

Joint NGO Submission

for the preparation of List of Issues Prior to Reporting for Japan

to the UN Committee on the Elimination of Racial Discrimination

<< Part A >>

Submitted by

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Japan NGO Network for the Elimination of Racial Discrimination (ERD Net) is a network of NGOs working for the elimination of racial discrimination in Japan. Since 2007, it has continually intervened in the CERD review of human rights situations of Japan and other UN human rights mechanisms. IMADR takes the roles of coordination and secretariat for the ERD Net.

List of NGOs contributing to the ERD-Net Report

- The International Movement Against All Forms of Discrimination and Racism (IMADR)
- Japan Network towards Human Rights Legislation for Non-Japanese Nationals& Ethnic Minorities
- Solidarity Network with Migrants Japan (SMJ)
- Research-Action Institute for Ethnic Korean Residents (RAIK)
- Buraku Liberation League (BLL)
- Human Rights Association for Korean Residents in Japan (HURAK)
- Korea NGO Centre
- Ainu Association of Sapporo
- Association of Indigenous Peoples in the Ryukyus (AIPR)
- All Okinawa Council for Human Rights (AOCHR)
- Women's Active Museum on War and Peace (wam)
- Hyogo Association for Human Rights of Foreign Residents
- Yokohama City Liaison Committee for Abolition of the Nationality Clause
- National Network for the Total Abolition of the Pension Citizenship Clause
- Japan Association for Refugees (JAR)
- Japan Network Against Trafficking in Persons (JNATIP)
- Association for War-displaced Japanese in China, Returnees from China to Japan and the Families
- Minority Women Forum

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Abbreviations

Convention	International Convention on the Elimination of All Forms of Racial Discrimination
Committee	Committee for the Elimination of Racial Discrimination
LOIPR	List of Issues Prior to the Reporting
COs	Concluding Observations
GR	CERD General Recommendation
Government	Government of Japan
MoJ	Ministry of Justice
MOFA	Ministry of Foreign Affairs
Constitution	Constitution of Japan
Act on the Elimination of Hate Speech	<u>Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons with Countries of Origin other than Japan</u>
Act on the Promotion of Elimination of Buraku Discrimination	<u>Act on the Promotion of the Elimination of Buraku Discrimination</u>
Act on Promoting Measures for Ainu People	<u>Act on Promoting Measures to Achieve a Society in which the Pride of Ainu People is Respected</u>
Immigration Control Act	<u>Immigration Control and Refugee Recognition Act</u>

Glossary

Zainichi Korean or Korean residents in Japan	Those who migrated or were forcibly taken to Japan under the Japanese colonial rule, and had no choice but to remain in Japan for various reasons, and their descendants. Now, most of them are third or fourth generation.
Technical Intern Training Program (TITP)	Against the official aim of <u>TITP</u> to “international cooperation through the transfer of technical knowledge and skills”, the reality is that small- and medium-sized companies experiencing labour shortages use TITP as a means to secure labour. According to the Immigration Services Agency, as of June 2024, the number of technical intern trainees rose by 21,158, with a total of 425,714, the second largest group after permanent residents.
Employment for Skill Development (ESD)	The program aims to “develop and secure human resources in industrial fields with labour shortages”. In the revision of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees in 2024, it was decided that the current system will be replaced with the <u>Employment for Skill Development Programme</u> (ESD) by 2027.

Development of Comprehensive Measures to Eradicate Racial Discrimination

Relevant Articles of the Convention: Articles 2 and 4.

Relevant Recommendations: CERD/C/JPN/CO/10-11, paras 7 and 8; CERD/C/JPN/CO/7-9, paras 7, 8, and 15; CERD/C/JPN/CO/3-6, para 9; CERD/C/304/Add.114, paras 9, 10, and 12; CCPR/C/JPN/CO/7, paras 8 and 9.

Suggested Questions for LOIPR:

1. Please provide detailed information about measures taken, especially enactment as well as revision of laws and ordinances at the national and local levels for the prohibition and eradication of hate speech, hate crimes, and racial discrimination in all aspects of social life, including housing, education, services, medical care, and employment opportunities, since the enactment of the Act on the Elimination of Hate Speech in 2016.
2. What kind of effective measures are taken, including legal reforms, to eradicate and prevent hate speech on the Internet?
3. What kind of programmes are incorporated into school education and social education to address the root causes of racist hate speech and hate crimes, combat prejudice that leads to racial discrimination, and promote understanding and coexistence among different nationalities, ethnic groups, and other groups?

Background explanation:

Japan has not developed any specific policies to eliminate racial discrimination, and therefore, is not fulfilling its obligations under Article 2 of the Convention.

The reality of discrimination in various areas of life

The Act on the Elimination of Hate Speech, which came into effect in 2016, only targets discriminatory acts and speech directed at persons of foreign origin who are legally residing in Japan. Furthermore, there are no provisions that clearly prohibit such behaviour, impose sanctions, or provide redress to victims.

Discrimination is occurring in various areas of life in reality. For example, according to a survey conducted by 'YOLO JAPAN Co., Ltd.', which operates media for foreign residents (published in 2020), 43% of foreigners who looked for housing answered that their application was rejected because they were foreigners. The survey included testimonies such as, "I found several properties that I liked during viewings, but the landlords rejected me because I was a foreigner" (India/20s female) and "After viewing several properties, I received a call saying they would not provide services to foreigners" (Algeria/20s male). Similarly, in a survey conducted by the private company 'LIFULL HOME'S' in 2022, 40.5% of respondents answered that they had experienced discrimination or felt unequal treatment during viewings or contract procedures due to their foreign nationality. In the "Survey on the Awareness of Foreign Residents" conducted by Kawasaki City, Kanagawa Prefecture (published in 2025), 26.1% of respondents said their applications were rejected, and 17.1% said they were not even shown any properties, because they were foreign. Compared to the previous survey conducted by Kawasaki City (2019), the former remained more or less the same, while the latter increased by 2.9%, indicating that housing discrimination has not improved.

There are still cases of "entry discrimination." Since the novel coronavirus pandemic in 2020, there have been cases of shops refusing entry to Chinese persons. In 2024, an Italian restaurant in Tokyo caused a major controversy by posting a poster in its shop window saying, "No Koreans or Chinese allowed." Regarding "discrimination at employment," the 'Human Rights Education Research Centre'

at Kansai Gakuin University conducted a “Research on Human Rights Protection and University Challenges Regarding Employment for Foreign Students in Japan” (2021), which examined the actual concerns of current students with foreign roots, including Korean students, students with foreign nationality (including students with student visas), and refugees, as well as the actual employment activities of graduates. According to the survey results, two-thirds of students currently seeking employment felt some level of anxiety, and 40% of graduates reported experiencing discrimination or prejudice during their job searches. In 2022, the major beef bowl chain ‘Yoshinoya Holdings’ refused Japanese nationals to attend job fairs based on their names, which “appeared” foreign, leading to an apology at the shareholders’ meeting for the series of incidents. In 2024, there was also a case where a Japanese student with foreign roots was denied participation in a job fair by a company that assumed he was a foreigner based solely on his name. There have also been cases of accommodation refusals by hotels. In 2025, a third-generation Zainichi Korean woman living in Kobe City was asked to present her passport or other identification during check-in at a hotel in Tokyo, despite there being no legal basis for such a request. When she refused, she was denied accommodation. She is currently suing the hotel operator for damages.

Current status of anti-discrimination laws and ordinances at the national and local levels

Currently, there are no national policies to comprehensively prohibit and eliminate racial discrimination, and there are no laws prohibiting discrimination or NHRI.

To address cases of discrimination in Japan, it may be possible to use general legal provisions such as tort under the Civil Code or obstruction of business under the Penal Code, only if discriminatory act is directed at a specific individual or specific individuals, such as cases of a foreigner being refused entry to a store because of being a foreigner, or statements calling for destruction of a specific ethnic school. However, since there is no anti-discrimination law or any laws prohibiting discrimination, there is no guarantee that the court will recognise such an act as discrimination. Moreover, since there is no NHRI, the only avenue for redress is to file a lawsuit, which can take years and incur significant costs.

Another problem is that there are no applicable laws and no legal remedies available for cases in which discriminatory speech or acts target groups distinguished by their attributes in general but not targeting specific individual(s). For example, there are currently no legal means to stop hate speech targeting ‘women,’ ‘persons with disability,’ ‘Muslims,’ ‘foreigners,’ or ‘Kurds’ in general (the only exception being the anti-discrimination ordinance of Kawasaki City, which is introduced in a separate section).

The Committee has also recommended revisions to the Act on the Elimination of Hate Speech¹ and the enactment of comprehensive anti-discrimination laws², but no legal reforms have been made at the national level.

On the other hand, at the local level, several anti-discrimination ordinances have been enacted based on the Act on the Elimination of Hate Speech, with the most groundbreaking being the Kawasaki City Ordinance on ‘Creating a Human Rights-Respecting Community Free from Discrimination’, which not only prohibits hate speech but also, for the first time in Japan, makes it a criminal offence. However, at present, this ordinance is the only law or ordinance that contains criminal regulations. In order to

¹ CERD/C/JPN/CO/10-11, para 14 (a), among others.

² CERD/C/JPN/CO/10-11, para 8, among others.

expand legal norms that prohibit discrimination and include sanctions, it is important for the national government to publicly report this ordinance to the Committee.

Internet

Regarding online expression, the 'Law on Limitation of Liability for Damages and Disclosure of Sender Information by Specific Telecommunications Service Providers' was amended as a measure against defamation and slander, and in 2024, it became the 'Law on Measures Against Rights Infringements Caused by the Circulation of Information via Specific Telecommunications.' However, this law does not address most problematic cases of hate speech targeted at groups and persons in general (instead of against specific individuals, please see above section), or contain any provisions prohibiting such acts, and allowing such cases of hate speech on the Internet unconditionally.

Education

Education aimed at eliminating racial discrimination including learning of its history and current state is not included in the Government's educational programmes. The State party is not undertaking any fundamental efforts to eliminate racial discrimination.

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Establishment of a National Human Rights Institution (NHRI)

Relevant Articles of the Convention: Articles 6 and 7.

Relevant Recommendations: CERD/C/JPN/CO/10-11 paras 10 and 11; CEDAW/C/JPN/CO/9, para 22; CCPR/C/JPN/CO/7, para 7; CRPD/C/JPN/CO/1, para 70; A/HRC/56/55/Add.1 para 85 (g)(ii).

Suggested Questions for LOIPR:

1. Please specifically explain what elements of the MoJ's human rights programs fulfil the requirements for an independent NHRI in accordance with Paris Principles that have been in place in 118 UN member states.
2. Is there any mechanism in the human rights consultation program of the MoJ that allows follow-up and evaluation of remedies and effectiveness of instruction given to the perpetrator?

Background Explanation:

In its review of 2018, the Committee recommended to establish an NHRI and designated this as a follow-up recommendation³. In 2019, the Government submitted to the Committee the follow-up information stating, "The Government continues to review appropriately the framework for a human rights remedy system, bearing in mind also the discussions conducted thus far."⁴ The "human rights remedy system" referred to by the Government can in no way be regarded as an independent NHRI, as recommended by the Committee, with a broad range of mandates including the investigation of and remedies for human rights violations and several others. The Government must understand and recognise the difference between the MoJ Human Right Bureau's consultation program and an NHRI in their nature and mandates.

During its official visit to Japan, UN Working Group on Business and Human Rights interviewed representatives of the Ainu, Zainichi Koreans and Buraku people about discriminatory or unfair treatments they received. In its report of Japan visit submitted to and adopted by the 56th Human Rights Council⁵, the Working Group recommended an early establishment of an NHRI to address human rights violations in relation to business practices that included what they found during the interviews with these communities. During the 4th cycle of UPR of Japan in 2023, 29 states urged Japan to establish an NHRI and its report was adopted by the 53rd Human Rights Council⁶, to which the Government serves as a member state for the fifth time.

In 2023, an Ainu woman and Zainichi Korean women brought a case of hate speech made by a Diet member to the consultation program of the Human Rights Bureau of MoJ (see the report on Hate Speech by public figures). Later in the same year, the Human Rights Bureau found that it was a human rights violation. The Diet member concerned, however, contested the decision of the Bureau and questioned the appropriateness of the consultation program. She also started again making derogatory remarks and posting against the Ainu. During the media interview right after her nomination as an official LDP candidate for the national election of July 2025, she stated that she had not been held accountable for any human rights violations, and that she had checked it with the MoJ.

³ CERD/C/JPN/CO/10-11 paras 10, and 46 for follow-up recommendation.

⁴ CERD/C/JPN/CO/10-11/Add.1, para 4.

⁵ A/HRC/56/55/Add.1, para 85 (g)(ii).

⁶ A/HRC/53/15.

Continuation of these series of actions and statements further strengthens discrimination against minority women and increases their anxiety.

The Government should evaluate whether the human rights consultation program, which it has always been claiming as an alternative to a NHRI, can actually provide an effective remedy for victims. Furthermore, the MoJ is not conducting any follow-up investigations after the investigation of a case has been completed.

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Reservations on Article 4 (a) (b)

Relevant Articles of the Convention: Article 4 (a)(b).

Relevant Recommendations: CERD/C/JPN/CO/10-11, paras 11 and 12; CERD/C/JPN/CO/7-9, para 10; CERD/C/JPN/CO/3-6, para 13.

Suggested Questions for LOIPR:

1. Please provide information on the constitutional possibility to impose criminal penalties on all acts specified in Article 4(a)(b), including acts of violence and incitement to violence, including the possibility to impose penalties focusing on serious and malicious acts.
2. Please explain how concretely the State party has examined the possibility of withdrawing all or part of the reservations on the article 4 for each act, and if the State party is still in process of examination, please provide information by when the examination is planned, when a conclusion is supposed to be reached, and details of the content and results of examinations so far.

Background Explanation:

The Committee has recommended that the Government withdraw its reservations under Article 4(a)(b) or consider doing so, at every review so far⁷. However, the Government has not reported on any specific considerations to date, so specific questions on this issue are necessary and effective.

While there are currently no criminal regulations targeting hate speech or hate crimes at the national level, in Kawasaki City, Kanagawa Prefecture, the 'Kawasaki City Ordinance on Creating a Human Rights-Respecting Community Free from Discrimination' came into effect in 2020, using the Act on the Elimination of Hate Speech as its legal basis. Article 12 of the ordinance stipulates that, if discriminatory speech that incites threats, insults, or exclusion against people of foreign origin is repeated three times in public, the perpetrator's name will be made public and a fine of up to 500,000 yen will be imposed. The ordinance is also introduced on the MoJ's website, and the Government has effectively acknowledged that it does not violate the Constitution. Courts have never ruled the ordinance unlawful.

Therefore, the Government is aware that it is constitutionally possible to impose penalties on at least some of the acts under Article 4, and therefore, the withdrawal of the reservations under Article 4(a)(b) should be possible.

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⁷ CERD/C/JPN/CO/10-11, paras 11 and 12; CERD/C/JPN/CO/7-9, para 10; CERD/C/JPN/CO/3-6, para 13; CERD/C/304/Add.114, para 11.

Reality of Hate Speech and Hate Crimes

Relevant Articles of the Convention: Articles 2 and 4.

Relevant Recommendations: CERD/C/JPN/CO/10-11, paras 13 and 14; CERD/C/JPN/CO/7-9, para 11; CERD/C/JPN/CO/3-6, para 14; CCPR/C/JPN/CO/7, paras 12 and 13; CCPR/C/JPN/CO/6, para 12.

Suggested Questions for LOIPR:

1. Is there any indication or evidence that hate speech has decreased since the enactment of the Act on the Elimination of Hate Speech? Please provide detailed information about the current situation of hate speech, disaggregated by targeted groups (e.g. foreigners in general, persons from the area formerly colonised by Japan, migrant workers, asylum seekers, irregular migrants, Koreans, Chinese, Kurds, Persons from Buraku community, as well as other groups with multiple / intersecting minority characteristics such as Korean women etc.), by perpetrator (e.g. public institutions, public figures, celebrities, media, discriminatory organisations, etc.), and by method (e.g. demonstrations, street speeches, posters, media reports, publications, the internet, etc.). If there are any relevant court cases, records and precedents, please provide detailed information about them.
2. Please provide statistical data on hate crimes, including about the ethnic origin of victims, as well as about investigations, prosecutions, and convictions disaggregated by ethnicity. Please provide information on court cases, if any.
3. What kind of public and regular surveys or any other relevant studies are conducted on racial discrimination, including hate speech and hate crimes?

Background Explanation:

After the enactment of the Act on the Elimination of Hate Speech, the number of hate demonstrations decreased, but other forms of hate speech remained unchanged, while hate speech during elections and on the Internet has become more serious, and hate crimes are occurring frequently.

Hate towards Kurds

Since the summer of 2023, discrimination against Kurds who have come to Japan mainly from Turkey has intensified. The catalyst was the revised Immigration Control Act passed by the Diet in June 2023, which allows for the forced repatriation of asylum seekers. As discussions on the law began, Kurds, who make up a significant portion of asylum seekers, came under scrutiny in the media. Online platforms are flooded with posts appearing to call for persecution of Kurds including incitement to violence or murder. Hate demonstrations and street speeches have been organised by xenophobic groups in the southern part of Saitama Prefecture, such as Kawaguchi City and Warabi City, which have areas predominantly resided by Kurds. Moreover, there are also private groups claiming to be “vigilantes” to monitor Kurds and YouTubers repeatedly conducting secret filming of Kurds without any consent of the persons concerned, plunging Kurds' daily lives into fear. In September 2024, there was a post on X with videos and images taken by hidden cameras, falsely accusing a Kurdish child of shoplifting, which was widely shared on X, with about 800 million views.

Groups supporting Kurdish people are also being targeted, with one group receiving over 100 emails and letters saying, for example, “better to kill all Kurds,” “Kurds are not needed in Japan. We are carrying out a campaign to expel you traitors who are engaged in such activities. Get out of Japan!”

Hate crimes

Hate crimes are frequently committed. In January 2020, a New Year's card declaring the "extermination" of Zainichi Koreans was sent to the Kawasaki City Friendship Hall, a multicultural exchange facility in Kawasaki City, Kanagawa Prefecture. Later that month, a letter was sent to the facility containing a bomb threat. In March 2021, a letter stating "Die" and an opened bag of sweets labelled "Contains coronavirus" were sent to the director of the facility. In July and August of the same year, a series of arson attacks targeted Korean community facilities and the adjacent Nagoya Korean School in Aichi Prefecture, as well as the Zainichi Korean community area, called "Utoro" in Uji City, Kyoto Prefecture. In April 2022, a man broke into the Korea International Academy (Ibaraki City, Osaka Prefecture) and set fire to a cardboard box, damaging the floor. In September of the same year, a letter suggesting a gun attack was sent to the Tokushima Prefectural Headquarters of the Korean Residents' Association in Japan.

In the aforementioned Tokushima incident, the prosecutor stated that it was a so-called hate crime. The judge also described it as "a highly self-righteous and selfish act driven by one-sided hatred toward Korea and the Korean Residents' Association, amplified by prejudice," recognising it as a substantial hate crime. However, none of the other incidents have been treated as hate crimes in court.

In June 2022, a woman residing in Toshima Ward, Tokyo, was arrested for allegedly defacing nine locations with graffiti stating "Die Zainichi Koreans." In September the same year, graffiti stating "Kill Korean Association" was discovered at JR Akabane Train Station in Tokyo, and in October, graffiti stating "Kill Zainichi Koreans Association" was found in a public toilet stall adjacent to JR Shinmachi Train Station in Takasaki City, Gunma Prefecture.

Several cases of hate crimes were committed in relation to international events. In 2020, when the novel coronavirus pandemic began, Chinese people became targets of discrimination because the first confirmed case was found in Wuhan, China. A letter was sent to a long-established Chinese restaurant in Yokohama's Chinatown stating, "Chinese people are trash" and "Get out of Japan quickly." In February 2022, when Russia invaded Ukraine, the signboard of a Russian grocery store in Tokyo was destroyed. In October 2022, after the Democratic People's Republic of Korea launched a ballistic missile, students from a Korean school were assaulted by strangers.

Hate on the Internet

There has been no change in the high number of incitement of discrimination on the Internet, which is constantly flooded with hate speech, and it has become clear through frequent hate crime incidents that online incitement often leads to physical violence. The perpetrators of the aforementioned arson attacks in Utoro and of the Korea International Academy both admitted that they were influenced by discriminatory posts and false information on YouTube, Yahoo! News comment sections, and X, to commit their crimes.

Discriminatory false information also routinely surfaces after natural disasters. On 1 January 2024, a magnitude 7 earthquake struck the Noto region of Ishikawa Prefecture. Immediately after the earthquake, social media was flooded with unfounded posts such as "Foreign theft gangs are gathering on the Noto Peninsula."

Online hate speech targeting the Ainu people continues unabated. According to the "Hokkaido Ainu Living Conditions Survey," approximately 30% of those who reported experiencing discrimination cited social media posts as the source. Racial discrimination based on skin colour (such as the use of the N-word) is also rampant, victims include professional athletes.

Prepared by: Japan Network towards Human Rights Legislation for Non-Japanese Nationals& Ethnic Minorities

Measures to Tackle Hate Crimes

Relevant Articles of the Convention: Articles 2 and 4.

Relevant Recommendations: CERD/C/JPN/CO/10-11, paras 13 and 14; CERD/C/JPN/CO/7-9, para 11; CCPR/C/JPN/CO/7, paras 12 and 13; CCPR/C/JPN/CO/6, para 12.

Suggested Questions for LOIPR:

1. What policies and legal measures are in place to investigate, prevent, punish, raise awareness of, and eradicate hate crimes? Does the State party have a specific department dedicated to addressing this issue?
2. When a hate crime is committed, does the State party explicitly indicate and demonstrate its commitment to eradicate them in its reaction, including actions such as condemnations issued by public institutions and high-ranking public figures or visits to victims of hate crimes?
3. Are there any guidelines available for police officers and prosecutors to identify racial motives behind crimes, register complaints, and investigate and prosecute cases? Are there any guidelines for judges to appropriately recognise racial motives and reflect them in sentencing when they are recognised?
4. What kind of training is provided to law enforcement officials, including police officers, prosecutors, and judges, regarding hate crimes and the Hate Speech Elimination Act?

Background Explanation:

As reported in the separate section on the reality of hate crimes, hate crimes are occurring frequently including cases that can cause death such as arson. However, the Government has not taken any measures to address hate crimes, also failing so far to provide a clear definition of hate crime. The 'Japan Network towards Human Rights Legislation for Non-Japanese Nationals & Ethnic Minorities' met with the Minister of Justice in April 2022 and made specific requests, including the establishment of a dedicated agency to investigate hate crimes, development of specific countermeasures, immediate condemnation of hate crimes by the Prime Minister and other high rank officials, and the creation of guidelines and training programmes on hate crimes. However, none of these requests has been implemented to date.

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Discriminatory Remarks and Incitement to Ethnic Hatred by Public Figures

Relevant Articles of the Convention: Article 4(c).

Relevant Recommendations: CERD/C/JPN/CO/9-10, para 14 (g); CERD/C/JPN/CO/7-8, para 11 (d); CERD/C/JPN/CO/3-6, para 14; CERD/C/58/CRP, para 15.

Suggested Questions for LOIPR:

1. What are the concrete measures taken by the State party in response to numerous discriminatory remarks made by government officials and politicians, considering that the Committee has consistently made recommendations on the issue?
2. Please provide information on the State party's understanding and response to the hate speech during election periods, concerning continued reports of cases of hate speech, including dissemination of propaganda and false information inciting racial discrimination and xenophobia, and in particular hate speech made by candidates during the recent national election.

Background Explanation:

1. Despite the Committee's repeated recommendations⁸, the Government has not taken any appropriate action under Article 4(c) regarding discriminatory remarks made by politicians and government officials. In late 2022, a Diet member (refer to the section on NHRI) was questioned in the Diet about her discriminatory article against Ainu and ethnic Korean women posted on her blog and was eventually forced to resign from her position as Parliamentary Vice-Minister for Internal Affairs and Communications. However, the Government has been refusing to acknowledge that the case constituted 'hate speech' or 'racial discrimination.'

In October 2023, following a complaint filed by the targeted Ainu woman and ethnic Korean women (referred to in the section on NHRI), the Human Rights Bureau of the MoJ determined that the article concerned constituted a 'human rights violation' and gave instructions to the Diet member. However, the Diet member has been denying that she committed any acts of discrimination and continuing defamatory remarks against the Ainu online and offline. Statements made by high-ranking public officials or prominent figures have significant influence and can greatly affect public opinion. Successive governments have ignored 'discriminatory statements' made by high-ranking officials and failed to take any effective measures on the issue. Under the Act on the Elimination of Hate Speech and Article 4(c) of the Convention, the Government must take decisive actions.

2. Xenophobic slogans and discriminatory statements have been used more frequently and blatantly during election campaigns. In the July 2025 Upper House election, a political party that used the slogan 'Japanese First' and disseminated false data and unfounded information to support their opinions, such as 'Foreigners are treated more favourably than Japanese,' 'Crime committed by foreigners has increased,' and 'Foreigners' low wages prevent Japanese wages from rising,' gained a large number of votes. Other parties followed with similar tactics. Discriminatory languages targeting ethnic Koreans and foreigners were frequently observed in statements made by party leaders and candidates. Due to the absence of any regulations on misinformation and disinformation disseminated by candidates or political parties during elections, unless it is directed to a certain candidate to prevent votes from going to that person, discriminatory statements including those amounting to hate speech remain unabated. The absence of effective legal regulations has led to the

⁸ CERD/C/58/CRP, para 13; CERD/C/JPN/CO/3-6, para 14; CERD/C/JPN/CO/7-9, para 11 (d); CERD/C/JPN/CO/10-11, para 14 (g) (j).

situation where candidates feel they are immune from any sanctions and continue making discriminatory remarks and hate speeches. Similar situations are observed not only in national elections but also in local elections. The Government must take decisive actions and urgently and swiftly develop long-term and effective countermeasures.

Prepared by: The International Movement Against All Forms of Discrimination and Racism (IMADR)

Racial Profiling

Relevant Articles of the Convention: Article 2 para. 1 (a) and (b); Articles 4 and 6.

Relevant Recommendations: CERD/C/JPN/CO/10-11, paras 23 and 24; CERD/C/JPN/CO/7-9, para 25; CCPR/C/JPN/CO/6, para 20.

Suggested Questions for LOIPR:

1. Please provide detailed information on policies and legal frameworks in place to ensure that police officers and prosecutors do not engage in any discriminatory practice including prejudice and racial profiling based on race, skin colour, nationality, ethnicity, gender, religion, or other attributes of persons concerned or related parties in the performance of their duties? Does the State party have a dedicated department addressing discrimination by the Police and prosecutors?
2. What training is provided to police officers and prosecutors concerning the impact of discrimination and prejudice on their duties, and hate speech?
3. Please provide detailed information about complaints (not limited to lawsuits) alleging discriminatory or prejudiced conduct by police officers and prosecutors in the performance of their duties, investigations conducted, disciplinary and preventive measures taken, and remedies provided to the victims.
4. What policies and legal frameworks, including detailed and targeted guidelines for relevant officers, are in place regarding the investigation, prevention, sanctions, awareness-raising, and eradication of racial profiling in police questioning? Does the state have a dedicated department on this issue?
5. Is detailed documentation and records of police questioning mandatory, in order to enable post-facto verification of its legality? Are these records made public?
6. Are surveillance activities by police officers targeting Muslims continuing?

Background Explanation:

Racial profiling by the police

Cases of discriminatory treatment by the Police based on race and appearance have been reported. In 2021, in a case where a South Asian woman and her 3-year-old daughter were subjected to racist verbal abuse from a Japanese man in a park, the responding police officers overlooked the man's discriminatory behaviour and, believing his unfounded accusations, pressured the woman and daughter for an extended period to "admit" the falsely accused acts. The officers took the woman and her daughter to the police station and conducted questioning of the 3-year-old daughter alone after removing the mother from the room. Furthermore, they provided the woman's name, address, and phone number to the perpetrator without her consent. Such treatment would never have happened if the woman had not been a foreigner. The woman and her daughter have filed a State compensation lawsuit against the Tokyo Metropolitan Government.

Police response to hate speech

Before the enactment of the "Act on the Elimination of Hate Speech," there were instances of police officers using violence to persons protesting against hate demonstrations and street campaigns. Such acts have decreased since the enactment of the said Act, but hostile behaviour toward protesters against street hate speech and hate demonstrations is still observed. On February 18, 2024, during a hate demonstration by a xenophobic group around Warabi train Station in Saitama Prefecture, a Saitama Prefectural Police officer called "scum" to citizens protesting against the hate demonstration,

causing controversy. The Police is also continuing the practice of providing "protection" to xenophobic groups carrying out hate demonstrations. After the enforcement of the Act on the Elimination of Hate Speech, there were cases where police vehicles accompanying hate demonstrations making announcements that "we must strive to contribute to the realisation of a society free from unjust discriminatory speech against persons originating from outside Japan," but this is not always the case, and the Police responses have not been standardised.

Racial profiling in police questioning

Racial profiling is considered to be routinely practiced, particularly in police questioning. In 2021, the U.S. Embassy in Japan warned of racial profiling incidents on Twitter. A 2022 survey conducted by the Tokyo Bar Association among persons with foreign roots found that 62.9% of respondents had been subject to police questioning in the past five years, and of these, 85.4% felt that police officers had assumed their foreign roots from the beginning, with 92.2% citing physical characteristics as the reason. The explanation from the Police insists that they conduct police questioning only when there are legitimate reasons, based on the Police Duties Execution Act. The National Police Agency conducted a survey in 2022 and announced that there were 6 cases of inappropriate conduct in police questioning in 2021, but it did not cover or address discriminatory selection of questioning subjects based on race or appearance—the essence of racial profiling. This approach appears to show that the Police is downplaying the significance of the problem. A State compensation lawsuit has been filed regarding racial profiling in police questioning and is currently under trial in the first instance.

Profiling against Muslims

Despite recommendations from the Committee⁹, police officers continue regular visits to mosques around the country. No investigation has been conducted concerning cases of profiling and collective surveillance of Muslims, nor any accountability or prevention measures taken, and no remedies are provided to victims. While there is no evidence to determine whether the surveillance is continuing, there is no evidence either that it has ended.

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⁹ CERD/C/JPN/CO/10-11, paras 23 and 24; CERD/C/JPN/CO/7-9, para 25; CCPR/C/JPN/CO/6, para 20.