



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Seventy-sixth session  
15 February – 12 March 2010

**QUESTIONS BY THE RAPPORTEUR  
IN CONNECTION WITH THE CONSIDERATION OF  
THE THIRD TO SIXTH PERIODIC REPORTS OF  
JAPAN (CERD/C/JPN/3-6)**

**Composition of the population**

1. As follow-up to the Committee's previous concluding observations,<sup>1</sup> please provide full details on the composition of the population, including on economic and social indicators reflecting the situation of all groups covered by the Convention, including resident Koreans, returnees from China, the Buraku and Okinawa communities as well as immigrants, asylum-seekers and refugees.

**General information and institutional framework**

2. Please indicate whether and to what extent non-governmental organizations were consulted in the preparation of the third to sixth periodic reports of the State party.

**Article 1**

3. Please clarify the relationship between the Convention and domestic law, citing, where possible, examples of cases where the Convention was used by domestic courts for interpretative purposes.

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<sup>1</sup> CERD/C/304/Add.114, paras. 7, 22.

4. Reiterating the previous concluding observations of the Committee,<sup>2</sup> as well as its general recommendation No. 29 (2002) on article 1, paragraph 1 of the Convention (Descent), please indicate how the State party has integrated the concept of descent-based discrimination into its laws and regulations in order to ensure the full enjoyment of civil, political, economic, social and cultural rights by persons belonging to or descending from the Buraku community.

5. Please comment on reports according to which resident Koreans applying for Japanese nationality are still urged to change their Korean names to Japanese names, and that they often feel obliged to do so for fear of discrimination in the context of education, employment and marriage.

## Article 2

6. With regard to the previous concluding observations of the Committee,<sup>3</sup> please indicate whether the State party intends to adopt a comprehensive anti-discrimination law in line with the provisions of the Convention.

7. Please indicate whether any independent body specifically appointed to respond to complaints with regard to discrimination faced by, among others, persons from the Buraku, Ainu, Okinawa and resident Korean communities exists in the State party, or whether there are any plans for the establishment of such body. More generally, please indicate whether the State party intends to establish a national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134, annex).

8. Please comment on allegations that some professionals and local civil servants with access to confidential family registration databases use their authority to create and update lists known as “Buraku Lists” and to sell information on ancestry, birth place and domicile to credit services and private investigators conducting background investigations to determine if a potential employee or marriage partner comes from a Buraku community. Please indicate what measures have been taken by the central administrative authority to ensure respect for privacy and to address violations and abuse in this regard. Also please indicate if there are any plans to modify the existing family registration system based on ancestry and to introduce a requirement by which access to personal information would be permitted only with the informed consent of the person concerned.

9. Please explain why the State party has not endorsed the human rights protection bill, provide an update on its current status and indicate the measures that will be included under its revised version (State party report, CERD/C/JPN/3-6, para. 34).

10. Please provide more detailed information on the current refugee determination procedures and the provision that financial assistance to persons with refugee status is usually

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<sup>2</sup> Ibid., para. 8.

<sup>3</sup> Ibid., para. 10.

granted for four months only, even though the average time required to process an application is two years (State party report, CERD/C/JPN/3-6, para. 28).

#### **Article 4**

11. While noting that a number of measures have been adopted to guarantee ways of using of the Internet which do not infringe the rights of others, the Committee nonetheless invites comments on reports stating that instances of intolerance and discriminatory attacks through the Internet continue and include posting of anonymous hateful messages and threats against certain communities, including in particular the Buraku and resident Koreans, as well as the use of internet maps and search engines to obtain and share personal information on family names and housing location of members or descendants from these communities. Please indicate to what extent the Provider Liability Limitation Law of 2004 has been applied to counter such abuse of the Internet or what other actions have been taken. Further, please indicate which of the findings of the Study Group on Actions against Illegal and Harmful Information on the Internet established in 2005 have been implemented so far (State party report, CERD/C/JPN/3-6, para. 42).

#### **Article 5**

12. Please provide information on measures taken to recruit more members of the Ainu and Okinawa communities into the public administration of the State party, including the law enforcement agencies. Please provide additional statistical information on employment rates of members of the groups covered by the Convention in the civil service. Please also comment on reports that discrimination often occurs with regard to recruitment and employment and the fact that members of communities or their descendants, including the Ainu, Buraku and migrants of Japanese descent, are highly overrepresented in unstable, blue collar work in small and medium-size companies, and underrepresented in management positions.

13. Please provide additional disaggregated data and information on the Programme to accelerate Foreigners' Adaptation to the Life Environment in Japan established in 2007 and on the scope of recipients targeted by this programme (State party report, CERD/C/JPN/3-6, para. 55). Please indicate whether this programme also covers foreign spouses of Japanese citizens and children of intercultural marriages, or whether any other programmes exist to facilitate their integration in society.

14. Please provide detailed information on measures adopted to protect the rights of migrant workers.

15. Please indicate the measures taken to address disadvantages faced by communities such as the Ainu, Okinawan, Buraku, resident Koreans and Chinese permanent residents, as well as non-nationals in their access to education, employment, adequate standards of living and health care. By what means are these measures monitored and what specific indicators are used to monitor progress?

16. Please provide information on measures taken to provide remedies for resident Korean retirees who have no access to pension benefits because of the National Pension Act.<sup>4</sup>

17. Please clarify the indicators and targets underlying the statement that “the decrease in public assistance ratio shows the positive effects of the Hokkaido Utari measures” (CERD/C/JPN/3-6, paras. 10-14). Please mention what the concrete effects of these measures have been on higher education, stable employment, skill training and annual average household income as compared to the national average. How does the State party ensure full participation of Ainu people in the establishment of a comprehensive development policy? Further, please indicate the time frame for the enactment of legislation on Ainu issues and the establishment of an advisory or consultative body on Ainu affairs as per the final report of the Government’s Expert Panel on Ainu Policy.

18. Please explain why the Ryūkyūan/Okinawan Japanese are not considered an indigenous people or national minority by the State party, and state whether there are measures in place to protect, preserve and promote their cultural heritage and ways of life and recognize their land rights. Please clarify the State party’s understanding of the concept of “indigenous people”.

19. According to information received, children of foreign origin, including South Americans of Japanese descent, children of migrant workers and resident Korean minorities, often attend parallel schools or “miscellaneous schools” whose accreditation depends on prefectural governments, and which are not always acknowledged as official schools. In this context, please indicate the disaggregated enrolment rates in compulsory education, rates of children advancing into higher education, and enrolment rates in university of children of migrant workers, resident Koreans and other minorities. What institutional and financial measures exist to guarantee the rights of all children to receive an education, including access to education in minority languages as previously recommended by the Committee? Please specify the measures taken to prevent and counteract the harassment of resident Korean children attending North and South Korean schools (State party report, CERD/C/JPN/3-6, para. 26).

#### Article 7

20. In addition to information presented in the State party report (CERD/C/JPN/3-6, paras. 35 and 46-49), please provide further information on specific human rights training programmes and courses that have been provided to members of the judiciary, law enforcement officials, teachers, social workers and other public officials. Please include information on the course contents and follow-up.

21. With regard to the recommendations made by the Special Rapporteur on racism following his visit to Japan,<sup>5</sup> please provide information on measures taken concerning the process of writing and teaching of history objectively and accurately.

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<sup>4</sup> In this regard, see also the relevant recommendation of the Special Rapporteur on racism following his visit to Japan in July 2005, E/CN.4/2006/16/Add.2, para. 91.

<sup>5</sup> E/CN.4/2006/16/Add.2 para. 82.

22. Please provide further information on the awareness-raising activities and human rights education activities directed at the public at large at the prefectural level and throughout the country. Please provide information on the evaluation of the impact of awareness-raising campaigns, training and education programmes on entrenched attitudes and behaviour relating to issues which fall within the scope of the Convention.

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