to foreigners for them to access public places are totally unacceptable in a democratic country and should not be allowed.

With regard to the social security system, state parties are internationally requested to apply the same system to foreign nationals as they do to nationals and guarantee the necessary security benefits. Therefore, in Japan, we apply the same social security system to foreign nationals who meet the purpose and requirements of the system as the Japanese people.

With regard to housing, the Public Housing Law, the Residential Area Improvement Law, Incorporated Administrative Agency Urban Renaissance Agency Act, the Local Housing Supply Corporation Law, and the Housing Loan Corporation Law provide fair procedures and requirements for recruiting tenants, qualifications and selection for public housing.

The Government has notified public housing authorities that the same qualifications for tenant applications as those for local Japanese residents should apply to foreigners who have registered domicile and status at their residing municipalities, according to Article 4, Paragraph 1 of the Alien Registration Law. In practice, treatment of foreigners is in full compliance with the said notice.

As to private housing, the Government gives guidance to lessors through lessor organizations, such as the National Rental Housing Management Association, to prevent them from carrying out any discriminatory conduct, including selectivity of tenants on the basis of race or ethnicity.

name of “research” have become more serious, and there have been many reports of cases where people are paid less than the minimum wage and forced to work unreasonable amounts of overtime. In addition, in the case of workers who overstay their visa, there are many cases of employers taking advantage of their situation with unfair working conditions or discriminately disparate wage levels, in violation of the Labour Standards Law. A larger problem is the fear of discovery by Immigration, which means overstayers cannot report these egregious conditions to the authorities.

Also, discrimination in job searches is deeply-rooted. The Osaka Prefectural Board of Education conducted a survey between 1995 and 1998, which tracked 2024 prefectural high school graduates with non-Japanese nationalities between 1991 and 1994. After going through four years of university, a full 31.4% of respondents indicated they had “received discrimination due to nationality or ethnicity” during their job searches (Mainichi Shimbun, Aug. 26, 2000). Also, there are a large number of regional governments applying the Nationality Clause (reserving employment for citizens only) for firefighting positions, and for administrative jobs in the bureaucracy. Foreign educators are also being hired not on regularized teaching posts, but rather as “instructors” with less employment security. The strong roots of the “our countrymen first” ideology are as strong as ever.

Regarding social security, it is hard to say that Japanese and non-Japanese are treated the same under the system. For example, the Social Security Law is applied to non-Japanese on a provisional basis, and they have no power to raise objections. Moreover, this provisional basis is limited to people with “Permanent Resident”, “Spouse of Japanese National”, “Spouse of Permanent Resident”, and “Settlement” visas. Also, only registered foreigners with visas of one year in length or more are permitted to join the Kokumin Kenkou Hoken National Health Insurance plan. In light of this, it is more appropriate to say that there are some strict applications of the social security system towards non-Japanese.

Regarding housing, discrimination on renting is an everyday

		<p>occurrence, and there are examples of lawsuits in the Osaka and Amagasaki areas because of it. Moreover, foreign renters are required to have two “guarantors” to secure their honesty, and those guarantors must be Japanese citizens under the rules of some realty agencies.</p> <p>There is also a serious problem regarding refusal of entry to foreign customers. In June 1998 a Brazilian journalist was refused entry to a jewelry store in Hamamatsu City, in September 1999 and October 2000 a group of foreign residents, as well as a naturalized Caucasian Japanese citizen, were refused entry into a bathhouse in Otaru, Japan, and in September 2004 an African-American male was refused entry to an eyeglass store in Taitou City, Osaka Prefecture, among others. These events received much attention due to their lawsuits, but in reality there are many more refusals of this ilk, and people not coming forward to talk about them.</p> <p>In this fashion, discrimination against non-Japanese has become more underhanded and (with the rising number of international marriages and residents) increasingly racially-based in its application, and attempts at resolution still fall a long way short of what is necessary.</p>
<p>95 (Recommendation; Adoption of the measurement to combat prejudices against foreigners through culture)</p> <p>The Government should also adopt measures to combat prejudices against foreigners through culture, in particular through promoting the knowledge of depth of the culture of the other. This could be most effectively achieved by promoting a vast programme of intercultural and interreligious dialogue, the organization of foreign cultural festivals and by creating dynamic cultural centres, of African, Arab, European and other countries, and developing Japanese cultural centres, in particular in the countries of the new migrants’ population, where prejudices are combated by knowing, understanding and appreciating the culture and history of others.</p>	<p>30. Paragraph 95 (Recommendation; Adoption of the measurement to combat prejudices against foreigners through culture)</p> <p>First of all, dialogue among civilizations and cultures is one of the priorities in Japanese cultural diplomacy. The Government of Japan has taken a variety of initiatives to overcome differences in culture, introducing Japanese experiences in maintaining traditional values while accepting foreign cultures and mutually respecting other cultures.</p> <p>The relevant projects that the Government of Japan organized or supported include:</p> <ul style="list-style-type: none"> - the World Civilization Forum 2005 - the International Culture Forum - the Middle East Cultural Exchange and Dialogue Mission - the Japan – Arab Dialogue Forum - the Seminar on the Dialogue among 	<p style="text-align: center;">【by KOREA NGO CENTER】</p> <p>The Japanese Government referred in its note verbale to “dialogue among civilizations and cultures,” “acceptance of foreign cultures,” and “introducing Japanese culture.” While we agree with these statements to some extent, we recall that the most important point in the Special Rapporteur’s Report in this regard is “to adopt measures to combat prejudices against foreigners through culture, in particular through promoting the knowledge of depth of the culture of the other.” In order to achieve this, a program must be launched to promote the cultures of groups that suffer from discrimination, as stated in the paragraph 84 of the report. It is important for public education institutes to guarantee the provision of education of such minority groups’ own languages, cultures and histories for children and students of these groups. Most minority children who reside in Japan attend Japanese public schools, where students are “educated to be Japanese citizens”. This results in a loss of identity amongst many minority students. It is also</p>

	<p style="text-align: center;">Civilizations: the Islamic World and Japan</p> <p>Second, as mutual understanding is one of the most important factors in promoting cultural exchange, the Government of Japan has organized various events introducing foreign cultures to Japanese society. Some examples of these events are:</p> <ul style="list-style-type: none"> - the Lecture Series on Middle Eastern Culture and Society - the Lecture Series on Asian Culture and Society - the African Festival - the European Autumn Festival in Hibiya <p>Third, Japan Culture and Information Centers, created at numerous overseas establishments of the Government of Japan, and the Japan Foundation's overseas offices actively engage in promoting understanding of Japan's culture, society and history.</p> <p>Japan has taken various cultural initiatives to tackle prejudices against foreigners and intercultural communications will continue to be one of the priorities in Japanese cultural diplomacy.</p>	<p>difficult to promote mutual understanding between Japanese and non-Japanese students in school environments that pay no attention to minority students. Programs to facilitate mutual understanding must therefore be implemented by developing minority education in public education institutes.</p> <p>Because some minority groups have already initiated their own cultural activities in different locations around the country, the government must also adopt measures to actively support these initiatives as well as measures to promote interaction between minority groups and Japanese people in their respective communities. In the anti-discrimination struggle through culture, the media has a significant responsibility in properly conveying the reality of minority groups to a wide audience. Unfortunately, the government does not have any media strategies to combat discrimination, nor does it attempt to cooperate with minority groups to this end.</p>
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※ Mr. Diene's report cited in this table has already been amended, according to its Corrigendum (E/CN.4/2006/16/Add.2/Corr.1).

※ Notes and subheads after each paragraph number on the note-verbale by the Government of Japan have been added by IMADR-JC.