



October 1988

## 'I Hate Dowa' Says Corporate Director

In the induction training for newly recruited employees conducted by \_\_\_\_\_ House Industry, one of its directors remarked 'Don't mess about in Buraku affairs' and 'I hate Dowa things'. The first fact-confirming meeting was held in Osaka on July 6.

The discriminatory remarks were made on March 30. After the training session ended, Mr. \_\_\_\_\_, membre of Mie prefectural federation of BLL(Buraku Liberation League), pointed out the remarks and protested that the Dowa education sessions be reconducted. The company didn't even amend the remarks and just added a few comments. Mr. \_\_\_\_\_ was utterly disappointed with the company and voluntarily requested that his employment be canceled.

(How the incident occurred)

March 30

2:00 - 3:30 p.m.

/Opening statement by Mr. H

"Discrimination persisted for long but is now disappearing. In Tokyo, the inflow and outflow of residents are frequent and Buraku areas are harder to recognize these days."

/A film on Buraku discrimination

3:30 - 5:00 p.m.

/Lecture by Mr. M (director) on \_\_\_\_\_ House Industry's Corporate Policy

A participant from Osaka asked "What is the significance of Dowa problems for us as we work in this company?" Mr. M responded: "You newly recruited members of our company had better not associate yourselves with Dowa communities. That would cause many problems. I hate Dowa things."

/During the recess, the following conversations were heard.

"What the director said contradicts the message of the film." "How can we distinguish Dowa people from non-Dowa people?" "Is there any town called Dowa?" "This kind of issue is troublesome."

5:00 p. m.

/Discussion with Mr. H

Mr. H said, "It seems some are quite interested in Dowa things." meaning to invite laughter form among the participants. After all the sessions were over.

/Mr. \_\_\_\_\_ protested to Mr. H claiming that remarks made by Mr. H and Director M had been quite questionable, and demanded that they be withdrawn and the sessions be redone. Receiving no sincere responses, Mr. \_\_\_\_\_ stated that he would leave the company.

March 31

8:30 a.m.

Mr. N, assistant section manager, commened briefly Dowa issues.

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10:30-11:30 a.m.

Mr. [redacted] protested to Mr. N, who only tried to persuade him not to quit.

3:40-4:30 p.m.

Mr. [redacted] protested to Mr. T, general manager of personnel affairs, at the company's Tokyo branch office. Mr. T said after a few words of apology: "Our company was once victimized by bogus Buraku liberation organizations. The Director's remarks were presumably made against that background." Mr. T further tried to persuade Mr. [redacted] to think again, but his determination to leave was already unshakable.

In the fact-confirming meeting, the [redacted] House side confirmed that discriminatory remarks had been made but denied that the company had tried to persuade Mr. [redacted] to remain with the company. It was three months after the incident, but the com-

pany still lacked the sincerity to respond to Mr. [redacted]'s protest. It was also revealed that no systematic efforts had been made to evaluate the effectiveness of Dowa education sessions. The Daiwa House Company promised to clarify the following seven points within two weeks: 1) Impact of this year's induction Dowa education sessions on new employees; how the company is going to handle these sessions in the future 2) Real objectives of past Dowa education sessions 3) Why there was no involvement by top management 4) What were the problems in the education and training system of [redacted] House 5) Why the lesson from a discriminatory incident eight years before was not learnt 6) Why the corporate policy and Mr. M's view were different 7) What was behind the company's attempt to persuade Mr. [redacted] to remain with the company



*We Long for a Society with Human Rights Fulfilled  
without Any Discrimination*

## **A Counterargument to the Report Submitted by Japan under the Int'l Covenant on Civil and Political Rights(2)**

### Article 7

1. The Government Report simply mentions various provisions in the Constitution, the Penal Code and the Code of Penal Procedure, but does not give any description on practical application of these provisions. Daily occurrence of the violations are left untouched and ignored.

2. The provision of Article 7 corresponds to the Article 5 of the Universal Declaration of Human Rights, and provided with the intention to secure and protect the complete integrity, both mental and physical, of an individual as well as human dignity. The purpose and intention of the Article are clearly described in the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the Convention on the Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The extent of violation covered in this article is far over than that of usual term "torture" used in interrogations, and includes such bodily punishments inflicted with educational and punitive purposes. Also, persons subjected to such violations include not only persons in detention with criminal offense but also school students or hospital patients. The government is held responsible to secure the legal protection for anyone under such treatments even if the act is inflicted by the persons out of civil services.

3. Actual Situation of Violations.

- 1) Torture and assault in investigation.
  - 2) Punishment discipline system in criminal detention institutes,
  - 3) Fingerprinting in alien registration.
- For the actual situation on these three

title, refer Article 9.

4) Violation against children.

Bodily punishments by the teachers to the school children in primary and junior high schools are quite frequent in Japan. A number of such cases are reported in the "emergency call" activities undertaken by the Japan Bar Association. Also, in recent years, the violation against human rights of school children and students is very apparent as school authorities force one-sided disciplines very dubious in their reasonability and necessity, resulting in quite severe punishments such as the expulsion from the school. Such disciplines go as far and minute as restrictions on the hair styles. The respect to individuality and the security of developmental rights are ignored and replaced with the strengthening of moves to uniform their personality and to put them in rigid administration. Such moves are very actively promoted by the government education authorities through the tighter control of the school personnel.

### Article 8

1. The Government Report simply lists the provisions related in the legal framework, stating that these are securing the rights concerned without giving any description on their application or on the actual situation of violations, thus neglects its responsibilities for the remedial measures.

2. This article is provided to suppress slavery and putting anyone in conditions analogous to slavery in the whole world, for slavery and putting anyone in conditions analogous to slavery totally deny the human dignity, corresponding to the Article 4 of the Universal Declaration of Human Rights. While Clause 1 totally prohibit slavery, Clause 2, with more



an extensive point of view, include to prohibit to put anyone in the servitude as seen in caste and caste-like systems as well as oppression on human rights in colonial systems.

3. Human traffic and forced prostitution imposed upon Asian women in Japan.

In 1987, immigration authorities prosecuted 11,307 foreigners as 'illegal workers', about 60% women, and 97% of these women were nationals of the Philippines, Thailand and Formosa. Almost all of them were forced to engage in sex-related occupations such as bar-girls, strip-tease dancers or prostitutes, their initial contracts being breached. Japan "import" large number of young women from South East Asian countries to let them engage in various sex-related occupation, above all, in prostitution. Recruiting agents in their countries lure them to Japan promising them with jobs like waitress or modeling. In the reality, they would be sold to the mobster-related "promotion managers", who send the women to bars where they would be engaged in occupations as mentioned above. These Asian women are doubly and triply exploited by the recruiting agents, promotion managers and bar proprietors, while Japanese male customers taking advantage from these women sexually. They are seldom paid the wages in their initial contract, and put into the servitude with forced prostitution under constant confinement and threats of assaults. Although the Japanese Government has the responsibility to secure and protect these Asian women from illegal confinement, deprivation of their freedom in sex, inhumane treatments and being the subject of human trafficking, the Government neglects such human rights violations resorting only to the arbitrary expulsion to the countries of their origins with the excuse that these women are illegally staying in Japan without proper working visas. Despite the existence of provisions to punish those engaged in human traffic and prostitution in the legal framework, they are almost ineffective because it is extremely difficult to prove the violations with hard evidence and remedy them, as the most of these women fear the expulsion from Japan, and as they are put under lenient confinement, in many cases without any knowledge of their exact whereabouts.

Although the Government also claims that provisions in the labor-related legislations are equally applied to any Asian workers in Japan, it hold every government organs responsible to notify the cases of illegal alien workers to the immigration authorities for the purpose of their expulsion. On the other hand,

it neglects the responsibilities to let employers abide by the labor-related legislations to prevent discrimination against and exploitation of these Asian workers in Japan.

## Article 9

(1)

1. The Report, referring the Constitution and the Code of Criminal Procedure, states as if there is no legal flaw in the Procedure. However, it gives no account at all on the fact that grave false charge cases went on the almost same course of events; guess-work investigation leading to an arrest on a charge of convenience, confession under coercion after the arrest and fabrication, concealment of evidence.

Three retrial for death sentences, namely, Menda, Saitagawa and Matsuyama cases, declared all three cases not guilty in 1983 and 1984. In the history of trials in Japan and in the world, these were the only cases the condemned in the supreme court freed from the death row. All three cases, as in other cases of false charges, followed suit the typical course of events.

All those arrested under charge of convenience would be investigated on the original charges assumed. A typical example were shown in Shiratori case when 60 people were arrested similarly in two years, and only suspect prosecuted was repeatedly arrested and detained in two and ten months period of time with petty charges.

In other Ashibetu case, those who were around a assumed suspect had been arrested likewise, to obtain the confession to lead the assumed suspect into an indictment. One of them had been detained in such manner as long as 200 days. Another one arrested in Niho case had also been detained for 163 days.

2. Cases of wrongful arrests by police keep occurring. Especially after Mr. Nakasone came into the power in November 1982, police authorities keep arresting people of labor unions, progressive groups and civil movements with the minor charge for sticking posters, and search the offices of these organization, apparently with the intent to oppress the freedom of speech and expression.

3. The Alien Registration Law imposes all registered alien carry ID card at all time. Violation finds them charged with a fine of 200,000 yen (equivalent about US \$ 1,350). This provision enable police to search and arrest any alien at will, leading to frequent and



severe cases of human rights violation against Korean residents in Japan. As high as 54% of cases charged under the Alien Registration Law were non-carrying of the ID cards. Pressure imposed to the aliens are quite unbearable, even many were not brought to the prosecution.

4. The Report especially depicts the amendment and renaming of former Mental Hygiene Law to the Mental Health Law as an example of improvement for human rights of the mentally ill. It certainly is a step forward that a new provision was added for the hospitalization with the patient's free will. Nevertheless, criteria for the involuntary hospitalization were left out of the text in the Law, to leave it for the competence of the Minister of Health and Welfare, and clear separation between the hospitals where patients shall be hospitalized and the hospitals where the designated doctors, who have the authority of decision on the patients, is not written in the Law. Also, a provision for the Decision Statement for Hospitalization considered very necessary to work as the practical guarantee in case of complaint, was never added to the revised Law. The Family Consent Hospitalization, the abuse of which often led to the violation of rights of the patients, was amended to the Medical Protection Hospitalization with the addition of the decision by the designated doctor as necessary procedure. As the Medical Protection Hospitalization has nothing different from the Forced Hospitalization as long as the patients are concerned, the criteria imposed must be exactly even for both procedures. Also, any interested parties must be provided to be excluded from those giving the consent for the Hospitalization. Moreover, a provision was added in the new Law, to allow the hospitalization of maximum 4 weeks with the consent of the person responsible to support the patient. Here, new issues arise as no definite measure is provided if this supporting person would not be chosen, and the period of 4 weeks too long. The Psychiatric Review Board established newly with the amendment, with the purpose of being the check organ to better protect the patients' rights, has a fundamental flaw as the Board is an administrative organ with a consultative status to the prefectural Governor, and is comprised in major part with the doctors, that it cannot be totally fair and independent from medical administrative authorities or the interested parties. The periodical review would not work effectively to protect the patients, as no principle is set for the procedure to hear from the patients, and the number of the member of Board is limited to 15

persons against as many as almost 20,000 cases, for example, in Osaka prefecture, that the review of the Board can, in almost every case, only be a mere formality with papers.

There still remain so many issues to be put in the Law, for the better protection of rights of the mentally ill.

(2)

The Report does not particularly mention the clause 2 of the Article 9. It is, however, quite clear that the reasons of arrest and the charges being brought against must be informed with the language the person is able to understand. Therefore, in any case of arrest, not only in the Code of Criminal Procedure but also in any other Laws concerned, the amendment to this end, that is, to inform the person with the language he could communicate, must be brought about.

(3)

The Report says nothing about the paragraph 3 also. In the Initial Report, only the provisions concerned of the Code of Criminal Procedure were mentioned without any statement. As for the first half of the paragraph, it is quite questionable to consider it reasonable time as in the cases like a person being arrested with minor charge would be detained for 10 days without being brought to interrogation, and his detention extended further. As for the later half of the paragraph, the decision to grant a bail is left for the court to judge (Article 90 of the Code of Criminal Procedure) except in case of the "rightful bail" (Article 89 of the Code of Criminal Procedure) so that the whole system seems as if it is the principle to "detain those who appear in the court". Also, there exist an excepting provision (Article 89 of the Code of Criminal Procedure) for the "rightful bail" that the consideration to prevent an escape is stressed. This is the clear violation of the paragraph 3 of the Article. In practical application, the requisites of bail are interpreted very rigidly, so that the ration of the bail is quite low (the ratio in Tokyo District Court is 23.1%, and in all other District Courts average 32.3%, in the year of 1982), and the bail bond set quite high (the sum of bond sets more than ¥1,000,000 occupy 61.5% in Tokyo District Court, 48.5% in all others, in 1982). The period of procedure for the bail is also unnecessary longer as if the exception is becoming the principle. A Criticism against Tokyo District Court particularly that there practically exist no one would not be applied a bail until the first trial after the accusation, is aroused.