



20th Anniversary Commemoration Future Progress of BLRI Pledged

An assembly and a reception commemorating the 20th anniversary of the Buraku Liberation Research Institute were held in Osaka on September 21.

The commemorative assembly at the Buraku Liberation Center was attended by over 450 people. Representing the BLRI, Director-General Murakoshi gave an opening address. Among the special guests, President Uesugi of the Buraku Liberation League, the Vice Governor of Osaka Prefecture, and the Deputy Mayor of Osaka City gave a few congratulatory words. Prof. Naramoto, historian and advisor to the BLRI, was introduced to assembly participants.

Following the opening ceremony, Mr. Tomonaga, Secretary-general of the BLRI, gave a report titled "On the occasion of the 20th anniversary: History and issues at hand in the BLRI". Mr. Tomonaga reviewed BLRI history in four phases and listed, among others, the following items as major subjects of further research:

- 1) theoretical and policy-related implications of the current circumstances that the Buraku liberation movement faces
- 2) surveys to reveal the present situation of discrimination against Burakumin
- 3) further elucidation of Buraku history based on local inquiries
- 4) holding of a 'liberation college' in Tokyo
- 5) research for drawing up the Fundamental Law on Human Rights
- 6) information-gathering and research of human rights violations and various forms of discrimination in Asia and the Pacific
- 7) research into discrimination, human rights and anti-discrimination movements in the world

- 8) research and publication for attaining prompt realization of the complete ratification of the International Covenants on Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination
- 9) theoretical and policy-oriented support for IMADR (International) Movement Against All Forms of Discrimination and Racism
- 10) improvement of BLRI library functions
- 11) networking of leading, top-class researchers in various fields and training of young staff
- 12) support for the founding of the International University on Human Rights (provisional)

Mr. Tomonaga asked the participants to 'redouble' their support and collaboration in view of such objectives.

The report was followed by commemorative lectures on "A New History of Buraku in Pursuit of the Future Direction of the Buraku Liberation Movement".

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Prof. Namase of Momoyama Gakuin College and Director Watanabe of the BLRI, writers and editors in charge of a three-volume commemorative publication 'Buraku Liberation History', gave lectures.

Prof. Namase cited stimulating examples and argued: "The progress of Buraku history research in the past two decades has enabled us to illustrate the political origin of Buraku in the modern era in more concrete terms. It has also been revealed that Buraku people were rather active in life and their jobs, that there were cases of cross caste love and that discriminatory attitudes and ideas against Burakumin were observed in peasants riots.

Director Watanabe said: "Investigations into peasants' riots against the Buraku emancipation decree and rice riots in Buraku have made great progress in recent years. The publication of the 'Buraku Liberation History' is greatly awaited."

Commemorative Assembly / Reception in Tokyo

Over 200 people attended the assembly at Matsumoto Hall in Tokyo on September 24 to commemorate the 20th anniversary of the BLRI. Greetings were given by representatives of the Buraku Liberation League, the General Affairs Bureau of the Tokyo Metropolitan Government and the Solidarity Council of Religious Organizations. Commemorative lecturers and their subjects were: Prof. Masaaki Ueda of Kyoto University on 'From the perspective of ancient and medieval historical research', Director Kobayashi of the BLRI on 'From the perspective of modern historical research' and Chief of the Research Division of the BLRI Mr. Ohga on 'From the perspective of Buraku Liberation Movement History'.

Prof. Ueda stressed in his lecture: "Inquiry into ancient and medieval history is important to elucidate the origin of discriminatory consciousness against Burakumin and the beginning of the Emperor system. A mistaken perspective is to explain the origin of Buraku based on occupational difference and ethnic difference. This is revealed especially when we put Buraku discrimination in the global or Asian context. "Director Kobayashi said: "Modern Buraku history needs to be studied in the context of the feudal system. Since few historical documents are available on the Buraku, we have collected in the publication 'Buraku Liberation History' folk stories from various buraku." Mr. Ohga, chief of the BLRI research division, discussed the future direction of the Buraku liberation movement. He emphasized: "Discriminatory state-



ments are publicly criticized internationally these days because not only political and economic frictions but also human rights and cultural frictions are highlighted as Japan's internationalization and reactionary trends go together. Japan is now at the crossroads in choosing a human rights-oriented path to further respect her partners-or not. The Buraku liberation movement carries an enormous responsibility in making Japan a 'human rights surplus' (Rev. Jesse Jackson) nation."

Prof. Soon Man Rhim (USA)
The William Paterson College of New Jersey

Mr. Allen Whittaker (UK)
Anti Slavery Society for the Protection of Human Rights

Prof. I. Roger Yoshino (USA)
University of Arizona

Ms Catherine Cadou (France)
Researcher in Japanese Studies

Mr. Albert Levy (France)
Secretary-General of MRAP

Mr. Kjell Oberg (Sweden)
Former member of the Committee on the Elimination of Racial Discrimination

Mr. Emmanuel S. S. Palmer (Sierra Leone)
Chief of the Racial Discrimination Task Force, United Nations, Center for Human Rights

Mr. Romani Rose (W. Germany)
Principal Director and Chairman of the Central



Council of German Sinti and Roma
Mr. Claude Rossillion
ILO Equality of Rights Branch, Chief

(France)

Ms Myriam Schreiber
Vice-President of IMADR

(Belgium)

The president of Chemical Industries Ltd. used a discriminatory expression in a magazine issued by "Recruit" Company.

● Development of the affair.

An interview with Mr. _____, the president of Chemical Industries, Ltd., was carried in "Japanese Big Business," a special issue of the monthly magazine, "Employment Journal." In the interview, Mr. _____ talked about today's younger generation ---the so-called "shin-jinrui" (new humankind). "If a lot of 'shin-jinrui' come to our company," he said, "I think they may transform themselves and not form their own special ghetto (he used the Japanese term "tokushu buraku" for the words underlined).

In the past Chemical was once censured because they bought one of the "buraku chimei soka" (Buraku place-name registers). Following that, they reconsidered their attitude and became a member of the Tokyo Dowa Affairs Organization for companies. Some employees who read the interview article thought the president's use of a discriminatory expression presented a problem and brought it to our attention.

● Fact-finding meeting.

The meeting was held under the joint auspices of the head office of the Buraku Liberation League and the Tokyo Federation. The participants were: Mr. _____, president of Chemical Industries, Ltd., President of _____ Co., and a freelance journalist who wrote up the interview. The fact-finding

meeting was based on the abovementioned discriminatory expression involving both company presidents.

The Buraku Liberation League regard it as important that Chemical Industries, Ltd. is a member of an organization of companies which is trying to understand Dowa (Buraku) issues.

_____ has carried out study meetings on Dowa issues within the company on 336 occasions during the period 1980-88. In spite of this, President _____ has never himself taken part in this. In-company studies by top management involving discriminatory expressions represent only the shell of the matter.

_____ Co. has carried out study meetings on Dowa issues on 124 occasions during the period 1973-88. But each meeting took an average of only 20 minutes and the main purpose was simply to explain how to avoid discriminatory expressions.

The Buraku Liberation League pursued the issue of _____ Co.'s responsibility for publishing Mr. _____'s statement without due consideration.

● Conclusion.

The Buraku Liberation League requested both companies to reexamine Buraku issues and re-evaluate the in-company study system.



Soto Zen Sect Discriminates Again

The Soto Zen sect, one of Japan's Buddhist groups, has been under scrutiny for responsibility for discriminatory statements.

Nine years ago, at the 3rd WCRP (World Conference of Religions for Peace), Mr. [redacted], a Soto Zen priest and director of the Japan Buddhist organization, requested that the Human Rights committee delete a description about Buraku from the final report, insisting that there were no longer any Buraku in Japan.

Since the Soto Zen sect criticized the case and established a Human Rights Protection Committee, we believed that they had come to look on the Buraku issue in a positive way. However, quite contrary to our expectations, another case of discrimination has occurred again within the same sect.

Mr. K, at that time section chief of the general affairs department, asked one of the staff members if he came from a Buraku, using such pejorative terms as "eat" (literally, "filth-abundant") "yotsu" ("four," suggesting animal-like qualities), and "senmin" ("lowly people"). He followed by saying that if the person was a Burakumin, he should go home, resign his post, and so on.

The facts of the case became clear through an

internal inquiry and so in September 1988, a "kyudan" (denunciation) meeting was held.

Representing the Buraku Liberation League were Mr. Ohnishi, Vice-President, Mr. Komori, Secretary-General, and 80 other people. Representing the Soto Zen sect were Mr. [redacted], head of the general affairs department, Mr. K and 100 others.

At the denunciation meeting the following was pointed out: (1) there had been discrimination with intent; (2) the problem lay not just with Mr. K but with the whole Soto Zen sect; (3) Mr. K's action represents a regression concerning the Soto Zen sect's attitude toward the Buraku issue; (4) there was a problem with the Dowa study system in the sect.

That day a "report" under the name of the chief of the general affairs department was submitted. There were reviews written by the department chief and by Mr. K but they were full of contradictions. Representatives of the Buraku Liberation League raised their voices in anger at the fact that Mr. K and the Soto Zen sect felt no pain over the predicament of people facing discrimination. There was also an inquiry as to how Soto Zen's religious doctrine can solve the Buraku problem but no one could come up with an answer.

Government Censors High School Textbook

As a result of an objection from the Education Department of the ruling Liberal Democratic Party, it was decided to delete a section from an English textbook for high school students which was scheduled to be used from next year and replace it with other contents.

The reason given is that contrary to the intentions of the writer and publisher, it is liable to cause misunderstanding among students.

Altering the contents after they had already been officially approved in July this year represents a very exceptional step. Over 20,000 books will be in use in schools from next year.

The part interfered with is in Lesson 13 of the book and the title is "War." In it the writer of the text is told the following by a Southeast Asian at a

party :

During World War II a Japanese soldier grabbed a small baby girl from a young mother and he threw the baby up into the air and ran his sword through it. The baby died on the spot."

The writer was most embarrassed when an Asian person said that the Japanese were the most cruel. However, in the Vietnam War, a number of deformed children were born as a result of poison scattered by American forces. People cannot say that one nation is more cruel than another. The writer of the text wanted to say that war makes people cruel.

Some members of the Liberal Democratic Party requested that the Ministry of Education change the contents of the section.



After considering the matter, the publisher discussed the issue with the writer and decided the part

would be deleted and replaced by a new text taken from "My Fair Lady"

Expectation to Our Future Activities

Luis Valencia Rodriguez(*)

Coming December 10th is 40th anniversary of the Universal Declaration of Human Rights adopted by the United Nations. Commemorating it, we asked Mr. Luis Valencia Rodriguez, Former Chairman of the Committee of the Elimination on Racial Discrimination, to write a short message about "Expectation to our future activities". We, BLRI, as well as the readers believe his proposal is very useful for our future activities. (BLRI Editor)

During the last forty three years of existence of the United Nations, a considerable progress in the observance of human rights and especially of the principle of non-discrimination has been made, but nobody doubts that racial discrimination is still rampant in many parts of the world. It is important to remember that according to Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, the grounds, upon which such discrimination may be based are race, colour, descent, and national or ethnic origin. It brands as discriminatory those acts which wholly nullify, as well as those which only partially impair, the recognition, enjoyment or exercise of human rights and fundamental freedoms.

Experience has demonstrated that the observance and protection of human rights have to be implemented as a whole, that is to say it is necessary that the principle of non-discrimination be applied to all those rights, avoiding separation or division among them.

The United Nations General Assembly has insisted upon the convenience and urgency that States, which have not done so, become parties to the international instruments on human rights, considering this to be the best answer to promote the elimination of discrimination. The principle of universality is

essential for the achievement of this fundamental objective. "In a universal struggle, no tool-however potentially adequate it may be-can be fully effective so long as its application is less than universal". One hundred and twenty-four States have so far become parties to the above mentioned Convention. Other States, however, have not yet agreed to be bound by it.

But the adherence to these instruments, important as it is, is not sufficient. States have to ensure effective implementation of the provisions contained in those instruments, enacting, when necessary, appropriate legislation or adopting judicial, administrative or other measures.

As we are approaching the XXI century, we must express our hope that the suffering that humanity has supported over the years as consequence of discriminatory policies and practices shall come to an end or at least that this distress might be mitigated.

The action in defense and protection of human rights and fundamental freedoms are no longer a question subjected to the domestic jurisdiction of States but to the international competence. As many jurists and qualified international publicists maintain, the respect of those rights and freedoms is now a peremptory norm of general international law (jus cogens).

It is also recognized that man is the supreme subject of law and that all its institutions and provisions are devoted exclusively to making his passage on earth more agreeable and happy. To this end, elimination of discrimination, especially of racial discrimination, is fundamental.

October, 1988.

(*) Former Chairman of the Committee of the Elimination on Racial Discrimination.



*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(3)**

(4)

As for the paragraph 4, the article 4 of the regulations for habeas corpus set very rigid restriction for the admission of the liberty only for the cases when lawful procedures were apparently violated. This is quite contrary to the purpose of this paragraph.

As for the cases of detention of aliens by the order of deportation or detention issued under the the Immigration Control and Refugee Recognition Act, countermeasures seem quite improper, as there leave practically no opportunity for the detained to contest the orders in the court if the orders may be suspected unlawful. For, in general, it is very unlikely the deportation would be suspended until the judgment by court against a complaint appealed for liberty or, even the orders for the suspension of deportation may not be granted before the execution of the deportation, as the Immigration Control and Refugee Recognition Act orders immigration officers the prompt execution of the deportation (article 52, paragraph 3 of the Act). To ensure the exact effect of the remedial measure intended, automatic suspension of the deportation orders for the set period necessary for an appeal should be brought into legislation. As we have experienced the actual case of very quick deportation intending the evasion of the review by court (Ryu Bun Kei case, May 26, 1968), the remedial measures described in present legislation are nothing but empty words.

(5)

As for paragraph 5, the sum for the unconditional compensation in case of final verdict not guilty, set in the State Redress Law (Article 4, paragraph 1 of the Law) is very low between ¥1,000 and ¥7,200 for each day detained. Any compensation by the Act over these amount will not be paid without judgment by court after an appeal for the compensation, and only in the case where the deliberation or negligence of the

State were proven. The Supreme Court, in the judgment of Ashibetu State Compensation Case(October 20,1978) judged that the final verdict not being guilty will not automatically mean the arrest and detention unlawful. This interpretation is quite dubious if considered with the spirit enshrined in this paragraph 5.

For the compensation to those arrested and detained and not prosecuted, issues arise here that the definition ; "the sufficient reasons to recognize that the person has not committed a crime" is a definition more strict compared with the case of those called not guilty in the court, and that it is left for a rather arbitrary administrative order of the Minister of Justice to execute the compensation. These must be amended and introduced in the Act itself.

Article 10

(1)

1. For the paragraph 1 of the Article 10, referring the Initial Report, The Report claims that all persons detained are treated with humanity and with respect for the inherent dignity of the human person.
2. However, although it is stipulated that suspected persons are to be detained in the house of detention under the authority of the Ministry of Justice, alternative means of housing them in detention cells in the police station is permitted and widely practiced, enabling investigating agencies to utilize them to obtain confession under coercion. In these alternative detention facilities in police stations, the persons detained would be investigated as long as ten or more hours daily for several days, and assaults, threats and torture are quite common practice. As the investigation authorities totally dominate the person of the



suspect 24 hours, even the control over the needs of excretion are utilized to yield confession. Such alternative means of detention system contain the risk to violate the right of nonconfession stipulated in the Constitution, and is quite a uncivilized system against the intention of Article 10. The International Conference on Criminal Code at Humburg in 1979, adopted the resolution saying that such alternative means must be denied so that no one should not be brought back to the investigating authorities for detention.

3. Another evil of alternative detention facilities, interference by police to the free access with the defending counsel, multiply the violation. Police neglect to inform the detained of the right of access to legal counsel, and violates the right in telling the detained that counsels could be costly or unreliable, or, even to the counsel, rejects access with excuses such as they are under investigation or simply out of their duty hours. These facts and prosecutor's arbitrary access admission system practically make the right of free access to legal counsel guaranteed by the Constitution utterly ineffective. Such reality in practice should be improved urgently and immediately.

4. The right of the detainee demanding retrial, to the private access with counsel is not admitted in practice. Observing prison officer will record minutely all that goes on in the interview room. In many recent occasions, access by counsel to the condemned would be denied with the excuse that it will interfere with the mental harmony of the condemned, thus the condemned are totally separated from people concerned. And even on the occasion of visit by the counsel, prison officer stands observing causing mentally the obstruction for the demand for retrial. These facts are apparently constitute the violation of this Article.

5. In the prison cells, convicts are forced slave-like days under the over strict regulation of discipline. All the details of their daily life are regulated with pseudo-military schedule of roll calls, marching and humiliating inspection in total nudity, as well as minute ways regulated for their common behavior. Conversations and excretion needs are controlled 24 hours that prison officers are free to punish them with arbitrary reasons of violation to these regulation. Punishments include the use of handcuffs, binding ropes, gags and straitjackets. Cases leading to the death of prisoners were observed in putting them to the separation cells or in using gags for punishment. All the punishment and other rules for discipline in the prison should be totally reviewed and amended in accordance with this Article and other minimum stan-

dards of norm set by the United Nations.

6. The Second Report elaborates the system to prevent and remedy the violation of human rights in the criminal detention facilities. Nevertheless, the reality remains to be as described above regarding the access to the legal counsel, needless to say about the access to their family members. As all the systems mentioned in the Report are not implemented by the independent third party members, checking system does not work effectively so that actual inhumane situation in the prison described above tells us the ongoing reality. A system of periodical inspection under the independent third party with direct hearing from the detained must be established to improve the situation.

7. The Report also states that revisions are under discussion to introduce new bills on criminal detention facilities and on confinement facilities instead of present Prison Law with the aims to ensure better treatment and to bring about improvement in regulations. We stand against and oppose to the introduction of the two Laws for, as proposed, these Laws will actually stabilize the system of notorious alternative detention facilities, bring about more strict controls over the right of free access to legal counsels and intend basically treatment of prisoner primarily stressed in regulations and order, violating the intent of this Article.

8. The existing regulation of the treatment of the detained declared deportation prior to its execution give the director of the detention house the authority to the admission of visits to the detainee (article 33, Immigration-Control and Refugee-Recognition Act). Practice is that the visitors are limited to the relatives within the fourth degree of relationship, and visit by the counsel is always under the observance of the director. Also, as the rules set for the interview regulates the use of Japanese to the maximum that there were instance of interrupting the interview for non-Japanese speaking foreigners.

As to the right of free correspondence, the authority of the detention house, for security reasons, may prohibit or restrict in-coming and out-going mails, and the same applies for correction, erasure in part or total confiscation of such mails. These restrictions of freedom of detainees are apparently out of minimum requirements and violate this Article.



9. After the intervention by an NGO in the Subcommittee for the Prevention of Discrimination and the Protection of Minorities in 1984, to give the detailed accounts on the mentally ill in Japanese psychiatric wards, an international criticism made Japanese Government to introduce a revision in concerned Mental Hygiene Law (renamed Mental Health Law after the revision). In 1982, the number of in-patients totaled over 320,000 persons, 90% of them admitted involuntarily with the average period of stay as long as 530 days. Particularly, the average period of stay for 40,000 patients hospitalized with administrative orders by the Prefectural Governors was unbelievable 2,700 days. About 80% of the all patients were locked in the wards with iron grills, deprived of freedom of correspondence and visits, under free domination of hospital directors. As represented in the case of Utsunomiya Hospital where the brutal lynching lead patients to death, abuse of discrimination against the mentally ill for the profit of hospital management were left ignored in everywhere in Japan. Despite the revision of the Law concerned, close watch should be continued for the reality in these psychiatric hospitals.

(2)

The Report elaborate as regards to the paragraph 3, basic principles are in accordance with the Article. Nevertheless, as mentioned earlier, the whole system is administrated with the top priority on the maintenance of order and discipline, depriving prisoners of their independency and putting them only as subjects of easier administration. Prisons are typical totalitarian society, and punishment measures function as means to control Prisoners to maintain such society. The treatment system in prisons invites flattery and collaboration to prison officers among the prisoners, thus constructs in prisons statutory discrimination and selection. All the duties in prisons are not compensated, and very small monthly sum of ¥500 to ¥5,000 will be given as reward payment. No prisoner would be encouraged to work with such treatment.

New bills the Government intends to introduce will strengthen, rather than free the tight control over prisoners. New provisions to introduce the use of binding device (article 42) or arms (article 44) are being added for such purpose. Also, correction treatment are imposed as duties to prisoners, making it

possible to force such treatment with punishment it not obeyed (paragraph 4, article 135). This can be quite coercive treatment.

Requisites for open treatment (paragraph 2, article 49), Duties out of prison vicinity (paragraph 1, article 67) and admission of visits and correspondence (article 96) of the introduced bills are all too tight and dubious in nature referred in view of this Article.

Lastly, the bills being introduced has no provision for the establishment of independent third party checking organ. This is absolutely a must in new bills to secure the human rights of prisoners.

