

QUESTIONNAIRE to NON-GOVERNMENTAL ORGANIZATIONS ON
DISCRIMINATION BASED ON WORK AND DESCENT

Responses submitted by The International Movement Against All Forms of Discrimination and Racism (IMADR) (Roster) in association with its members, the Buraku Liberation League (BLL), and the Buraku Liberation and Human Rights Research Institute (BLHRRI)

Re: Japan

1. List of affected communities: Identify communities (including diaspora communities), group of people or area in your country that has been discriminated against based on work and descent.

- 1-1. Area: Buraku (in administrative terminology, called “Dowa district”)
1-2. People: Buraku people (in administrative terminology, called “Dowa related persons”). People from Buraku backgrounds (i.e. Those who have left Buraku and live in areas other than Buraku. The administrative term is, “people from Dowa district backgrounds”).
1-3. Diaspora: In Japanese diaspora communities, those who are from Buraku backgrounds are subjected to discrimination in marriage affairs. (In Hawaii, for example)

2. Number of people affected: How many such people are affected?

2-1. According to the 1993 survey of Dowa districts conducted by the Regional Improvement Office of the Ministry of Internal Affairs and Communications:

Dowa districts: 4,442

Dowa related persons (those who were originally residents of Dowa districts but are longer):
892,751

Residents of Dowa districts (including those who were not originally residents, but came and settled in the districts): 2,158,789

2-2. According to those who are involved in the Buraku liberation movement and who research the Buraku problem, Buraku communities number 6,000 and Buraku people and people from Buraku backgrounds number 3 million.

Note: The government’s 1993 survey was limited to those districts to which the Law on Special Measures for Regional Improvement had been applied, and did not include most of those Buraku to which the Law was, for whatever reason, not applied. Lists of Buraku areas compiled in the 70s by companies for discriminatory purposes contained information about 5,300 Buraku communities throughout the country.

3. Background information: Provide brief information of their discrimination in relation to historical, social, religious and cultural backgrounds.

3-1. Different literatures indicate that the historical origin of Buraku can be traced back to 1000. Around that time, Buraku people were called “kawaramono” (riverside dwellers), “toshu” (butchers), “eta” (extreme filthy) or “kiyome” (cleaners). They usually lived on riversides, and engaged in disposing of dead cattle,

manufacturing leather, cleaning shrines and temples, landscaping and public entertainment. While these people were looked down on as lowly people by others, they were also thought to have extraordinary abilities and were held in awe by others. Their status was not fixed but changing. The reasons why these people were looked down on as lowly people were considerably related to the ideas of Japan's indigenous belief system, Shinto, and to the ideas of Buddhism (Mahayana [great vehicle] Buddhism influenced by Hinduism, came into Japan) – especially, the idea of “filth” and the idea of avoiding butchers.

Note: Japan was originally based on rice culture. Cattle were imported from abroad as an invaluable labor source in cultivating rice paddies. Wanting to preserve this labor source, the ruler of Japan at the time of cattle's first importation (around 600) banned slaughtering cattle as well as eating beef.

3-2. In the late 15th century, Japan entered an “age of provincial wars.” Warring lords gathered leather craftsmen into their castle towns to secure a stable supply of leather to be used for making armor. These craftsmen were usually called “kawata.” People called “kawata” disposed the bodies of dead cattle, and gave leather produced from these carcasses to their respective warring lords.

3-3. Around 1600, Japan's feudal system moved into its second half (i.e. the “Tokugawa Shogunate system”) and Japan's government was centralized and the status system was consolidated. Under these changes, the areas inhabited by those who had faced discrimination since the Middle Ages, such as “kawaramono” or “kawata” leather craftsmen, were systematically fixed as discriminated-against hamlets and started to be referred to in general as “kawata-mura” (hamlet). People who were called “kawata” manufactured leather and footwear called “setta,” and also cultivated wild land for agriculture. Also, they were ordered to take positions as low-ranked officials guarding prisons, regulating crimes or executing the death penalty; they also had to pay tax in the form of leather both to the Tokugawa Shogunate and local feudal lords.

3-4. Under the Tokugawa Shogunate system, the commodity economy developed in a way that worked against the starkly divided status system. To confront the disintegration of the status system, the government introduced regulations that, for example, enclosed Buraku areas with bamboo fences or specified what clothing and hairstyles people could wear.

3-5. Those people who were originally called “kawata” – i.e. those who disposed of cattle carcasses and manufactured leather – were called “eta” more often under the Tokugawa Shogunate system. Previously, they had been looked down as lowly people, but with awe for their special skills. In this period, though, the “eta” were seen not simply as lowly but also as unclean. Meanwhile, those who were engaged in public entertainment rather than disposing of dead cattle or manufacturing leather, or those who, for a variety of reasons, flowed into urban areas from rural areas were formally positioned in the “hinin” (non-human) class.

3-6. Under the Tokugawa Shogunate system, class, occupation and residential area were closely linked together. Inter-marriage or movement among different classes were basically prohibited. That said, though, “hinin,” who in some provinces ranked below “eta,” could return to the “chonin” (townsman) or “hyakusho” (peasants) classes if they satisfied certain conditions.

3-7. When the Tokugawa Shogunate system started to wane in 1800's, the oppressed Buraku people were the ones who initiated a resistance movement, in response to the strict social controls they endured under

the status system (e.g. the 1856 “Shibuzome Insurgency”). At the same time, the movement to overthrow the Tokugawa Shogunate grew, causing internal conflicts in the country. Some Buraku people participated in the battles in exchange for liberation from their oppressed status (they formed, for example, the “Ishindan (restoration troop)” and the “Isshin-gumi” in the Choshu Domain in 1863).

3-8. In 1867, the Meiji Restoration took place. As the Tokugawa Shogunate System collapsed, Japan entered modern society. In 1871, the lowly titles given to the oppressed groups under the Tokugawa Shogunate System were abolished, and a decree was promulgated stating that these groups were equal to common people in terms of class and occupations (“Decree to Abolish Lowly Titles”). However, it was not accompanied by any educational programs to wipe out the anti-Buraku prejudicial attitudes that had been deeply rooted in people’s mindsets under the Shogunate System for nearly 260 years, nor were there any concrete measures to encourage Buraku people to engage in other occupations than those that they had traditionally engaged in. At the same time, as a result of the influx of large amounts of capital into new leather industry and the newly born meatpacking industry, poverty rapidly prevailed among the Buraku population. Most Buraku people were forced either to be peasants with only a small patch of rural land to till, or to be stagnantly unemployed working in rural areas as day laborers.

3-9. In the meantime, the Meiji government created a new nobility system with the emperor on the top. Under the newly created status system, Buraku people were initially referred to as “former eta” or “new commoners;” later they became known as “special Buraku people.” They continued to face discrimination in employment and marriage, as well as in their day-to-day interactions with others.

3-10. On March 3, 1922, influenced by the “Taisho Democracy” democratic movement and the call for self-determination that had accompanied the Russian Revolution and the Leagues of Nations, the National Levellers Association was founded. The “Levellers Declaration” (see appendix 1) adopted by the Founding Congress of the National Levellers Association holds an esteemed position as the first “human rights declaration” of Japan. It states that “human beings are not to be pitied, but to be respected,” and calls for there to “be light in all human beings.”

3-11.

As one of its primary strategies, the National Levellers Association adopted the denunciation of Buraku discrimination, discrimination which at that time was openly and routinely practiced in society. They publicly denounced discrimination wherever it occurred, even going so far as to critique the military and judicature whenever necessary. Pressured by the National Levellers Association’s activities, the government budgeted for improving Buraku conditions and started a project to improve housing conditions and roads running through Buraku districts. In order to forestall a protest by the movement, the project was implemented even in those Buraku districts not involved in the National Levellers Association movement.

Note: “Denunciation,” or kyudan, is a practice invented by the Levellers Association to respond to acts of discrimination by soliciting from the discriminator (or alleged offender) apologies, self-criticism, promises to participate in enlightenment education and institutional reform. (Yasumasa Hirasawa: A Policy Study of the Evolution of the Dowa Education in Japan, 1989)

3-12. While the government failed to illegalize acts of Buraku discrimination, it did criminalize, in a move to limit the influence of the movement, the National Levelers Association’s anti-discrimination

denunciation sessions. In 1935, the government initiated a “Ten Years’ Program for Resolving the Buraku Problem.” However, this program was discontinued before the ten years came to an end as Japan entered into war with China and then into the Pacific War.

During the war, suppression of the National Levelers Association became considerably stricter. The movement, which had been a strong critic of the war, was eventually forced to give up their critique and support the government in the war. It was a regrettable historical event.

3-13. In August 1945, having inflicted major damages to neighboring countries and having sustained massive damages itself due to the A-bombs, Japan surrendered the war. Reflecting on the war of aggression it had waged, Japan enacted a new constitution in November 1946 that was based on the renunciation of war, on sovereignty residing in the people, and on respect for fundamental human rights.

Article 14 of the Constitution explicitly prohibits “discrimination based on race, creed, sex, social status, or family origin,” while Article 24 states that marriage shall be based only on the mutual consent of both sexes. Inclusion of these provisions in the Constitution was achieved through efforts of the leadership of the National Committee for Buraku Liberation that was reconstructed in February 1946, and especially by efforts of Jiichiro Matsumoto, chairperson of the National Committee for Buraku Liberation and first Deputy Speaker of the House of Councilors.

3-14. While the Constitution has provisions that prohibit Buraku discrimination, the law was not modified to put the provisions into practice. This lack of anti-discrimination legislation has allowed Buraku discrimination to remain. Furthermore, even as the battle for the Constitution was won, many Buraku people were driven into destitution in the post-war confusion.

3-15. In October 1951 a discriminatory novel, “All Romance,” set in a Kyoto Buraku district, was published. This publication provoked a denunciation struggle that slowly revealed the very poor living environments of Buraku communities and the lack of protection of even the most fundamental rights of Buraku people. The story was written by a part-time employee of Kyoto city, and the city government also came under critique for the publication. The denunciation of the novel made it patently clear that the root cause of Buraku discrimination and negative images of Buraku residents were the very poor living conditions Buraku communities faced. Without improving these conditions, the elimination of Buraku discrimination would hardly be achieved. The administration was responsible for the long neglect of these substandard conditions. At the end of the scandal, the Kyoto city administration decided to enact special measures that would address the conditions of Buraku districts, rather than continuing to resort to the general measures which had produced no improvement in the living conditions. The special measures focused on improving housing, creating neighborhood community centers, and promoting higher education amongst Buraku children.

3-16. News of the happenings in Kyoto spread throughout the country. As a result, a general council to solve Buraku problems was created, and local administrations established sections focusing on Dowa Measures or Dowa Education to plan and coordinate local action. Eventually, though, their local-level efforts came to face financial and institutional limitations.

3-17. On the other hand, the Buraku liberation movement’s commitment to the improvement of deteriorating conditions of Buraku districts and their residents resulted in the involvement of more Buraku people in the movement. In August 1955, the National Committee for Buraku Liberation changed its name

to the Buraku Liberation League.

3-18. In January 1958 a meeting spearheaded by the Buraku Liberation League was held in Tokyo to launch a nation-wide campaign calling for the enactment of actual national measures to put an end to the Buraku problem. Representatives from labor unions and local governments from throughout the country participated. This campaign was called “The Petition Campaign for the Establishment of State Measures regarding the Buraku Problem.” In August 1960, a new law was enacted that allowed the creation of the Cabinet Dowa Policy Council, which would invite expert opinion to develop programs aimed at solving the Buraku problem. Later, a nation-wide march was organized to call for the establishment of national measures.

3-19. In August 1965, the Cabinet Dowa Policy Council submitted proposals to the Prime Minister. The proposals explicitly stated that the Buraku problem was the gravest social problem in Japan, and that an immediate solution of the problem rested with the state as well as its citizens. The proposals recommended the following to solve the Buraku problem:

- Improvement of housing conditions.
- Promotion of social welfare.
- Improvement of education.
- Stabilization of industries and employment.
- Protection of human rights including prohibition of discrimination and provision of a method of redress.
- Improvement of the legislation to support these solutions.

3-20. In July 1969, the Law on Special Measures for Dowa Projects was enacted. The law provided national governmental financial support for Dowa projects pursued by local governments. The law helped improve housing conditions in Buraku districts but did not result in improvements to education that might help eliminate popular discriminatory attitudes. The law also did not contain provisions that would ban discriminatory acts nor did it provide an avenue for redress to victims of discrimination. In April 1974, the Prime Minister’s Office established its own Dowa Measures Office that would oversee coordination and planning of Dowa projects nation-wide. Later, this office was reorganized and became the Regional Improvement Office under the former Public Management Agency.

3-21, The “Law on Special Measures” entailed a series of special measures renewed and improved until the end of March 2002. These measures resulted in improvements to roads, housing conditions, and public facilities such as public halls and nursery schools in Buraku districts. Also, as result of these measures, the percentage of Buraku students continuing on to high schools increased: at the time of the drafting of the proposals the percentage was about a half of the national percentage (40% versus 75%); however, it is currently 90% as opposed to the 95% national average.

3-22. At the end of March 2002, the “Law on Special Measures” expired, and the solution of Buraku problem under the law became invalid after 33 years’ operation. The end of the law, though, does not mean that the Buraku problem has been solved.

3-23. In May 1996, the Council for Regional Improvement Measures, a national advisory body, announced its opinions regarding the basic policies for the future solution of Dowa problems. According to the

Council: 1) while there has been significant improvement of the Dowa problem because of prior special measures, the problem still remains a grave social problem in Japan; 2) the solution of human rights problems in Japan including Dowa problem has become an international obligation; 3) the 1965 basic attitude of the Cabinet Dowa Policy Council that the solution of Dowa problem rests with the state as well as the citizens has to be retained; 4) the Dowa problem should be considered a human rights problem requiring persistent efforts to solve it; and 5) future approaches for the solution of Dowa problem should be connected to the solution of all other human rights problems.

3-24. Opinions of the Council further continue: 1) housing condition problems have almost been resolved; 2) a gap between Buraku residents and non-Buraku residents still remains in terms of education and labor; 3) while prejudicial attitudes have diminished, such attitudes still come to the surface on the occasion of marriage; and 4) discriminatory incidents continue to occur, and present systems of redress fail to provide adequate remedies. The Council recommended the following basic strategies for the solution of Dowa problem: 1) correct remaining gaps in education and labor; 2) diminish prejudice through general education programs; 3) provide methods of redress to victims of human rights infringements as means of eradicating discriminatory incidents; and 4) strengthen policies and measures to allow for the above.

3-25. Meanwhile, being aware of the limits of the “Law on Special Measures,” the Buraku Liberation League and other concerned organizations and individuals drafted a Fundamental Law for Buraku Liberation (see Appendix 2) and launched a campaign calling for its ratification in May 1985. The Fundamental Law consists of: 1) a review of the importance of solving the Buraku problem; 2) strategies for improving the substandard conditions faced by Buraku residents; 3) a recommendation for legislation prohibiting Buraku discrimination and providing an avenue for redress for the victims; 4) a recommendation of general education aimed at eliminating prejudicial attitudes; and 5) a sketch of infrastructure that would create offices in national and local governments to address Buraku issues on both of these levels and that would create a council of independent experts to consider new strategies for dismantling Buraku discrimination. The Fundamental Law is based on proposals made by the Cabinet Dowa Policy Council and the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the UN.

3-26. In December 1996, the Law for Promotion of Human Rights Protection Policies was enacted in Japan with an effectiveness of five years. The law specified: 1) promotion of human rights education and a mechanism for redress for people who have had their rights violated are necessary for the elimination of Buraku and all other forms of discrimination; 2) promotion of human rights education and redress of human rights violations are obligations of the state; and 3) a Council for Promotion of Human Rights Protection should be created in order to discuss more effective strategies to promote these policies.

3-27. In May 1997, the Council for the Promotion of Human Rights Protection was created, and in July 1999, the Council made proposals for improved human rights education. The proposals emphasized the importance for the state to develop administrative and financial measures for the promotion of human rights education, but failed to stress the importance of legal measures.

3-28. Public opinion calling for legislature supporting human rights education has risen from those who called for the enactment of the Fundamental Law for Buraku Liberation. In December 2000, the “Law Concerning the Promotion of Human Rights Education and Awareness-building” (see Appendix 3) was

drafted and enacted. This law was enacted to eliminate Buraku and all other forms of discrimination and 1) called for increased human rights education in all sectors of society; 2) clarified the responsibilities of the national government, local governments, and people with respect to human rights education; 3) called for the drafting of a basic law and submission of annual reports; and 4) allocated national governmental financial support for measures initiated by local governments. The law reflects the draft of the Fundamental Law for Buraku Liberation's focus on education and extends the scope to human rights in general.

3-29. In May 2001, the Council for the Promotion of Human Rights Protection presented a proposal for a method to redress human rights violations, and a proposal for a commissioner system for protection of human rights in November of the same year. In these proposals, the Council stressed the need to create a national human rights committee and the need for reform of the present system of commissioners for human rights protection.

3-30. In March 2002, the bill for the Human Rights Protection Law (see Appendix 4) was laid before the Diet ordinary session after it was approved by the Cabinet. The bill contained a provision stipulating the creation of a national human rights committee. However, the national human rights committee in the bill was not independent; rather, it was placed under the jurisdiction of the Ministry of Justice, and, being only at the national level, its effectiveness was limited. As the bill also contained a provision legally authorizing the committee to investigate the mass media, there were concerns that the bill might endanger freedom of expression. With these criticisms, voices calling for a drastic revision of the bill were raised from different sectors of society.

3-31. The bill of Human Rights Protection Law also alluded to the Paris Principles adopted by the UN in 1993 that called for the creation of national human rights institutes. People calling for the enactment of the Fundamental Law for Buraku Liberation, the Japan Bar Association, the mass-media, and local government officers worked persistently for a drastic revision of the bill, but the bill was eventually scrapped in October 2003 when the House of Representatives was dissolved and the general election was conducted.

3-32. A law that works effectively to eliminate discrimination and to redress human rights violations, that is based on the proposals made by the Council for the Promotion of Human Rights Protection, on the Paris Principles, and on the past discussions made by concerned people and parties calling for a drastic revision of the recently scrapped bill is absolutely necessary at this juncture in Japan. Such a law would be the enactment of the legislative suggestion entailed in the bill of Fundamental Law for Buraku Liberation.

3-33. The remaining discrepancies in education and labor among Buraku residents should be corrected using general policies. For such a correction to be made, the following is necessary: 1) "special measures" are to be reworked as general measures; 2) current general measures are to be improved to address still substandard Buraku conditions that result in discrimination; and 3) new general measures are to be introduced. For the above 1), the scholarship program for Buraku children continuing on to high schools as provided by the "special measures" was transferred to general measures in April 2002.

3-34. Because Buraku discrimination is typically directed to a specific Buraku district **1, it is essential to increase interaction between those living in Buraku districts and those living in surrounding communities.

**1: In November 2000, Osaka prefectural government surveyed the conditions of Dowa districts in order to work toward solving the Dowa problem. One of the questions they asked residents of Osaka prefecture was, “How do you think that people judge whether a certain person has “Dowa background?” The most frequent answer was, “the person currently lives in Dowa area,” which accounted for 56.5% of all answers. It was followed by, “the person’s legal domicile is located in a Dowa district” (47.9%), “the person’s place of birth is located in a Dowa district” (44.3%), “the person’s parents or grandparents currently live in a Dowa district” (39.2%), and “the person’s parents or grandparents hold their legal domicile in a Dowa district” (37.3%). The answer of “according to the person’s occupation” was only 22.1%. For this question, multiple answers were accepted. The results indicate that Buraku discrimination today is often determined by location.

3-34. The fact that “discrimination out of envy” occurs also indicates the significance of location in Buraku discrimination. Buraku discrimination is traditionally understood to result from the substandard conditions of Buraku communities. While the conditions of Buraku districts have to some degree been improved under the “Law on Special Measures,” discrimination against Buraku has never been eradicated; conversely, a new form of discrimination – out of envy – has been born. This discrimination asks, “Why are only Buraku districts improving? Isn’t this reverse discrimination?” Buraku residents, then, are discriminated against because they live in substandard conditions, and they are discriminated against too when those conditions improve. This form of discrimination deepens the gap between Buraku districts and surrounding communities. This situation indicates that one of the causes of “discrimination out of envy” is a lack of general education about why the special measures were necessary in the first place. Another cause of this “reverse discrimination” is the very real fact that some non-Buraku people living around Buraku districts are themselves just as impoverished as Buraku residents. An analysis of these causes stresses that, in order to combat “discrimination out of envy,” human rights education is essential, and that improving the conditions of neighboring communities should be part of any human rights based community development.

3-35. Working with this analysis, the Buraku liberation movement has recently developed a campaign to promote human rights based community development. The campaign defines a community along the boundaries of an elementary or junior high school district that contains a Buraku area, and works to improve human rights issues in that community. So far, this campaign has given rise to projects headed by a “community development committee” comprised of representatives from Buraku districts and surrounding non-Buraku areas that works to improve not only the housing conditions of the larger community but also works to integrate the same standard of living, education, and industry throughout the community.

3-36. In April 2000, the Law for the Collective Promotion of Decentralization of Authority was enforced. With this enforcement, the relation between the national government and local governments has started to change. Since the Meiji Restoration until April 2000, Japan’s governmental and social organization has been top-down and centralized. The national government makes most of the decisions, which local governments merely follow. However, this new law equalizes national and local authority and allocates to local governments jurisdiction of some activities previously headed by the national government. In other words, this law is a turning point towards a decentralized society. However, issues of finance and decentralization of taxes/revenues have yet to be solved.

3-37. Taking into consideration this new legislature, the Buraku liberation movement has turned focus to

local governments. As of October 2005, more than 530 local governments have enacted ordinances for the elimination of Buraku discrimination, for the protection of human rights, or for human rights based community development. Using these ordinances, some local governments have conducted surveys of the conditions of Buraku areas, created community councils, and have called for proposals and created basic plans to improve communities. Also, some local governments have created new offices dedicated to the promotion of a human rights administration or human rights education that focuses on solving Buraku issues.

3-38. In the meantime, the government disbanded the Office for Regional Improvement Measures under the General Affairs Agency in April 2003. However, the continuation of Buraku discrimination and the persistence of local governments to combat discrimination make clear the necessity of: 1) a nation-wide survey of Buraku conditions (the last such survey was in 1993); 2) a cabinet office that would be in charge of general coordination, planning, and implementation of comprehensive measures until such time as the Buraku problem is at an end; 3) basic, nation-wide, policies and plans for the complete resolution of the Buraku problem; 4) support from the national government for local-level initiatives; 5) specific support for “human rights based community development”; and 6) legal measures ensuring the enforcement of the above.

4. Types of discrimination: What are the types of discrimination (for example, discrimination with regard to education, occupation, employment, land ownership, housing, water, marriage, name system, religion, access to public facilities and services including during disasters, allocation of public resources, and violence by police and other law enforcement officers and members of other communities)?

4-1. Discriminatory Events:

Marriage discrimination: While intermarriage between Buraku and non-Buraku persons has slowly been on the rise, marriage discrimination still persists. For example, parents make inquiries into possible fiancés of their children to find whether that potential marriage partner is from a Buraku background and then potentially refuse to allow their child to marry that person if he or she is from a Buraku. This situation demonstrates the traditionally very important role of marriage for Japanese families, though this importance has recently started to change.

Employment discrimination: For instance, in June 1998, it was revealed that a management consultant company based in Osaka (which had an investigative agency as its subsidiary) had conducted personal backgrounds investigation on behalf of its 700 client companies during their recruitment processes, and had recommended that some of its clients not employ certain people because they were from Buraku.

Personal investigation: Private detective agencies are persistently and frequently hired to investigate the background of potential employees or potential marriage partners in order to determine whether those people are from Buraku.

Buraku Lists Scandal: In November 1975, it was revealed that lists of Buraku community names and locations had been produced and sold. To date, eight different Buraku Lists have been published and purchased by more than 200 private companies, according to an announcement made by the Ministry of Justice’s Human Rights Protection Bureau. In early 2006, it was discovered that an investigative agency

has maintained Buraku Lists, and so far three copies have already been intercepted. This recent incident demonstrates that Buraku lists continue to be a problem. Moreover, the agency is apparently also maintains an electronic copy of these Buraku lists in its computer.

Discrimination in workplaces: Discriminatory events continue to occur in workplaces. Buraku people are discriminated against by their colleagues or other employees use discriminatory language. For example, a colleague might point out another colleague as a Buraku person during a conversation with other colleagues; then, during a dinner hosted by the company a director might refer to Buraku people as “scary,” knowing full well that a Buraku person is present.

Discrimination in local communities: It is continually reported that individuals are discriminated against in their daily interactions with each other. For example, it is common for people to ‘warn’ others that some person or some place is Buraku and therefore somehow dangerous; frequently this ‘warning’ happens in public places such as hospitals, restaurants, stores, etc. Also, under a program aiming at streamlining local administrations the national government is currently encouraging mergers among cities and towns, and it has been reported that some residents in certain cities oppose merging with a neighboring city (or town) in which a Buraku is located.

Discrimination in schools: There are discriminatory events amongst students in schools. For example, when fights break out among students, students will occasionally use words that are discriminatory against Buraku as a means of degrading each other.

Discrimination in land values: Land values of Buraku areas are remarkably lower than their surrounding areas.

Discriminatory graffiti: Graffiti containing anti-Buraku epithets are often discovered in public places such as train-station lavatories or road guardrails.

Discriminatory postcards, letters and telephone calls: There is a constant stream of hate mail containing threats and anti-Buraku discriminatory language sent to individuals from Buraku backgrounds. Furthermore, individuals from Buraku backgrounds also receive hate phone calls made solely for the purpose of making discriminatory comments.

Diffusion of discriminatory information on the Internet: In recent years, it has been increasingly discovered that discriminatory information is diffused on the Internet. Such information includes lists of Buraku place names, singling out prominent people and describing them as being from a Buraku background, calls for extermination of Buraku people, and labeling culprits of heinous, frightening crimes as being of Buraku origin with no such evidence.

Prejudice among the police: Police officers see Buraku communities as “breeding places of crimes.”

Reinforcing the negative image of Buraku by the mass media: In news coverage or in special reports, mass media consistently uses discriminatory phrases that equate Buraku with “evil” or “danger.” For example, in 2005, distinguished commentators made remarks on a television that actively encouraged Buraku discrimination.

Discriminatory afterlife names: Under the Tokugawa Shogunate System, Buddhist priests bestowed upon people of Buraku origin afterlife names that reflected their Buraku status. In some parts of the country, discriminatory afterlife names continued to be given until some time after the end of World War II.

4-2. Reality of Discrimination:

Location: Quite a number of Buraku communities are located in places with poor conditions such as riversides. Also, waste incineration plants are frequently placed close to Buraku communities.

Housing: In the past, many Buraku communities had narrow streets and substandard housing. With the implementation of a series of special measures laws starting with the 1969 Law on Special Measures for the Dowa Project, these substandard living conditions have to some degree been improved. However, in urban Buraku communities, Buraku housing was constructed according to public housing standards at the time, which resulted in each dwelling having the same, extremely limited, space. After the termination of the Law on Special Measures, the “public housing rent system” changed into an “affordable rent system.” Some rather young residents of these communities who make higher wages left their Buraku community to buy houses located nearby. The houses vacated by these high-income earners are now being occupied by relatively older people who are not originally of Buraku original, who have relatively lower incomes, and who have moved into the Buraku area from outside.

Occupations: While the “Law on Special Measures” was effective, some Buraku people were employed by local governments typically for non-clerical jobs, which provided a level of stable employment in Buraku communities. However, since the expiration of the “Law on Special Measures,” the employment situation in Buraku communities has become more severe as local governments are being called upon to reduce their number of employees and as corporations continue to downsize their workforce. For instance, a 2000 survey of Buraku communities in Osaka conducted by the Osaka prefectural government shows that the unemployment rate among Buraku youth is double that of the entire Osaka prefecture.

Living standards: During the period when the “Law on Special Measures” was effective, the living standards among Buraku communities progressively increased. However, the number of Buraku households receiving social security was also relatively higher, especially among older households. The 1993 government survey revealed that the percentage of social security recipients in Buraku communities was seven times higher than the national average. After the expiration of the “Law on Special Measures,” no governmental survey has been conducted to find out current conditions in Buraku, thus no accurate data is available. However, it is fair to assume that living standards of Buraku communities are decreasing.

Educational standards: During the period when the “Law on Special Measures” was effective and the special scholarship scheme was still available to Buraku students who continued on to higher education (high school and college), the rates of Buraku students who went to high schools or colleges increased. As of 1997, the percentage of Buraku students who continued on to high school was 92.0%, and the national average was 96.5%, with only a 4.5-point gap. (This figure only reflects the percentage of students entering high school not the percentage finishing. Students from Buraku communities have a two to three times higher dropout rate than non-Buraku students. The gap between Buraku and non-Buraku students would be higher if calculated instead at time of graduation.) As for college, the percentage of Buraku students continuing on to college has increased to 28.6%, as compared with the 40.7% national average. However,

it is likely that these percentages of continuation into both high school and college will decrease post the termination of the Law on Special Measures and the end of the scholarship system.

Digital divide: According to the 2000 Osaka prefectural survey of Buraku communities in Osaka prefecture, the number of Buraku homes with computers and Internet access remains half the national average.

Note: 1) cf. appendix 5 for the results of the survey, “Actual Conditions of Buraku Communities.”

2) The national government has not conducted nation-wide survey of Buraku communities since 1993. A national survey is sorely needed to determine the present conditions of Buraku communities.

5. Period of Discrimination: For how long has this discrimination occurred?

Note: In the above discussion of the realities of discrimination in our response to 4-2, we already mentioned the period of discrimination. Additionally, in the era prior to the Meiji period the status system was legally fixed whereas post-Meiji discrimination has been legally prohibited. Answers in this section are made taking the above into consideration.

5-1. Marriage discrimination is the most serious aspect of Buraku discrimination. It has continued unabated since the 1871 Meiji Restoration issuance of the “Decree to Abolish Lowly Titles.”

5-2. Employment discrimination has also continued unabated since the “Decree to Abolish Lowly Titles” was issued.

5-3. Personal background investigation has similarly continued unabated since the “Decree to Abolish Lowly Titles” was issued.

5-4. Since its original discovery in November 1975, there have been continued manifestations of Buraku Lists. This past January, 2006, copies of Buraku Lists were confiscated from an investigative agency.

5-5. Discrimination at the workplace has also continued unabated since the “Decree to Abolish Lowly Titles” was issued.

5-6. Discrimination in local communities has also continued to date since the “Decree to Abolish Lowly Titles” was issued.

5-7. Discrimination in schools: It has continued to date since 1872 when the school education system was introduced in Japan.

Note: For your information, 2006 is the centennial of the publication of the famous novel “Hakai” (The Broken Commandment) written by Toson Shimazaki. The hero, a schoolteacher, hides his Buraku background according to his parents’ last words. He faces various forms of Buraku discrimination and the novel traces his anguish. Finally he breaks his parents’ ‘commandment’, confesses his background, and leaves the school to emigrate to Texas in the US. This novel was based on real-life events.

5-8. Discrimination in land values: It has continued to date since the Meiji era when the private ownership of land was admitted.

5-9. Discriminatory graffiti: Since 1970 and continuing through to today, such graffiti has frequently been discovered. (This graffiti is primarily attributed to “discrimination out of envy” in response to special projects implemented in Buraku communities under the Law on Special Measures for Dowa Projects enacted in 1969).

5-10. Discriminatory postcards, letters and telephone calls: Same as the above discriminatory graffiti.

5-11. Diffusion of discriminatory information on the Internet: Since the inception and widespread use of the Internet in 1990. It has continued to date.

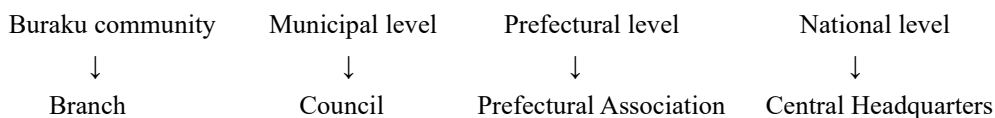
5-12. Prejudice of the police: It has continued to date since the police system was introduced in Japan after the Meiji Restoration (1868).

5-13. Discrimination in the justice system: It has also continued to date since the judicial system was introduced in Japan after the Meiji Restoration. Typical example cases before and after WW II include the 1933 “Takamatsu Discriminatory Court Case” and the 1956 “Fukuyama Discriminatory Court Case.” Both court cases were related to marriage discrimination: the defendants married without revealing their Buraku backgrounds and were later convicted of “marriage kidnapping.”

5-14. Discrimination in mass media: After the widespread use of newspapers and radio before WW II, and TV after WW II, it has continued to date.

6. Monitoring mechanisms: Do you have monitoring mechanisms to record cases. If so, at what level (national, state, district, etc.)?

6-1. The Buraku Liberation League (BLL) has the following organizational structure:



6-2. Discriminatory events are monitored at each of the above levels, i.e. Branch, Council, Prefectural Association and Central Headquarters. As an example of tracking activities, the central headquarters edits and publishes an annual, “Buraku Discriminatory Events throughout the Country.”

7. Implementation of relevant constitutional, legislative and administrative measures: How are the communities concerned consulted in the government planning for the constitutional, legislative and administrative measures that aim to prohibit discrimination based on work and descent, and involved their implementation? What barriers do members of affected communities face, inter alia, in access to justice, social and political integration, educational and employment opportunities, negative media coverage, and with regard to obtaining citizenship?

7-1. Before the Government of Japan started to address the solution of Buraku problem, Buraku people themselves led by the Buraku Liberation League made painstaking efforts over many years to combat this problem. Their efforts included organizing a national march to call public attention to these issues, lobbying with the government, organizing sit-ins to get demands, etc.

7-2. The Cabinet Dowa Measures Council was created in 1960. Representatives from the Buraku Liberation League were sent to the Council as members to provoke lively discussions. In August 1965, the Council submitted a "Report," in which it clearly stated that "a solution to the Buraku problem was a pending issue that both rested with the State and that was a task for the entire nation."

7-3. Then in 1969, as a result of BLL efforts in organizing a national march and negotiating with the government to achieve a complete implementation of what was stated in the "Report," the Law on Special Measures for Dowa Projects was enacted. The BLL had vigorously pursued government negotiations in order to achieve the implementation of the Law on Special Measures. Also, a representative from the Buraku Liberation League participated in the Dowa Measures Conference, proactively raising proposals.

7-4. The Law on Special Measures was temporary legislation with a 10-year term limit. As Buraku discrimination continued beyond this point and since the BLL-led movement calling for a complete solution of the problem gained strength, the so-called "Law on Special Measures Period" continued until the end of March 2002.

- * 1969 The Law on Special Measures for Dowa Projects (initially for 10 years, then extended for 3 years)
- * 1982 The Law on Special Measures for Regional Improvement (for 5 years)
- * 1987 The Law on Specific Governmental Budgetary Measure Concerning the Projects Designated for the Area Improvement (initially for 5 years, then extended for another 5 years)
- * 1997 Partial Revision of the Law on Specific Governmental Budgetary Measure Concerning the Projects Designated for the Area Improvement (for 5 years)

7-5. During this period the BLL and other organizations initiated a lot of activities, including a national march, government negotiations, presentation of proposals at legal conferences, etc.

7-6. In May 1985, a campaign was initiated by the BLL and others calling for an enactment of a "Fundamental Law for Buraku Liberation" to provide a final solution to Buraku problem. The campaign was initiated for the following reasons: 1) limitations of the efforts under the series of the "Law on Special Measures," 2) a desire to return to the basic spirit of the report made by the Cabinet Dowa Council, and 3) to learn from the international tendency toward the elimination of discrimination as prototypically represented by the International Convention on the Elimination of All Forms of Racial Discrimination.

7-7. The bill of the "Fundamental Law for Buraku Liberation" consisted of five parts: 1) a "declarative" section specifying the importance of the solution of Buraku problem, 2) a "regulatory and remedial" section specifying the importance of regulating malicious discrimination and providing effective remedies to victims, 3) a "project" section aiming at improving the bad conditions that Buraku communities and people are placed in, 4) an "educational and awareness-raising" section focusing on establishing correct understanding of Buraku problem and to raise human rights awareness, and 5) a "organizational" section calling for the improvement of national and local administrative functions addressing the problem and for

August 1955 Name changed to Buraku Liberation League

2) Organization: in 38 prefectures, it has 2,028 branches, with about a 90,000-person membership.

8-2. Regarding the denunciation activities mentioned above, there was a case in which the discriminating party refused to attend the denunciation meeting, and the BLL organization, indignant, forcibly held both the confirmation meeting and the denunciation meeting; the other party brought the denouncing organization to court. Court findings were: 1) that discrimination had happened, 2) the request for self-examination on the part of the discriminated-against party was reasonable, and 3) the organization's forcing of these meetings was illegal.

8-3. The most important court case for the BLL is the Sayama Case. A girl was kidnapped and murdered in May 1963 in Sayama City, Saitama prefecture, near Tokyo. Mr. Kazuo Ishikawa (then 24 years old) was arrested as a suspect by the police on the prejudicial assumption that simply because he was a Buraku person he would be capable of such violence. At the first trial, he was found guilty and sentenced to death. At the second trial, he was given life-imprisonment. At the Supreme Court, his final appeal was dismissed and the decision made at the second trial was seconded. A petition for retrial has been submitted twice since that time; however, to date a retrial has not yet been accepted. The defendant lawyers have submitted much evidence to establish his innocence; however, the judicial authorities have simply rejected the petition for retrial without any investigation into these facts. Equally problematically, some evidence held by the prosecutor has never been disclosed to the defendant. In consideration of the 4th periodic report of Japan concerning its implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee made a recommendation to the Government of Japan to disclose evidence kept by the prosecutor in regard to the Sayama Case. However, this recommendation has yet to be followed.

8-4. The Buraku Liberation and Human Rights Research Institute (BLHRRI) has the following programs:

1) Research, study and policy-proposal: For example, it developed the bill for a Fundamental Law for Buraku Liberation, and it organizes the project concerning discrimination based on work and descent.

2) Education and training: For example, the holding of a Buraku Liberation and Human Rights Course (each course lasts for 29 days, offering different lessons relating to Buraku and human rights problems, to develop officers of local governments, employees of private companies, and develop NGO leaders. Since 1974 when the program started, we have already organized 88 sessions reaching more than 4,000 students.)

3) Collection of books and information, and establishment of library: We collect books and information regarding the Buraku problem and human rights problems, and make them available at the library to the public. Currently, we have about 80,000 books.

4) Publication and sales (including audio visual materials): Main publications are, monthly magazine "Human Rights," journal "Buraku Kaiho Kenkyu" (Bulletin of Buraku Liberation) (bimonthly), "Year Book on Human Rights," other books (for example, "Discrimination based on Work and Descent," "Status System and Discrimination in Asia," etc.), and an audio visual compilation per year.

5) Creation and operation of the website: It contains information about the Buraku problem and human rights problems, both in Japanese and English. <http://blhrri.org>

6) International exchange and communications: We cooperate with the Office of the UN High Commissioner for Human Rights, UNESCO, the Indian Institute of Dalit Studies, the National Committee on Nationalities of the PRC, and the Society for the Memorial Projects for Hyongpyong-sa Movement in Jinju city of S. Korea. We are also a member of the International Movement against All Forms of Discrimination and Racism (IMADR). We also publish the English newsletter "Buraku Liberation News"

(quarterly).

Note: History of the Buraku Liberation and Human Rights Research Institute:

- August 1968 Founded as Osaka Buraku Liberation Research Institute through joint efforts of Osaka Prefecture, Osaka City, Osaka Association of Buraku Liberation League, and independent researchers.
- December 1974 Became an incorporated body approved by Osaka Prefecture.
- July 1998 Changed name to Buraku Liberation and Human Rights Research Institute.

9. Barriers: What barriers to achieving justice and equality do these communities face in terms of legislation, implementation of legislation, criminal justice, social pressures, education, employment and other practices of private sectors, media coverage, political participation, etc?

9-1. Problems at the national governmental level: From April 1969 to the end of March 2002, special measures were implemented under the “Law on Special Measures” for 33 years. Since 2002, the government program addressing the Buraku problem has been sharply truncated despite the fact that Buraku discrimination still continues. To be specific, 1) there is no office that comprehensively works for a solution of Buraku problem in the government (before, there has been the Regional Improvement Office under the Ministry of Internal Affairs and Communications), 2) the government has not conducted a survey of the actual conditions of Dowa districts since 1993, 3) since the expiration of the “Law on Special Measures,” the government has not established any concrete programs to solve the Buraku problem, and 4) there is no “council” to consider strategies to solve Buraku problem within the government.

9-2. Problems at the local governmental level: With the termination of the “Law on Special Measures,” local governments have basically taken one of two different paths with respect to their policies. One is the enactment of ordinances to eliminate Buraku discrimination and the establishment of a society in which human rights are fully respected. (One example here is Osaka Prefecture, which has Human Rights Office in the Planning and Coordination Division, and Planning of Human Rights Education Section in the Board of Education. It conducted a survey of actual conditions of Dowa areas in order to solve the problem in 2000, and developed programs with the advice from the council. It has implemented the programs accordingly.) The tack taken by local governments is to follow the national government’s approach since the termination of the “Law on Special Measures.”

9-3. No adequate laws and systems to regulate discrimination: There are no statutory regulations prohibiting discrimination such as, for example, the publication and sale of Buraku Lists, investigation into personal backgrounds for the purpose of discriminating against Buraku, employment discrimination, and discriminatory agitation on the Internet calling for an extermination of Buraku people. Also, a national human rights institution has not yet been established based on the Paris Principles that can provide remedies to victims of Buraku discrimination.

9-4. Need to improve the living environment of Buraku communities: As mentioned above, housing policies are required to improve living environments in which people of various age groups, income levels, and Buraku and non-Buraku people can live together.

9-5. Elimination of gaps in education and employment: As mentioned above, gaps between Buraku and non-Buraku people remain in the areas of education and employment. Programs should be developed and implemented to resolve these gaps.

9-6. Eradication of discriminatory attitudes: While it has improved somewhat, deep-rooted discriminatory attitudes are still manifest at the time of marriage and other occasions. This problem must be addressed through school education, social education and company training for awareness-raising. In doing so, the Law on the Promotion of Human Rights Education and Human Rights Awareness-Raising enacted in December 2000 should be utilized.

9-7. Overcome “discrimination out of envy”: It is necessary to support initiatives to build a human rights community that would help improve both Buraku and surrounding non-Buraku communities.

10. Draft set of principles and guidelines: Comment on the proposed framework for a draft set of principles and guidelines for the elimination of discrimination based on work and descent proposed in the expanded working paper by MR. Eide and Mr. Yokota (E/CN.4/ Sub.2/2004/31, chap.III). *

10. Please see the appendix 6.

11. Additional information: Provide additional information that you may find relevant to this questionnaire.

11-1. Japan joined the International Convention on the Elimination of All Forms of Racial Discrimination in November 1995. It submitted the joint periodic report (1st and 2nd) to the UN in January 2000. In March 2001, the CERD considered the report and adopted its concluding observations. Therein, it pointed out that the report of the Government of Japan did not consider Buraku discrimination to fall under the convention, and clearly stated that the “descent” specified in Article 1 includes the Buraku problem. Also, the CERD held a thematic discussion on the topic of “descent” defined in Article 1 in August 2002, and adopted the General Recommendation XXIX on Descent-Based Discrimination. In the recommendation, it reaffirmed that “descent” based discrimination includes discrimination based on Caste systems or analogous types of status structure. To date, the Government of Japan has not expressed its acceptance of what it is stated in these recommendations of the CERD. The 3rd and 4th periodic reports of Japan were to be submitted to the CERD by January 14, 2003; however, as of February 3, 2006, these have not yet been submitted.

Appendix 1: Declaration of the National Levellers Association (cf. 3-11 above)

Tokushu Burakumin throughout the country: Unite!

Long-suffering brothers! Over the past half century, the movements on our behalf by so many people and in such varied ways have yielded no appreciable results. This failure is the punishment we have incurred for permitting ourselves as well as others to debase our own human dignity. Previous movements, though seemingly motivated by compassion, actually corrupted many of our brothers. Thus, it is imperative that we now organize a new collective movement to emancipate ourselves by promoting respect for human dignity.

Brothers! Our ancestors pursued and practiced freedom and equality. They were the victims of base, contemptible class policies and they were the manly martyrs of industry. As a reward for skinning animals, they were stripped of their own living flesh; in return for tearing out the hearts of animals, their own warm human hearts were ripped apart. They were even spat upon with ridicule. Yet, all through these cursed nightmares, their human pride ran deep in their blood. Now, the time has come when we human beings, pulsing with this blood, are soon to regain our divine dignity. The time has come for the victims to throw off their stigma. The time has come for the blessing of the martyrs' crown of thorns.

The time has come when we can be proud of being Eta.

We must never again shame our ancestors and profane humanity through servile words and cowardly deeds. We, who know just how cold human society can be, who know what it is to be pitied, do fervently seek and adore the warmth and light of human life from deep within our hearts.

Thus is the Suiheisha born.

Let there be warmth in human society, let there be light in all human beings.

March 3, 1922

The Suiheisha

Appendix 2: A Fundamental Law for Buraku Liberation (Draft Bill: May 24, 1985) (cf. 3-25 above)

Article 1. Aims

The present Law, considering that the Buraku discrimination violates human dignity and, thus, is socially unacceptable, and based upon the ideals embodied in the constitution of Japan for guaranteeing every citizen of Japan the enjoyment of fundamental human rights, clarifies the obligations of the central government, local public entities and citizens regarding the complete and immediate solution of Buraku discrimination, and stipulates the objectives of measures to be implemented as well as basic items needed for the accomplishment of such objectives, in order to contribute to the progress of a democratic, discrimination-free society.

Article 2: Obligations of Central Government and Local Public Entities

- 1) The central government has the obligation to endeavor to attain a complete and immediate solution to the Buraku discrimination problem by implementing necessary measures encompassing all policy areas in order to achieve the aim contemplated.
- 2) Local public entities have the obligation to endeavor to attain an immediate solution to the Buraku discrimination problem observed within their areas in order to achieve the aim contemplated.
- 3) The central government and local public entities must mutually cooperate to ensure that measures for the solution to the Buraku discrimination problem are smoothly implemented.

Article 3: Obligation of Citizens

All citizens, while understanding the purpose of this Law and mutually respecting fundamental human rights, must endeavor to cooperate in the smooth implementation of measures by the central government and local public entities to solve the Buraku discrimination problem.

Article 4: Objectives of Measures

The objectives of the measures for the solution of the Buraku discrimination problem shall be directed at ensuring the residents concerned of Dowa areas (those areas where stability and improvement of the living environment, etc., are hindered due to historical and social reasons; the same shall apply hereinafter) the conditions which allow them to enjoy the fundamental human rights guaranteed by the Japanese Constitution such as the right to equality by establishing a correct understanding of the Buraku discrimination problem among citizens, by preventing Buraku discrimination incidents from occurring and by endeavoring to improve the social and economic standing of the residents concerned of Dowa areas.

Article 5: Diffusion and Promotion, etc., of Knowledge Regarding the Buraku Discrimination Problem

The central government and local public entities must endeavor to diffuse and promote knowledge concerning the Buraku discrimination problem and to spread and enhance ideas about human rights through educational, cultural and public relations activities, etc., in order to establish a correct understanding of Buraku discrimination problem among citizens.

Article 6: Promotion of Human Rights Protection Activities

The central government and local public entities must endeavor to improve organizations for protecting human rights, to promote human rights consultation activities, etc., in order to strengthen activities for protecting human rights with respect to the residents concerned of Dowa areas.

Article 7: Regulation on Buraku Discrimination, etc.

The central government must take necessary legal measures such as regulating family background investigations conducive to Buraku discrimination and regulating Buraku discrimination in employment relations in order to prevent Buraku discrimination incidents from occurring.

Article 8: Relief System for the Victims of Buraku Discrimination

The central government must take necessary legal measures, including the organization of a human rights committee, in order to establish a relief system for the victims of Buraku discrimination.

Article 9: Dowa Projects Measures

1) The central government and local public entities shall take measures regarding the projects mentioned in each of the following items in order to improve the social and Dowa standing of the residents concerned Dowa areas.

- a. To improve the living environment in Dowa areas;
- b. To promote and improve social welfare and public health in Dowa areas;
- c. To promote agriculture, forestry, fishing and small – and medium-size industries in Dowa areas;
- d. To promote employment and stabilize job situations for the residents of Dowa areas;
- e. To enhance school education as well as social education for the residents concerned of Dowa areas;
- f. Other items necessary for the improvement of the social and economic standing of the residents concerned of Dowa areas.

2) Measures for the above items must be planned and implemented comprehensively and systematically in a mutually supportive manner.

3) The government must take the necessary fiscal measures for the implementation of the items listed in the first paragraph.

Article 10. Consolidation of Administrative Organization

The central government and local public entities must endeavor to consolidate administrative organization for the promotion of measures to solve the Buraku discrimination problem.

Article 11. Survey:

The government must investigate the conditions regarding the Buraku discrimination problem including the actual conditions of Dowa areas and announce the result every five years.

Article 12. Report:

The government must submit before the Diet every year a report on those measures already taken as well as the measures to be taken for the solution of the Buraku discrimination problem.

Article 13. Buraku Liberation Deliberation Council:

- 1) The Buraku Liberation Deliberation Council (hereinafter referred to as the "Council") shall be set up at the general Affairs Agency.
- 2) The Council shall investigate and deliberate on important items with respect to the Buraku discrimination problem upon consultation from the Prime Minister and other ministers concerned.
- 3) The Council shall be able to communicate its opinions to the Prime Minister and other ministers concerned with respect to the items specified in the preceding paragraph.

Article 14.

- 1) The Council shall consist of no more than 20 members.
- 2) The Council members shall be appointed by the Prime Minister from those individuals of learning and experience with respect to the Buraku discrimination problem.
- 3) The Council members shall be part-time.
- 4) The items necessary for the organization and management of the Council, except for those specified in the preceding paragraphs, shall be determined by a ministerial ordinance.

(Supplementary Provision)

1. The present law shall become effective as of the date of its promulgation.

Appendix 3: The Law on the Promotion of Human Rights Education and Human Rights, Awareness-Raising (cf. 3-28 above)

The Law on the Promotion of Human Rights Education and Human Rights Awareness-Raising

(Objective)

Article 1: Considering the rising awareness about the importance of respecting human rights, current state of human rights violations including the occurrences of unjust cases of discrimination based on social status, descent, race, creed or sex, as well as the current developments surrounding human rights protection in and outside Japan, this law defines the responsibilities of the national and local governments and individual citizens, and stipulates necessary measures, thereby contributing to human rights protection.

(Definition)

Article 2: In this law, human rights education is defined as educational activities aimed at the nurturing of spirit of respecting human rights and human rights awareness-raising is defined as public relations and other awareness-raising activities (excluding human rights education) aimed at popularizing the idea of respecting human rights among citizens and deepening their understanding of it.

(Basic Idea)

Article 3: Human rights education and human rights awareness-raising should be carried out by the national and local governments in such a way as to allow citizens to deepen their understanding and appreciation of the idea of respecting human rights depending on their developmental stages by providing diverse opportunities, adopting effective methods, respecting the voluntary will, and securing the neutrality of the implementing institutions.

(Responsibility of National Government)

Article 4: The national government is responsible for formulating and implementing the measures of human rights education and human rights awareness-raising according to the basic idea of human rights education and human rights awareness-raising (basic idea) as stipulated in Article 3.

(Responsibility of Local Governments)

Article 5: Local governments are responsible for formulating and implementing measures of human rights education and human rights awareness-raising following the basic idea by coordinating efforts with the national government and considering the local circumstances.

(Responsibility of Citizens)

Article 6: Citizens must endeavor to nurture the spirit of respecting human rights and contribute to the realization of the society respecting human rights.

(Formulation of Basic Plan)

Article 7: The national government shall formulate the basic plan on human rights education and human rights awareness-raising in order to promote measures of human rights education and human rights awareness-raising comprehensively and systematically.

(Annual Report)

Article 8: The national government shall present its report to the Diet every year on measures that it has implemented to promote human rights education and human rights awareness-raising.

(Financial Measures)

Article 9: The national government can provide financial measures to local governments, which implement measures on human rights education and human rights awareness-raising, by entrusting related projects and other means.

Annex

(Date of Enactment)

Article 1: This law is enacted on the day of its promulgation. However, the provision in Article 8 shall be applied to measures concerning human rights education and human rights awareness-raising which are to be implemented in the fiscal year following the year to which this date belongs.

(Reappraisal)

Article 2: This law shall be reappraised within three years since the day of its enactment based on survey findings and deliberations by the Council on the Promotion of Human Rights Protection on basic items for developing measures for the relief of victims of human rights violations as defined in Article 3 (2) of the Law on the Promotion of Human Rights Protection Measures (1996).

Accompanying Resolution on the Draft Law on the Promotion of Human Rights Education and Awareness-Raising

Adopted by the Legal Affairs Committee, House of Representatives (Nov. 15, 2000)

The national government is requested to give particular consideration to the following points:

1. To pay due consideration to maintaining administrative neutrality in formulating the basic plan on human rights education and human rights awareness-raising and to respect fully the opinions of local governments, private-sector organizations and others concerned with human rights.
2. The above-mentioned basic plan should consist of complete contents reflecting the national action plan and other stipulations concerning the implementation of UN Decade for Human Rights Education.
3. Towards the realization of the 21st century as a human rights century, endeavors to establish human rights policies in Japan should be placed at the bottom and basis of political administration and be

clearly regarded as significant matters for the government and the cabinet.

Accompanying Resolution on the Draft Law on the Promotion of Human Rights Education and Awareness-Raising

Adopted by the Legal Affairs Committee, House of Councilors (Nov. 28, 2000)

The national government should make utmost efforts regarding the following matters in implementing this law for the realization of the 21st century as a century of human rights:

1. The basic idea of the new law as well as the responsibilities of the national government, local governments and citizens as stipulated in this law concerning the promotion of human rights education and human rights awareness-raising should be thoroughly publicized. Especially, appropriate measures should be taken to prevent public servants from violating human rights.
2. In the process of formulating the basic plan for the promotion of human rights education and awareness-raising, due attention should be paid to the opinions of local governments and non-governmental organizations and others concerned with human rights.
3. The basic plan should consist of complete contents reflecting the national action plan and other stipulations concerning the implementation of UN Decade for Human Rights Education.
4. Recognizing that human rights policies should be placed at the heart and basis of political administration, the cabinet as a whole should commit itself to their implementation.

(Translated by Yasumasa Hirasawa, Professor of Osaka University)

Appendix 4: Human Rights Protection Bill (cf. 3-30 above)

Human Rights Protection Bill

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Chapter 1 General Provisions

Article 1 (Purposes)

The present Act aims to promote policies for the protection of human rights in a comprehensive manner, thus contributing to the realization of a society where human rights are respected, through providing appropriate and prompt remedies for or effectively preventing sufferings caused or likely to be caused by human rights violations as well as through disseminating the philosophy of respect for human rights and undertaking awareness-raising measures to promote better understanding of the philosophy.

Article 2 (Definitions)

For the purpose of the present Act,

The term “human rights violations” means any acts of unjust discrimination, ill-treatment or other acts which violate human rights.

The term “social status” means social status determined by birth.

The term “disability” means physical, intellectual or mental disability which imposes substantial restrictions on a person’s daily lives or social life on a long-term basis.

The term “disease” means any infectious disease or other disease which, after its symptoms have developed, imposes substantial restrictions on a person’s daily lives or social life on a long-term basis.

The term “race or other characteristics” means race, ethnicity, belief, sex, social status, lineage, disability, disease or sexual orientation.

Article 3 (Prohibition of human right violations and other relevant acts)

No one shall violate human rights of other persons, including through:

The following types of unjustly discriminatory acts;

Unjustly discriminatory treatment on the ground of race or other characteristics committed through the position of national or local authority or other official functions established by law;

Unjustly discriminatory treatment on the ground of race or other characteristics committed through the position of a provider of goods, real estates, rights or services for business considerations; or,

Unjustly discriminatory treatment in labour matters, including recruitment of employees or working conditions, on the ground of race or other characteristics committed through the position of an employer, including unjust discriminatory treatment under the provisions of Article 8, paragraph 2 of the Law on Equal Opportunity and Treatment between Men and Women in Employment and dismissal on the grounds set out under Article 8, paragraph 3 of the same Law.

The following types of unjustly discriminatory words and deeds; or,

Insult, harassment or other words and deeds of unjust discrimination toward a specific person on the ground his or her race or other characteristics; or

Sexual words and deeds toward a specific person against his or her will, taking advantage of the perpetrator’s functional position.

Ill-treatment of a specific person through the advantageous position over the victim.

No one shall be involved in:

Publicly revealing the information which facilitates the identification of an indefinite and large number of individuals with race or other common characteristics, through the dissemination or exhibition of documents or other similar manner, for the purpose of fostering or inducing unjustly discriminatory treatment, as defined in paragraph 1, against them on the ground of such characteristics; or,

Publicly revealing the intention, through advertisement, exhibition or other similar manner, to give unjustly discriminatory treatment, as defined in paragraph 1, against an indefinite and large number of individuals with race or other common characteristics on the ground of such characteristics.

Article 4 (Responsibility of the State)

The State has the responsibility to promote policies for the promotion of human rights in a comprehensive manner, in accordance with the philosophies of the Constitution of Japan which guarantees the enjoyment of fundamental human rights and equality under the law.

Chapter 2 Human Rights Commission

Article 5 (Establishment of the Commission)

There shall be established a Human Rights Commission mandated to achieve the purposes set out in Article 1, in accordance with Article 3, paragraph 2 of the Organization of the State Administration Act.

The Human Rights Commission shall fall under the responsibility of the Minister of Justice.

Article 6 (Functions of the Commission)

In order to achieve the mandate set out in Article 5, paragraph 1, the Human Rights Commission shall be in charge of:

Matters concerning the provision of remedies for and prevention of sufferings caused by human rights violations;

Matters concerning awareness-raising on human rights as well as support to private activities for the protection of human rights;

Matters concerning the appointment, training and the improvement of activities of Human Rights Commissioners;

Matters concerning international cooperation relevant to its functions; and,

Other duties mandated to the Human Rights Commission under laws, including decrees issued under any law.

Article 7 (Independence in the performance of its functions)

The Chair and members of the Human Rights Commission shall perform their functions independently.

Article 8 (Organization)

The Human Rights Commission shall consist of the Chair and four other members.

Three of the four members shall work on a part-time basis.

The Chair shall administer the business of the Human Rights Commission and represent the Commission.

When the Chair cannot perform his or her functions because of any trouble, the full-time member shall perform his or her functions on behalf of the Chair.

Article 9 (Appointment of the Chair and other members)

The Prime Minister shall appoint the Chair and other members of the Human Rights Commission from among those who are of noble character, have high expertise in human rights and are intellectually experienced in law or society, with the consent of both Houses of the Diet.

In appointing the Chair and other members in accordance with paragraph 1, efforts shall be made to ensure that the number of either male or female members be less than two among the five members.

When the term of the Chair or other members expires or there is a vacancy in the Commission due to any other reasons, and if the consent of both Houses of the Diet cannot be obtained because the Diet is not in session or the House of Representatives has dissolved, the Prime Minister may appoint the Chair or other members from among those who are qualified in accordance with paragraph 1, notwithstanding the requirement in paragraph 1.

When the appointment is made under paragraph 3, the ex post facto consent of both Houses of the Diet shall be obtained in the first session of the Diet after the appointment.

Article 10 (Term of office)

The Chair and other members shall be appointed for a term of three years. However, the Chair or a member who was appointed to fill a vacancy shall serve for the remainder of the term of his or her predecessor.

The Chair and other members shall be eligible for reappointment.

When the term of the Chair or other members expires, the concerned Chair or member shall continue to serve until his or her successor is appointed.

Article 11 (Tenure)

The Chair and other members shall not be dismissed against his or her will unless:

He or she is sentenced to imprisonment or heavier punishment;

The Human Rights Commission finds that he or she cannot perform his or her functions because of any physical or mental trouble or that he or she has acted in contravention of his or her official duties or in any other way which is not appropriate for his or her position; or,

The ex post facto consent of both Houses of the Diet could not have been obtained in accordance with Article 9, paragraph 3.

Article 12 (Dismissal)

The Prime Minister shall dismiss the Chair or other members if he or she meets any of the criteria set out in Article 11.

Article 13 (Duties of the Chair and other members)

The Chair and other members shall not disclose confidential information obtained through his or her official functions, even after he or she has retired from his position.

The Chair and other members shall not become officers of a political party or any other political association or be actively involved in political activities during his or her term of office.

The Chair and the full-time member shall not undertake a profit-making enterprise or any other work for financial gains or, unless he or she is permitted by the Prime Minister to do so, perform other functions in exchange of financial considerations.

The remunerations for the Chair and other members shall be determined by law.

Article 14 (Meetings)

Meetings of the Human Rights Commission shall be convened by the Chair.

The Human Rights Commission cannot meet and decide unless the meeting is attended by the Chair and two or more other members.

Decisions of the Human Rights Commission shall be made by a majority of the members present. If a vote is equally divided, the Chair shall decide on the matter.

Notwithstanding the provisions of paragraph 3, all the members except the person concerned shall agree

when the Human Rights Commission determines whether any of its member falls within the criteria set out in Article 11, clause (b).

In the application of paragraph 2 when the Chair cannot perform his or her functions because of any trouble, the full-time member shall be deemed as the Chair.

Article 15 (Secretariat)

There shall be established a Secretariat attached to the Human Rights Commission for the purpose of the administration of its business.

The Secretariat shall have one or more qualified lawyers in its staff.

Article 16 (Local offices)

Local offices shall be established at designated places as local organizations of the Secretariat of the Human Rights Commission.

The names, locations and jurisdictions of the local offices mentioned in paragraph 1 shall be determined by decrees.

The Human Rights Commission may delegate the functions of a local office mentioned in paragraph 1 to a director of a District Legal Affairs Bureau in accordance with the relevant decrees.

Article 17 (Public hearing)

The Human Rights Commission can organize a public hearing in order to consult the broader public when the Commission finds it necessary for the performance of its functions.

Article 18 (Publication of the performance of the Commission's functions)

In order to ensure the appropriate administration of the present Act, the Human Rights Commission may publicize the results of the performance of its functions at appropriate times.

Article 19 (Report to the Diet)

The Human Rights Commission shall submit an annual report on how it has performed its functions, to the Diet through the Prime Minister, and publicize the summary of it.

Article 20 (Submission to the Prime Minister and others as well as to the Diet)

The Human Rights Commission may submit its views on the matters necessary to achieve the purposes of the present Act to the Prime Minister or other heads of the relevant administrative bodies or, through the Prime Minister, to the Diet.

Chapter 3 Human Rights Commissioner

Article 21 (Establishment)

In order to promote the protection of human rights at the local level, there shall be established Human Rights Commissioners attached to the Human Rights Commission.

The duties of Human Rights Commissioners shall be to contribute to the realization of a society where human rights are respected, by being involved in local activities for the protection of human rights in the spirit of voluntary social service.

In view of the duties of Human Rights Commissioners set out in paragraph 2, the Human Rights Commission shall endeavour to secure and train persons suitable for the exercise of such duties and to take

necessary measures to improve their activities.

Article 22 (Appointment)

Human Rights Commissioners shall be appointed by the Human Rights Commission.

The Human Rights Commission shall appoint Human Rights Commissioners from among the candidates recommended by the mayor or the chief of a special ward, town or village, in consultation with the bar associations and the Prefectural Association of Human Rights Commissioners in the prefecture (in the case of Hokkaido, the area defined by the Human Rights Commission in accordance with the proviso of Article 32, paragraph 2; the same applies in paragraph 5 as well as in Article 23) which encompasses the administrative area concerned.

The mayor or the chief of a special ward, town or village shall recommend the candidates of Human Rights Commissioners to the Human Rights Commission, selected from among the residents of the administrative area concerned who are of noble character and have high expertise in human rights and among the members of bar associations and other organizations working for or supporting the promotion of human rights, in consultation with the parliament of the administrative area concerned.

When the Human Rights Commission finds that the candidates recommended by the mayor or the chief of a special ward, town or village are not suitable for Human Rights Commissioners, it may request the concerned mayor or the chief to recommend other candidates within a reasonably specified time.

When the concerned mayor or the chief has not recommended other candidates within a specified time in accordance with paragraph 4, the Human Rights Commission may, notwithstanding the provisions of paragraph 2, appoint Human Rights Commissioners from among those specified in paragraph 3, in consultation with the bar associations and the Prefectural Association of Human Rights Commissioners in the prefecture which encompasses the administrative area concerned.

When the Human Rights Commission has appointed Human Rights Commissioners, it shall take appropriate measures to make their names and duties known among the residents concerned.

The mayor or the chief of a special ward, town or village shall cooperate with the Human Rights Commission, at its request, in taking measures referred to in paragraph 6.

Article 23 (Exception in the appointment process)

When the Human Rights Commission finds any person who is particularly suitable for a Human Rights Commissioner but not recommended as a candidate by the mayor or the chief of a special ward, town or village in accordance with Article 22, paragraph 2, it may, notwithstanding the provisions of Article 22, paragraphs 2 to 5, appoint him or her as a Human Rights Commissioner, in consultation with the mayor or the chief of the administrative area where he or she resides as well as the bar associations and the Prefectural Association of Human Rights Commissioners in the prefecture which encompasses the administrative area concerned.

Article 24 (Number of Human Rights Commissioners)

The number of Human Rights Commissioners shall not exceed 20,000 in the whole country.

The number of Human Rights Commissioners in each city, special ward, town or village shall be determined by the Human Rights Commission in view of the population and economic, cultural and other circumstances of the administrative area concerned.

The Prefectural Association of Human Rights Commissioners may submit its views on the number of Human Rights Commissioners referred to in paragraph 2 to the Human Rights Commission.

Article 25 (Term of office, etc.)

Human Rights Commissioners shall be appointed for a term of three years.

Human Rights Commissioners shall be eligible for reappointment.

When the term of a Human Rights Commissioner expires, the concerned Human Rights Commissioner shall continue to serve until his or her successor is appointed.

Human Rights Commissioners shall perform their functions on a part-time basis.

Article 26 (Expenses)

Human Rights Commissioners shall not receive remunerations.

Human Rights Commissioners may be compensated, within the budget, for necessary expenses for the performance of their functions in accordance with the relevant decrees.

Article 27 (Jurisdiction)

Human Rights Commissioners shall perform their functions in the city, special ward, town or village where he had resided at the time of their appointment. When there is special necessity, however, they can perform their functions outside their jurisdictions.

Article 28 (Functions)

The functions of Human Rights Commissioners shall be:

To disseminate the philosophy of respect for human rights and to undertake awareness-raising activities to promote better understanding of the philosophy;

To endeavour to promote private activities for the protection of human rights;

To provide counselling on human rights;

To gather information about human rights violations and report to the Human Rights Commission;

To undertake activities to investigate human rights violations and to provide remedies for or prevent sufferings caused by human rights violations; and,

To endeavour to protect human rights in other ways.

Article 29 (Duties)

Being aware of their responsibilities, Human Rights Commissioners shall perform their functions in an active manner, always endeavouring to enhance their personality and expertise and to acquire necessary legal knowledge and skills for the performance of their functions.

Article 30 (Supervision)

Human Rights Commissioners shall be subject to the direction and supervision of the Human Rights Commission in the performance of their functions.

Article 31 (Discharge)

The Human Rights Commission may discharge a Human Rights Commissioner, in consultation with the concerned Prefectural Association of Human Rights Commissioners, when:

He or she is deemed to be unable to perform his or her functions because of any physical or mental trouble; or,

He or she has acted in contravention of his or her official duties or in any other way which is not appropriate for his or her position.

A Human Rights Commissioner shall not be discharged under paragraph 1 unless he or she has been given

notice of the reason and opportunities to explain him or herself.

Article 32 (Conference, Association and National Association)

Human Rights Commissioners shall form a Conference of Human Rights Commissioners in each area, defined by the Human Rights Commission by way of dividing each prefecture into a few areas.

Conferences of Human Rights Commissioners shall form a Prefectural Association of Human Rights Commissioners in each prefecture. In Hokkaido, however, a Prefectural Association shall be established in each area defined by the Human Rights Commission.

Prefectural Associations of Human Rights Commissioners shall form a National Association of Human Rights Commissioners.

Article 33 (Functions of the Conference)

The functions of the Conference of Human Rights Commissioners shall be:

Communication and coordination of the matters concerning the functions of Human Rights Commissioners;
Collection of necessary materials and information concerning the functions of Human Rights Commissioners;

Publication of studies and views on the functions of Human Rights Commissioners;

Collaboration and cooperation with the city, special ward, town or village authorities and other relevant administrative bodies as well as relevant public and private organizations; and,

Other necessary functions for the protection of human rights, stipulated by the regulations of the Human Rights Commission.

The Conference of Human Rights Commissioners shall report the results of its activities regularly or when necessary to the relevant Prefectural Association of Human Rights Commissioners.

Article 34 (Functions of the Association)

The functions of the Prefectural Association of Human Rights Commissioners shall be:

Communication and coordination of the matters concerning the functions of Conferences of Human Rights Commissioners;

Collection of necessary materials and information concerning the functions of Human Rights Commissioners;

Publication of studies and views on the functions of Human Rights Commissioners;

Collaboration and cooperation with the prefectural authorities and other relevant administrative bodies as well as relevant public and private organizations; and,

Other necessary functions for the protection of human rights, stipulated by the regulations of the Human Rights Commission.

The Prefectural Association of Human Rights Commissioners shall report the results of its activities regularly or when necessary to the Human Rights Commission.

The Prefectural Association of Human Rights Commissioners may submit its views on policies for the protection of human rights, on the basis of the results of activities of Human Rights Commissioners.

Article 35 (Functions of the National Association)

The functions of the National Association of Human Rights Commissioners shall be:

Communication and coordination of the matters concerning the functions of Prefectural Associations of Human Rights Commissioners;

Collection of necessary materials and information concerning the functions of Human Rights

Commissioners;

Publication of studies and views on the functions of Human Rights Commissioners;

Collaboration and cooperation with the relevant administrative bodies as well as relevant public and private organizations; and,

Other necessary functions for the protection of human rights, stipulated by the regulations of the Human Rights Commission.

The National Association of Human Rights Commissioners shall report the results of its activities regularly or when necessary to the Human Rights Commission.

The National Association of Human Rights Commissioners may submit its views on policies for the protection of human rights, on the basis of the results of activities of Human Rights Commissioners.

Article 36 (Commendation)

The Human Rights Commission shall commend Human Rights Commissioners, Conferences of Human Rights Commissioners, Prefectural Associations of Human Rights Commissioners or the National Association of Human Rights Commissioners when it finds any of them has made special contributions in the performance of their functions, thus endeavouring to make their achievements known to the public.

Chapter 4 Procedures for Human Rights Remedies

Section 1 General Provisions

Article 37 (Counselling on human rights violations)

The Human Rights Commission shall provide counselling on various issues concerning human rights violations.

The Human Rights Commission may direct its members or the staff of the Secretariat to provide counselling mentioned in paragraph 1.

Article 38 (Initiation of the procedures for remedies)

Any person who has suffered or is likely to suffer from human rights violations may inform the Human Rights Commission of the fact and request it to take appropriate measures to provide remedies for or prevent sufferings caused by the human rights violations.

Upon receiving the request under paragraph 1, the Human Rights Commission shall, without delay, conduct necessary inquiries and take appropriate measures in response to the alleged case of human rights violations in accordance with the provisions of the present Act, unless it finds that the case is not suitable for such responses because of its nature or the request has been made later than one year after the day of the alleged act or the termination of the alleged act.

When the Human Rights Commission finds it necessary to provide remedies for or prevent sufferings from human rights violations, it may conduct necessary inquiries and take appropriate measures on its own initiative in accordance with the provisions of the present Act.

Section 2 Procedures for General Remedies

Article 39 (General inquiries)

When the Human Rights Commission finds it necessary in order to perform its functions concerning the

provision of remedies for or the prevention of sufferings caused by human rights violations, it may conduct necessary inquiries. In this case, the Human Rights Commission may ask the relevant administrative bodies for the provision of materials or information, submission of their views, explanation and other necessary cooperation.

The Human Rights Commission may direct its members, the staff of the Secretariat or Human Rights Commissioners to conduct inquiries mentioned in paragraph 1.

Article 40 (Delegation of inquiries)

When the Human Rights Commission finds it necessary in order to perform its functions concerning the provision of remedies for or the prevention of sufferings caused by human rights violations, it may delegate other national administrative bodies, local authorities, schools, other organizations or intellectually experienced persons to conduct necessary inquiries.

Article 41 (General remedies)

When the Human Rights Commission finds it necessary to provide remedies for or prevent sufferings from human rights violations, it may:

Provide necessary counselling to persons who have suffered or are likely to suffer from human rights violations and other persons concerned with them (referred to as “the victims” in clause (c)), refer them to the relevant authorities or concerned public or private organizations, help them to obtain legal aid and assist them in any other way;

Provide guidance on the concerned acts of human rights violations to persons who have or are likely to be involved in such acts or who foster or induce them (referred to as “the perpetrators” in clause (c)), raise their awareness on the philosophy of respect for human rights and guide them in any other way;

Coordinate the relationship between the victims and the perpetrators;

Notify the relevant authorities of the facts of human rights violations; and,

File complaints on the acts of human rights violations which can be considered as crime.

The Human Rights Commission may direct its members, the staff of the Secretariat or Human Rights Commissioners to take any of the measures set out in clauses (a)-(d) of paragraph 1.

Section 3 Procedures for Special Remedies

Sub-section 1: Common Provisions

Article 42 (Remedies for unjust discrimination and ill-treatment)

Other than the measures set out in Article 41, paragraph 1, the Human Rights Commission may take necessary measures in accordance with Sub-sections 2-4 for the following types of human rights violations. However, it may take no measures except the ones under Article 63 for unjustly discriminatory treatment mentioned in Article 3, paragraph 1 (a) (iii) among the acts covered in clause (a) of the present paragraph and for unjustly discriminatory words and deeds against employees at workplace among the acts covered in clause (b) of the present paragraph.

Unjustly discriminatory treatment as defined in Article 3, paragraph 1 (a).

The following types of unjustly discriminatory words and deeds.

Unjustly discriminatory words and deeds as defined in Article 3, paragraph 1 (b) (i), which threatens, embarrasses or seriously discomfords the victim.

Sexual words and deeds as defined in Article 3, paragraph 1 (b) (ii), which threatens, embarrasses or

seriously discomforts the victim.

The following types of ill-treatment.

The following types of ill-treatment committed by officials of national or local authorities in the course of performing their functions.

Infringing attacks which have caused or are likely to cause physical injury.

Committing obscene acts to a person or having a person commit obscene acts against his or her will.

When the official is responsible for protecting a person's life or physical security, giving harm to his or her life or physical security by seriously neglecting the duties.

Being involved in words and deeds which inflict serious trauma to a person.

Ill-treatment as defined in sub-clause (i) A-D committed by the administrator, the staff or other workers of social welfare, medical or other similar institutions to a person placed in the institution.

Ill-treatment as defined in sub-clause (i) A-D committed by the administrator, the staff or other workers of schools or other similar institutions to a student, pupil or child of the institution or any other person who attends or placed in the institution.

Child abuse as defined in Article 2 of the Child Abuse Prevention Act.

Ill-treatment as defined in sub-clause (i) A-D committed by a spouse to another spouse (including spouses who are in a de facto marriage relationship without formally registering the relationship; the same applies in clause (d)).

Ill-treatment as defined in sub-clause (i) A-D committed to an old person (who is sixty-five years old or older) or a disabled person by a person who lives with or is responsible for the maintenance, care and other support of him or her.

The following types of human rights violations infringed by a broadcasting corporation, newspaper publisher, news agency or other news media or a reporter or investigator of such a news media (referred to as "the news media" in the next paragraph).

In reporting that a particular person is any of the following categories, unreasonably reporting the facts on his or her private life or seriously disturbing his or her honor or peaceful life:

A victim of a criminal act (which is a violation of penal provisions of a law or ordinance; the same applies in the present clause);

A juvenile who has committed a criminal act; or,

A spouse, immediate or cohabiting relative or sibling of a victim or a perpetrator of a criminal act.

In investigating a particular person as any of the categories listed in sub-clause (i), seriously disturbing his or her peaceful life by committing any of the following acts on a continuous or repetitious basis, despite his or her refusal to talk to the investigator:

Stalking the person, lying in wait for him or her, standing in his or her way, watching him or her near his or her home, workplace, school or any other place where he or she is usually located or making unannounced visits to such places; or,

Making telephone calls or sending faxes to the person.

Human rights violations comparable to the ones listed in clauses (a)-(d), which may lead to the presumption that, in view of the circumstances of the victim, it is difficult for the victim him or herself to take appropriate measures to eliminate them or to recover from the sufferings caused by them.

In conducting inquiries into and taking measures under paragraph 1 in response to human rights violations as defined in paragraph 1 (d), the Human Rights Commission shall pay due considerations to the guarantee of freedom of expression of the news media, including freedom of press or investigation, and respect efforts by the news media for voluntary resolution of the problems.

Article 43 (Remedies for acts of fostering or inducing discrimination)

The Human Rights Commission may take measures set out in Article 41, paragraph 1 as well as necessary measures set out in Sub-section 5 in response to:

Acts defined in Article 3, paragraph 2 (a), which, if left without any response, are obviously likely to foster or induce the acts of unjustly discriminatory treatment; or

Acts defined in Article 3, paragraph 2 (b), which, if left without any response, are obviously likely to lead to the actual acts of unjustly discriminatory treatment by the person who has exhibited the intention to do so.

Article 44 (Special inquiries)

In order to conduct inquiries into cases involving human rights violations listed in Article 42, paragraph 1 (a)-(c) (except unjustly discriminatory treatment mentioned in Article 3, paragraph 1 (a) (iii) among the acts covered in clause (a) of the said paragraph and for unjustly discriminatory words and deeds against employees at workplace among the acts covered in clause (b) of the said paragraph) or involving the acts listed in Article 43 (referred to as “the human rights violations concerned” in the present paragraph), the Human Rights Commission may be able:

To request the concerned parties to appear before the Commission in order to pose questions to them;

To request the persons in possession of the materials and other goods relevant to the human rights violations concerned to submit them, or to keep the materials and other goods submitted to the Commission; and,

To enter the premises where the human rights violations concerned have been actually or allegedly committed, to inspect materials and other goods or to pose questions to the concerned parties.

The Human Rights Commission may direct its members or the staff of the Secretariat to exercise any of the powers listed in paragraph 1.

When the Human Rights Commission directs its members or the staff of the Secretariat, in accordance with the provisions of paragraph 2, to enter any premises and inspect, it shall direct the members or the staff to carry their identification documents with them and to show them to the parties concerned.

The powers listed in paragraph 1 shall not be interpreted as the powers for criminal investigation.

Sub-section 2: Mediation and Arbitration

Part 1: Common Provisions

Article 45 (Mediation and Arbitration)

In accordance with the provisions of the present Sub-section, the Human Rights Commission shall receive an application for mediation or arbitration concerning a case of human rights violations listed in Article 42, paragraph 1 (except unjustly discriminatory treatment mentioned in Article 3, paragraph 1 (a) (iii) among the acts covered in clause (a) of the said paragraph and for unjustly discriminatory words and deeds against employees at workplace among the acts covered in clause (b) of the said paragraph; hereafter referred to as “special human rights violations), establish a mediation or arbitration committee and direct the committee to provide mediation or arbitration.

Article 46 (Application)

Either or both of the concerned parties may apply to the Human Rights Commission for mediation or arbitration concerning the sufferings caused by special human rights violations.

The application made by one of the concerned parties for arbitration shall be based on the agreement of the

both parties to refer the case to arbitration.

Article 47 (Mediation on the Commission's initiative)

When the Human Rights Commission finds it appropriate, it may refer a case of special human rights violations to mediation on its own initiative.

Article 48 (Human Rights Mediator)

There shall be established Human Rights Mediators attached to the Human Rights Commission in order to have them involved in its mediation and arbitration.

The Human Rights Commission shall appoint Human Rights Mediators from among those who are of noble character and intellectually experienced in law or society.

Human Rights Mediators shall be appointed for a term of three years.

Human Rights Mediators shall be eligible for reappointment.

Human Rights Mediators shall perform their functions on a part-time basis.

Other necessary matters on the appointment of Human Rights Mediators shall be determined by decrees.

Article 49 (Discharge)

The Human Rights Commission may discharge a Human Rights Mediator when:

He or she is deemed to be unable to perform his or her functions because of any physical or mental trouble;
or,

He or she has acted in contravention of his or her official duties or in any other way which is not appropriate for his or her position.

A Human Rights Mediator shall not be discharged under paragraph 1 unless he or she has been given notice of the reason and opportunities to explain him or herself.

Part 2: Mediation

Article 50 (Mediation Committee)

A mediation committee shall be established for each case, consisting of three mediators whom the Chair of the Human Rights Commission designates from among the Chair or other members of the Human Rights Commission or Human Rights Mediators.

At least one of the three mediators shall be qualified as lawyer.

Article 51 (Hearing)

When the mediation committee finds it necessary for mediation, it may request the concerned parties to appear before the committee in order to hear them.

Article 52 (Recommendation to accept the proposal)

When the mediation committee finds it appropriate, it may prepare a mediation proposal in view of all the relevant circumstances and recommend the concerned parties to accept it within a specified period not less than thirty days.

The mediation proposal under paragraph 1 shall be adopted by a majority of the mediators.

When a recommendation has been made under paragraph 1 and when the concerned parties have not notified their intention not to accept the mediation proposal within the specified time, it shall be deemed that the concerned parties have reached the agreement to the same effect with the proposal.

Article 53 (Not to initiate mediation)

The mediation committee may decide not to initiate mediation when it finds that the application has been made concerning the case which is not suitable for mediation by its nature or that the concerned parties have made an unreasonable application for mediation for unjustifiable reasons.

Article 54 (Termination of mediation)

The mediation committee may terminate mediation when it finds that the case is not likely to be resolved through mediation.

When a recommendation has been made under Article 52, paragraph 1 and when any of the concerned parties have notified their intention not to accept the mediation proposal within the specified time, the mediation for the case shall be deemed to have been terminated.

Article 55 (Termination of the statute of limitations)

When mediation has been terminated in accordance with Article 54, paragraph 1 or is deemed to have been terminated in accordance paragraph 2 of the same Article, and when any of the parties to the mediation filed suit concerning the claims on which the mediation had been initiated, within thirty days after having been notified of the termination, it shall be deemed that the suit had been filed on the day of the application for the mediation or of the initiation of the mediation on the initiative of the Human Rights Commission, as far as the statute of limitations is concerned.

Article 56 (Mediation procedures shall be closed)

The procedures of the mediation committee shall not be open to the public.

Part 3: Arbitration

Article 57 (Arbitration committee)

An arbitration committee shall be established for each case, consisting of three arbitrators whom the concerned parties agree to designate from among the Chair or other members of the Human Rights Commission or Human Rights Mediators. When the concerned parties could not agree on the designation, however, the designation shall be made by the Chair of the Human Rights Commission for each case from among the Chair or other members of the Human Rights Commission or Human Rights Mediators.

At least one of the three arbitrators shall be qualified as lawyer.

Article 58 (Application)

The provisions of Chapter 8 (Arbitration Procedures) of the Law on Public Summons Procedures and Arbitration Procedures shall apply to the procedures of arbitration by the arbitration committee, *mutatis mutandis*, unless otherwise specified by the present Act.

Article 59 (Application)

The provisions of Article 56 shall apply to the procedures of arbitration by the arbitration committee, *mutatis mutandis*.

Part 3: Recommendation and Publication Thereof

Article 60 (Recommendation)

When the Human Rights Commission finds that special human rights violations are or have been committed

and considers it necessary in order to provide remedies for or prevent the sufferings caused by the special human rights violations, it may recommend the perpetrator, with the explanation of reasons, to stop the acts, not to commit the same or similar acts in the future or to take other necessary measures for the provision of remedies for or the prevention of the sufferings.

Before the Human Rights Commission makes recommendations under paragraph 1, it shall hear the person to whom the recommendation is to be addressed.

When the Human Rights Commission has made recommendations under paragraph 1, it shall notify the victim of the special human rights violations concerned of the fact.

Article 61 (Publication of the recommendations)

When the perpetrator does not conform to the recommendations made by the Human Rights Commission under Article 60, paragraph 1, the Human Rights Commission may publicize the fact along with the content of the recommendations.

Before the Human Rights Commission publicizes the relevant facts in accordance with paragraph 1, it shall hear the victim of the special human rights violations concerned as well as the perpetrator whose refusal to the recommendations is to be publicized.

Part 4: Assistance for Legal Action

Article 62 (Inspection of materials and provision of their copies)

When the Human Rights Commission has made recommendations under Article 60, paragraph 1, and when the victim of the special human rights violations concerned or his or her legal representative or a lawyer designated by the victim and/or his or her legal representative applies for the inspection of the relevant materials in the possession of the Human Rights Commission or for the provision of the copies of the materials, in whole or in part, the Human Rights Commission may allow the applicant to inspect the materials or provide him or her with the copies of the materials, in whole or in part, if it is necessary for the exercise of the victim's rights or for any other justified reasons and if the Commission finds that it is appropriate in view of the rights and interests of the concerned parties and other circumstances.

When the Human Rights Commission has allowed the applicant to inspect the materials or provided him or her with the copies of the materials, in whole or in part, and when the defendant in the suit, filed by the victim of the special human rights violations concerned concerning his or her claims in connection with the case, or the defendant's legal representative or a lawyer designated by the defendant and/or his or her legal representative applies for the inspection of the relevant materials in the possession of the Human Rights Commission or for the provision of the copies of the materials, in whole or in part, the Human Rights Commission shall allow the applicant to inspect the materials or provide him or her with the copies of the materials, in whole or in part.

Anyone who, in accordance with the provisions of paragraphs 1 and 2, has inspected the materials or been provided with the copies of the materials, in whole or in part, shall pay attention to the need to prevent unreasonable harm on the honor or peaceful life of the concerned persons in making use of the facts known to him or her through the process.

Anyone who applies for the provision of the copies of the relevant materials, in whole or in part, in accordance with the provisions of paragraphs 1 or 2 shall pay the fees specified by decrees not more than the actual costs.

The Human Rights Commission may reduce or exempt the fees under paragraph 4, in accordance with decrees, when it finds it justified because of economic difficulties or other special reasons.

Article 63 (Involvement of the Human Rights Commission in the legal proceedings)

When the Human Rights Commission has made recommendations under Article 60, paragraph 1 (including when the provisions have been applied *mutatis mutandis* under Article 72, paragraph 1 or Article 78, paragraph 1), it may be involved in the legal proceedings concerning the claims in connection with the human rights violations concerned, if it finds it necessary in view of the content and nature of the concerned human rights violations and other circumstances.

The provisions concerning the application for the involvement of legal assistants contained in the civil procedure legislation shall apply to the application for the involvement under paragraph 1, *mutatis mutandis*. When the Human Rights Commission has applied for the involvement in the legal proceedings under paragraph 1 and when any of the concerned parties objects to the involvement on the ground that the claims in the suit are not related to the human rights violations referred to in the recommendations concerned, the court shall decide on the matter through the trial. In this case, the Human Rights Commission shall offer a *prima facie* case that the claims in the suit are related to the human rights violations referred to in the recommendations concerned.

The provisions of Article 44, paragraphs 2 and 3 of the Code of Civil Procedure shall apply to the objection and hearings in paragraph 3, *mutatis mutandis*.

The provisions of Article 45, paragraphs 1 and 2 (except the provisions concerning appeals and applications for reopening of the proceedings in paragraph 1 of the same Article) shall apply, *mutatis mutandis*, to the Human Rights Commission which has been involved in the legal proceedings under paragraph 1.

The provisions of Articles 61-67 of the Code of Civil Procedure shall apply, *mutatis mutandis*, to the determination of the costs of the trial, necessitated by the objection under paragraph 3, borne by the Human Rights Commission and the party who had objected as well as to the determination of the costs of the trial, necessitated by the involvement under paragraph 1, borne by the Human Rights Commission and the defendant.

The final decision concerning the costs of the trial in which the Human Rights Commission had been involved shall be effective against or for the State.

Part 5: Prohibition of the Acts Fostering or Inducing Discrimination

Article 64 (Recommendation to stop the acts fostering or inducing discrimination)

When the Human Rights Commission finds that the acts defined in Article 43 are or have been committed, it may recommend the perpetrator, with the explanation of reasons, to stop the acts or not to commit the same or similar acts in the future.

The provisions of Article 60, paragraph 2 and Article 61 shall apply to the recommendations under paragraph 1, *mutatis mutandis*.

Article 65 (Application to the court for the prohibition of the acts fostering or inducing discrimination)

When the perpetrator who have committed the acts defined in Article 43 does not conform to the recommendations made by the Human Rights Commission under Article 64, paragraph 1, the Human Rights Commission may apply to the court for a decision ordering the perpetrator to stop the acts or not to commit the same or similar acts in the future, if it finds it necessary in order to prevent the unjustly discriminatory treatment concerned.

The provisions of Article 63, paragraph 7 shall apply to the application under paragraph 1.

Chapter 5 Special Provisions Concerning Special Human Rights Violations in the Fields of Labour and Mariners' Labour

Section 1 General Provisions

Article 66 (Remedies for special human rights violations in the field of labour)

The Minister of Health, Welfare and Labour may take necessary measures in accordance with the provisions of Section 2 in response to the following types of human rights violations (hereafter referred to as "special human rights violations in the field of labour").

Unjustly discriminatory treatment of an employee (except a mariner as defined in Article 6, paragraph 1 of the Employment Security for Mariners Law, referred to as "mariner" in Article 67, paragraph 1; the same applies in clause (b)) in labour matters, including recruitment of employees or working conditions, on the ground of race or other characteristics committed through the position of an employer, including unjust discriminatory treatment under the provisions of Article 8, paragraph 2 of the Law on Equal Opportunity and Treatment between Men and Women in Employment and dismissal on the grounds set out under Article 8, paragraph 3 of the same Law.

Unjustly discriminatory words and deeds, as defined in Article 42, paragraph 1 (b), directed against an employee at workplace.

(Non-application of the relevant provisions of other legislation; translation omitted)

Article 67 (Remedies for special human rights violations in the field of mariners' labour)

The Minister of National Land and Transport may take necessary measures in accordance with the provisions of Section 2 in response to the following types of human rights violations (hereafter referred to as "special human rights violations in the field of mariners' labour").

Unjustly discriminatory treatment in mariners' labour matters, including recruitment of mariners or working conditions, on the ground of race or other characteristics committed through the position of an employer, including unjust discriminatory treatment under the provisions of Article 8, paragraph 2 of the Law on Equal Opportunity and Treatment between Men and Women in Employment and dismissal on the grounds set out under Article 8, paragraph 3 of the same Law.

Unjustly discriminatory words and deeds, as defined in Article 42, paragraph 1 (b), directed against a mariner at workplace.

(Non-application of the relevant provisions of other legislation; translation omitted)

Article 68 (Report to the Human Rights Commission)

The Ministers of Health, Welfare and Labour and of National Land and Transport shall prepare an annual report on how they have dealt with cases of special human rights violations in the fields of labour and mariners' labour respectively and forward it to the Human Rights Commission.

Section 2 Special Provisions Concerning Special Human Rights Violations in the Field of Labour

Articles 69-73

Translation of the provisions of Articles 69-73 has been omitted because of their technical and complex nature. In summary, they stipulate that the relevant procedural provisions for the Human Rights Commission shall apply to the measures taken by the Minister of Health, Welfare and Labour in response to special human rights violations in the field of labour, *mutatis mutandis*. Some of the powers of the

Minister may be delegated to labour officials. Other necessary matters concerning special human rights violations in the field of labour shall be determined by ministerial decrees.

Section 3 Special Provisions Concerning Special Human Rights Violations in the Field of Mariners' Labour

Articles 74-80

Translation of the provisions of Articles 74-80 has been omitted because of their technical and complex nature. In summary, they stipulate that the relevant procedural provisions for the Human Rights Commission shall apply to the measures taken by the Minister of National Land and Transport in response to special human rights violations in the field of mariners' labour, mutatis mutandis. Some of the powers of the Minister may be delegated to officials of the Ministry. Other necessary matters concerning special human rights violations in the field of mariners' labour shall be determined by ministerial decrees.

Section 4 Non-application

Article 81 (Non-application to cases involving civil servants)

The provisions of the present Chapter shall not apply to cases involving national and local civil servants. ... (Exceptions; translation omitted)

Chapter 6 Miscellaneous Provisions

Article 82 (Considerations to the relationship between human rights of persons)

In the application of the present Act, sufficient considerations shall be given to the relationship between human rights of a person who obtains remedies and those of others.

Article 83 (Collaboration with the relevant bodies and organizations)

In the administration of the present Act, the Human Rights Commission as well as the Ministers of Health, Welfare and Labour and of National Land and Transport shall endeavour to have close collaboration with the relevant administrative bodies as well as relevant public and private organizations.

Article 84 (Prohibition of adverse treatment)

No one shall be given adverse treatment on the ground of his or her request or application under the provisions of the present Act.

Article 85 (Right to establish the regulations)

The Human Rights Commission may establish the Human Rights Commission Regulations covering its internal discipline, procedures for human rights remedies and other necessary matters in connection with its responsibilities.

Article 86 (Exception to the commanding powers of the Minister of Justice)

The provisions of Article 6 of the Act on the Powers of the Minister of Justice in the Legal Proceedings Affecting the State's Interests shall not apply to the legal proceedings in which the Human Rights Commission is involved as a party or a participant.

Chapter 7 Penalties

Article 87

Anyone who has revealed confidential information in contravention of Article 13, paragraph 1, shall be subjected to imprisonment with labour of not more than one year or a fine of not more than 500,000 yen.

Article 88

Anyone shall be subjected to a non-penal fine of not more than 300,000 yen, if:

He or she has not appear before the Human Rights Commission or made statements, without justified reasons, in contravention of the powers of the Human Rights Commission under Article 44, paragraph 1 (a), including in the case to which the provisions apply mutatis mutandis under Article 70 or 76;

He or she has not submitted the relevant materials or other goods, without justified reasons, in contravention of the powers of the Human Rights Commission under Article 44, paragraph 1 (b), including in the case to which the provisions apply mutatis mutandis under Article 70 or 76;

He or she has refused, hindered or avoided the entry and inspection of the Human Rights Commission, without justified reasons, in contravention of the powers of the Human Rights Commission under Article 44, paragraph 1 (c), including in the case to which the provisions apply mutatis mutandis under Article 70 or 76; or,

He or she has not appeared before the mediation committee, without justified reasons, in contravention of the powers of the mediation committee under Article 51, including in the case to which the provisions apply mutatis mutandis under Article 71, paragraph 2 or Article 77, paragraph 2.

Schedules

Translation omitted.

translated by Buraku Liberation and Human Rights Research Institute

Appendix 5: ICERD and Buraku Discrimination (cf. 4-1 note 1 above)

Please see attached document.

Appendix 6: Guiding Principles for the Solution of “Discrimination Based on Work and Descent” (cf. 10 above)

I. Based on the history and present overviews of Buraku problem and programs for eliminating Buraku discrimination, we propose the guiding principles for resolving “discrimination based on work and descent” (hereinafter called “discrimination”) that we have developed.

1. “Discrimination” should not be blamed on those who are discriminated against. Instead the responsibility lies in the national or local government which has failed to deal with the problem and take appropriate action to solve it. The responsibility also lies in the deep-seated prejudices of those who support discrimination and resulting discriminatory behavior.
2. In order to have effective measures to end “discrimination,” first and foremost people subjected to discrimination must become aware of their own dignity and the unreasonableness of discrimination and then organize themselves to work toward the end of discrimination. Measures to solve discrimination obtain good results only if there is solid cooperation with the movement that people have organized.
3. “Discrimination” causes serious damage in people discriminated against, while degrading those who discriminate against them.
4. Therefore, to achieve the elimination of “discrimination,” the coordination of the movement organized by people who are discriminated against with efforts by the national and local governments and with efforts by those who have admitted their discriminatory practices is essential.
5. “Discrimination” has a long history. It is a problem deeply rooted in society. It is important, therefore, to have comprehensive measures and implement them systematically. Comprehensive measures should include, minimally, the following:
 - 1) Laws banning discrimination.
 - 2) Some form of recourse for victims of discrimination.
 - 3) The possibility of “special measures” in case people discriminated against suffer from severely substandard conditions that could not be addressed with simply the ordinary measures. When conditions improve after implementation of such “special measures,” or when ordinary measures are improved, such “special measures” should be cancelled.
 - 4) Educational efforts are necessary to eradicate prejudice against those who face discrimination. Such educational efforts need to include family education, pre-school education, school education, social education, company training, and propaganda through mass media.
 - 5) It is important to encourage solidarity building between those who are discriminated against and those who discriminate by encouraging dialogue between these two groups. Community development provides an opportunity for such combined effort – an oppressed community and its neighboring communities can work together for making their broader community better.
6. As discriminated-against people are usually minorities in their respective countries, organizing only on a domestic level is insufficient for the elimination of “discrimination.” Discrimination (based on work and descent) prevails in Japan, South Asia, and even some African countries, and any solution of this problem requires an international approach.
7. “Discrimination” is explicitly prohibited in the UDHR, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and the CERD.

II. Guidelines

Now, we would like to discuss principles guiding us in our work toward the elimination of “discrimination.” These are prepared based on experiences in the movement for the elimination of Buraku discrimination.

1. Joining the international current towards the elimination of “discrimination” and establishment of human rights.

For this end, we need to do the following:

- 1) Ratify domestically international treaties adopted by the UN for the elimination of “discrimination,” especially the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.
 - 2) Implement international conventions that the state has already domestically ratified. For this, it is necessary to improve national laws and to follow whatever recommendations that may be given by relevant treaty bodies.
2. Improving domestic legislation to eliminate “discrimination”:
It is important to improve the national law system so that it includes basic provisions for the elimination of “discrimination.”
 3. Prohibiting “discrimination” and create machinery for redress for victims of “discrimination”:
Under the improved legislation, measures to prohibit discrimination should be implemented, while setting up legal machinery to provide victims with effective modes of redress.
 - 1) “Discrimination” has to be explicitly prohibited by law.
 - 2) An independent body that provides immediate and effective redress to victims of discrimination should be created in accordance with the Paris Principles.
 4. Promoting educational approaches for the elimination of “discrimination”:
It is important to improve legislation promoting human rights education for the elimination of “discrimination.” It is also important to do the following in line with the World Programme for Human Rights Education. (The first phase, 2005-2007, of World Programme for Human Rights Education focuses on human rights education in primary and secondary schools.)
 - 1) Prepare a national basic plan for human rights education, in coordination with the World Programme for Human Rights Education, stressing the importance of the elimination of “discrimination.”
 - 2) Create a committee to make proposals for the preparation of these plans, inviting representatives of oppressed communities, NGOs and experts, as members.
 - 3) A government ministry responsible to the World Programme for Human Rights Education should be in a position to exercise influence on all other ministries.
 - 4) At the local governmental level, a basic plan for human rights education as well as an action plan for the World Programme for Human Rights Education should be prepared with stress on the elimination of “discrimination.”

- 5) Law enforcement officers and professionals whose jobs are closely connected to human rights affairs should be given human rights training. Educational materials and curricula should be developed giving importance to the issue of “discrimination.”
- 6) Human rights education centers should be set up in different parts of the country, each focusing on the elimination of “discrimination.”
- 7) Higher research/educational institutes for human rights should be set up with the elimination of “discrimination” as a primary objective.
- 8) Human rights education should be worked into the foundation of family education, pre-school education, school education, and social education. It should be systematically taught in all of these venues. Within human rights education, again, elimination of “discrimination” should be stressed.
- 9) Corporations and other organizations should also be encouraged to offer systematic human rights education. Here too, elimination of “discrimination” should be stressed.

5. Re-examining customs and institutions that may impede efforts to eliminate “discrimination.”

“Discrimination” has a long history. It has been supported by customs and institutions in a way that may, in turn, impede efforts towards its elimination. To be specific, many customs and long-standing institutions have give rise to and nurtured the sense of “impurity” and laid importance on “family backgrounds.” It is necessary to re-examine customs and practices that are based on these sensibilities.

6. Encouraging the national and local governments to develop systems, policies, and legislation to eliminate “discrimination.”

National and local governments should develop basic policies, plans, and strategies to eliminate “discrimination,” while steadily implementing more general human rights measures. They should also conduct periodic evaluations of such programs. Legislation may need to be improved to allow such plans to be implemented. In this respect, the following is required:

At the national level

- 1) The creation of a ministry of human rights affairs or a human rights agency that is responsible for the promotion of human rights. In such an agency, an office in charge of the elimination of “discrimination” should be created.
- 2) Development of basic policies, basic plans, and strategies to eliminate “discrimination.”
- 3) Periodic evaluations of implemented plans and publication of results.
- 4) Creation of a council focusing on the issue of “discrimination,” inviting experts and NGOs as members.
- 5) Periodic surveys of actual conditions of Buraku areas.
- 6) Improvement of the legislation to support the above.

At the local government level

- 1) In local governments as well, the same type of human rights bureau should be created. Such a bureau should have a section in charge of the elimination of “discrimination.” Educational boards should create a human rights education section in charge of promoting the elimination of “discrimination” through school education.

- 2) Basic policies, plans, and strategies should be developed to promote the elimination of “discrimination.” Here too, special attention should be given to “community development to promote human rights” in order to encourage solidarity building between the discriminated against districts and their neighboring districts.
- 3) There should be periodic evaluations of implemented plans and circulation of the resulting report.
- 4) A council focusing on the issue of “discrimination” should be created, inviting experts and NGOs as members.
- 5) There should be periodic surveys of actual conditions of Buraku areas.
- 6) Community centers should be established in all districts where discriminated against people reside. A general consultation desk should be set up in each such center.
- 7) Ordinances should be improved to support the above.

7. Creating a “discrimination” elimination committee in the parliament as well as in local councils.

It is vital to improve the legislation and secure sufficient funds to implement projects to eliminate “discrimination” and establish human rights. National and local governmental projects exert significant influence in this regard. In determining and monitoring these projects, the parliament and local councils play a very important role. Therefore, in the parliament as well as in local councils, a committee focused on the elimination of “discrimination” should be established. At the same time, the formation of a league of parliament or council members that aims to eliminate “discrimination” is also necessary.

8. Anti-“discrimination” trainings for judges, lawyers, and prosecutors.

Courts are a final refuge to victims of “discrimination.” For this reason, trainings for legal professionals such as judges, prosecutors, and lawyers are key. Therefore, courses on “discrimination” issues must be introduced into curricula of schools for these professions. At the same time, curricula and training materials for incumbent judges, prosecutors, and lawyers should be developed so that trainings on the issue of “discrimination” can be furthered.

9. A basic system and basic policies to handle cases of “discrimination,” the review of business practices, and promotion of trainings in private corporations.

Private corporations play an important role in the course of elimination of “discrimination.” For this, the UN has promoted a “Global Compact” in an attempt to encourage private corporations to protect human rights, labor standards, and the environment. Also, the private sector has established international standards for human rights (cf. SA8000).

While trying to eliminate “discrimination,” private corporations should keep the following in mind:

- 1) The elimination of “discrimination” should be a fundamental corporate policy.
- 2) A mechanism that promotes the elimination of “discrimination” within a company should be established. Such a mechanism should be headed by a person who is part of the decision-making body of the company.
- 3) Internal trainings for the elimination of “discrimination” should be systematically organized.
- 4) Employment rules and company practices should be reviewed to encourage employment of “discriminated”-against people.

- 5) The company's business practices should be reviewed to eliminate any possibility of "discrimination."
- 6) Corporations should also contribute to society in a way that works toward the elimination of "discrimination."

In addition, national and local laws or guidelines are an effective means of encouraging private corporations to work against "discrimination." For instance, national or local governments could stipulate that any private corporation vying for a public project must have anti-discrimination measures in place.

10. The establishment of mechanisms for the elimination of "discrimination" in labor unions and agricultural associations, requiring them to develop basic policies, review their activities, and promote trainings.

Labor unions and agricultural associations can also play an important role in eliminating "discrimination." The following are actions they could take to promote their activities:

- 1) Make elimination of "discrimination" part of their basic policies.
- 2) Establish a mechanism for the elimination of "discrimination," and appoint a board member as an officer responsible for such a mechanism.
- 3) Systematically provide "discrimination" training to members.
- 4) Review regulations and programs of the union/association to eliminate "discrimination."
- 5) As unions/associations, actively participate in programs for the elimination of "discrimination."

11. Religious organizations are also encouraged to establish a mechanism for the elimination of "discrimination," to develop basic policies, and to promote trainings.

Religious organizations can also play an important role in the course of eliminating "discrimination." In history as well as in the today's world, religion has been closely related to "discrimination." Religious organizations are asked to do the following in their efforts to eliminate "discrimination."

- 1) Include the elimination of "discrimination" in its basic principles.
- 2) Establish a mechanism for the elimination of "discrimination." Such a mechanism should be headed by a person who assumes a responsible post in the organization.
- 3) Review doctrines and religious activities to eliminate anything that might inadvertently or not promote "discrimination."
- 4) Systematically conduct "discrimination" trainings for officers, officials, and members of the organization.
- 5) As religious organizations, actively participate in programs for the elimination of "discrimination."

12. The media is also asked to establish a mechanism to eliminate "discrimination" and organize training programs.

In the course of eliminating "discrimination," the media also plays an important role. Nevertheless, it often happens that news coverage, in the end, promotes "discrimination." The media is recommended to do the following to help end "discrimination."

- 1) Include the elimination of “discrimination” in its basic principles.
- 2) Create a mechanism within the organization for the elimination of “discrimination,” inviting officers of the company to be as members.
- 3) Systematically conduct “discrimination” trainings.
- 4) Proactively report news that encourages elimination of discrimination.
- 5) Create a third party body to respond to complaints from their audience or readers about “discriminatory” reports the media issues.

13. Place value on local voluntary or grassroots movements working towards the elimination of “discrimination” and provide support to them.

The role of voluntary movements is vital in eliminating “discrimination” and establishing human rights. For this end;

- 1) National governments and local governments should recognize the value of volunteer-led, independent movements working for the elimination of “discrimination,” and invite them to councils organized by the government administration.
- 2) Governments should support such movements and provide them with assistance in terms of finance and tax exemption.