

The Challenge: The Protection and Promotion of Human Rights of Migrants in Japan

In conjunction with the tenth anniversary of the 2001 Durban Declaration and Programme of Action (DDPA), IMADR delivered an oral statement jointly with the Solidarity Network with Migrants Japan (SMJ - <http://www.jca.apc.org/migrant-net/English/English.html>) during the 16th session of the Human Rights Council (see below). Despite commitments made under the DDPA, Japan has failed to fully and effectively protect and promote the rights of migrants, including those from its former colonies and their descendants. While there have been many different problems faced by migrants in Japan, one fundamental cause rests with the absence of a law prohibiting racial discrimination and a mechanism securing the implementation of such law, i.e. an independent national human rights committee. Also, Japan has not yet ratified the International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition to the legislative failure, the strict immigration law and control over migrants and non-Japanese residents has made it difficult for them to fully exercise their rights as protected under international human rights norms and standards.

Some of the current problems pertinent to migrants in Japan have been pointed out by the Committee on the Elimination of Racial Discrimination last year in its Concluding Observations to Japan's combined third to sixth periodic reports (under Paragraphs 11, 12, 13, 14, 16, 17, 22, 23, 24 and 25).

<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.JPN.CO.6.doc>

IMADR Oral Statement, Human Rights Council 16th Session Item 9, General Debate

March 22, 2011

Mr. President,

Paragraph 26 of the Durban Declaration and Programme of Action (DDPA) requests States to promote and *protect fully and effectively* the human rights and fundamental freedoms of all migrants, regardless of their immigration status. IMADR, on behalf of the Solidarity Network with Migrants Japan (SMJ), would like to stress that in many cases, migrants including refugees and asylum seekers are still facing discriminatory practices, xenophobia and intolerance. In many countries, immigration policies are restrictive, rigid and not properly coping with the changing context and actual trends of migration.

Furthermore, immigration policies that do not reflect the needs for migrant labor in the country even increase the irregularity of people's movements and status at the destination, making migrants more and more vulnerable to various human rights abuses, including human trafficking and labor or sexual exploitation. Indeed, there are a lot of migrant workers, especially domestic workers and those in the informal sector, being deprived of their labor rights.

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In Japan, right wing group have been openly assaulting Korean schools and pupils, tens of

adults surrounding and shouting at children. These groups can continue and even escalate their acts without being punished, since there is no legislation in the country that prohibits such racist acts. There is neither an anti-discrimination law nor an independent national human rights institution. A number of migrant trainees and technical interns, who work in Japan through a program designed and facilitated by the State, are deprived of their fundamental rights and freedoms, being exploited and facing slavery- like working and living conditions. In some cases, this program is even used by human traffickers. In 2008, a technical intern from China died of long-term overwork and there are about 30 cases in recent years in which the death of trainees and interns are probably caused by inhumane working conditions.

Against this backdrop, we call on the Council to more strongly promote a human rights-based approach towards migration, as well as the ratification and *full* implementation of the International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families. Regardless of their immigration status, migrants are all human beings and their human rights must be equally promoted and protected. Further, we request that all the States present here provide sufficient assistance to and cooperate with relevant stakeholders such as NGOs or trade unions working with migrants for the promotion and protection of their human rights.

Thank you, Mr. President