



UNITY STATEMENT OF NON-GOVERNMENT ORGANIZATIONS AND JAPANESE – FILIPINO CHILDREN'S ORGANIZATION ON THE JAPAN SUPREME COURT DECISION ON NATIONALITY

The Batis Center for Women, the Development Action for Women Network (DAWN), the Maligaya House and the Citizen's Network for Japanese - Filipino Children (CNJFC), along with the organization of Japanese – Filipino children, Batis – YOGHI (Youth Organization that Gives Hope and Inspiration), laud the Japan Supreme Court landmark decision which granted Japanese nationality to 10 Japanese – Filipino children residing in Japan. The plaintiffs in the case are offsprings of Filipino mothers and Japanese fathers who were not married at the time of their birth and were recognized by their fathers only after their birth. With the June 4, 2008 Supreme Court decision, Japanese – Filipino children who would like to exercise their rightful claim to acquire their father's nationality now have the legal basis to do so.

Prior to this decision, children who were born out of wedlock between foreign women with Japanese men and who were not recognized by the latter while they were still in their mothers' wombs were deemed ineligible to acquire Japanese nationality. This provision in Japan's Nationality Law deprived thousands of Japanese – Filipino children, and thousands more children from interracial relationships between foreign women and Japanese men whose birth circumstances are similar to that of Japanese – Filipino children, of the opportunity to exercise their right to acquire their father's nationality.

International human rights instruments guarantee children's right to nationality. Article 7.1 of the UN Convention on the Rights of the Child (CRC) states that *"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents."* Furthermore, the recognition and enjoyment of children of their rights including their right to nationality is reiterated in Article 2 of the CRC: 1) *States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status; and, 2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.*

The emergence of the new generation of Japanese – Filipino children is an offshoot of the migration of Filipino women to work in Japan as overseas performing artists in the past three decades. Thousands of Filipino women had relationships with Japanese men, mostly their customers, and a significant number of these relationships resulted in the birth of Japanese – Filipino children. Unfortunately, some of the men with whom the women had relationships with already had families of their own while others were unwilling to commit themselves. In the case of those who got married, some unions did not work out and ended in divorce or abandonment of the Filipino wife and Japanese – Filipino children. Many of the children were unable to acquire Japanese nationality because of the civil status of their parents or due to the latter's unfamiliarity with the law.

For nearly two and a half decades, Japanese - Filipino children have been contending with various issues faced by offsprings of bi-racial unions and as children of female overseas Filipino workers. Foremost of which is that they were raised solely in the Philippines by their Filipino mothers many of whom continue the daily struggle to address even the most basic of needs without support from the Japanese fathers. With their distinctive Japanese features and names, the gap

between the public's expectation that Japanese people are rich and the realities of many Japanese – Filipino children and the financial difficulties that they have become used to in the Philippines bears down heavily on them. Japanese – Filipino children living in the Philippines also face discrimination and ridicule stemming from the public's negative perception of their mother's work in Japan and for being different from other children. And for the Japanese – Filipino children themselves, questions on their identity rankle as they try to deal with the myriad of challenges faced by children and adolescents going through the process of establishing their own identities.

While Batis Center for Women, DAWN, Maligaya House and the CNJFC, and Batis - YOGHI welcome the decision, we would like to reiterate our call for the equal application of the law for all Japanese – Filipino children and other interracial children in similar circumstances, regardless of whether they are in Japan or in the Philippines or the country of their mother's birth. Given that the 10 Japanese – Filipino children who filed the case for the acquisition of their nationality were granted their cause, we demand that Japanese – Filipino children in the Philippines and interracial children residing in their mother's birth country who are in the same situation should also be granted the same rights.

We also caution the public against elements who are out to take advantage of the Supreme Court decision to recruit Japanese – Filipino children of working age to go to Japan. Given the historical significance and public perception of Japan as an important destination country for migrant workers, coupled with the drastic reduction of deployed overseas Filipino workers to Japan in recent years, the Supreme Court decision might lead people to conclude that there is now a market for Japanese – Filipino children living in the Philippines to work in Japan. Many Japanese – Filipino children and their mothers who continue to struggle in life might become vulnerable to unscrupulous elements who will take advantage of their difficult plight to recruit them for possible exploitative work in Japan. We want to see the new generation of Japanese – Filipino children who will make the decision to acquire their father's nationality and live in their father's homeland to enjoy the privileges and opportunities and also fulfill the attending duties and responsibilities of being a Japanese national. We do not want them to end up as victims of the machinations of unscrupulous individuals and groups who will take advantage of and exploit their Japanese heritage to meet Japan's demand for low-skilled workers.

We also appeal to Japanese – Filipino children and their mothers to weigh things carefully before making a decision. Nationality is not just about rights, privileges, and opportunities for self-development and social and economic inclusion and advancement. It also carries with it identification with the country, its people, history, culture, and way of life. The Japan Supreme Court decision has finally opened the doors which were previously closed to thousands of Japanese – Filipino children. We recognize that because we all have been pounding on these doors for nearly two decades, a wave of emotions resulting from the deprivation of Japanese – Filipino children's right to their father's nationality might result in a stampede to acquire Japanese nationality on the basis of misinformation and incorrect understanding of the Supreme Court decision. We appeal to Japanese – Filipino children and their mothers to take pause, review and re-assess our motivations and priorities before making the decision to lay claim to their father's nationality. And when Japanese – Filipino children do come to that decision, let us all make sure that it is done in the right way to ensure the full and unhampered enjoyment of Japanese – Filipino children of their rights as Japanese nationals.

Signed:

Batis Center for Women
Batis – YOGHI (Youth Organization that Gives Hope and Inspiration)
Citizen's Network for Japanese – Filipino Children (CNJFC)
Development Action for Women Network (DAWN)
Maligaya House



PRESS RELEASE

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JFCs, NGOs React to Japan Supreme Court Decision

Japanese-Filipino children (JFCs) based in the Philippines, along with Batis Center for Women, the Development Action for Women Network (DAWN), and the Maligaya House, welcomed the recent decision of the Japan Supreme Court granting Japanese nationality to ten JFCs. The ten JFCs, who are all residents of Japan and are offsprings of Filipino mothers and Japanese fathers who were not married at the time of their birth, won a legal battle to acquire Japanese nationality. Prior to the Supreme Court ruling, children borne out of wedlock to foreign mothers and Japanese fathers are not entitled to Japanese nationality unless they were recognized by their Japanese fathers before birth.

According to Mikas Matsuzawa, president of Batis YOGHI, a youth organization established to address the needs of JFCs, the Supreme Court decision is a big step for JFCs to be legally recognized by their father's country. *"A lot of JFCs especially those who grew up in the Philippines are not recognized by their fathers and often have questions on their identity and nationality"*, said Matsuzawa.

The Supreme Court decision ruled that the provision in Japan's Nationality Law requiring parents to be married in order for their children to acquire Japanese nationality is unconstitutional. *"The UN Convention on the Rights of the Child provides for non-discrimination of children. We have to remember that every child, regardless of the marital status of his or her parents, has the right to acquire nationality,"* said Carmelita Nuqui, DAWN Executive Director.

In 2007, DAWN and the Center for Japanese-Filipino Children's Assistance (CJFCA) conducted a survey of 100 Filipino women with JFCs and 56 JFCs. The survey revealed that most of the women met the Japanese father of their children in the clubs in different prefectures in Japan where they were working. Less than half of the women were married to the Japanese fathers of their children. Of those who were married, most were married in the Philippines and close to one-third of them submitted a marriage report to *koseki* of Japan. Most of the JFCs surveyed were born in the Philippines and most of their births were registered in the same birthplace.

The fight for the Japanese-Filipino children's right to Japanese nationality has been on-going for more than two decades now for former Filipina entertainers and the JFCs who returned to the Philippines. In many of these cases, the relationships between the Filipino women and their Japanese partners turned sour resulting in the abandonment of the JFCs by their Japanese fathers.

While welcoming the Japan Supreme Court decision, the Japanese-Filipino children and the three NGOs are still waiting for the implementing rules and regulations that would spell out the

mechanics for the JFCs who are recognized by their Japanese fathers to enable them to acquire Japanese nationality. *"There should be equality under the law, be it local or international laws. If the nine JFCs who filed the case for the acquisition of their Japanese nationality were granted of their cause, the JFCs in the Philippines who are in the same situation should also be granted the same rights"*, said Naoko Kono, Volunteer Staff of Maligaya House.

The three NGOs also cautioned the public against elements who are out to take advantage of the Supreme Court decision to recruit Japanese-Filipino children of working age to go to Japan. Batis Center for Women Executive Director Andrea Luisa Anolin stated that *"with the drastic reduction of OFWs deployed to Japan, the Supreme Court decision might lead people to conclude that there is now a market for JFCs to work in Japan. Many JFCs and their mothers who continue to struggle in life might become vulnerable to unscrupulous elements who will take advantage of their difficult plight to recruit them for possible exploitative work in Japan."*

Matsuzawa further added that at present a lot of JFCs in the Philippines are seeking Japanese citizenship to be able to land jobs in Japan. *"However this poses some problems because usually they fall prey to illegal recruiters. Most of the time, they end up as laborers in factories without the guarantee of enjoying the rights of a Japanese citizen."*

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