

Amb. Fujisaki

Statement by the Government of Japan on the presentation by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

18/09/06

1. Introduction

First of all, the Government of Japan appreciates the Special Rapporteur's presentation today. We also welcomed his visit to Japan last year. The Government of Japan fully cooperated with the Special Rapporteur.

We thank the Special Rapporteur for his efforts to make a detailed report on his visit and all the relevant authorities of Japan have studied it carefully with great interest.

In our view, however, there are some factual errors in his report and some parts of his report go beyond the Special Rapporteur's mandate. Therefore, we submitted a detailed comment which has now been published as an official document, A/HRC/1/G/3, dated June 26, 2006. We will not repeat in detail our comments but we would just like to make a brief statement.

2. Our Policy and Legal System

Japan has taken all possible measures to combat racial discrimination. Japan has acceded to two main International Conventions regarding the elimination of discrimination, namely CERD and CEDAW.

Regarding our domestic law, article 14 of the Constitution of Japan guarantees equality before the law without any discrimination.

In this regards, the Special Rapporteur reports that this article is not considered by our courts to be self-executing, and that there is no provision in the national legislation that provides a judicial remedy for victims.

However, there are cases in which the courts judged that the acts of private citizens were invalid because of discrimination taking into consideration the purpose of the Constitution. Also, a victim who suffers because of racial discrimination can claim damages in accordance with the provisions of the Civil Code and other laws. Racially motivated violence is penalized under our Penal Code, and the government has been taking appropriate measures under the criminal laws against such cases.

3. *Dowa* (Buraku) People

The Government of Japan has implemented special policies towards *Dowa* districts and the residents thereof since 1969, with the objectives of rapidly improving the

economic conditions and living environments of *Dowa* districts.

As a result of the efforts over many years, large improvements have been achieved, including housing and infrastructure.

4. The Ainu People

Regarding the Ainu people, the Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture entered into force in July 1997. Its objective is to build a society in which the racial pride of the Ainu people is respected and have the Ainu culture and traditions contribute to the development of a diverse culture in Japan.

With the enactment of the law, public interest in Ainu culture and traditions has increased in the public and as a result, activities related to Ainu culture and traditions have been gradually spreaded.

The Prefectural Government of Hokkaido has also implemented various measures.

5. Foreign Nationals

Regarding the issue of foreign nationals living in Japan, including Chinese and Korean people, the Constitution of Japan guarantees fundamental human rights to foreign residents in Japan except the rights which, owing to their nature, are interpreted to be applicable only to Japanese nationals. Thus, the Government actively pursues the goals of; (1) ensuring equal rights and opportunities for foreigners, (2) respecting foreigners' own cultures and values, and (3) promoting mutual understanding.

Just to take up one example, children of foreign nationals can receive the same education at Japanese public schools as Japanese nationals free of charge if they wish so.

6. Conclusion

Japan will continue to make every effort to achieve a society in which each person is respected as an individual and can fully develop his or her own character.