

**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.”**

## **Annex**

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

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The Investigation Team on the Truth about Forced Korean Laborers in Japan

**Table FFF**

***Number of Korean Contract Workers Brought Into Japan Proper Annually by Type of Work Assigned, 1939-45***

Year <sup>1</sup>	Total number	Type of work assigned		Construction and civil engineering	Other work including factories
		Coal mining	Metal mining		
1939.....	38,700	24,279	5,042	9,379	-----
1940.....	54,944	35,431	8,069	9,898	1,546
1941.....	53,492	32,099	8,988	9,540	2,865
1942.....	112,007	74,576	9,483	14,848	13,100
1943.....	122,237	65,208	13,660	28,280	15,089
1944.....	280,304	85,953	30,507	33,382	130,462
1945 <sup>2</sup> .....	6,000	1,000	-----	2,000	3,000
Total 1939-45 <sup>3</sup> ....	667,684	318,546	75,749	107,327	166,062

<sup>1</sup> Fiscal year commencing on 1 Apr. of year indicated and ending 31 Mar. of following year.

<sup>2</sup> Estimated for first quarter of fiscal year (April through June).

<sup>3</sup> Total number brought into Japan. Number of Koreans leaving Japan or transferring from previously assigned industry not available.

Source: Data submitted by Labor Bureau, Welfare Department.

**Annex to the comment to paragraph 3-7 of the note verbale**

By BLL, BLHRRI

(3) Unemployment Rates

Unemployment rates represent those who were unemployed and looking for work at the time they were surveyed (from May 8 to 14, 2000).

Table 6-3

	Male		Female	
	Dowa Districts	Osaka prefecture	Dowa Districts	Osaka prefecture
total	9.70%	6.60%	8.20%	5.60%
15-19	31.3%	15.6%	20.6%	12.1%
20-24	15.0%	9.9%	16.9%	8.9%
25-29	9.5%	6.6%	9.1%	8.3%
30-34	6.8%	4.8%	8.4%	6.8%
35-39	6.8%	4.1%	5.6%	4.7%
40-44	10.0%	4.2%	4.7%	3.7%
45-49	8.0%	4.2%	8.9%	3.2%
50-54	6.3%	4.1%	4.3%	3.0%
55-59	6.1%	5.4%	8.0%	3.6%
60-64	13.5%	15.2%	6.5%	5.0%
65-69	13.4%	11.3%	3.6%	3.6%
over 70	9.9%	7.3%	2.1%	2.9%

Notes: 1) Osaka Prefecture data is from the 1995 National Census

2) Unemployment rates are attained by the following computation:

unemployment rate: “looking for work” / ( “those who are employed”

+ “those looking for work” ) x 100

The total unemployment rates for Dowa districts males and females are higher than those for Osaka Prefecture by 3.1 points and 2.6 points respectively.

Regardless of age group, unemployment rates are generally higher for Dowa districts than for Osaka Prefecture. The unemployment rate is especially high for males and females of the “15 to 19”, “20 to 24”, “45 to 49” age groups, for males of the “40 to 44” age group, and for females of the “55 to 59” age group. While high unemployment rates among the elderly are not noticeable, it is a grave concern that unemployment rates are very high among young people in Dowa districts and for males aged over 40 years old, who represent the main financial support for their families.

*Sources from: Grasping the Reality of Today's Buraku, Towards a Post-Special-Measures Solution to the Buraku Problem, prepared by Osaka Prefecture in 2001*

**Annex to the comment to Paragraph 11**

By Jumpei Yamamura (Minatomachi Medical Center)

# Something is changing

– Suffering from the crack down on foreigners–

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In cooperation with  
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## I Interrupted Treatments for Foreign Patients

In the name of 'measure against terrorism', strict immigration control and detention on undocumented persons with expired visa, so-called 'overstaying' foreigners, have been carried out since the autumn in 2003, and serious human-rights violations have been seen in the procedures. Specifically, detention for indefinite duration, violence and deportation order, have been applied to even refugee applicants or foreigners with sickness at immigration detention centers under the Ministry of Justice. What if the foreigners could keep staying outside the facilities, their daily life is being threatened by the apprehension of the police or immigration officers. Their rights to employment, residence and education are being deprived by the officers. Someone appropriately expressed the situation in which foreigners got cornered as 'human hunting'.

Their right to access medical treatment is also being lost. Foreign patients who had the treatments at Minatomachi medical center where I work have been arrested: eleven patients in 2004: seven patients in 2005: another seven patients in 2006. There was no way to know the reasons why they stopped visiting the medical center until a police officer questioned me about them. Let me introduce specific examples of their suffering.

Mr. N who came from Philippines was diagnosed as Sarcoidosis, which is one of intractable diseases. During visiting for medical consultation at Medical center, he was arrested because of his overstaying. Sarcoidosis seriously needs careful observation for a long time, because its symptom could sometimes turn to be terrible. I reported to police officers well that it would be quite difficult to treat this disease in Philippines medical environment. At very least, I was willing to write referral letters to medical centers in his country just in case that he would be deported into Philippines. However, he was forcibly deported there by the Japanese immigration authority without informing his primary responsible doctor, me of any situation. Apparently, the circumstance made his medical treatment impossible to continue and his opportunity to cure the disease was unfortunately lost.

For another case, Mr. H who came from South Korea was also detained by the police. It was necessary for him to receive not only treatment for diabetes and high blood pressure, but also observation on a course of tuberculosis after the treatment. When an access to the treatments was realized only by his visiting to medical center with the police in this case, he was being bound with rope, and his hands handcuffed. As such conditions were apparently obstacles for medical consultation, I asked them to take the rope and handcuff off. They simply refused my offering due to their responsibility on the occurrence of his running away. Although I persuaded them to unset the handcuff as the condition to diagnose him at least, it was unavoidable that they attended medical consultation. Under the circumstances, he was too nervous to speak. Nevertheless, it is very rare that the Japanese police authorities allow such foreigners to visit medical center in general. Usually almost all of migrant foreigners having no valid visa status are to be deported to their home countries without letting anybody know their situations. Finally, it was luckily possible to write a referral letter to the medical facilities in Korea in his case.

These cases could not be filed until the policemen inquired about their information through the medical center where I work. It is almost impossible to exactly know the number but to presume that there would be many cases that the foreigners having medical problems had to be expelled from Japan. Even in the cases of occupational accidents or traffic ones, such foreigners have to be arrested, if necessary. It is quite impossible to continue any treatments for them at the detention centers. Under these circumstances, it could happen that their originally treatable problems are going to be left until they get too late. Moreover, although

the foreigners who are currently having their livelihood in Japan often hold up the basis for Japanese industry as bottom-up labor force, they are always at the risk to be deported to their countries suddenly and to lose everything that they built up so far. Human-rights violations by the police arresting as well as ones at detention centers are not publicly revealed. So, the ordinary Japanese citizens have no way to find what happen to them. In cooperation with the foreigners and some staff of support organizations, I have researched on the situation of their suffering and can show it in this article.

## II Testimonies by Foreigners

From January to April in 2006, I personally visited twelve support organizations in Tokyo and Kanagawa prefectures, and carried out interview surveys on them. The content of the questionnaire was about effect of the crack down on ‘overstaying’ foreigners that started in October 2003. On the other hand, personnels of support organizations were kind enough to introduce me some foreigners involved with their activities. With their cooperation, direct conversations with the foreigners were held in their offices and their places. Fifteen foreigners were objects of the survey (average age: 35 year-old, average years of staying in Japan: 9 years). Three out of the fifteen were holding valid visas: the other three were refugee applicants: another four were ones having treatment for occupational injuries without valid visas. The number of interrogations by police against same objects started increasing since October 2003 (Table 1).

**Table 1: Number of interrogations by police against foreigners**

Number	Before Sep 2003 Number of cases	After Oct 2003 Number of cases
Zero	7	2
Once	3	3
Twice	1	4
Third times	1	1
Five times	0	1
Ten times	0	1
Fifteen times	0	1
Thirty times	0	1
Fifty times	0	1
Being detained	3 (Refugee Applicants)	0
Total	15	15

In addition, most friends or acquaintances of the objects were already detained, and deported to their own countries. To begin with, their response to the questionnaire where and how the Japanese authorities arrests them are described below.

- Many police officers suddenly came to workplace.

*‘So many police officers suddenly came to my workplace bringing their dogs with five buses, bound on almost a half of migrant workers serving for the construction company and brought them to their police station. The officers took photos of us with name tag and serial number plate, confronted and asked us for three or four hours: “Show us alien registration card!”, “Did you come to Japan just to earn money?”, “Show us your visa status!”, “You cannot work without any*

status". As I happened to have my alien registration card and could show it to them, they let me go home at the time. After that, the police hearing have been performed for fifteen times at various construction sites where I had to work. Recently, they often order me to come to police station, even when I could first present the alien registration card in front of them.'

- In an early morning, the immigration officers made me wake up.

*'In an early morning around five, some immigration officers came up to a room next to mine, knocked its door. The sound made me wake up. Then the foreigner who was living in the room were to be arrested, detained, and deported to his country. This event had me move out of my apartment, because I felt as if the immigration officers were always keeping their eyes on me. However, the police and immigration officers visited my apartment again, even though I could obtain a provisional release<sup>1</sup> after being detained once before. They just confirm whether I was still living in the address registered then. Their hanging around irritated me very much.'*

- Collective interrogation against people including Japanese at a terminal station.

*'In an early morning at Ikebukuro station, there are twelve patrol cars waiting for people who were coming out of the station. All of them one-by-one had to face the police interviews. The person with me at the time who had been overstaying without any visa was asked for his passport. Then he had to go back to his place with a police office, to be detained and to be deported to his country in the end.'*

- Suddenly, my clothes was plucked on the street.

*'There have ever been six times that I met police hearings on the street. One time, a police officer suddenly plucked my clothes and said "Show me alien registration card just for second." In former years, they usually said "Excuse me" at first hand, and asked "Please show me your alien registration certificate?" then. In such case, they let me go, if I show it to them. On contrary to that, they catch me by the arm, pluck my clothes and arrogantly question me recently. I feel that they do not regard me as human-being.'*

- Even though I was a victim of traffic accident, their interrogation continued for hours.

*'When I met with a traffic accident and got injury, I was first staying at a hospital. Just after having treatment for it, I had to submit to police questioning for the accident at their station. Then the traffic officer who questioned me brought in another officer from Criminal Affairs Division. The officer came along me when I returned home. Despite that I had the certificate of provisional release he just kept asking me something not related to the traffic accident such as visa or job for more than three hours.'*

- Some foreigner got arrested near an office of a support organization.

*'Just after having finished consulting about daily life and labor problem at an office of support organization, some people got arrested in a convenience store near the office. Recently, a lot of my friends or acquaintances have to face such arresting. As far as I know, there are over twenty people arrested.'*

- Interrogations for hours are depriving foreigners of their time.

*'More than fifty times, I have experienced interrogations by the Japanese authorities. Their interrogations for hours made*

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<sup>1</sup> It means temporary release, which director of detention center permits.



*me come to work late. As a result, my boss blamed me of such arrivals. They also questioned me on the way to the hospital before. So, I could not catch up its office hours, and just stopped visiting there since then. One time, their questioning prevented me from visiting my friend's place, and missed out the last train of the day. On the other day, I came in late for an appointment for consulting with my attorney. Due to the fear and anxiety to the rest of my life, I cannot help but habitually confirm weather there is the police outside or not.'*

- These circumstances strongly restricted normal behaviors of foreigners.

*'Even when there are public events such as mass in church, police questioning makes me reluctant to go out side. I tend not to get on and off board of train at major stations. Moreover, in order not to be heard by the officers, I usually try not to speak my first language in public spaces. It is impossible to predict when next interrogation would come. Under the circumstances, prolonged instability in mentality constantly makes me upset.'*

- Eventually, it extremely became harder to obtain opportunities to work than before.

*'Many arrests at the workplace have bothered business operation in my company. My boss had to fire me saying "Gaijin<sup>2</sup> is always problem." It came to be impossible for me to work there for my family. Of course, I persuaded him to have a second thought with my valid visa status, but it just ended in vein. Thereafter, I applied for ten companies but all of my applications were just denied.'*

- At such disadvantages, foreigners are having difficulty to find residence.

*'When searching a place to live, I have applied for thirty-three apartments. However, they never got accepted it. Although my Japanese wife contacted with some real-estate agents, they refused her offer saying "we definitely have to say No, because your husband is foreigner." There were previously similar refusals, but it was usually found once out of ten times. Now, it is almost impossible to find even one place to live.'*

- According to foreigners, Japanese attitudes compared to before are changing to be negative to them.

*'Something is changing. When compared to before, we cannot help but feel differences of Japanese attitudes. Just because of differences of appearance such as color of skin, they hardly give us opportunities to work. When staying overseas, Japanese would probably not become discriminatory against people there but see them as same human-beings. We want Japanese to treat us in the same way. Japanese people seem to be afraid of foreign people. We do not want you to do so, because we are having eyes and heart just like Japanese. We are just different from each other in appearance.'*

- Many foreigners appropriately pointed out that mass media strongly effect such change in Japanese consciousness.

*'In earlier times, mass media do not feature us so often. In these days, foreigners are frequently featured on television and newspaper. Due to that, ordinary Japanese know well that there are foreigners without any visa status in Japan. So, they seem to regard us as weird strangers. Specifically, they discriminate us in many ways such as difficulty in job searching.'*

- Personnel of support organizations also stated that they could not ignore prejudice by media reports.

*'Foreigners' crime reports by mass media have increased if compared to Japanese ones. In addition, the more attention is given to them, the more such reports increase. That a Chinese woman killed her Japanese husband by injecting with insulin was a typical case. What if she was Japanese, reporting such an event would not probably be exaggerated as much*

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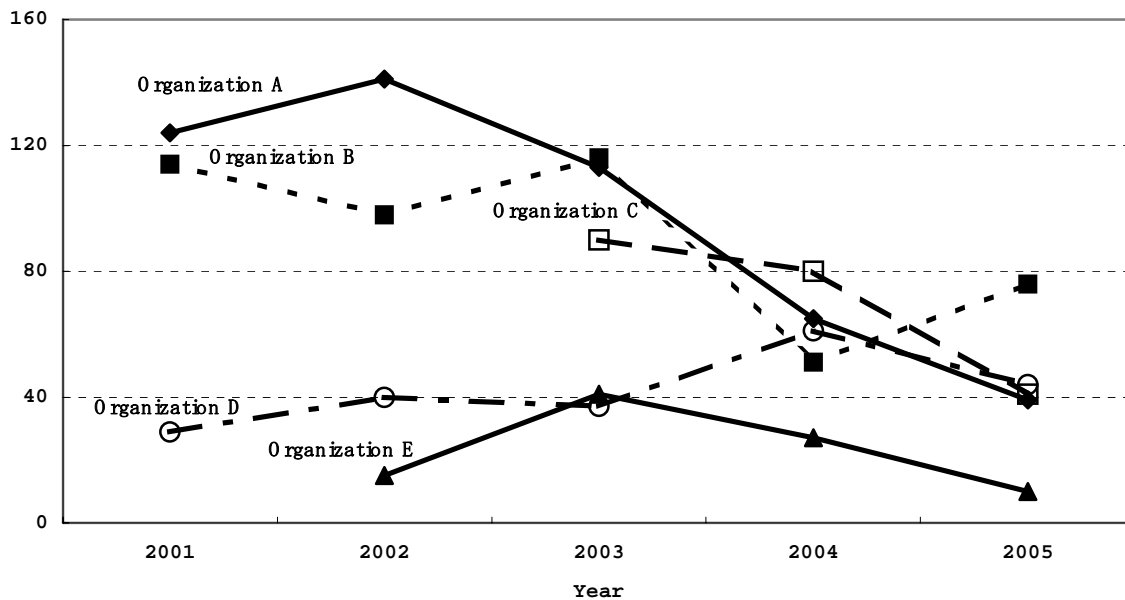
<sup>2</sup> a kind of derogatory term that generally means foreigners

as the extent. Police and mass media seemed to fuel it. Because ordinary Japanese usually did not know the actual situation, news reports gave them an impression that foreigners are just fearsome.'

### III Testimonies by the Personnel of Support Organizations

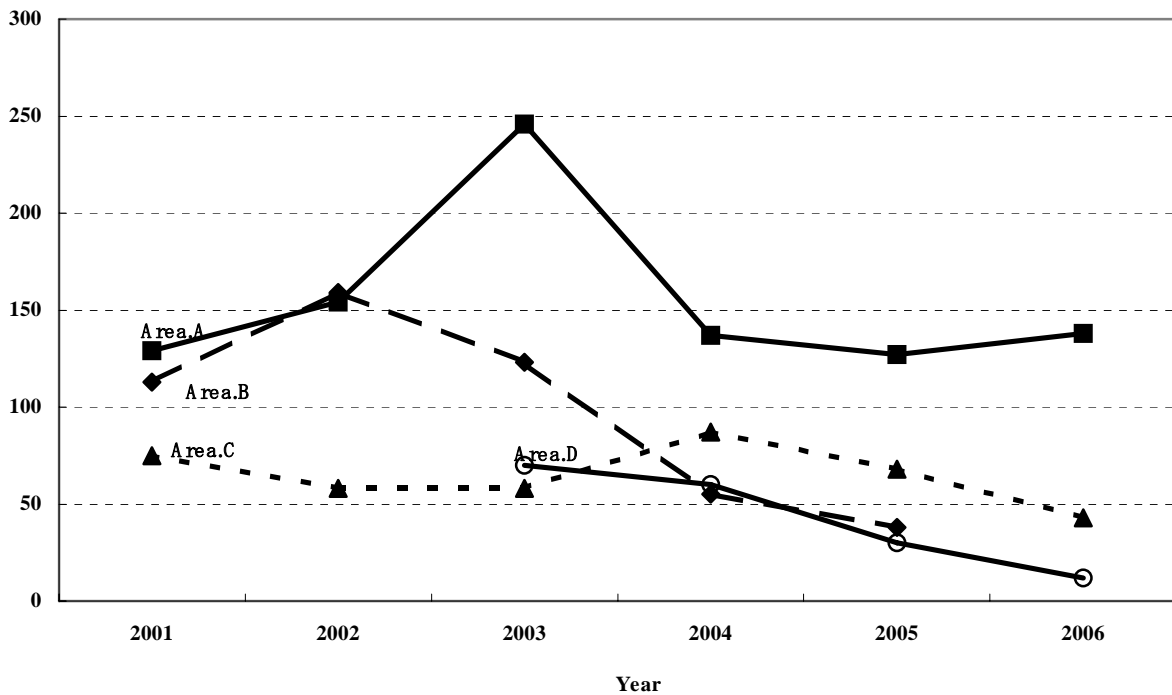
The contents of activities by support organizations are covering a lot of grounds such as employment, daily life, medical treatment, legal matter and language education. Main objects of their supports are foreigners from East Asia, South East Asia and South Asia. There is a tendency that new members or consulters have decreased since 2004 (Fig1).

**Fig 1: Number of new members/ consulters who visited the organization**



Furthermore, the number of foreigners who took free medical check-up service conducted by the support organizations has also decreased (Fig2).

**Fig 2: The number of foreigners who took medical check-up**



There came to be changes in contents or methods of their consulting. Some categories of their concerns tend to increase since the family and the acquaintance were caught. Consultation by a telephone is increasing, while they are refraining from going outside, because of the fear to be interrogated by police officers. As the activities of support organizations are also restricted, their problems cannot easily be solved. Their personnel mentioned about the obstacles as below.

*'Employers often grow bullish against foreigners with saying like "I'm calling police." For an example, when a foreign employee who had not been paid his wage complained of his company, he actually got arrested by police officers called by his boss. On the other hand, security policemen go around companies and spread their cautions by saying "be careful about overstaying foreigners or Japanese ancestry/descent.'*

*'There are instances that some of foreigners just did not request anything against their companies, even if they got injured in occupational accidents. It would be the reason that employer's threat have has their negotiations down.'*

*'It is time and energy consuming to consult with foreigners detained at detention centers about their unpaid wages.'*

*'Employers scarcely hire foreigners without visa status but easily fire them in many cases. An employer explained "Because policemen often come to my workplace in order to arrest foreigners, I just dared to fire them before that.'"*

A head of some medical facility concerned about interrupted treatment for foreign patients who got arrested.

*'Patients stopped visiting my clinic. There are two possibilities: one is that they are afraid of going outside: the other is that they got deported to their countries. Also, they could even be arrested on the way to this clinic. Even the foreign patients who got injured in occupational accidents had to be apprehended in many cases. Some of detainees with sickness at detention center can sometime be released by labor unions or support organizations. However most of them have to leave their problems as they are and to remain there.'*

## **IV Negative Effects of the Japanese Society**

If the crackdown on foreigners was tightened, following things would happen.

As stated above if it occurred, it would not be possible for foreign patients to visit medical center and to continue their treatment. The decrease of foreigners who took free medical check-up conducted by support organizations indicates the phenomenon. Interrogations and arresting them in public places many times deprives them of their rights to enjoy their freedom even to have medical treatment. Apprehension, detention and deportation against them are just practiced, although such medical treatments are supposed to be prior to anything. Once their accessibility to medical services was interrupted, diseases of the patients who cannot visit any clinic would be exacerbated. Medical expenses would rather grow larger by the time that they first visited medical centers at the serious stage. Moreover, they usually do not afford to pay the high expenses, and medical facilities eventually have to assume their burden. In the end, the more the foreign patients who cannot pay the expenses came up, the more their medical facilities would refuse to accept them. If such tendency continued, they would have to go into the negative spiral. Without medical security, the patients will have no choice but to distance themselves from appropriate treatment. It means that diseases keep being hidden in the bottom of the society. For an instance, infectious diseases such as tuberculosis, HIV and hepatitis are having risk to entirely spread over Japanese with some triggers.

In addition, their rights to work are also being lost. Employers who are staying at stronger positions easily make foreigners work for many hours, scarcely pay their wages, unfairly fire them, and hardly compensate for their occupational accidents. If they lost their job, they would be marginalized into the underground community and might be involved with crimes. Such circumstances render the society instable. The human-rights violations influence the socially vulnerable such as the homeless, the aged, the disabled, ones irregular employed, single parent households, which is enlarging the gap between the rich and the poor. Excluding and discarding the social weak will generate diseases and increase the number of crimes. As a result, the society is losing its stability.

The inhibition to build civil society movements pass can be pointed out. For the last dozen years or so, support organizations have started developing and the Japanese civil society was finally ready to grow up. Such organizations that hold up their ideals of Japanese society in the future, have given the Japanese government objections against its policy on foreigners, and have tried to improve the situations of migrant workers. On the contrary to this, their activities are limited due to the apprehensions mentioned above. The bud of Japanese civil society is likely to be picked off.

## **V Bureaucrats of Ministry of Justice/ Police Departments Running Out of Control**

Some reasons why the situation as identified above occurs are presumable.

As a part of labor policy, the system of foreign trainees or technical interns (hereafter just called 'trainees') simply explains the situation. The policy goes in the way below: first of all, overstaying foreigners are supposed to be excluded, and then the foreign trainee system should positively be advanced in order to acquire trainees who can be used with cheap wages. Actually, the number of the overstaying foreigners in Japan is decreasing. On the other hand, the number of such migrant trainees is increasing as if they fill in the

hole of the people has left. The total number of overstaying foreigners and trainees is constantly around three hundred thousands people in these ten years. The Immigration Bureau in the Ministry of Justice both excludes overstaying foreigners and gives permissions to accept trainees. Their intention that they want foreigners to be remained without rights can be found in the way. Bureaucrats are regarding them as goods or something, not human-beings. The bottom of their thinking mind is based on disdain/discrimination against foreigners, especially Asian people.

Also, some journalist pointed out potential adhesion between the police department and security companies. If the increase of 'foreign crimes' was exaggerated as social insecurity, they would further gain profits. Actually, retired official of the police department almost hold the office of security companies. Such companies serve retired policemen who were at terminal positions by giving them opportunities of reemployment. Their structural collusion is being politically well-connected. Such security companies steadily rack up their profits by promoting the fear of the society and using unhappiness of people. Once such authorities got developed, the people who are involved with the structure would render their heart spoiled.

Another perspective related with the Ministry of Justice or the Police Department is shown. Modern states adopted bureaucracy as their system in principle to govern people in each territory efficiently and effectively. Global demographic shifts are occurring in contemporary societies but bureaucrats that manage state are trying to restrict the phenomenon. In the name of being "illegal" and "anti-terrorism," the movement in which foreigners are selected, monitored and controlled rapidly progresses. Whereas, the authorities of bureaucrats are being strengthened and their organizations have bloated. It is the bureaucracy itself creates laws and executes them in most cases. Even if their activities that were criminal violated somebody's rights, the responsibility of the bureaucracy that carried out them would barely be questioned. Under the legitimacy of laws, their activities would become justifiable. Although legislative and judicial powers are originally designed to monitor the administrative one, they just do not fulfill their duties in Japan. Mass media are called as the fourth power but the bureaucracies are dexterously taking advantage of them. By discharging information as it is from the bureaucracy, media encourage discrimination and prejudice against foreigners. It was the one of such victims who was mistakenly arrested as a member of Al-Qaeda<sup>3</sup>.

Selection, monitoring and controlling are not directed toward only foreigners. Such governing would be rebounded on Japanese, and would eventually restrict them in the same way. Because the activities of support organizations that are undesirable for the Japanese government or make objections against it are likely to be restricted, they are getting weakened. Just in the same way to have labor unions weakened, the government is trying to make the civil society weak. On the other hand, the Japanese civil society has a risk to be controlled by the government in spite of the name, Non Governmental Organizations (NGOs), because the 'NGOs' that are funded by the government is likely to follow its policies, and to be at its beck and call. Such NGOs that receive its fund will be controlled as it wants.

It has been a while since Afghan asylum seekers were detained all at once. 9.11., terrorism became a trigger that made Afghan asylum seekers the objects to be arrested, to be detained at detention centers and to be suspected as terrorists in October 2001. The situation at the time that they got arrested was in more ostentatious atmosphere than that at the time "*Many Police officers suddenly came to workplace*"<sup>4</sup>. The event

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<sup>3</sup> Eight Bangladeshi got arrested from May to June in 2004, with a suspicion that they contacted with a French of Algerian descent considered as one Al-Qaeda member in Japan. However, it became clear afterward that suspects were unrelated to Al-Qaeda.

<sup>4</sup> In the early morning on 3 October 2001, forty policemen in plain clothes wearing bulletproof jacket and being armed with

brought about the strong crackdown on foreigners after fall in 2003 until now. The Ministry of Justice and the Department of Police probably regarded 9.11.as a favorable opportunity to prepare for their selection, monitoring and control on people at the time. Vertically structured security organizations such as the Ministry of Justice and the Department of Police were accelerated to be integrated in terms of their functions then.

When hearing to the victims' stories, I suddenly experienced a dé-jà vu. The situation in the earlier time of Showa period would presumably be similar with that now. It was understandable that military authorities went out of control due to its strong influence, render Japanese people controlled as a whole, entered into the time of insanity and sacrificed them as well as people of neighbor countries. The military authorities were bureaucracy itself. No matter how much time went by, the essence is not changed at all. The Ministry of Justice and the Department of Police might be being in a similar position of the military authorities that oppressed people who made objections, because they exclude different people from themselves with legal means as weapon. Such a situation that will generate another tragedy should be ended.

## **VI Conclusion**

In a medical center, I am engaged in treatments for foreigners as a doctor. When hearing to what they experienced, I came to find that social problems that would be one major cause for their diseases are being hidden behind their diseases. Even though their diseases can be cured, it would absolutely be impossible for me to examine such social illness and heal it. However, I am taking a position to record the crack down or detention mentioned above as social illness, because there are more chances for me to contact with the victims than that for ordinary citizens. With cooperation with human-rights organizations such as Japanese Attorney Association and Amnesty International Japan, I have reported some of the human-rights violations until now. For an instance, an article titled "human-rights violations at detention centers under the Ministry of Justice" was contributed to a magazine, "Legal Seminar" in September 2005. This time my focus was on human-rights violations by the Ministry of Justice and the Department of Police as well. It is my curiosity how people at legal profession would consider about such situations.

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