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Excellency,

I wish to inform you that the Committee on the Elimination of All Forms of Racial Discrimination, in the course of its 79th session, considered the follow-up report submitted by the Government of Japan, pursuant to Rule 65(1) of the Rules of Procedure of the Committee.

The Committee welcomes the timely submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 12, 20 and 21 of the Concluding Observations (CERD/C/JPN/CO/3-6), adopted following the consideration of the State party's 3rd to 6th periodic reports in February 2010. The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its 7th to 9th periodic reports to be submitted in a single document by 14 January 2013.

Paragraph 12 of the Concluding Observations. The Committee thanks the State party for the information provided to the Committee but notes that such information does not show a changed situation and that no bill establishing a National Human Rights Institution (NHRI) has been resubmitted to the Diet so far. It reiterates its recommendation to establish such an institution in a timely manner and encourages the State party to indicate a detailed plan to guide progress according to set time limits. The Committee welcomes Japan's awareness of the importance of an independent NHRI, in compliance with all Paris Principles, and requests further clarification on how this independence will be ensured in particular in the areas of finance, organization, and human resources.

The Committee also notes that no new action has been taken to establish a comprehensive and effective legal complaints mechanism and in this respect, recalls the importance of such a mechanism and encourages the State party to comply with its recommendation. The Committee requests the authorities for updated information on these issues in its next periodic report.

Paragraph 20 of the Concluding Observations. The Committee thanks the State party for the information provided. It notes with interest the creation of the two working groups mentioned but notes that the second only surveyed the living conditions of the Ainu people "outside Hokkaido". The Committee encourages the State party to conduct a national survey regarding the Ainu people, living in and out of Hokkaido, in a systematic way.

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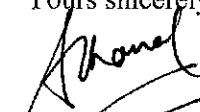
The Committee also notes that no working group was created to examine and implement the Declaration on the Rights of Indigenous Peoples and that the number of Ainu representatives within the Meeting for the Promotion of Ainu Policies has not been increased since the session. Therefore, the Committee requests further clarification on which paragraphs of the Declaration are taken into consideration by the Meeting and how they are reflected in its work. It also reiterates its request that further steps be taken for the effective implementation of the Declaration on the Rights of Indigenous Peoples.

Finally, the Committee appreciates the need of Japan for consultation, analysis and study in order to consider the issues preventing it from ratifying the ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries. It encourages the State party to undertake such activities, including holding effective consultations with the Ainu people.

Paragraph 21 of the Concluding Observations. The Committee thanks the State party for the information provided but notes that the information available did not provide an indication of any new action taken to monitor and combat discrimination suffered by Okinawan people. The Committee requests further clarification on how equality under the law is ensured, in practice, between the people of Okinawa and Japanese citizens, in particular regarding their economic, social and cultural rights. It reiterates its encouragement that the State party engage in wider consultations with this people so that the disparity between Okinawa and the rest of Japan become narrower in all contexts and that people of Okinawa be protected, in law and in practice, against discrimination.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Japan, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal

Chairperson of the Committee
on the Elimination of Racial Discrimination