

# **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 D >>**

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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	<a href="#"><u>Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons with Countries of Origin other than Japan</u></a>
Act on the Promotion of Elimination of Buraku Discrimination	<a href="#"><u>Act on the Promotion of the Elimination of Buraku Discrimination</u></a>
Act on Promoting Measures for Ainu People	<a href="#"><u>Act on Promoting Measures to Achieve a Society in which the Pride of Ainu People is Respected</u></a>
Immigration Control Act	<a href="#"><u>Immigration Control and Refugee Recognition Act</u></a>

## 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 <a href="#"><u>TITP</u></a> 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 <a href="#"><u>Employment for Skill Development Programme</u></a> (ESD) by 2027.

## Ensuring Longer-term Education for Migrant Children

**Relevant Articles of the Convention:** Article 5 (e)(v).

**Relevant Recommendations:**

### **Suggested Questions for LOIPR:**

1. Please explain any measures taken or currently planned to guarantee longer-term residential status of migrant or foreign children under the age of 18, especially those of school-age.
2. What is the State party's policy on guaranteeing the possibility of long-term education for migrant children, including granting longer-term status or new ones to the children and their parents who are their guardians?

### **Background Explanation:**

Migrant children are only granted residential status based on their parents' residential status, so if their parents' divorce, lose their jobs, or return to their home country, their children may be forced to interrupt their education in Japan and return to their home country, or be placed into a situation with irregular immigration status.

According to the Statistics on Foreign Residents compiled by the Immigration Services Agency as of the end of December 2024, the total number of foreign residents under the age of 18 reached 356,927. Among them, only 121,109 (34%) hold residential status with more stable legal i.e. immigration status in Japan such as 'Special Permanent Resident' and 'Permanent Resident,' which allow them to plan, continue and finish their education and pursue their careers in a longer-term. The remaining 66% of children are in a more unstable position where they may be forced to return to their home country even in the middle of their schooling if their residence status i.e. permit is not extended. In particular, there are 140,100 children under the age of 18 (39%) who are residing in Japan with the 'Dependent' status, which depends on their parents' residence and employment circumstances. Although there are no statistical figures available, such children with 'Dependent' status face the risk of losing their residential status due to their parents' illness, unemployment, death, divorce, or separation (including separation due to domestic violence), may be forced to stop attending school and return to their home countries. Such cases are not uncommon and can occur in any part of Japan. This is because Japan's immigration policy focuses on attracting migrant workers but lacks consideration for the education and future prospects of the children who accompany them.

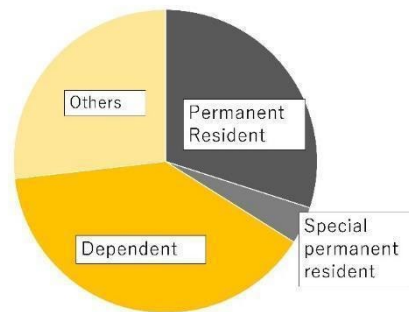
In 2020, the Immigration Services Agency announced that if the following four conditions are met, it is possible to change to a residential status that allows employment in Japan: (1) Entered Japan before the age of 18; (2) Residing in Japan with the 'Dependent' status; (3) Studying at a Japanese high school, graduated or expected to graduate it; and (4) Having a concrete job offer. In 2024, the Agency further outlined a way to change the status to "Long-Term Resident."

However, there are still many migrant youth who are caught in the gaps of the system and face uncertainty in their residential status, for example:

- 1) Those who are forced to return to their home country before completing their education at schools in Japan.
- 2) Those who entered Japan after turning 18 years old and are still with the 'Dependent' status.
- 3) Those who lacked access to Japanese high schools or dropped out of them, and therefore still with the 'Dependent' status even after turning 30 years old and are forced to continue relying on their parents' support.

4) Among the people in 2) and 3) above, there are also those who got their own children with the partners who are also with 'Dependent' status, but are not allowed to work, and therefore unable to secure independent livelihoods.

***Number of persons under 18 years of age by residential status***



	Status of residence	Number of children	percentage
Residential status with no restrictions on length of stay	Permanent Resident	106,886	29.9%
	Special permanent resident	14,223	4.0%
Residential status with a fixed length of stay (several months, 1 year, 3 years, 5 years) that must be renewed or otherwise must return to their home country.	Dependent	140,100	39.3%
	Others	95,718	26.8%
Total (total number of migrant children under 18 years of age)		356,927	100%

Prepared by: Solidarity Network with Migrants Japan (SMJ)

## Education for Foreign Children with Irregular Residential Status

**Relevant Articles of the Convention:** Article 5 (e)(v).

**Relevant Recommendations:**

### **Suggested Questions for LOIPR:**

1. Please clarify the understanding and response of the State party concerning reported cases of some schools refusing admission of students of foreign nationality with irregular residential status despite the practice of the State party since the 1990s accepting such children and youth into elementary and secondary education, as well as into vocational schools, junior colleges, and universities.
2. Please clarify the understanding, position and response of the State party concerning exclusion of high school students of foreign nationality without residential status from the programme for full exemption of high school tuition fees.

### **Background Explanation:**

Among immigrants residing in Japan, there are individuals who do not hold valid residential status but are unable to return to their home countries for example due to the fear of persecution. Even when they apply for regular residential status, the process takes a significant amount of time, resulting in families remaining in irregular residential status for extended periods including those under the age of 18 and facing challenges in their education.

### Guidance on irregular residents attending elementary and secondary schools

Since the 1990s, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) has been issuing guidelines, notifications, and responses in parliamentary sessions (December 16, 2011) urging municipal education boards to facilitate the enrolment of children of foreign nationality without residential status in elementary and junior high schools. Since the 1990s up to today, there have been many foreign children and youth without residential status completing elementary and secondary education and attending vocational schools or universities. Such educational experiences of foreign children and youth have been considered as a positive factor for the Immigration Services Agency to grant special residence permits (legalises their status) to children and their families, as it increases their “likelihood of settling in Japan.” However, there are foreign children and youth whose opportunity for education is denied due to the rejection by individual schools.

### Schools refusing admission of foreign children with irregular residential status

In recent years, there have been several cases where elementary and junior high schools refuse admission of children of foreign nationality on the grounds that they do not have residential status. There are also some local governments / municipalities setting additional requirements of “having regular residential status” for the admission of children of foreign nationality into night classes of junior high schools. Furthermore, there have also been cases where students of foreign nationalities, who completed high school education, were refused to take entrance exams or admissions to attend vocational schools or universities, or their enrolment permits cancelled on the grounds that they did not have residential status.

### Irregular residents are not eligible for free high school tuition

The ‘High School Education Support Grant Programme’ was introduced in 2010. Starting in the 2025 academic year, the government declared that all high school students attending Japanese schools would be exempt from tuition fees, regardless of income. However, students of foreign nationality

with irregular residential status are excluded from this exemption and required to pay tuition fees on their own. Many of those students are unable to pay tuition fees because their parents with irregular residential status are not permitted to work. This exclusion from the exemption programme is causing hardship for them and obstructing their access to high school education.

Prepared by: Solidarity Network with Migrants Japan (SMJ)

## Exclusion of Foreign Students from the Living Expense Subsidy Program of SPRING<sup>1</sup>

### Relevant Articles of the Convention:

### Relevant Recommendations:

### Suggested Questions for LOIPR:

1. What are the reasons behind the exclusion of foreign students from the eligible groups for research grants (equivalent to living expenses) and related policy change, despite the fact that the “Q&A on the Application Guidelines for the ‘Support for Pioneering Research Initiated by the Next Generation 2025’” (last revised on 3 September 2024), in its Q3-3 on eligible students, clearly stated that there were no nationality requirements and that foreign students were also eligible.
2. Please provide information about the current status of “consideration” currently undertaken regarding the research grants for foreign doctoral candidates, whose residential status in Japan is other than student visa, as it has been reported that the matter is ‘under consideration.’ Additionally, if they are to be excluded, please clarify the reasons for this decision.

### Background Explanation:

SPRING is a program introduced in the 2021 academic year with the aim of providing economic support, including research grants (equivalent to living expenses), to doctoral candidates (hereinafter, ‘PhD students’) in order to create an environment where they can focus on research and to promote the development of career paths that will enable them to play an active role in a wide range of fields in the future. The implementing body for this program is the Japan Science and Technology Agency (hereinafter, ‘JST’).

The process of the SPRING is as follows:

- First, universities wishing to apply for the program must formulate and submit a project proposal that meets the objectives of SPRING under the supervision of one project manager. JST will examine proposals and decide which projects are accepted (13 projects were accepted for the 2025 academic year).
- Then universities, whose proposals were accepted, select PhD students to be supported by the programme, with no nationality requirements for eligible students until the 2025 academic year, allowing each university to conduct its own selection process.
- PhD students who are selected for support will receive up to 2.9 million yen per year from JST. Of this amount, 1.8 to 2.4 million yen per year is allocated for research grants.

In the 2024 academic year, 10,564 PhD students received support, of which 4,125 were foreign nationals (39.0%) including 2,904 Chinese nationals (27.5%). In March 2025, H.A., a member of the House of Councillors affiliated with the ruling Liberal Democratic Party, cited these figures and demanded that the Ministry of Education, Culture, Sports, Science and Technology revise the system, stating that it was “impossible to gain the understanding of the public,” which led to the actual review of the system. At the same time, false rumours such as “10 million yen is being provided to foreign (Chinese) students” began to spread on social media.

For reference, the total number of PhD students in the 2024 academic year is 77,717, of which 22,119 (28.5% of the total) are foreign nationals (including those residing in Japan with residential status other than student visa). Among Japanese PhD students, there are also those who are employed by

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<sup>1</sup> SPRING: Support for Pioneering Research Initiated by the Next Generation.



companies and pursuing PhD while working (who also receive financial support e.g. living expenses from their companies). Therefore, it cannot be said that the recipients of the support under the SPRING are predominantly foreign students. Furthermore, among the 63,066 foreign students enrolled in graduate schools such as master's programs, 51,558 are self-funded students with student visa and 40,401 are from China (of whom 37,540 self-funded students with student visa, which consists of 72.8% of total self-funded foreign students with student visa). Therefore, the claim that foreign (Chinese) students are disproportionately favoured is unfounded. Additionally, there are 4,234 foreign students, whose residential status in Japan is other than student visa, enrolled in graduate schools.

The Government has set a target of increasing the employment rate of foreign students in Japan from the current 30% to 50% in its “Japan Revitalisation Strategy 2016,” which was approved by the Cabinet on 2 June 2016. Supporting talented foreign students should be meaningful for Japan, which is facing a severe labour shortage.

Prepared by: Solidarity Network with Migrants Japan (SMJ)

## **Public Welfare Support for Foreign Nationals Residing in Japan**

**Relevant Articles of the Convention:** Article 5 (d)(iv).

**Relevant Recommendations:**

### **Suggested Questions for LOIPR:**

1. Why does the State party not recognise the right of foreign nationals residing in Japan to receive public welfare support?
2. Please explain the reasons behind of different treatment of foreign nationals residing in Japan, in which the eligibility to receive public welfare support is limited to permanent residents, spouses of Japanese nationals, spouses of permanent residents, long-term residents, special permanent residents, and refugees recognised as such under the Immigration Control Act, but many other foreign nationals residing in Japan are excluded.
3. Why is there no mechanism for foreign nationals residing in Japan with residential status, who are eligible for public welfare support, to challenge the decision of the authorities rejecting their application for such support?

### **Background Explanations:**

1. The public welfare support system is the last safety net in Japan and its application is based on the principle of 'non-discrimination and equality.' However, the Government interprets that foreigners are not covered by this system. Moreover, the Government insists that it provides the same protection as Japanese citizens under the same conditions, as administrative measures, to permanent residents, spouses of Japanese nationals, spouses of permanent residents, long-term residents, special permanent residents, and recognised refugees who are in financial distress but it is not their right. Against this backdrop, the system, which is supposed to be non-discriminatory and equal, is applied to foreign nationals residing in Japan in a discriminatory manner.
2. Foreign residents who are eligible for public welfare support are limited to permanent residents, spouses of Japanese nationals, spouses of permanent residents, long-term residents, special permanent residents, and recognised refugees under the Immigration Control Act. Therefore, other foreigners residing in Japan are not eligible for the support no matter how destitute they may be (approximately 2.15 million of the 3.77 million foreign residents are ineligible). Among them are those who cannot afford adequate meals or are forced to live as homeless.
3. The Government has been insisting that public welfare support for foreign residents is not guaranteed as their right, and therefore, foreign residents cannot appeal the decision of the relevant authorities rejecting provision of such support under the Administrative Complaint Review Act. Even if foreign residents file a request for review based on the Act, the request is rejected without review.

Prepared by: Solidarity Network with Migrants Japan (SMJ)

## Revocation of Permanent Residential Status of Non-Citizens

**Relevant Articles of the Convention:** Articles 2 and 5.

**Relevant Recommendations:** CERD/EWUAP/115thsession/2025/CS/CS/ks; CERD/EWUAP/2024/CS/cs/ks.

### Suggested Questions for LOIPR:

Please report on the measures taken by the State party to ensure that the human rights of non-citizens with permanent residence status (foreign nationals), particularly those rights protected under the Convention and other relevant international instruments, are not disproportionately affected. In particular, please provide detailed information on:

1. Concrete measures taken or planned to ensure the rights of non-citizens with permanent residential status are fully protected in practice in the implementation of the amended Immigration Control Act, considering the reply of the State party to the Committee stating “amended Act does not stipulate non-payment of taxes and of other public dues under unavoidable circumstances – such as illness or unemployment – as a ground for revocation of permanent residence where a fault cannot be attributed to the individual, but restricts revocation of this status to malicious cases, which include intentional non-payment despite having the ability to pay,”<sup>2</sup> while the text of the amended Act stipulates that a permanent resident who is aware of the duty to pay but unable to do so, because he/she is insolvent may also be subject to revocation of residence status.
2. Concrete measures taken or planned to ensure that “the status of permanent residence will not be revoked merely for forgetting to carry a residence card or to file an application for its renewal”<sup>3</sup> as the State party responded to the Committee, while the text of the amended Act does not distinguish the presence or absence of intent.
3. Concrete measures taken or planned to ensure that the rights of permanent residents are not disproportionately affected, while the State party explained to the Committee that “minor infringements of laws and ordinances”<sup>4</sup> were not stipulated as grounds for revocation, but the crimes listed as being grounds of revocation include breaking into residences (trespassing), assault, as well as theft regardless of the amount involved, making it possible to have the residence status revoked with minor crimes.
4. Concrete measures taken or planned to ensure that the rights permanent residents are not disproportionately affected, especially considering that revocation of permanent residential status is expected to have an impact on foreign nationals who have lived in Japan for long periods, or those who have formed families in Japan, including those who were born and/or grew up in Japan.
5. Concrete measures taken or planned concerning the reply of the State party to the Committee saying that “even in the case in which a foreign national with permanent residence meets the grounds for revocation of his or her status of residence, the MoJ shall, in principle, grant a different status, such as long-term residence, rather than immediately revoking the status of residence and expelling the individual from Japan, allowing such individuals to continue to stay in Japan with a different residence status,”<sup>5</sup> while the text of the amended Act does not guarantee the continuation of

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<sup>2</sup> CERD/EWUAP/115thsession/2025/CS/CS/ks

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

residence with a different status. What measures are taken to address the disadvantage of losing social credibility due to the loss of permanent residential status?

6. Considering that the State party has stated that it would prepare a guideline on the revocation of residential status for permanent residents before the amended Act enters into force, does the government plan to conduct a survey, or any other measures, to collect information on the lives of foreign nationals residing in Japan including permanent residents, and hear the views of those affected as well as that of civil society in preparing such a guideline?

**Background Explanation:**

The Act to amend the Immigration Control Act was adopted on June 14, 2024 and expected to enter into force on April 1, 2027, which will amend Article 22 paragraph 4 of the Immigration Control Act, whereby creating new grounds for revocation of residential status for permanent residents including in cases of non-payment of taxes or social security fees. When the draft amendment was discussed in the Diet, numerous objections and protests were voiced from civil society.

The matter was reported to the Committee, and it issued a letter<sup>6</sup> dated June 25, 2024 to the Government under its early warning and urgent procedure. The Government sent a response to the Committee on September 25, 2024<sup>7</sup>, stating that “the amended Act does not constitute “racial discrimination” as provided for in the Convention,”<sup>8</sup> and “would not have disproportionate impacts on the human rights of non-citizens with status of permanent residence living in Japan.”<sup>9</sup> However, the government response does not seem to have taken serious consideration of the GR 30, which recommends to “ensure ...that the implementation of legislation does not have a discriminatory effect on non-citizens”<sup>10</sup>. The explanation on the purpose and factual basis of the legislation is also tenuous, and also ignores problems existing in the legislative process. The government’s explanation also differs from the actual provisions in the amended Act concerning the treatment in practice, and there is no guarantee that implementation will proceed according to the government’s explanation after entry into force.

The Government stated that it would publish a guideline on the operation of the new system, but at present, its contents or what process will be followed to prepare the guideline has not been made public.

Prepared by: Solidarity with Migrants Japan (SMJ)

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<sup>6</sup> CERD/EWUAP/2024/CS/cs/ks

<sup>7</sup> <https://www.moj.go.jp/isa/content/001425346.pdf>

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> CERD GR 30, para. 7.

## **Migrant Workers under the Employment for Skill Development Programme (ESD)**

**Relevant Articles of the Convention:** Article 5 (e)(i).

**Relevant Recommendations:** CERD/C/JPN/CO/10-11, paras 31 and 32; CEDAW/C/JPN/CO/9, paras 29(c), 30(a), 47(a), 48(a); A/HRC/37/15, paras 119, 161.141, 161.169, 161.208.

### **Suggested Questions for LOIPR:**

1. Please provide detailed information about concrete changes and improvements made or planned through the transition from the Technical Intern Training Programme (TITP) to the Employment for Skill Development Programme (ESD), in particular the structure, composition and role of relevant bodies and organisations involved in the Programme.
2. Please provide detailed information about concrete improvements made and measures taken under the ESD, during the transition and through its implementation, concerning the fact that technical interns often incurred heavy debt burden before arriving in Japan and did not have the freedom to change employers or transfer to others, and that various human rights violations occurred, including verbal abuse, physical violence, sexual harassment, low wages, and non-payment of wage under the TITP system.

### **Background Explanation:**

Through the revision of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (the Technical Intern Training Programme Act) in 2024, it was decided that the current system will be replaced with the Employment for Skill Development Programme (ESD) by 2027.

#### Limited possibility of changing employers

Limited possibility for the programme participants to change employers has been the most critical issue in the process of revising the system from TITP to ESD. Under the ESD, unlike TITP, changing employers based on the preference of the programme participants is permitted if certain conditions are met.

However, one of such conditions set under the ESD is the minimum period of employment required before the change of employer becomes eligible. Specifically, it is stipulated that the period of employment at the same employer must exceed the period specified by relevant ministerial ordinances for each field, which must be within the range of one year to two years. In the three-year ESD system, if participants of the programme cannot change the employer for up to two years after the start of their 3-year programme, actual possibility and feasibility of changing employers are quite limited. Additionally, those who wish to change their employer, must have a certain level of technical skill and Japanese language proficiency as set by relevant ministerial ordinances. Moreover, the new employer, identified based on the preference of the programme participants, are required to bear a significant portion of the costs incurred by the original employer. In urban areas, there are also restrictions on the total number of new programme participants a host organisation / employer can accept from their counterparts in rural areas. Furthermore, there are no provisions referring to the review or revision of the minimum period required before programme participants become eligible to change their employers. As a whole, the actual possibility for the programme participants to change their employers under the ESD is extremely limited.

#### Heavy debt burdens

There have been many cases of TITP participants incurring large debts prior to their arrival in Japan under the pretexts such as job placement fees, pre-departure training costs, and travel expenses.

Concerning such debt burdens, the ESD programme stipulates that “the amount paid to the sending agency must comply with the standards set forth by the relevant ministerial ordinance from the perspective of protecting the programme participants.” In the draft ministerial ordinance proposed in April 2025, it is stipulated that “the amount shall not exceed twice the monthly remuneration specified in the Employment for Skill Development plan.”

However, while this could be regarded as a certain improvement for countries like Vietnam, which currently accounts for nearly half of all TITP participants and where relatively high amounts are paid to sending agencies, it would allow even higher amounts that the sending agencies can demand than the current system for countries like Indonesia, which has the second-highest number of TITP participants and relatively low amounts paid to sending agencies. This would not only completely negate the meaning of the new provisions but also could even mean that “up to two months' worth of fees can be charged.” Additionally, this does not include costs charged by brokers or other intermediaries before the participants are actually connected with the sending agency.

#### Other human rights violations

In the TITP system, various human rights violations have been reported in addition to the mentioned cases, but these were hardly considered during the TITP review process.

Frequent verbal abuse, violence, sexual harassment, bullying at the workplace, wages below the minimum wage, and non-payment of wages, etc., are some of the serious issues that are not addressed even in the ESD programme.

Prepared by: Solidarity Network with Migrants Japan (SMJ)

## Human Trafficking

**Relevant Articles of the Convention:** Articles 2 and 5.

**Relevant Recommendations:** CERD/C/JPN/CO/10-11, para 38; CEDAW/C/JPN/CO/9 paras 30 and 32; CCPR/C/JPN/CO/7 para 31.

### **Suggested Questions for LOIPR:**

1. Is the State party considering enacting a specific legislation to address the issue of human trafficking in general, including prevention of cases, protection and support for victims (financial remedies in particular), punishment of perpetrators (including introducing harsher penalties), cooperation among relevant agencies and authorities, establishment of responsible department, and other measures? If so, please provide detailed information about, and if not, please provide detailed information about the reasons.
2. What are the reasons behind the fact that there is almost no countermeasures undertaken to address human trafficking of migrant workers working with residential status other than that of technical interns, such as foreign students (there is no mention of them in the annual report)? What are the measures taken or plans of the State party to address human trafficking of foreign students?

### **Background Explanation:**

1. The adoption of a specific legislation was one of the recommendations in the 2018 COs<sup>11</sup>. The Government argues that the amendment of the Penal Code in 2005 and the adoption of the Action Plan to Combat Trafficking in Persons are sufficient as measures against trafficking.

However, there is an urgent need for “revising legal provisions to ensure that they adequately address non-coercive forms of exploitation in labour trafficking, targeting in particular “abuse of power” and “vulnerability”<sup>12</sup> as recommended by CEDAW. This is because many of the victims face forced labour and sexual exploitation in jobs they themselves have applied for or due to the debts they incurred to pay fees or other expenses.

Protection and support for victims also remain insufficient. Particularly on financial remedies, although there are the national “Fund for Crime Victims” and the local governments’ consolatory payments, many of the trafficking victims do not fulfil the eligibility requirements. In order to receive appropriate wages or compensation for damages, victims themselves must take legal action, but there are considerable obstacles, such as identifying the perpetrators and assessing their assets, and therefore, receiving actual remedies is extremely difficult. The effectiveness of a court order to pay compensation for damages is also dependent on the financial resources and assets of perpetrators. Illicit proceeds confiscated from the perpetrators during criminal proceedings are transferred to the national Treasury, but not used for remedies for victims. There are still many cases of suspended sentences or only fines are imposed on the perpetrator as punishment. The deterrence effect is insufficient. Prevention of human trafficking is also insufficient. The huge demand for labour and sexual exploitation mainly comes from “ordinary” people, but these people are not feeling any discomfort. In order to appropriately address these issues, it is necessary to create a cross-ministerial specialised department and to allocate sufficient budget.

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<sup>11</sup> CERD/C/JPN/CO/10-11, para 38.

<sup>12</sup> CEDAW/C/JPN/CO/9, para.30.

2. Not only the technical interns, but also foreign students, who constitute a significant portion of foreign workers (there are about 300,000 foreign students, almost the same as technical interns), are sometimes forced to work by unscrupulous Japanese language institutions.

As the purpose of foreign students coming to Japan is studying, the Government says it grants an entry permit after examining their ability to pay expenses. But in reality, most of them come to Japan with heavy debts, sometimes exceeding 2 million yen and are working with the permission for activities outside their residential status. There have also been cases, where their vulnerability is exploited and they are coerced to submit their passports, or threatened with expulsion, and forced to work against their will.

The Government claims that it is aware of such incidents and will take action in cases of suspected human trafficking, regardless of the residential status of the persons concerned. However, the Government does not even collect any statistics on forced labour of foreign students, and is reluctant to take actions against unscrupulous agents or Japanese language institutions.

Prepared by: Japan Network Against Trafficking in Persons (JNATIP)



## Refugees and Asylum-Seekers

**Relevant Articles of the Convention:** Article 2 para 1; Articles 5 and 6.

**Relevant Recommendations:** CERD/C/JPN/CO/3-6, para 23; CERD/C/304/Add.114, para 19; CCPR/C/JPN/CO/7, para 33; CCPR/C/JPN/CO/5, 25.

### **Suggested Questions for LOIPR :**

Please provide detailed information about:

1. The number of asylum seekers who were provided with public legal aid;
2. Measures taken to protect asylum seekers, including those who are on “provisional release” (*“Karihomen” in Japanese*), from poverty and precarious conditions;
3. Findings of the latest assessment of the impact of the Sponsorship System (*“Kanrisochi” in Japanese*) on preventing the prolonged immigration detention;
4. The latest situation of deportation of asylum seekers;
5. Measures taken to ensure the right of access to the courts for asylum seekers and those under deportation order.

### **Background Explanation :**

The refugee status determination (RSD) process in Japan lacks transparency and fairness, and the applicants have to go through the process without adequate procedural safeguards. For example, the government does not provide legal aid for asylum seekers, and, even if applicants find a lawyer by themselves, lawyers are in principle not allowed to participate in or observe interviews of the applicant by a refugee inquirer. Concrete reasons for rejecting asylum applications are not disclosed, and the standard of proof required is set so high that it is almost impossible for asylum seekers to meet.

In 2024, the Government recognised 190 people as refugees, while rejecting 8,269 people, resulting in a recognition rate of just over 2 per cent. Since the Refugee Convention took effect in Japan in 1982, 1,610 people were given refugee recognition, while 117,860 people applied for it. As a large discrepancy between the RSD procedure and practice in Japan and the international standards remains, numerous individuals with a genuine fear of persecution in their home country are not recognised as refugees and facing the risk of deportation.

The State party introduced complementary protection in December 2023 and recognised 1,661 people in 2024. Of those, 1,618 were from Ukraine. Concerning those from Myanmar, the Government recognised 36 people as refugees and gave 13 people complementary protection in the same year. Although additional 262 people were granted residential permits on humanitarian grounds, permits given to these people under “emergency evacuation measure” are temporary in nature and cannot be changed to a longer-term residential status.

In the State party, the right of asylum seekers to an adequate standard of living and medical care is not guaranteed, resulting in many asylum seekers falling into poverty and homelessness. The Government provides financial support for some asylum seekers, but the number of recipients is minimal. In 2024, 710 people received such financial support, while there were a total of 22,974 asylum seekers at the end of 2024. NGOs assisting refugees and asylum seekers are receiving cries

for help from asylum seekers on a daily basis, who are forced to sleep on the street. Most asylum seekers are not allowed to work in the first eight months and cannot obtain health insurance. Furthermore, those on provisional release are not allowed to work or have health insurance for the entire period.

As for the immigration detention, the law does not stipulate such detention as a measure of last resort, there is no limit on the length of detention, and there is no periodic judicial review of the necessity of detention. In June 2024, the Government introduced the “Sponsorship” system (“*Kanrisochi*” in Japanese) as the replacement of the provisional release system (“*Karihomen*” in Japanese). However, it is more restrictive than the previous one, whereby finding a sponsor is the de facto primary condition for release. It is almost impossible for those who have no acquaintances in Japan to find such a person. As such, the issue of prolonged detention is far from being resolved, and the situation is even worsening for some.

In June 2024, the Government introduced exceptions to the suspensive effect of deportation, allowing the deportation of asylum seekers, among others, who had applied for refugee status three times or more, or those with certain criminal records. It is a violation of the principle of non-refoulement by the State party and gravely concerning. The scope of refugee protection in Japan is already quite narrow, and therefore, having been rejected twice by Japan does not mean that the person does not need international protection. Re-application and its suspensive effect of deportation had played a significant role in protecting asylum seekers from refoulement.

Despite the six-month period set for filing a lawsuit, the Government has been telling refugee applicants under deportation order that they will be forcibly deported after one month, which significantly violates their right to access courts. In May 2025, the Government announced the “Zero Illegal Residents Plan for the Safety and Security of the Nationals” and has recently been promoting an increase in the number of deportations. Migrants in irregular status, including asylum seekers and those who have resided in Japan for decades, are facing the imminent risk of deportation.

Prepared by: Japan Association for Refugees (JAR)

## Intersecting Forms of Discrimination and Violence against Foreign Women

**Relevant Articles of the Convention:** Article 5 (a) and (b); Article 6.

**Relevant Recommendations:** CERD/C/JPN/CO/10-11, paras 25 and 26; CERD/C/JPN/CO/7-9, para 17; CERD/C/JPN/CO/3-6, para 17; CEDAW/C/JPN/9, paras 27 (c) and 48 (a); CCPR/C/JPN/CO/7, para 19 (c).

### **Suggested Questions for LOIPR:**

Please provide detailed information about measures taken by the State party on the following points since the adoption of previous COs in 2018<sup>13</sup>:

#### Domestic violence (DV) against foreign women

1. Measures to ensure that foreign women victims of DV can receive support services, including admission to public shelters and livelihood support, regardless of their residential status.
2. Measures, including any amendments to the Immigration Control Act or changes in operational guidelines made, to prevent foreign women victims of DV, whose residential status is based on their marital status (such as 'spouse of a Japanese national,' 'spouse of a permanent resident,' 'long-term resident,' or 'dependent') from remaining in abusive relationships out of fear of losing their residential status or being deported.
3. Disclosure of information regarding the status of applications for residential status submitted by foreign women who are victims of DV, as well as the approval or denial of those applications.

#### Pregnancy and childbirth of female migrant workers

Measures, including any legal amendments, to protect female migrant workers, particularly those who were recruited by private agencies, from dismissal or return forced by private employers due to pregnancy.

### **Background Explanation:**

#### DV against foreign women

1. In cases of foreign women victims of DV, who do not have residential status, the responses of the relevant authorities prioritise the violation of the Immigration Control Act rather than providing protection to the victim. On 6th March 2021, a Sri Lankan woman sought protection from DV from the police. However, she was not provided any protection as a victim, but detained in the immigration detention centre where she ultimately died without being given any appropriate medical care. Even though there were already internal regulations of the Immigration Bureau not to detain DV victims in the detention centre, the Nagoya Immigration Bureau where she was detained did not follow these regulations.

Foreign women victims of DV, who do not have residential status or have a restrictive (limited) residency status that do not qualify them for welfare self-reliance support schemes, are often denied admission to public shelters.

2. Foreign women whose residence status is based on their marital status may lose their residential status, if they relocate or get divorce due to the DV, and be forced to the position of irregular status and facing deportation. Specifically, there are two such cases: a) the cancellation of residential status based on marital status, leading to irregular status, and b) the expiration of residential status, due to failure of extension or inability to change of residential status to another, resulting in irregular

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<sup>13</sup> CERD/C/JPN/CO/10-11, para 26.

status (reportedly the case b is more frequent). Thus, victimised women are forced to remain in abusive relationships out of fear of losing their residential status or facing deportation, or may return to their abusers after fleeing.

3. Under the internal regulations of the Immigration Bureau, cases where individuals claiming to be victims of DV have applied for extension of their period of stay, change of residential status, or special permission to remain must be reported to the headquarters. The results of the residential status review of the above applications are crucial data to verify whether appropriate reviews are conducted for victims of DV. However, despite requests from civil society organisations, the government has not disclosed this data.

#### Pregnancy and childbirth among female migrant workers

Despite the prohibition of discriminatory treatment of workers based on pregnancy or childbirth under the Equal Employment Opportunity Act, female migrant workers (including female technical intern trainees) who were recruited through placement agencies often face inhumane treatment, such as being prohibited from dating or becoming pregnant by supervising organisations, employers, or sending agencies, and being forced to return to their home countries if they become pregnant. They often have no access to necessary healthcare services and support.

Cases of technical intern trainees, who became pregnant but were unable to contact outside support services due to the fear of being forced to return by the employer, and gave birth alone, being arrested on charges of abandonment of a corpse under the Criminal Code Article 190 or abandonment by a person with protective responsibility resulting in death or bodily harm under Article 219 have been continuously reported. In November 2020, a technical intern, who became pregnant unexpectedly but feared forced return and could not consult anyone, gave birth to a stillborn baby alone at home and kept the infant's body at home for 33 hours. She was charged with the Criminal Code Article 190. In March 2023, the Supreme Court confirmed her acquittal. However, similar cases of technical intern trainees continue happening.

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