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Toward Fundamental Law for Buraku Liberation and Human Rights Protection

We witnessed last year the unification of Germany, democratization in Eastern Europe, release of Nelson Mandela, vice president of the African National Congress, and legalization of ANC and other democratic organizations in South Africa, pursuit of Perestroika in the Soviet Union and other developments. Underlying these we must be aware of the long aspirations and struggles for human rights protection that have continued since the days of the French Declaration of Human Rights through the Universal Declaration of Human Rights, the International Conventions, Helsinki Agreement and other initiatives.

The United Nations designated the year 1990 as the International Literacy Year and called for actions to eradicate illiteracy from all over the world by the year 2000. In December the UN adopted a convention to protect the rights of foreign workers and their family members.

On the other side of the coin, however, we observe deepening ethnic conflicts in the Soviet Union, persecution of minorities in Eastern Europe where democratization is on the move and similar developments in Germany, France and the US.

Our analysis of the complicated world scene provides that drastic social transformations, when coupled with worsening economic circumstances and difficulties in life, can reinforce discrimination and finally lead to regional wars.

In the context of growing tensions surrounding Japan, particularly the trade disputes between Japan and the US, statism and nationalism are growing. We need to join hands with people inside and outside Japan who are struggling against discrimination.

The implementation of projects under the Law on Special Finance Measures for the Area Improvement will enter its final year in April. We have seen some improvement in Buraku conditions resulting from the execution of Buraku improvement (Dowa) measures under a series of Special Measures Laws in the quarter century since the Report of the Buraku Improvement Measures Council of 1965. Housing projects, construction of community halls, widening of roads and other measures targeted at the betterment of living and environmental conditions have been executed, roughly 70% of all the planned projects.

The rate of advance to high school among Buraku students was only around 30 percent, about half the national average, at the time of the Report of 1965. Financial assistance including scholarships has improved this figure to over 80 some percent after 1975. The remaining gap is about 6 to 7 percent.

Equal employment opportunities are vital for the solution of Buraku issues. An increasing number of Buraku people are employed as civil servants in local governments.

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Another noticeable effect of the growing Buraku liberation movement is the expanding circle of people committed to Buraku discrimination problems. For instance, the Central Executive Committee for the Legislation of the Fundamental Law for Buraku Liberation consists of representatives of religious organizations, companies, labor unions, educators, professors, learned people and others from wide social backgrounds.

We must call attention, however, to the fact that there are still so many problems yet to be tackled in order to bring a fundamental solution to Buraku issues.

For instance, about 1000 Buraku communities have received no improvement measures yet while some measures have been implemented in the other 4603 communities. This is a serious problem.

Moreover, we find out every year companies that would not hire individuals of Buraku origin. This is a clear violation of the principle of equal employment opportunities.

As to equal educational opportunities, as we take note of dropouts, the gap in high school enrollment between Buraku and non-Buraku students is over 10 percent. The advance rate to colleges and universities among Buraku students is below half the national average.

Evil discriminatory graffiti incidents are frequently observed. Discrimination cases do not seem to be ceasing. They take place on occasions of marriage and employment and in the communities, workplaces and schools.

Are we able to expect that these tasks that remain will be completed within one year before the Law expires?

The current law provides no measures for the 1000 or so communities where no projects have been executed.

Also, those measures that are believed to have important bearing on the attainment of equal educational and employment opportunities for Buraku people have been contracted. Symbolically grant scholarships were changed to loan scholarships when the Special Finance Law was enacted.

This hard reality of Buraku under the present law calls for wide initiatives to improve living, environmental, work-related and educational conditions and to educate people away from prejudice by enacting the Fundamental Law for Buraku Liberation.

This new law will play a significant role to allow Japan to join the global movements against discrimination and for human rights protection as symbolized by the International Convention on the Elimination of All Forms of Discrimination and Racism.

The movement to demand for the retrial of the Sayama case entered its fifth year last August. We are determined to make the Tokyo High Court to re-examine evidence and to start the retrial process while requesting for the parole of Mr. Ishikawa because he is already qualified to get it.

So far retrials have brought verdicts of innocence for four individuals who were once sentenced to death. On July 27 last year at the Nagoya High Court turned down the death sentence in the Yamanaka case and found the defendant innocent. In this particular case, too, biased and prejudiced assumptions made police authorities coerce false confessions which led to a death sentence.

Judicial authorities in Japan have to make a serious reflection on the causes of these series of retrial cases. Police prisons have been used as proxy detention cells and produced false confessions under coercion by police officers. This system must be abandoned in the light of provisions in the International Covenants on Human Rights. The jury system needs to be introduced to allow the participation of ordinary people in the court process. These and other drastic measures are wanted. The retrial for the Sayama case would be realized only in the context of overall democratization of the judicial practices.

The president of the Buraku Liberation League, Mr. Uesugi summarizes the past movements and argues that the struggles are now entering the third phase when he says, "I may characterize the thirty-three years from the founding of the Levelers' Association to 1955, the year the Association was renamed as Buraku Liberation League, as the denunciation-oriented era. I may call the following thirty-three years until the enactment of the Special Finance Law as the administrative struggle-oriented era. The third phase of the liberation movement is the era of joint struggles both domestically and internationally developing in parallel with the historical and global trends for anti-discrimination, peace, internationalism and democracy." To carry out these difficult missions we need to equip ourselves with a solid liberation theory.



The next year, 1992, will mark the 70th anniversary of the National Levelers' Association and we are encouraging active debates and exchanges for the complete liberation of Burakumin. The year 1992 will be also the 500th anniversary of the 'discovery' of America by Columbus when indigenous populations all over the world and minorities will be engaged in

active discussions for their rights.

The Buraku Liberation Research Institute celebrates its 23rd anniversary this year. We strongly wish to receive much support of our members and other friends from all over the world as we strive to meet these challenges.

Human Rights Week Gatherings Urged Japan's Earliest Ratification of Convention for Elimination of Racial Discriminations

Gatherings were held in Tokyo, Hiroshima and Osaka, on 3rd, 7th and 10th of December, respectively, to commemorate the 42nd Anniversary of the Universal Declaration of Human Rights. Key note speakers in these gatherings were Dr. Natan Lerner, professor on International Law at the University of Tel Aviv in Israel, and Dr. Karl Josef Partsch, Professor Emeritus on International Law of Bonn University in Germany. Dr. Partsch served as a member of the Committee on the Elimination of Racial Discrimination of the United Nations from 1970 to 1989.

Dr. Lerner paid a tribute to the Peace Memorial Park in Hiroshima on 6, December. On the next day he visited a Buraku area in Hiroshima city, where he explored actualities of Burakumin housing and slaughterhouse operation and was given valuable information on these matters. On the evening of the same day, Dr. Lerner gave a speech at the gathering held at Hiroshima International Conference Hall. Tatsukuni Komori, Secretary General of the Central Executive Committee for the Universal Declaration of Human Rights, was also present at the gathering.

On December 10, Dr. Lerner spoke in a gathering held at Nakanoshima Public Hall in Osaka and viewed on the global tendencies of human rights situation and pointed up confronting issues on them today.

Dr. Karl Partsch spoke at the gatherings held in Kashiwara city, Nara Prefecture and Ikeda city in Osaka Prefecture on 5th and 10th of December. On 10th of December, Professor Kinhide Mushakoji, Secretary General of IMADR, was invited to give a special lecture on human rights issues at Kinki University.

Some fifteen hundreds people participated on both gatherings in Hiroshima and Osaka, and a South African film "Mapantura" was shown at the Osaka gathering.

Dr. Lerner's speech in Osaka and Dr. Partsch's speech in Tokyo may be summarized as follows:

Professor Lerner started by pointing out that despite the new liberal climate in Eastern European states, such climate also opened the door to all kind of regressive and racist trends. On the other hand, the Convention on the Elimination of All Forms of Racial Discrimination, almost a quarter of a century after its adoption in 1965, has been ratified by as many as 128 countries and now shows a broad and nearly universal character in its contents and objectives. Ratification and implementation of the Convention requires incor-



porations of its provisions into the internal legislation according to each ratifying country's constitution, and in many countries, this is contributing to the elimination of the social evil of discrimination.

As the Convention is broadly conceived and worded, it covers and seems to be applicable to such discrimination of marginal cases where no doubt exists discrimination. In Japan, such discriminations against Burakumin, Ainu, Korean residents and Foreign or Migrant Workers would be the objects of the Convention.

As for the Article 4 which prohibits incitement of discrimination, although freedom of speech should be defended very carefully, there are also other social values that cannot be blindly subordinated to freedom of speech. Therefore, the modern international human rights law views that freedom of speech and association are subject to certain restrictions necessary and cannot be utilized to justify the discriminatory acts and expressions. Examples of a number of countries already ratified the Convention and not contradicting these two principles, with the view as mentioned above, should be very useful.

On the matter of implementation of the Convention, the reporting system is working effectively but the process is very slow in acceptance of optional Article 14 on individual petitions that only few countries have accepted this article.

Also regretted is that the Committee on the Elimination of Racial Discrimination is meeting less frequently because of financial reasons, and overcoming of such difficulties with the support of State parties is needed to ensure the regular and normal functioning of the CERD.

A comprehensive and interdisciplinary program to fight racism and related scourges, with the following main ingredients is necessary ; 1. Law declaring clearly and unequivocally that the evil of discrimination is wrong and prohibited ; 2. Education to be employed in an overall effort against such evil in schools, academic institutions and powerful communications media ; 3. Democracy as a basic condition for the struggle against racism with a careful avoidance of dangers of abusing the new climate of freedom in the transition from dictatorship ; 4. Social Harmony with the coherent and constructive balance between the rights and duties ; 5. Affirmative Action programs by the society and the State, to positively correct prejudices and unfair treatment where they exist ; and finally, 6. Recognition of Interactions between racial or inter-group peace and international peace.

Dr. Lerner closed his speech emphasizing that now the world is undergoing great revolutionary changes where the Cold War with its major conflicts in the world is actually ending, and hoping for a world of formal and real equality putting an end to still existing other conflicts.

Dr. Karl Josef Partsch, in his speech given at the gathering in Tokyo on 3 December, concentrating his subject to the Convention on the Elimination of All Forms of Racial Discrimination, said the Convention is only dedicated to one of four criteria banned in the United Nations Charter-race, sex language and religion-namely "race". The Article 1 of the Convention defines "racial" with basis on race, color, descent and national or ethnic origin, and defines the concept of discrimination "as any distinction, exclusion, restriction or preference based on" such "racial" elements "which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other fields of public life."

The action or omission of discrimination must not necessarily come out of State. It may also be committed by a social group or by an individual, which the State is obliged to prevent. Secondly, the action of discrimination is not always motivated exclusively by seemingly racial reasons ; They may be combined even with such legitimate causes as patriotic feelings. Thirdly, "human rights and fundamental freedoms" are not defined by a reference to one and only international instrument such as the Universal Declaration but with all other instruments by the UN, the UN special agencies and regional conferences or even by a Constitution- laws or customary law of one country.



The Convention imposes States Parties, among others, an obligation to design preventive measures against racial conflicts, that the dissemination, as well as sponsoring of such act, of such idea as advocating the superiority of one race over others is not only condemned but has to be penalized, though with due regard to freedom of expression.

To take prompt and effective measures to combat prejudices which lead to racial discrimination is important. For example, a careful revision of school books by eliminating excessive praises of patriotic events with dangerous overtones of despise or disdain for former enemies.

Also important is the role of monitoring the implementation by State Parties of Convention, the Committee on the Elimination of Racial Discrimination, comprised of 18 expert members with individual status elected by the State Parties among their

nationals, is provided. The functions of the Committee are the examination of periodic report from State Parties, the consideration of communications from individuals and of interstate communications. The reporting system, however, is most significant. Although State Parties made their first reports within a year after the Convention came in force, some of the reports submitted were quite simple that the Guidelines were set for the style of reports. With the report system and a change in political climate brought about decrease of discrimination in European countries with certain exceptions. The introduction of democratic principles in some areas made the relevant problems more easily apparent.

Concluding his speech, Dr. Partsch said that there is no doubt that still much has to be done, even though a change in general political climate is the key for the improvement for human rights situation.

The Industrial Federation for Human Rights, Tokyo Visited an “Unauthorized” Buraku Community in City

On October 8, 1990, the Industrial Federation for Human Rights, Tokyo visited an “unauthorized” Buraku community in -city, Gunma prefecture in order to learn about the actual situation. The 30 participants also included Mr. , president of the federation and a managing director of

Bank. They are also members of the Central Committee of Fundamental Law for Buraku Liberation and their organization is also acting as vice-president of the committee.

After an inspection they deepened their awareness of the conditions of discrimination and felt the urgent necessity for the administration and the nation to the responsibility of legislating laws. Led by BLL (Buraku Liberation League) members from the headquarters of the Gunma prefectural association and the

branch, in the morning they saw narrow roads, poor housing in crowded areas and post-humous Buddhist names engraved on tombs in a Buraku cemetery, a place always flooded by rain.

In the afternoon, they were told about other Buraku communities in the city (more than 1000 families living in 9 places) which have not been authorized. In these communities there are many mother-child (fatherless) families, many people living on welfare and a high percentage of highschool dropouts. In addition, there are often discriminatory remarks and, if discriminatory graffiti are found in school, the matter is not considered. Furthermore, since the administration of City has reported that there are no Buraku communities in the city, they are denounced severely.



Festival of Struggle

6th National Buraku Liberation Cultural Festival Staged

On November 15 and 16, 1990, the 6th National Buraku Liberation Cultural Festival was held in Osaka. This festival was planned in order to create a cultural movement against discrimination, making use of the tradition which has survived under discrimination. Emphasis was placed on the "Creation of cultural activities in each Buraku area."

The 1st day

The Japanese drum was played on the stage by a group called "IKARI (Anger)." They come from the Naniwa area of Osaka. The young members of the group have been preparing themselves for 3 years. They intend to become drummers for a new cultural creation in their drum-making town. They played 2 pieces of music, "IKARI (Anger)" and "AKEBONO (Daybreak)." Powerful and rapid sounds made a strong impression on audience.

Mr. from the area of Nara prefecture played the guitar and performed lullabies, work songs to sing while making Japanese paper, etc. and his own original song. He inherited these songs from the Buraku community in Nara prefecture and has been singing for ten years.

A women's group from Buraku Liberation Central headquarters in Osaka recited of poems and other literacy works produced by the literacy movement in various parts of the Buraku community. The recitations, based on daily life and the struggle against discrimination, moved the audience deeply.

Members of the area of Osaka enacted a drama on the stage under the theme of the literacy movement. The title was "A piece of paper and a pencil." It was humorous and filled with pathos. The difficulties and sufferings of the people who can not read and write letters was described in laughter through the human power of living. Watching the drama laughing, the audience was able to observe something that people are not usually aware of in their daily lives. The audience repeatedly heard the saying that literacy is not a problem of people who

can not read and write characters but a problem of people who know letters. This was a sharp criticism of the culture, based on letters, which has arrogantly oppressed people. The contents of the drama included such severe subjects that in the form of the next world they were expressed with humour. Everybody enjoyed the high-quality of the subject matter. The players ranged from children to the aged and they were at ease in their performance.



From the Sado Islands of Niigata prefecture Mr. introduced "HARUKOMA." This is a kind of street musicians' play sung and danced from door to door at New Year. In Sado Islands it was a symbol of the New Year. HARUKOMA players greeted the new year and used to pray for the prosperity of people, agriculture, fishery, commercial business, etc. At the same time, they took away the previous year's unhappiness and sorrow. Therefore, they were welcome to come on New Year, but except for this period, these people were not welcomed. In other words, HARU-



KOMA players were welcomed by everybody and, at the same time, people did not welcome such people who took away unhappiness and sorrow would return to the same place. For that reason they were discriminated against. We are sure that such people are the most respectful people. They carried all unhappiness and misfortune on their shoulders and, at the same time, they prayed for people's prosperity and happiness.

In the Buraku community of Osaka there were many strolling players' groups. Some of them were professional groups who played around Japan. Some of them played at night. After they finished their daily jobs, such as pedaling or work in small factories, they walked through the streets playing SHAMISEN or SHAKUHACHI (Japanese musical instruments).

Mrs. (76 years old) was one of them. She grew up in the Buraku of Osaka and when she was in the 2nd year of primary school, she was apprenticed to a comic dialogist and she had a stage name. She introduced "Zenidaiko", one of the arts which she had learned in those days. Accompanied by a Japanese folk song called "Yasugi bushi", she danced using 2 red and white colored



cylindrical poles held rhythmically in her hands. It seemed to be easy to handle 2 poles but in fact, it was an art for only the people who earned money by doing it.

As an example of popular arts, there were groups called "HOKAIYA." Mrs. of the

Buraku joined itinerant performers when she was 7 years old and she had sung various parts. She

introduced a musical play with her young relative, Mr.

The play was begun with saying, "Daddy, I am tired. Let's go home. However, if I dance here, can I get money?" "Sure, sure!".

The 2nd day

Divided into groups, various reports were made and various opinions were exchanged. There were discussions about performances of the previous day. The professional actor, Mr. who is acting in a monologue play, joined the meeting and gave his comments about drastic expression. Old tales inherited in Buraku communities were reported on by members of Hiroshima, Osaka and Hyogo prefectures. They resolved to continue collecting their folk tales. There was also a meeting for leaders involving literacy schools. Reports from various literacy classes and the problems facing them were discussed. Poems, compositions, etc. written in competition for the Buraku Liberation Prize were read aloud one after another by the writers themselves. They talked about their motives for writing and their hard experiences in writing. Another of the events in this festival, a drawing and sharing meeting, was held under the guidance of Mr.

, a professional painter at the Osaka Human Rights Museum. Mr. Kuroda said that school teachers should not evaluate students' paintings with marks. It is important that students should just enjoy seeing pictures and drawing and the same for listening to music. Mr.

of indigenous people in America, also joined the meeting. He sang "Song of the Coyote", beating a drum. Listening to the music all participants drew with pastel crayon whatever crossed their minds and then they discussed their works.

THE LITERACY WORK AND DISCRIMINATION IN JAPAN

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- Part I : Literacy Movement in Japan
Buraku Literacy Movement / What Literacy Means for Koreans in Japan / Accredited Night School and Unaccredited Night School / Literacy for the Disabled / The Kotobuki Literacy School
- Part II : Literacy Work in Japan
Burakumin Literacy Work / Literacy Work of Korean, Night School Student, the Disabled and Night School Student in Shum



BLRI Sent a Delegation to PRC and Exchanged Opinions with Minority Races

For 11 days (October 15 to 25, 1990) 5 delegates from the Buraku Liberation Research Institute visited the PRC (People's Republic of China) in order to exchange opinions about minority matters in China. This visit was the result of an invitation of the PRC State National Work Committee, who had sent delegation consisting of minorities to Japan in June at BLRI's invitation. This delegation was led by Mr. FANG HE CHUN, vice director of the PRC State National Work Committee, Department of Politics and Law.

The State National Work Committee belongs to the State Council and is an agent of the central government. They manage matters of minority races. The person in charge was Mr. Ismail Ahmad and he was from the HUIS race. He was vice chairman of the National Committee of the Chinese People's Political Consultative Conference and also a minister of the State Nationalities Affairs Commission.

The following is a summary report about actual conditions of minorities in China :

Leshan Municipality, Sichuan Province.

According to Mr. CHAN, Mayor of Leshan, until 1949 there was slavery among the YIS and when the government of the People's Republic of China was established, the system was abolished in 1950. With the advance of socialism, roads were built in 1953 and in 1957 electric light was supplied. In this autonomy, and Leshan municipality is advanced with regard to racial unity.

As concerns education, the percentage of illiterates is 20% and efforts are being made to solve the problem in literacy classes. Attendance at elementary school is 85% and the present task is to make all children enter school. In 1985 a special junior high-school for the YIS was established and education in their own language has begun. There are still problems to solve regarding the middle school in the future. The YIS people want to introduce their traditional arts, which is not well known in Japan to the Japanese. They hope that their traditional singing and dancing team will be invited by Japan and so made this request to us.

The committee's main project is to make a report

regarding the development of minority autonomy toward the year 2000, including economic, cultural and theoretical policy. This work has been done by 110 members of the Minority Affairs Research Center established in 1988 by the above committee. This report is to be submitted to the State Council before the end of 1990.

According to the law concerning minorities, the area where a certain number of a minority race live constantly is granted autonomy. One fourth of the minority races live scattered all over Chinese territory and more than 2 minority races live together in 97% of the municipalities. Even if such minorities do not use their own languages, consciousness of their identity is strong and they are sensitive about racial discrimination. Therefore, the problem of minorities living in autonomous areas is really the problem of minorities living in various parts of Chinese territory.

We had discussions with Mr. Ismail Ahmad, minister of the State Nationalities Affairs Commission at the National Palace in Beijing. The following points were covered :

By its open-door policy for reformation, China has developed in the past 10 years a policy exceeding the past 30 years. In agriculture a mass-contracted system and rural managing enterprises have been introduced and, as the result, farmers have become rich and consumer goods have increased. As a continuous open-door policy, the modernization of industry, road networks, and the development of energy should be planned. In contrast, inflation, earning differentials, traffic problems and environmental pollution, etc. have also occurred.

Developing business in minority areas is still lagging. These areas have cover 64% of the total Chinese territory, they have rich natural resources and area treasure house of culture and are great for sight-seeing. The State Council wants to develop large business exchanges between China and Japan.

Both parties (BLRI and State Council) have promised that they will make this mutual visit a first step to promote exchanges between other human rights organizations, including meetings regarding cultural and economical matters.