

Oral Answers to the List of Themes Concerning the Tenth and Eleventh Combined  
Periodic Report by the Government of Japan under Article 9 of the International  
Convention on the Elimination of All Forms of Racial Discrimination

Hate Speech

First of all, let me explain Japan's efforts on the elimination of hate speech, which was mentioned in paragraph 6 and 8 of the List of Themes.

Article 5 of the Hate Speech Elimination Act, which came into force in 2016, stipulates the responsibility of the government to develop a counseling platform in order to eliminate unjust discriminatory speech and behavior. Concerning the counseling platform, in April 2017, the Ministry of Justice increased the number of languages available on the 'Foreign-language Human Rights Hotline' and 'Human Rights Counseling Centers for Foreigners' to 6 (English, Chinese, Korean, Filipino, Portuguese and Vietnamese). In addition, the Ministry increased the number of 'Human Rights Counseling Centers for Foreigners' in the Legal Affairs Bureaus and District Legal Affairs Bureaus from 10 to 50. The Ministry continues to work on the enhancement of the counseling platform.

Furthermore, concerning the measures against hate speech on media and the Internet, the Ministry of Justice has taken various measures to raise public awareness such as delivering lectures and distributing leaflets for elimination of unfair discrimination and prejudice, including racial discrimination. In response to the remarks on the Internet intended to exclude foreigners, the Ministry added contents featuring 'human rights of foreigners' on its official website and published advertisement banners on human rights of foreigners on its web search platforms.

When a Legal Affairs Bureau receives a complaint of a human rights violation on the Internet from the victim, it would immediately verify relevant information which constitutes the alleged human rights violation. In cases where it is not too difficult for the victim to take measures to prevent and recover from damages caused by such violation on his/her own, the Bureau would provide 'support' for the victim, such as informing them on how to request online service providers to delete the contents which amounts to human rights violation.

In cases where the circumstance makes it difficult for the victim to take measures on his/her own, the Bureau would conduct necessary investigation such as interviewing the victim and other relevant parties, and assess illegality of the alleged act in light of statutes and judicial precedents. If the alleged act is deemed illegal, the Bureau in charge would request the online service provider to delete the contents. As such, the

Ministry provides appropriate remedies for the victims. For example, the Ministry made a total of 568 requests for the deletion of such online contents in 2017.

In order to promote appropriate operation by online service providers to counter illegal and harmful information including hate speech on the Internet, the Ministry of Internal Affairs and Communications supports the relevant private business organizations to develop the Model Terms and Conditions for internet services.

#### Ainu

Next, I will move on to the Government's measures to protect and promote the rights of the Ainu people, which were mentioned in paragraph 9 of the List of Themes.

In July 2009, 'the Advisory Council for Future Ainu Policy,' established under the Chief Cabinet Secretary of Japan following the adoption of a resolution at the Japanese Diet in June 2008, presented a report to the Government of Japan. Based on the recognition that the Ainu people are the indigenous people in Japan and by referring to the relevant articles of the United Nations Declaration on the Rights of Indigenous Peoples, this report proposes specific policy measures. They take into account a future vision of the Ainu policy as well as the realities of the Ainu people and Japan.

In December 2009, following the release of the report, the Government of Japan established 'the Council for Ainu Policy Promotion' with a view to promoting the comprehensive and effective Ainu policies, while paying attention to the views and opinions by the Ainu people. More than one third of the members of the Council for Ainu Policy Promotion and its working group are the Ainu people. The government promotes measures with substantial involvement of Ainu people and will continue to implement policy measures, while carefully listening to the views and opinions by the Ainu people.

As for the living conditions of the Ainu people, a survey conducted by Hokkaido Prefectural Government shows continued improvement on their living standards. Having said that, there is still a remaining gap between the Ainu people and other residents in Hokkaido regarding their living conditions. The Government of Japan offers necessary cooperation for the Hokkaido Prefectural Government in implementing its 'Promotion Policy for the Improvement of Ainu People's Life'. In addition, the government supports comprehensive programs, such as counseling services for their daily lives and activities to raise their awareness of human rights at Community Centers, facilities aimed at improving the Ainu community's livelihood and welfare in Hokkaido.

With regard to education for the Ainu people, the Hokkaido Prefectural Government adopted "the Third Promotion Policy for the Improvement of Ainu People's Life" in 2016.

From the perspective of ensuring equal opportunity in education, it offers scholarship program for the Ainu children to prevent them from giving up on higher education in the face of their financial situation. The Government of Japan takes part in subsidizing the scholarship. Furthermore, a Hokkaido Ainu Living Conditions Survey in 2017 shows that the percentage of the Ainu people who enter high schools increased by 2.5% to 95.1% compared to the previous survey in 2013. When it comes to those who entered universities (including junior college), the percentage increased by 7.5% to 33.3% compared to the previous survey in 2013, indicating the improvement in access to education.

Concerning the employment of the Ainu people, for the purpose of respecting fundamental human rights of applicants and of preventing discrimination in their recruitment procedure, the Government of Japan instructs and raises awareness of their employers to ensure fair selection and recruitment based on the applicant's qualification and abilities.

Regarding the protection and promotion of the Ainu culture, following UNESCO's assessment in February 2009, that eight languages and dialects in Japan including the Ainu language are in danger of extinction, the Government of Japan conducted a research on the situation surrounding the Ainu language as well as the status of efforts made for the preservation and inheritance of the Ainu language. As a result, the Government found that the Ainu language was indeed in a critical situation. Following such a result, the Government of Japan developed a plan to archive audio materials for the Ainu language so that those materials are available for study or other purposes. Since FY2015 the government has continued to digitize the audio materials, and support efforts to archive such materials. Additionally, the government has held events with the participation of Ainu speakers to raise awareness of endangered languages and dialects including that of Ainu's. The government has also convened meetings between researchers and local administrative officials who are in charge of efforts toward endangered languages and dialects for sharing information. Ainu people are also members of such meetings.

In addition, in order to promote the Ainu culture and deepen its understanding among Japanese people, the Government supports the Foundation for Research and Promotion of the Ainu Culture for implementing its projects such as 'Promotion of Comprehensive Research on the Ainu,' 'Promotion of the Ainu Language,' 'Promotion of the Ainu Culture' and 'Fostering Transmitters Utilizing Traditional Ainu Living Habitats.'

With respect to the rights to land of the Ainu people in Japan, ownership of land or other property rights are guaranteed to anyone under our domestic laws, and those of

the Ainu people are equally guaranteed as Japanese nationals. Moreover, in order to enable our activities to preserve the Ainu culture through the use of their land and resources, the said report of ‘the Advisory Council for Future Ainu Policy’ proposes to enhance a project to restore traditional Ainu living space (known as iwor-places). The government is steadily implementing relevant measures by taking into account such a proposal.

#### Technical Intern Training Program

Next, I will move on to measures for the improvement of the Technical Intern Training Program, which were mentioned in paragraph 17 of the List of Themes.

With regard to the Technical Intern Training Program, ‘the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees’ was established in November 2016 in the face of opinions and comments for the program. The Act came into force in November 2017. It aims to ensure appropriate implementation of the training program and the protection of the trainees.

For the protection of the trainees, the Act stipulates as follows;

1. Clarification of duty of the government to comprehensively and effectively promote necessary measures for ensuring proper implementation of the technical intern training program and the protection of the technical intern trainees;
2. Prohibition of human rights violations against technical intern trainees, with the penal provisions;
3. Offer of advice to technical intern trainees and to respond to reports submitted by the trainees;
4. Specifying the duty of the supervising organizations and the implementing organizations to provide support for job transfer of technical intern trainees; and
5. Establishment of the Organization for Technical Intern Training, which conducts investigation and inspection into supervising organizations and the implementing organizations.

Furthermore, the Government of Japan promulgated relevant ordinances and notifications including ‘the Basic Policy for the Proper Implementation of Technical Intern Training and Protection of the Technical Intern Trainees’ in April 2017. This basic policy stipulates government’s basic understanding on how to implement the program appropriately and on how to ensure the protection of the trainees. The Government of Japan, along with the Organization for Technical Intern Training, the supervising organizations, and the implementing organizations are operating the program in compliance with the points noted in the Basic Policy.

Furthermore, when it comes to the inspection of and giving instructions to the program's supervising organizations, Labor Standards Inspection Agencies conducts strict review and give instructions, if a supervising organization is suspected to be involved in a situation where the implementing organization violates Labor Standards Act and other relevant laws. Also, based on the Act, the agencies assess to what extent the review and instructions are being made to the implementing organizations in light of Labor Standards Act and other relevant laws, by conducting on-site inspections at the supervising organizations.

#### Human Trafficking

Let me explain Japan's efforts to address human trafficking, which were mentioned in paragraph 20 of the List of Themes.

In July 2017, Japan concluded the United Nations Convention against Transnational Organized Crime (the Palermo Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, for the purpose of combatting transnational organized crimes including human trafficking.

In this respect, the Government of Japan developed the 2014 Action Plan of Combat Trafficking in Persons in 2014, and established a Council for the Promotion of Measures to Combat Trafficking in Persons comprising relevant Cabinet Ministers, which aims to respond to the situation concerning human trafficking in an appropriate manner and to promote efforts by the government to combat human trafficking in a comprehensive and inclusive manner.

In this regard, relevant ministries and agencies have engaged through close coordination. Through such efforts, the Government of Japan has advanced thorough comprehension of the actual situations, prevention and eradication of human trafficking, recognition of the victims, and protection of as well as support for the victims as a final goal.

For example, the police is working to collect a wide range of potentially relevant information through investigating illegal employment cases in adult entertainment businesses and through publicity and awareness-raising activities, including by operating the anonymous report hot line and by distributing leaflets in multiple languages. Through such measures, the police works to protect the victims at an early stage and arrest the suspects.

When a Women's Consulting Office receives a request from relevant administrative organs on the protection of human trafficking victims, or when it recognizes a need of

such protection, the office, with the consent of the victims, reports the situation to the police and the Immigration Bureau of the Ministry of Justice. Moreover, the office is working to expand support for the victims who are under the government's protection, through such measures as providing clothes and housings and arranging night guards.

The Coast Guard of Japan conducts measures for supporting victims, through such measures as providing crime victims, including those of human trafficking, with information and explanation on the summary of criminal procedures, the progress of the investigation, the situation concerning suspect's arrest and referrals, and other matters that deems useful for helping the victims and easing their anxiety.

The Ministry of Justice has strengthened the protection of foreign victims such as by amending Immigration Control and Refugee Recognition Act in 2005. As a result of the amendment, the provisions that grant foreign victims special permissions to stay were added.

Moreover, the Government of Japan supports programs for safe repatriation of the foreign victims who suffered trafficking and for the social reintegration of those victims after their return to their home countries, through contributions to IOM (International Organization for Migration). From May 2005 to the end of June 2018, the Government of Japan has extended repatriation supports to 321 foreign victims.

The government will continue to make our utmost efforts for eradicating human trafficking in a wholistic manner.

#### Comfort Women Issue

The Government of Japan considers that it is not appropriate for this consideration to take up the comfort women issue in terms of the implementation of State Party's undertakings under the International Convention on the Elimination of All Forms of Racial Discrimination as this Convention does not apply to any issues that occurred prior to Japan's conclusion thereof (1995), and the issue does not fall under ("racial discrimination" as defined in) paragraph 1 of article 1 of this Convention.

However, as paragraph 14 of the List of Themes raises the matter concerning the comfort women issue, I would like to take this opportunity to explain Government's position.

The Government of Japan recognizes that the comfort women issue was affront to the honor and dignity of a large number of women. With such understanding, the government has announced its most sincere apologies and remorse to the former comfort women, through the Statement of the Chief Cabinet Secretary and the letters from successive Prime Ministers.

Concerning reparations to surviving comfort women and their families, the Government of Japan considers that issues of compensation as well as property and claims pertaining to the Second World War, including comfort women issue have been legally settled by the San Francisco Peace Treaty, the Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea and other treaties. Furthermore, the Government of Japan has extended its maximum assistance to the Asian Women's Fund, which implemented programs to offer medical and welfare support and atonement money to the former comfort women, to offer realistic relief to them. When these programs were implemented, the then-Prime Ministers sent a signed letter expressing apologies and remorse directly to each former comfort woman.

While the Asian Women's Fund was disbanded in March 2007, the Government of Japan will continue its effort to gain an understanding for the sincere feelings of the Government and people of Japan which were embodied in the projects of the Asian Women's Fund. The Government of Japan will also continue its effort to ensure that Japan's views and efforts on the comfort women issue are properly recognized by the international community based on an objective understanding of relevant facts.

Concerning the comfort women issue between Japan and the Republic of Korea, both governments reached an agreement on this issue as a result of considerable diplomatic efforts. With the agreement, both countries confirmed that the comfort women issue is resolved 'finally and irreversibly.'

The Japan-ROK agreement was not only confirmed between the two countries but was highly appreciated by the international community. It is of great importance that the agreement, including the aforementioned efforts, are steadily implemented.