

Answers to the Questions of Dien Special Rapporteur on Racism

Buraku Problems

July 3, 2005

Buraku Liberation and Human Rights Research Institute

1. Is there racism, racial discrimination, xenophobia or related intolerance in Japan or /in your region?

1-1. Yes

1-2. Traditionally, it has been based on the idea of the superiority of Yamato (Japanese) people with the emperor in the center. In recent years, opinions and activism supported by the idea of state-power-supremacy and xenophobia have become more conspicuous.

2. What are the manifestations of this racism, racial discrimination, xenophobia or related intolerance?

2-1. Discrimination at the time of employment or marriage.

Note: For this purpose, “Buraku Lists” were published and sold.

November, 1975, the investigation conducted by the Ministry of Justice revealed that eight different “Buraku Lists” were published and that over 200 business companies have purchased them. While the Ministry of Justice announced the conclusion of the incident in July 1989, it has not yet been concluded in practice. It is demonstrated by the recently revealed incident in which private detective agencies have retained copies of “Buraku Lists” and shared among them for their business use. Also, illegal acquisition of copies of family registers of certain persons by judicial and administrative scriveners was recently discovered. The family register contains the description of one’s “domicile of origin” indicating the origin of ancestors of that person. To eradicate these practices, a legal restriction is essential. (Details will be discussed by the Osaka Association of the BLL in the afternoon of 4th.)

2-2. Discriminatory acts and behaviors in workplaces, communities or schools.

2-3. Discriminatory graffiti, discriminatory letters or harassing calls (including by mobile phone). (Details will be given by the BLL Headquarters)

2-4. Discriminatory propaganda or agitation on Internet. (Details will be given by Nara Liaison Council for Human Rights Awareness-Raising)

3. What is the position of the public authority vis-à-vis racism, racial discrimination, xenophobia or related intolerance?

3-1 Police and Courts:

In the Sayama Case, the police conducted an investigation driven by its belief of “Buraku-min could do it” based on prejudgment and prejudice. Judges also conducted unfair trials without discovery procedure and fact-finding, indicating their ignorance about the reality of Buraku discrimination. March 2005, the second special appeal for retrial was rejected, and the defendant counselors are preparing for the third special appeal. (Details will be given by the BLL Headquarters).

3-2. Government:

For 33 years from 1969 to 2002, measures were implemented under the “Law on Special Measures for Dowa Projects.” After its termination in 2002, the position of the national government has stepped backward to a large extent despite the fact that Buraku discrimination has still existed.

To be specific, the government faces following problems:

- ① There is no department/section in the government that promotes comprehensive measures/programs towards a complete solution of Buraku problem.
- ② The government has not conducted a nationwide research to find actual conditions of Dowa (Buraku) districts since 1993 when it did it the last time.
- ③ After the “Law on Special Measures for Dowa Projects,” the government has no specific programs to resolve Buraku problem.

3-3. Local Governments:

With the termination of the Law in 2002, local governments have tended to take either one of two different courses: one is that local governments continue to make efforts towards a solution of Buraku problem and establishment of human rights by issuing ordinances for the elimination of

Buraku discrimination/other forms of discrimination and/or community building with respect of human rights; and the other is that local governments have gone back like the national government.

One of examples of the former is Osaka Prefectural Government. It has the **Human Rights Division in the Planning and Coordination Office**, and the Human Rights Planning Section in the Board of Education. Also, it conducted a survey to find actual conditions of Dowa districts in Osaka Prefecture to seek a solution of Buraku problem in 2000. Also, it has the ordinance to develop a community with full of respect of human rights. (Details will be given by the **Human Rights Division of the Planning and Coordination Office** of Osaka on July 4).

4. What are the affected communities? Are children and women particularly affected, and how? Are any other vulnerable groups particularly affected?
(please note that “xenophobia and related intolerance” entails that he will not only look at the traditional forms of racism, but also to forms of discrimination which are not only based on “race”, but on other grounds such as for example nationality as is the case for migrants, or religion as is the case for religious minorities, or descent as is the case for caste based discrimination. The part “contemporary forms of ..” means he will also look at more recent forms of xenophobia, such as discrimination based on sexual orientation, as is the case for homosexuals)

5. Which rights are the most affected by this discrimination: health, education, employment, access to justice, housing, etc.?

4-1. Buraku people, Ainu peoples, Koreans in Japan, migrant people, and Okinawa people.

5-1. About Buraku people:

Numbers of Dowa districts and total population: According to the last governmental research, there were 4,442 Dowa districts with 298,385 households and 892,751 population. However, statistics usually quoted by researchers and NGOs have been 6,000 for Buraku areas and 3 million for

population.

5-2. Buraku women have been suffering from discrimination in education, employment and positions in their workplaces.

5-3. Buraku youth has gaps in academic abilities and access to higher education (high schools and colleges), and faces higher unemployment rate.

5-4. Buraku elderly has problems of shorter life-expectancy, higher rates of having physical disabilities, higher number of those households that receive public livelihood assistance.

5-5. Buraku areas tend to have higher rate of people with disabilities.

5-6. Others: Buraku has more single-mother/father families, and faces a faster aging of population as young people go out of Buraku.

(For 5-3, -4 and -5, details will be given during the community visit to Nishinari on July 4).

6. What are the measures adopted by the public authority to fight against racism, racial discrimination, xenophobia or related intolerance? Are these measures appropriate or sufficient? What has been their impact? Which other measures would be needed?

6-1. Government: From 1969 to 2002, different measures were taken by the government under the “Law on Special Measures for Dowa Projects.”

① Improvements: In the housing environment, improvements were made.

② Problems to be solved: There still remain gaps between Buraku and non-Buraku in terms of education and employment. Discriminatory attitude has deeply been rooted in society, and not yet eradicated.

③ Problems that have not been challenged: Eradication of discriminatory incidents and remedy for victims of discrimination.

④ Newly emerged problems: “Discrimination from envy” on the grounds of why only Buraku that enjoys improvement.

⑤ Measures needed for the future:

-1. Improvement in the housing conditions: To be improved to accommodate a variety of age groups and different levels of family incomes in Buraku areas. Also, to facilitate settings in which Buraku people and outside Buraku

people can live in harmony.

-2. Dissolution of gaps in education and employment.

-3. Eradication of discriminatory attitude against Buraku: Promotion of human rights education/training in schools, public life and workplaces.

Note: December 2000, the Law on the Promotion of Human Rights

Education and Awareness-Raising was proclaimed and implemented.

This law has to be effectively used.

-4. Eradication of discriminatory incidents and remedies for victims: A law to prohibit discrimination and redress victims has to be enacted.

-5. Mastery of “discrimination from envy”: To support such community development that helps improve both Buraku areas and their neighboring communities.

7. Are the positions of the Government and the measures it adopted (legislation and others) in conformity with the international obligations undertaken by the Government (international human rights conventions ratified by Japan) as well as with international standards?

7-1. Japan has concluded the International Covenants on Human Rights in 1979, the Convention on the Elimination of All Forms of Discrimination against Women in 1985, the Convention on the Rights of the Child in 1994, and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1995.

7-2. From the viewpoint of solution of Buraku problem, following problems remain:

① Japanese Government does not admit that the term “descent” prescribed in Article 1 of the CERD also refers to Buraku.

Note: In the concluding observations on the first and second periodic reports of Japan that the ICERD made, it clearly states that Buraku problem falls under the term “descent.”

② No adjustments and improvements have been made in the national legislation to implement the CERD in the country. At least, following improvements should be made:

②-1. To develop a basic law that helps effective national implementation of the CERD.

②-2. To develop a law that prohibits racial discrimination and provides effective remedies to victims.

Note: To the current ordinary session of the Diet (162nd session) which has been extended to August 13, the “Human Rights Protection Bill” is going to be presented. A national human rights commission to be created under this law when it is passed has serious problems in terms of independency of the organization and effectiveness of its work. In other words, it is not based on the so-called Paris Principles. In addition, as criticism against this Bill has been getting more intense from the political faction that advocates the state-power-supremacy, even the submission of this Bill remains unknown.

(Details will be given by the BLL Headquarters)

②-3. To have a section responsible to the effective implementation of the CERD within the government, as well as to create a council inviting researchers and individuals concerned to develop plans for effective implementation.

Note: With the ratification of the CEDAW, Japan revised the nationality law and enacted the Gender Equal Employment Opportunities Law. These were followed by the enactment of the Basic Law for a Gender-Equal Society, creation of the Gender Equality Bureau in the Cabinet Office, and development of programs.

③ During the UN Decade for Human Rights Education, the government set up the headquarters to promote human rights education with the Prime Minister as the head in December 1995. The UN Decade was concluded by the end of 2004, and succeeded by the World Program for Human Rights Education that began on January 1, 2005. With this, the government should have made evaluations on the UN Decade and created a new headquarters for the promotion of the World Program and development of new plan of actions accordingly, but it has not yet done to date.

<p>8. Have some measures been adopted specifically in favor of the affected communities? Are these measures appropriate or sufficient? What has been the impact? What other measures would be needed?</p>

8-1. At the national level, representatives from the organizations for Buraku liberation movement have been appointed as members of councils for these measures (but not recently), and asked for advice or opinions.

8-2. At the local level, not a few local governments have appointed representatives from Buraku liberation movement as members of councils, and provided directly or indirectly subsidies for implementation such measures.

8-3. It is important that representatives of Buraku liberation movement have to be continually appointed as members of councils for Buraku problem or human rights issues set up by national/local governments in future.

8-4. It is important that national/local governments continue their supports to human resources development from Buraku liberation movement as well as projects that facilitate better understanding of Buraku problem by non-Buraku people.

9. Is there an appropriate collaboration between the public authorities and NGOs? What is the role of NGOs in the fight against racism, racial discrimination, xenophobia or related intolerance and how does it complement with the action of public authorities?

9-1. Relationship between the state and Buraku liberation movement has sometimes been confrontational, and cooperative otherwise. When looking it by departments, it has been confrontational with the Ministry of Justice, and cooperative with the Ministry of Welfare and Labor.

9-2. Relationships between local governments and Buraku liberation movement, it was confrontational in the early times, but lately it has turned to be cooperative in general.

9-3. Through interactions with the national and local governments, the movement has posed real problems caused by Buraku discrimination,

convinced them of their responsibilities to those problems, and provided support as to the effective implementation of projects that government took up for the solution.

9-4. Buraku liberation movement has made great contribution to the Japan's conclusion and implementation of the International Covenants and the CERD, through the campaign calling for ratification of these conventions and preparation of NGO reports to be presented to relevant treaty bodies.

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