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## Report from Human Rights Meet in Paris

by Sueo Murakoshi

Paris is alive with fervor this year in celebration of the bicentennial of the French Revolution and the Human Rights Declaration. The principles of liberty, equality and fraternity of modern era are shining more preciously than ever as they have gone through such historical challenges and critical moments as Imperialist wars, socialist revolutions and fascist domination. Keen attention is focused on Paris from all parts of France, Europe and the world.

The human rights meeting was held from June 22 to 24, 1989 by the International League of Human Rights in the Opera Bastille Amphitheater located in Bastille Square, Paris. I attended the meeting on behalf of President Uesugi of the Buraku Liberation League who was invited by the League. The meeting heard reports of human rights situation from various parts of the world.

About 300 people from about 70 nations participated in the meeting where President Mitterand of France gave a remark in the late afternoon of the second day (June 23).

The meeting was intended to express the conscience of the world in regard to the grave violations of most fundamental human rights to survival, liberty and dignity that are observed daily in many nations and to hear from those determined to protect and exercise the right of inviolability, a common asset of humankind. Sixteen women including Mother Teresa were invited as honorable guests.

I made my speech as the first speaker of the third day on the situation of discrimination against Buraku and Burakumin in Japan. (see the attached copy) I was the only one among many speakers to keep the time by not speaking for any more than 10 minutes and received words of appreciation from the chairperson.

Mr. Tetsuro Totsuka, a Japanese lawyer residing in the UK and member of the Association of Freedom and Human Rights, was supposed to give a speech, but I missed the chance to listen to him because I had to leave earlier. In total, three Japanese attended the meeting including Mr. Totsuka, Mrs. Matsumoto who accompanied me, and myself. A number of Japanese staying in Paris wanted to observe the meeting but could not due to strict police precautions.

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It took 24 hours to make the return trip starting from Osaka and then to Haneda (Tokyo), Narita, Seoul, Anchorage and to Paris. I got quite exhausted due to jet lag and lack of sleep, but it was a great honor to be able to participate in this historical gathering.

## Present Situation of Discrimination Against Buraku People

Violations of  
International Covenants on Human Rights

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on behalf of

Saichiro Uesugi, Buraku Liberation League  
(Japan)

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ETATS GENERAUX DES DROITS DE L' HOMME

It is a great honor for me to express my sincere respect for the Fédération Internationale des Droits de l'Homme who have sponsored this significant assembly to commemorate the bicentennial of the French Human Rights Declaration. It is also my privilege, as Chief Director of Buraku Liberation Research Institute, and on behalf of people in Japan who have long suffered discrimination and Mr. Saichiro Uesugi, President of Buraku Liberation League which is an organization established to combat such discrimination, to participate in this honorable assembly.

Let me take this opportunity to discuss some problems concerning the situation of discrimination against Buraku communities in Japan, in the light of the International Covenants on Human Rights.

Discrimination against Buraku people, unlike racial or ethnic discrimination, is based on a social stratification. The historical origin of discrimination against Buraku can be traced back to the feudal era, in particular in the 16th and 17th centuries, when the

then ruling class created an "outcaste" in order to divide and rule the peasant class who was the main force of the production at that time.

Presently, as many as 1,160,000 Buraku people live in 4,603 communities throughout the country, according to a survey by the government. But it is estimated that, in reality, there are about 3 million Buraku people living in some 6,000 different communities.

Discrimination against Buraku people manifest itself in serious forms in marriages and job applications, also at workplaces, schools and within local communities. As a result, Buraku people have long suffered a deteriorated living conditions including housing.

Struggle against this serious discrimination was started way back in 1922, when the National Levelers Association was founded on March 3 of the same year, and later succeeded by Buraku Liberation League.

Long years of struggle of Buraku Liberation League resulted in August 1965, in the issuance of the report of the Cabinet Council on Dowa (meaning integration) Policy in which it stated that the early solution of Buraku problem was a duty of the government and a task which should be shared by the whole nation. In accordance with this report, the Law on Special Measures for Dowa Projects was enacted in July 1969. In the past 20 years since then, various measures including housing projects have been taken and the situation of Buraku have been improved to a certain level. However, housing improvement projects, for example, are not completed yet, and more drastic measures to improve the educational level and overall situation concerning jobs still remain to be taken. In addition, there is an urgent need to eradicate frequently-occurring discriminatory incidents of a vicious nature, and discriminatory incidents of a vicious nature, and discriminatory concepts prevailing among people. For this purpose, Buraku Liberation League has been staging a campaign for the enactment of the Fundamental Law on Buraku Liberation designed for the drastic solution of Buraku problem.

Now, I'd like to take up some of the concrete problems concerning discrimination against Buraku people.

One of them is the Sayama Case. In May 1963, a



high school girl was murdered in Sayama City, Saitama Prefecture, just outside of Tokyo. The investigation authorities had difficulties in finding the criminal, which arose criticism from the public. Then the police investigated people of the nearby Buraku community without any specific grounds and arrested Kazuo Ishikawa (then 24 years old) from that Buraku on unrelated charges. Ishikawa kept denying, for a month, but was finally forced to make a false confession during an unjust investigation in a police detention cell, although he was innocent. Later, he was sentenced to death at the Urawa District Court and life imprisonment at the Tokyo High Court, and the Supreme Court ruled in favor of the decision of the Tokyo High Court. Meanwhile, public support movement for Mr. Ishikawa spread throughout the country, as is shown in 4,600,000 signatures collected from all over Japan to support him which were submitted to the judicial authorities. Nevertheless, the courts made unilateral decisions without taking into account pleadings by the defense counsels and the public opinion. An application for a retrial was rejected by the Supreme Court and the second application is now under review. In the Sayama Case, when viewed in the light of the International Covenant on Civil and Political Rights to which Japan is a party, some important rights are not observed, such as prohibition of torture of Article 7, right to be informed of reasons of one's arrest and detention of Article 9, right of accused persons to be treated with humanity and respect for dignity of Article 10, and right to fair trials of Article 14.

Since around 1980, there have been an increasing number of discriminatory incidents occurring in Japan, which remind us of signs of racism. In many cases, they take the forms of discriminatory graffiti, letters, and phone calls.

For example, one discriminatory bill on the wall found in Osaka City in March 1980 said: "Buraku people are ticks of the society. Government should immediately mobilize the army, put them in concentration camps and exterminate them". The International Covenant on Civil and Political Rights prohibits in its Article 20 propaganda for war and incitement to discrimination, as you know, but as there is no law in Japan to directly forbid incitement to discrimination, there are no effective measures to cope with such incidents.

In November 1975, existence of the so-called "Buraku List" was unveiled. "Buraku List", compiled and sold by detective agencies and purchased mainly by corporations, provides names, locations, number of households, and occupation of the residents of 5,300 different Buraku communities.

After a search of over 14 years, it has been disclosed that there are 9 different types of "Buraku List" and more than 200 purchasers, most of which are corporations including such major auto makers as Toyota, Nissan, Mazda, and Daihatsu. It has been confirmed that these corporations bought the list to use in employment of workers in order to exclude job applicants of Buraku origin.

As a result of acute denunciation by Buraku people, many of the corporations who purchased the lists have reflected on their conduct, and established an orientation system on Buraku problem within their companies, but many things still remain to be solved. For example, many of the publishers and sellers of Buraku lists, and accordingly the exact number of such lists which have been actually compiled and sold, are not known even today. Also, some corporations, though in the decreased number, still openly state that they would not hire Buraku people. As you can see, Article 6 of the International Covenant on Economic, Social and Cultural Rights to which Japan is a state party, stipulating right to work, is not observed fully in Japan.

Before concluding, I would like to touch upon the question of marriage. Article 10 of the International Covenant on Economic, Social and Cultural Rights states that marriage must be entered into with the free consent of the intending spouses. It is not rare that young intending couples of Buraku and non-Buraku origin give up their marriage because of strong objection by the parents or relative of the non-Buraku spouse based on prejudice against Buraku. In some such cases, young people of Buraku origin had to commit suicide. The situation is all the more serious because those parents and relatives who discriminate against Buraku people in marriages include officials of the police and local governments, as well as school teachers and religious persons.

The present situation of discrimination against Buraku people I have just briefly outlined is, in our view, closely connected to the fact that Japan has a close economic relationship with South Africa which has not yet eradicated system. In the present day



when the rapid internationalization is going on in economic, political, cultural and other spheres, efforts to eliminate discrimination in one country should be directed towards the eradication of all forms of discrimination in any parts of the world.

With this view in mind, Buraku Liberation League took the lead in establishing a new international organization called the International Movement Against All Forms of Discrimination and Racism on January 25, 1988, with a participation of various organizations and individuals from many parts of the world working towards the elimination of discrimination.

The International Movement Against All Forms of Discrimination and Racism, since its foundation,

has actively promoted a campaign against apartheid and held conferences and symposia such as the Second International Conference Against Discrimination of December 1988, and intends to achieve in the future consultative status with the Economic and Social Council of the United Nations in order to further strengthen its activities. To conclude my intervention, I would like to extend my message of solidarity and mutual cooperation to all people including the distinguished representative participating in this assembly, working for the same goal of the elimination of discrimination and protection of human rights.

Thank you.

## **May 23 Central Meeting Appeals Against The Unjust 26-Year-Imprisonment of Mr. Kazuo Ishikawa**

Some 10,000 took part in a central meeting demanding that the Tokyo High Supreme Court order a retrial.

They also appealed for the following:

- The start of a fact-finding inquiry
- The release of Mr. Ishikawa on parole
- Opposition to the so-called "Kokin Niho" law aiming to create a permanent system of subsidiary detention centres which are hotbeds of false charges.

Mr. Akahori, who was able to secure a retrial to prove his innocence after 36 years' imprisonment, made a special appeal in support of Mr. Ishikawa's innocence.

On behalf of Ishikawa's family, his brother, Rokuzo, and sister-in-law, Umeko, expressed their gratitude and called for continued support.

Special appeal-Mr. Masao Akahori, formerly accused on a false charge. "Work in solidarity!"

I am Masao Akahori. Since I am in front of so many people, I am very nervous and so I hope you will be patient with my poor speech.

Today, May 23, is the day when Mr. Kazuo Ishikawa was arbitrarily arrested and tomorrow, May 24 of 35 years ago, is the day when I was arrested for a crime I had nothing to do with the so-called Simada case.



I had just turned 25 when I was arrested. At that time, I was in an inquiry room for a different case. I was asked a lot of questions by various detectives. One detective asked me if I knew a little girl called Hisako. I said "No," because I had neither met nor seen Hisako. I was not allowed to see a lawyer.

I was forced to confess that I killed Hisako by the detectives. A lot of them asked me if I had called Hisako and taken her to the mountain to murder her. A senior police official explained the case to me in detail so that I could understand everything. Two other detectives acted out the roles of Hisako and the murderer in line with the explanation given by the officer.

There were no restrictions on the time for the inquiry. The detectives also told me that I could have a meal or go to the bathroom if I admitted that

I was the murderer. They said that I couldn't have a meal or go to the bathroom unless I admitted the crime.

Has anyone been arbitrarily arrested before? I don't suppose so. You may think that the police are respectable people but they were dreadful to me at the inquiry. They never believed what I said even though I repeated it over and over again. During my 35 years in prison, I was usually calm but when it came to the day of a summons of execution, I was terrified all day.

I want to give the strongest possible support to the efforts B. L. L. are making to save Mr. Ishikawa. I hope a retrial will be carried out and prove Mr. Ishikawa's innocence so he can go back to his family. Thank you for listening to me. I will join the demonstration right after this.



## *Discriminatory Selection Using Internal Documents*

### **"We don't employ people from Buraku areas"**

On May 11 a fact-finding meeting on the discrimination against Buraku people by The

Corp. was held at Sangyorodo Kaikan in Hashida.

Although came out with an apology, they insisted all along that they didn't have any intention to discriminate. The Buraku Liberation League accused of taking an irresponsible attitude, such as attending the meeting without any documents relating to this case.

also demanded the presentation of the documents, the attendance of the company president and of the person who compiled the discriminatory documents.

The discriminatory remarks made in the documents were as follows: Do not employ an unsuitable person who could obstruct management activities. We must prevent employment of such unsuitable people before it is too late.

The way of dealing with Buraku people was

stated in the first head.

expressed their apologies, saying "We are sorry to present such an unpleasant document." explained the background to the document in more detail.

It was introduced in the personnel textbook for sales managers which was used as a manual for adopting workers in each sales branch. A person unsuitable as an employee means someone who can be a dissident element or an obstacle to the company management. said the statement about people from the Buraku was mentioned as an example and guided workers not to discriminate, insisting that they didn't mean to discriminate.

is a sales promotion company which offers premiums for premium stamps which consumers collect. There has been an educator on human rights but they never had a study meeting.

## **Discriminatory Document With Name Found in A City-Hall Worker's Locker**

Ms. , who works in the health and welfare section of a city hall, found a discriminatory document naming her in her locker on the morning of March 20, 1989.

As you can see below, the contents are really vicious:

"To Ms. ETA-ko ,

A Letter of Appointment

You are very much of an eyesore among us because you are from the E T A. Therefore, in the name of the mayor, you are appointed as a caretaker of footgear from now on. On behalf of all staff members, I ask you to disappear from before our eyes effective as of April."

When she read it, she said she was as shocked as if she had been hit with a hammer and felt everything had become dark.

As she was a member of the Buraku Liberation League, she consulted a colleague, who was a B.L.L. branch activist. After informing her section chief, B. L.L. claimed the authority to clarify the identity of the person responsible and the extent of responsibility of the administration.

The locker room is only for women. Anyone could enter the room, but if someone unfamiliar went in, someone would notice. In other words, the person responsible must be someone who went in and out frequently.



Mr. Nakai, the mayor of Minoo City, Osaka, took up the matter, declaring that it was inexcusable and that although he himself didn't believe the culprit could be someone in the city hall, if it was true, then the person should make a voluntary confession. He proposed that every staff member should reconsider the issue. The workers' union also thought it important and they have started studying the matter along with Ms.

Ms. said the following: "When I glanced at the characters for 'ETA' on the envelope, I felt dizzy, as if someone had struck me a blow. I came out in a greasy sweat and started shivering. Until recently, I have been aware of people's cold eyes, but I had believed that if I tried to work faithfully, people would understand me, and I have managed to enjoy my job, however... I do hope the writer of the letter addressed to me will confess that they were responsible."

## *People Who have been oppressed by historical and sociological factors* **Buraku Issue Introduced By I.L.O.**

The article appeared in the "Social and labour bulletin" (quarterly publication No. 1, March 1988) issued by the International Labour Office, Geneva under the heading of "Equality of opportunity and treatment."

### **JAPAN**

#### **Social integration of 'Buraku' communities**

New legislation came into effect on 1 April 1987 to improve living conditions in those 'Buraku' communities whose economic and social progress has been hindered by certain historical and sociological factors. The people originating in these communities are known in Japan as 'Burakumin'-a term that has, however, no legal discriminatory connotation.

The new law, which votes credits for the next five years, makes provision for special financial measures in support of projects to improve conditions in certain specified Buraku zones. The 1987 law renews legislation of April 1982 which followed on earlier legislation of July 1969 that provided special measures for social integration ('Dowa') projects.

The growth of the Buraku communities goes back to a remote period in Japanese history. There are many theories on their origin, with various ethnic, religious, professional or political explanations having been advanced. The inhabitants of these areas are in fact no different from other Japanese in race, language or religion. The most probable explanation is that the Buraku communities had their origins in ancient times in a number of marginalised groups whose activities were restricted to the performance of those tasks often regarded as unclean or degrading, such as slaughtering animals or tanning hides.

The Buraku were given their freedom during the Meiji period (circa 1867). Despite an 1871 decree laying down that they were to be treated like other citizens both with respect to job opportunities and social status, the Burakumin continued to be victimised socially, a fact which explains their lack of progress in employment and in the professions as well as in social relations, housing conditions and marriage. Their progress was also held back by persistent underdevelopment in the areas they inhabit, which are to all intents and purposes 'ghettos' within towns and villages, cut off from the rest of the community.

Even now, despite efforts to bring about a change in public attitudes and notwithstanding the disbursement of financial aid to improve their economic conditions, the problem of the Burakus has not been solved. Government statistics indicate that there are 4,603 Buraku communities with a population of 1,166,465 persons who benefit from the Buraku legislation. Private foundations established for the protection of the 'Burakumin' believe they number more than three million, scattered in some 6,000 Burakus across the country.

The principal objective of the 1987 legislation is to provide special measures in zones inhabited by Burakumin, in the form of financial aid disbursed by various ministries, the aim being to improve their living conditions, develop industry, maintain employment levels, improve welfare services and protect individual rights. Over the period 1969-1986, the amount disbursed came to 2.6 billion Swiss francs (1 US\$ = 1.29 Swiss francs). While some results have been achieved, many problems remain. The Advisory Council set up by the Government to monitor the



'integration' policy recognises that the measures taken will have to be more effectively applied and that there is still a need to dispel persistent prejudice. The Burakumin associations are pressing for the adoption of anti-discriminatory legislation that will guarantee respect for human rights in the relations of the Burakumin with the other members of society, and specifically with regard to employment.

Source :

Japan: *Kampo* (Official Gazette), 1 Apr. 1987, pp. 56,97-100.

Office for regional improvement, Management and Coordination Agency,

Tokyo: *Dowa Problem: Present situation and Government measures*, 17 pp.

Buraku Liberation League: *Towards the elimination of Buraku and all other forms of discrimination*: Buraku Liberation Research Institute (Osaka), 1986, 143 pp.

*Buraku Liberation News* (Osaka), No. 40, Dec. 1987.

The following two points should be noted :

(1) The consensus of opinion is that the origins of the Buraku communities lie in the 16th and 17th centuries of the feudal era, not in the early period of Japanese history.

(2) Burakumin occupations were stipulated by the feudal regime. Slaughtering animals was not one of those fixed occupations ; their job was to deal with the corpses of the cattle and horses.

## *Brings the Case to Court as a Violation of the Constitution* **A Korean Living in Japan Refused A Rental Apartment Due to Nationality**

A Korean born and living in Japan was refused a rental apartment in Osaka because of his nationality. He brought the case to court on April 17, 1989. He filed a lawsuit against the Osaka municipal administration, which was supervising the owner of the apartment, the broker and the construction company.

The points at issue are confirmation of the lease agreement, vacation of the flat and a claim for damages amounting to ¥2,517,000. The plaintiff was Mr. , manager of a curry restaurant located in the area of Osaka.

It is the first time that a case of discrimination against the nationality of the tenant has been brought to court.

According to the claim :

On January 16, 1989, Mr. was offered an apartment through a certain broker. In the agreement, there was an article roughly drafted in Japanese. He told the broker he was a Korean born and living in Japan. As the broker told him there was no problem, Mr. filled in the application form and paid a deposit. However, the broker changed his attitude the next morning and declined the contract. He explained that Mr. 's nationality was the reason why the manager and owner did not accept the contract. Mr. had already prepared to move. He

had many negotiations with the broker but Mr. was refused entry to the apartment. The broker offered him another apartment. Although there were no problems about nationality, however, the rent was high, it was a long way from the station and it was an old building.

Mr. decided to bring this matter to court after consulting the "Osaka Liaison Conference of Struggle Against Racial Discrimination."

There was another similar case in Higashi-Osaka city. A real-estate agent gave the following nonchalant account :

"We have about 500 houses to rent but we cannot offer any to foreigners. We are afraid they will not pay the charges or that they may be many gangsters among them. We know house owners refuse these kind of people."

Mr. has experienced many incidents of discrimination at school and at work. So far he had been patient. But he could not endure it this time. He decided to struggle for his son's future. As a father, he cannot run away from reality in Japan.

It was said that about 10 years ago we would see around the district of Osaka many stickers publicly displayed and reading "Foreigners (i.e.Korean people living in Japan) Not Accepted."





*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(7)**

## **Article 18**

### **(1) Freedom of thought and freedom of conscience**

Neither Japanese constitution nor other laws in Japan has stipulations about or definitions of Japanese national flag and national anthem. There is strong criticism, therefore, to the government's coercion for schools to officially honor the Rising-Sun (Hinomaru) flag and the Imperial-Reign (Kimigayo) song. General public views the flag more as the symbol of war and invasion than as the national flag. The words of Imperial-Reign song express reverent affection toward and wish for the longevity of the Emperor, the supreme commander in past wars. In recent years, however, the government and the Ministry of Education have been increasingly demanding teachers and students to pray for the flag and sing the song on official school occasions. Some of those who have defied have been punished. These facts signify clear infringement of individual's thought and conscience to oppose symbols of war.

### **(2) Freedom of religion**

There is evidence that freedom of religion is violated. In 1967, a Self-Defense Force official died in traffic accident while in duty. His wife, a Christian, lay his ashes to rest at the church in her hometown. Later, she was asked to give documents related to her husband's death to a SDF staff. She declined. Without her consent, a SDF-affiliated organization enshrined him together with other deceased SDF officials at the State-Guardian (Gokoku) Shrine. The wife filed suit against this organization and the government claiming for damages. Both the district court and the high court gave verdicts favoring the plaintiff. In 1988, the Supreme Court turned down the two previous rulings and maintained that the SDF act didn't infringe the freedom of religion. It is clear, however, that the freedom of religion was violated in this case. Following the Supreme Court decision, there rose severe criticism all over Japan.

In Japan there are many religions that people follow. Among them Shinto (the way of gods) has traditionally been treated as a special religion. For instance, the ceremony observed in initiating the construction work of public facilities follows Shintoist rules, but this is not judged as violating the constitutional freedom. Also, many cabinet members officially visit and pray at the Yasukuni Shrine where the war dead is enshrined according to the government policy. The issue is not a special favor accorded to Shinto, which ideologically supported the war-time militarism, but the very violation of the freedom of religion.

## **Article 19**

Article 21 of Japanese constitution does not refer specifically to the freedom to inquire about and to receive any idea from others, which this article does. Public's right to know and right of access to mass media have been focused in recent years, but there is not yet an established legal system that guarantees these rights.

The Report cites a few examples where some minimum restriction to freedom of expression is imposed. The most problematic of these is the regulation of election campaign activities. Campaigner's visit to voter's home is absolutely forbidden under the Public Officers Election Act. This is an unfair restriction. The Law also restricts the number of documents to be distributed (Article 142) and allows only certain newspapers and magazines to report and comment on election outcomes.

School textbooks have to be screened and certified by the Ministry of Education. Otherwise, they cannot be adopted as official textbooks. This screening appears to constitute censorship. We recall also the international criticism voiced against the coerced revision of 'invasion' to mere 'advancement' in referring to Japanese military invasions in Asia. Therefore, the screening is heavily problematic.