



Batis – YOGHI (Youth Organization that Gives Hope and Inspiration)

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Statement of Japanese-Filipino Children on the Tokyo District Court Ruling: Rights should not have any expiry dates!

We, the Japanese-Filipino Children (JFC), condemn the ruling of the Tokyo District Court that declared the constitutionality of the Article 12 of the 1950s Japanese Nationality Law. We express our opposition to a law that justifies, through a legal mandate, the failure of the State to protect and uphold the identity of interracial children who trace their roots to Japan.

This law stipulates that children of Japanese nationals born outside of Japan will lose their Japanese nationality if no intentions are shown to obtain it after three months of birth. But we ask how the law defines such intention from an infant who is barely starting to learn how to crawl? How can an infant fulfill this expectation of the law and decide on the crucial matter of nationality at a stage where a reasonable milestone is learning how to roll over?

The Asahi Shimbun reports that the clause is meant to avoid dual citizenship. We then implore the court to consider these facts: isn't the increasing mobilization of people across borders a global reality today? Is not the occurrence of interracial marriages among the outcomes caused by such movements? With international marriages increasing, the number of interracial children are also on the rise. The reality is that with laws that have exaggerated emphasis of countries on the concept of allegiance to a nation, most children of interracial unions end up being stateless. Such is the case of some of our brethren Brazilian-Japanese children.

By letting the issue of dual nationality/citizenship cloud what was being argued in court, the judge has allowed prevailing conditions to continue - conditions that discriminate against people born outside of Japan but who have, by family ties, rightful claim to be Japanese nationals.

The truth is that most JFC are a product of the years of labor-export relations between Japan and the Philippines. With most of our parents' relationships/marriages being short-lived and with the abandonment of our fathers, we dare say that it is unjust to allow the children to inherit the brunt of an outdated law. It is unjust and inhumane to assign an expiry on our right to a nationality that depends on marriage, knowledge and intention of our parents.

We commend the court for granting the rights of at least one plaintiff out of the 27 JFC who filed the case. Based on his being an exclusion to the rule, a thick tie to Japan constitutes being able to stay in the Japanese mainland for a period of time. It is a feat considering the high cost of living in Japan and the preliminary hindrances one has to surmount even before one gets a visa. Unfortunately, not all have the economic means to be able to live in Japan nor even the acknowledgment of paternity through the Kosekitohon to even begin applying for a visa. Since

the verdict favors a select few, it manifests that the right to preservation of identity is not a right in Japan but a privilege.

We express our solidarity with our fellow JFC involved in this case in their demand for the right to nationality. We lend our support to our JFC brothers and sisters who challenged the constitutionality of the Article 12 of the 1950s Japanese Nationality Law. We support the abolition of Article 12 and we urge Japan to protect the identity of each JFC!

We are in solidarity with other children deprived of their claim to cultural heritage as they are rendered stateless by this law. We join the international community that calls for the recognition of diversity in Japanese society.

We express our dismay on Judge Makoto Jozuka's statement phrased in the Mainichi Daily News saying that "*granting Japanese nationality to people whose links with Japan are thin would lead to a standstill in the execution of rights and in the performance of their duties as Japanese nationals*" as it apologetically vindicates our abandonment and affirms that we are outsiders in our fathers' land.

Instead of focusing on the "thin" link that most JFC have with Japan, we challenge the Japanese society to take a look at the structures that brought the deprivation of nationality, removing purely geographic biases.

Japan is a signatory to the United Nations Convention on the Rights of the Child (UNCRC). And Article 8 of the convention states that:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

In light of this we appeal to the Japanese society to relive the essence of the constitution that states "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin."

We challenge the Japanese society to stay true to the UNCRC and to relive the essence of the Japanese constitution and to uphold the right of the child to freely choose his/her nationality without any restriction of unreasonable deadlines. Rights should not have any expiry dates!

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Batis-YOGHI is an organization for Japanese-Filipino children. It actively involves its members in activities that promote self-development in order for them to be empowered and ready in overcoming the challenges and difficulties that they face as they grow older.