

ADDITIONAL INFORMATION
FROM JAPAN
TO THE COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION
IN RELATION TO THE CONSIDERATION
OF JAPAN'S PERIODIC REPORT
AT THE 96TH SESSION OF THE COMMITTEE

1. Ainu people

Q: Have Ainu groups demanded a formal government apology for historical injustices?

A: It is true that some Ainu people request apologies and compensation from the Government of Japan.

However, many Ainu people, including board members of the Ainu Association of Hokkaido, consider that it is not appropriate to make requests that could potentially cause divisions between Ainu people and others, who have coexisted together for a long time, believing that the issues related to the Ainu people should be dealt with in a future-oriented manner.

Such a future-oriented policy was also confirmed by 'the Council for Ainu Policy Promotion' in May 2018, in which the Chief Cabinet Secretary of Japan and 12 council members (of which 5 are Ainus) participated.

In accordance with this policy, the Government of Japan will further enhance Ainu policies, including potential new legislations for the indigenous Ainu people.

Q: Explain about textbook descriptions on the history, culture and language of the Ainu.

A: The following steps have been taken as part of the Government's efforts to enrich education on the Ainu in school education. Descriptions about the Ainu were expanded in the revision of the National Curriculum Standards for elementary and lower secondary schools in March 2017. In order to enhance descriptions of the Ainu in new textbooks following the revision of the National Curriculum Standards, the Government organized briefing sessions last year for publishers of textbooks for elementary and lower

secondary schools to provide information to, and exchange views with, publishers about the history, culture, and language of the Ainu.

Moreover, descriptions about the Ainu were expanded in the revision of National Curriculum Standards for upper secondary schools in March 2018. In order to enhance descriptions of the Ainu in new upper secondary school textbooks, the Government is planning to hold briefing sessions this year for publishers of textbooks for upper secondary schools..

2. Foreign residents (including children of foreign residents, foreign women, and naturalization)

Q: Is the child of a couple comprising a Japanese male and a non-Japanese female not considered as Japanese?

A: The Nationality Act provides that a child shall be a Japanese national if the father or mother is a Japanese national at the time of birth (excluding a person whose father or mother is Japanese and who has acquired the nationality of a foreign country through birth abroad and does not indicate an intention to reserve Japanese nationality).

If a child whom at least one parent is a Japanese national and who does not have Japanese nationality on the grounds that he/she, for example, does not indicate an intention to reserve Japanese nationality wants to reside in Japan, he/she may acquire the status of residence of “Spouse or Child of Japanese National” according to the circumstances.

Q: When a foreign woman with the status of residence as a spouse of Japanese national or as a spouse of permanent resident gets divorced, is she subject to deportation?

A: Even if a foreign national staying in Japan with the status of residence as a spouse of Japanese national or as a spouse of permanent resident gets divorced, he/she is not necessarily subject to deportation as long as he/she has a justifiable reason to continue staying in Japan.

It shall be determined according to the circumstances whether he/she has a justifiable reason to continue staying in Japan or not. For example, the status of residence, “Long Term Resident” is granted to those who are confirmed to have lived in Japan with their spouse for a long time, to have

the ability to make their own living and a certain level of Japanese language proficiency, and to have fulfilled their public obligations.

Q: What are the naturalization requirements? Do Korean residents in Japan who are seeking naturalization face pressure to adopt Japanese names?

A: See Paragraph 105 and 106 of the Seventh, Eighth and Ninth Combined Periodic Report for the naturalization requirements.

Officials engaged in the naturalization process do not persuade or put pressure on Korean residents in Japan who are seeking naturalization to adopt Japanese names.

3. Technical Intern Training Program

Q: Is the Technical Intern Training Program System a system to ensure the availability of a work force?

A: The Technical Intern Training Program System is not a system to ensure the availability of a work force in Japan.

The System is of great significance for international contribution through skill transfer to developing countries, and the Government of Japan will continue to utilize the System in line with its principle, while working toward more appropriate operation in accordance with the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees.

Q: Are there problems such as excessive overtime work of technical intern trainees under the Technical Intern Training Program?

A: Inspection and guidance have been provided to workplaces which are believed to have some problems in ensuring implementation of legal working conditions of technical intern trainees by the labour standards inspection agencies, including in regard to excessive overtime work. In addition, cases of serious or malicious violations of laws and regulations with regard to technical intern trainees have been treated strictly, including, for example, by the administration of judicial punishment. Moreover, we operate a mutual reporting system among the labour standards inspection agencies, the immigration authorities and the Organization for Technical Intern Training.

As stated above, we are working hard to protect the rights of technical intern trainees and operate the Technical Intern Training Program properly.

Q: Are there any cases in which technical intern trainees are returned home forcefully?

A: Technical Intern Training Act sets out that in cases where technical intern trainees return to their home countries before the expiration date of the technical training plan the implementing organizations are required: a) to provide the trainee with a detailed explanation that he/she does not need to cancel the technical intern training programs and return home against his/her will; b) to confirm the trainee's intention to return home in writing; and c) to notify the Organization for Technical Intern Training of the trainee's return home at the time the decision is taken for the trainee to return home, which is to say before the trainee returns home. When the implementing organizations fail to fulfill these obligations or submit a false report, penal provisions are applied.

Q: Under the Technical Intern Training Program, do sending organizations collect deposits from technical intern trainees before they come to Japan?

A: The Government of Japan, in cooperation with sending countries, continues administrative control to bar such sending organizations from collecting deposits from trainees of the program.

Specifically, under the Technical Intern Training Program, the Government of Japan concludes Memoranda of Cooperation (MOC) with the governments of sending countries. In accordance with the MOC, each sending country examines the eligibility of sending organizations to authorize only appropriate sending organizations and reject inappropriate sending organizations such as those that collect deposits.

4. Refugees

Q: Explain why the refugee recognition rate is low in Japan compared with other countries.

A: Recently, in Japan, there has been a considerable number of cases of

abuse and misuse of applications for refugee recognition, such as applications for the purpose of working in Japan, while the number of applicants from countries producing massive numbers of refugees or displaced persons, such as Syria, Afghanistan and Iraq, remains low. If we look at the protection rate provided for the applicants from those countries, that of Japan is almost the same as that of European and other countries where the surge of refugees and displaced persons has become a big issue.

For example, after the outbreak of the Syrian conflicts in 2011, the Government of Japan has granted all the Syrian applicants for refugee recognition either refugee status or other residential status as for the cases concluded by 2017, in consideration of the severe situation in their home country.

Q: Are Applicants for refugee recognition detained?

A: Applicants for refugee recognition staying legally in Japan at the time of application are not detained.

An applicant for refugee recognition without status of residence is granted permission for provisional stay and not detained unless he/she is recognized to fall under certain grounds such as a case where he/she is likely to flee.

Even if applicants for refugee recognition are not granted permission for provisional stay and detained, provisional release is elastically permitted according to the circumstances.

5. Buraku

Q: Explain about budgetary measures after the termination of the regional improvements based on acts for special measures in 2002.

A: According to the Cabinet decision in 1996, policy measures to eliminate Buraku discrimination are now integrated in the general policies for promotion of human rights, and fiscal resources to carry out such policy measures are appropriated from the overall budget for the promotion of human rights.