

To the Judge of the High Court

Petition seeking an unconstitutional decision and the decision confirmed the Japanese nationality of first trial plaintiffs

Recently, cross-border personal exchanges have become day-to-day and every year there are 30,000 cases of international marriages (Population Annual Survey Report of Health, Labor and Welfare Ministry). Children whose parents are Japanese and foreigner are not always born in Japan and a lot of wedlock children are born in foreign countries. Being born in a foreign country is not an exemption today.

However, according to Article 12 of Nationality Law and Article 104 of Koseki Law, a wedlock Japanese child, who was born out of Japan and acquired a foreign nationality, did not report his birth to the Japan Embassy or Municipal hall in Japan within 3 months after his birth will lose his Japanese nationality.

For 18 years (until December 31st 2011) Citizens Network for Japanese-Filipino Children (CNJFC) has received 341 cases which has wedlock children. Out of 341 cases, 230 children (67.45%) had lost their Japanese nationality. (CNJFC Annual Report, 2011)

The denationalization system is an unusual system that a few people know in Japan. As both of Japanese fathers and Filipino mothers do not know this system and they are not aware of importance to report the birth of their children to Japan Embassy as soon as their children are born in the Philippines, they have lost the Japanese nationality.

The children who have lost their Japanese nationality are not registered in their Japanese father's Koseki (family register) although their parents are married. It causes the children to feel that they are denied their existences by their father's country, Japan and their identities are hurt. It is not the children's fault that their birth was not registered to the proper authority. So, it not fair for the children to suffer because of this.

In the case where the children who have lost their Japanese nationality have their addresses in Japan, they can reacquire the Japanese nationality by notification (Article 17-1, Nationality Law). However, it is not easy to do it as there are a lot of legal and economic difficulties in this process. The fact that only 31 children (13.48%) could reacquire the Japanese nationality out of 230 children who have lost the Japanese nationality shows its difficulty.

A total of 27 Japanese-Filipino children who consulted us, CNJFC, filed a complaint to demand the confirmation of Japanese nationality with the Tokyo District Court on July 21th, 2010.

On March 23th, the judge handed down the first sentence. A plaintiff who lives in Japan won the approval of his Japanese nationality, but unfortunately, the other 26 who live in the Philippines were not approved of their Japanese nationality.

However, as the Article 12 of Japanese Nationality Law deprives the children of their Japanese nationality after their acquisition of Japanese nationality by their birth, it violates the Article 13 of Japanese Constitution which prescribes the security of individual dignity, and also it violates the Article 14-1 of Japanese Constitution which prescribes the equality under the law because;

- ① it discriminates against the children who were born in Japan and in the Philippines,
- ② it discriminates against whether or not the parents declared their intention to reserve the Japanese nationality of their children without any relation to the children's intention, and
- ③ it discriminates against whether or not the children who were born out of Japan are wedlock or out of wedlock (if they are legally recognized by their Japanese father, they can acquire the Japanese nationality without any relation to the time's passage.

[APPEAL]

1. We require the judgment to confirm that the plaintiff has the Japanese nationality because the deprivation of the Japanese nationality by the Article 12 of Nationality Law without any relation to the intentions of children themselves violate the Article 13 and 14 of Japanese Constitution, which prescribes the security of individual dignity and the equality under the law.

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The deadline of the signature is not later than May 30, 2012