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## Mr. Saichiro Uesugi, president of the BLL talked about the "Offer of a final opinion by Council of Area Improvement Measures".

1) Today the Council of Area Improvement Measures offered their final opinion about the "Area Improvement Measures in the future". The main points were:

- a) After the validity of the current law will have expired, some legal measures will be necessary.
- b) In the future, the matter of employment, promotion of industry, education, and enlightenment activity will be important subjects in a priority system.
- c) Some time in the future, an investigation of the current situation of Buraku and people's consciousness should be conducted.
- d) A council considering Buraku matters will be necessary.
- e) The Buraku issue is a matter of fundamental human rights which is guaranteed in the Constitution of Japan. Therefore, the State, municipalities and individual Japanese citizens should cooperate in solving this matter.

2) As a general condition there is a strong opinion that the current "Law on Specific Governmental Budgetary Measure concerning the Projects Designated for the (DOWA) Area Improvement" is the final law specially arranged for Buraku, and after the validity of the law (effective ending March 1992), it

should be treated in the general law. Under these conditions the above mentioned (1) contents were offered by the Council. We, the Buraku Liberation League, evaluated the contents of it basically toward legislation of the "Fundamental Law for Buraku Liberation". The necessity of an investigation about the current Buraku situation and setting up a Council are favourable for the legislation.

3) The offered opinion shows, namely, that there is still now serious Buraku discrimination and that people are not able to recognize this fact. At the same time, not only the BLL but also the "Central Executive Committee of the National Movement Demanding Legislation of the Fundamental Law for Buraku

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Liberation", the "Liaison Conference for considering the Dowa Issue" and the "All Japan Dowa Measure Council", as well as other municipal organizations raised public opinion covering a wide range of various fields. These factors led the discussion in the Diet. In addition, we understand that the good sense of the "Council of Area Improvement Measures" also led to favourable results for us.

4) The government repeatedly has stated in the Diet that they will respect the opinion offered by the Council. We strongly request the opinion offered by the Council. We strongly request the government as well as the Diet to take immediate steps to concretize opinions.

5) However, the offered opinion does not recognize that the legislation of the Fundamental Law for Buraku Liberation has been clarified and considers the ratification of the "International Convention on the Elimination of All Forms of Racial Discrimina-

tion", this point of view lacking, although the International Convention on Human Rights has already been ratified. Further, in this offered opinion the negative part offered in 1986 was still included. Therefore, we, the BLL express our decision to legislate the Fundamental Law for Buraku Liberation while removing the negative part included in this offered opinion and strengthening the movement for the realization of the basic positive part. In this way we will try to appeal for the legislation.

Buraku Liberation League, Headquarters

Saichiro Uesugi, President

December 11, 1991

## **Discrimination Against Buraku, Today (2)**

### **1. Increase in marriages between Burakumin and those from outside the Buraku.**

1) Marriages between Burakumin and those from outside the Buraku have been increasing. However, according to a survey carried out recently (mainly 1990), differentials by region were remarkable. For example, in the case of "A couple both from Burakumin", Tottori prefecture was 76.7%, Kyoto was 63.2% and Shimane pref. was 61.4%. These 3 prefectures showed the ratio of "A couple both from Burakumin" to be over 69%. On the other hand, Kagawa prefecture was 46.8%. Osaka was 32.1% and Saga prefecture was 26.0%. In comparing these figures with the previous survey report, Osaka was 42.4% (in 1982) and Tottori prefecture was 84.0% (in 1984). Therefore, according to the recent survey (1990) Osaka decreased by 10.3 points and Tottori prefecture by 7.3 points. This means that marriage between Burakumin and people from outside the Buraku has increased.

2) Such trends are also obvious in the form of marriages considering the husband's age. As can be seen in Fig.2, the numerical value of Kyoto and Osaka is in the shape of an "X". This indicates that the lower the husband's age, the greater the numerical value of "one of a pair from outside Buraku". The older the husband is the greater the number of marriages of "couple both from Burakumin". Among the younger generation "Marriage between Burakumin and those from outside the Buraku" is gradually increasing.

In regard to the case of "one spouse outside the Buraku", the percentage of "husband from Buraku" exceeds that of "wife from Buraku". In Kagawa prefecture (36.9%) and Saga prefecture (43.9%) in particular the trend was strong. And in the case of "a couple both from outside the Buraku", the percentage of Osaka (26.4%) greatly exceeded other municipalities.



## 2. Marriage discrimination has disappeared.

1) Gradually "marriage between Burakumin and those from outside the Buraku" has been increasing. However, there are reports of objections to these marriages. The focus of the survey was only "one spouse from outside the Buraku". In reply to the

question, "When the person concerned expressed his (her) intention to marry someone from the Buraku, he (she) received opposition from parents, brothers/sisters, relatives because of Buraku origin". The following was obtained: Mie pref.: 32.0%, Osaka: 27.8%, Tottori: 49.5%, Kagawa: 45.0%.

2) As can be seen in Fig.4, a large percentage of those who received opposition fall into specific age groups: in Osaka 30 year-old and in Tottori prefecture

Fig.1 Form of Marriage

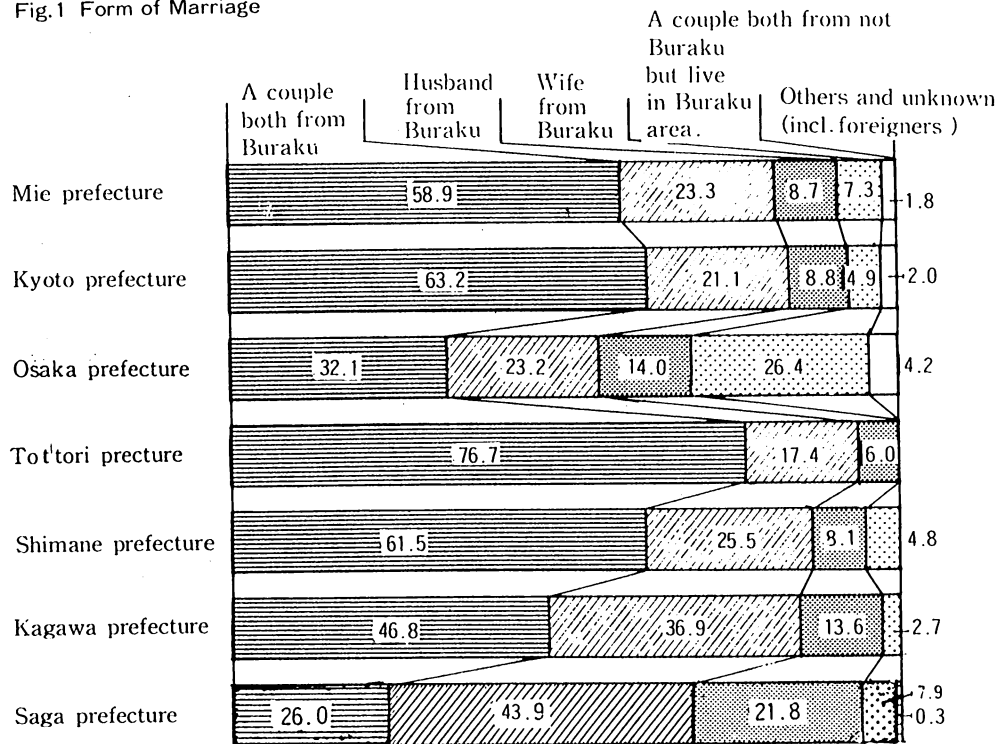
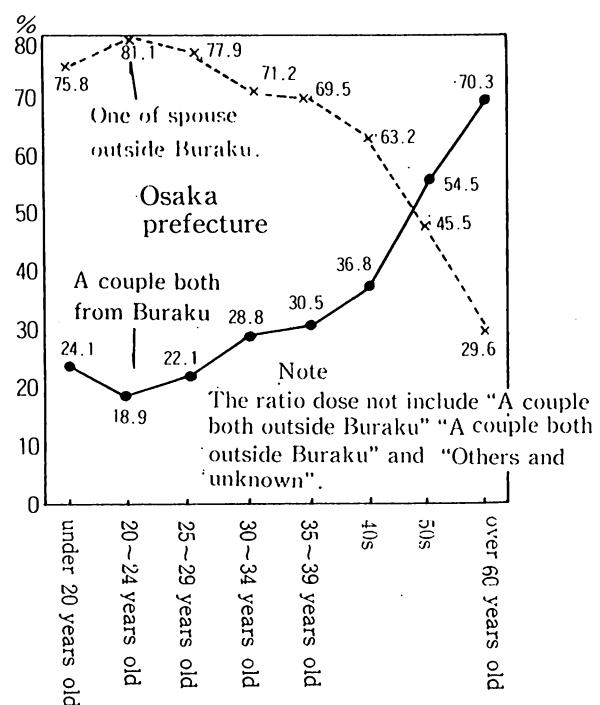
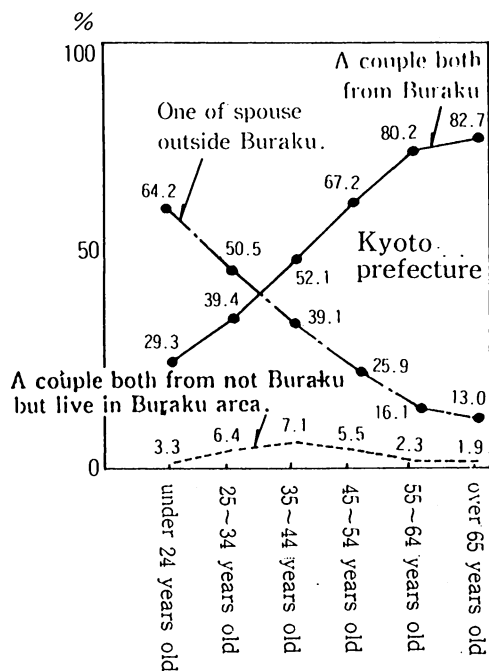


Fig.2 Form of marriage by husband's age.





20-24 year olds. In the latter prefecture the ratio becomes lower as age increases. If this is a trend for the younger generation, it is welcomed but the contrary phenomenon indicates that marriage discrimination still continues.

3) People (parents, sisters brothers and relatives) who refused to attend the wedding were 12.7% (Mie), 11.5% (Osaka) and 31.2% (Tottori pref.). This means that strong discriminatory sentiments still remain.

4) Regarding the experience of refusal to attend the wedding, there is not any difference by age in Osaka. But the highest percentage (40.8%) was reported in Tottori prefecture by 30 - 34 years olds. Those older and younger were fewer in Tottori. In Mie prefecture 20.2% of the people who married in the 1950s experienced refusal to attend their wedding, but since 1980s the ratio decreased to 12.2%

Fig.3 Marriage discrimination –in the case of “One spouse from outside Buraku”

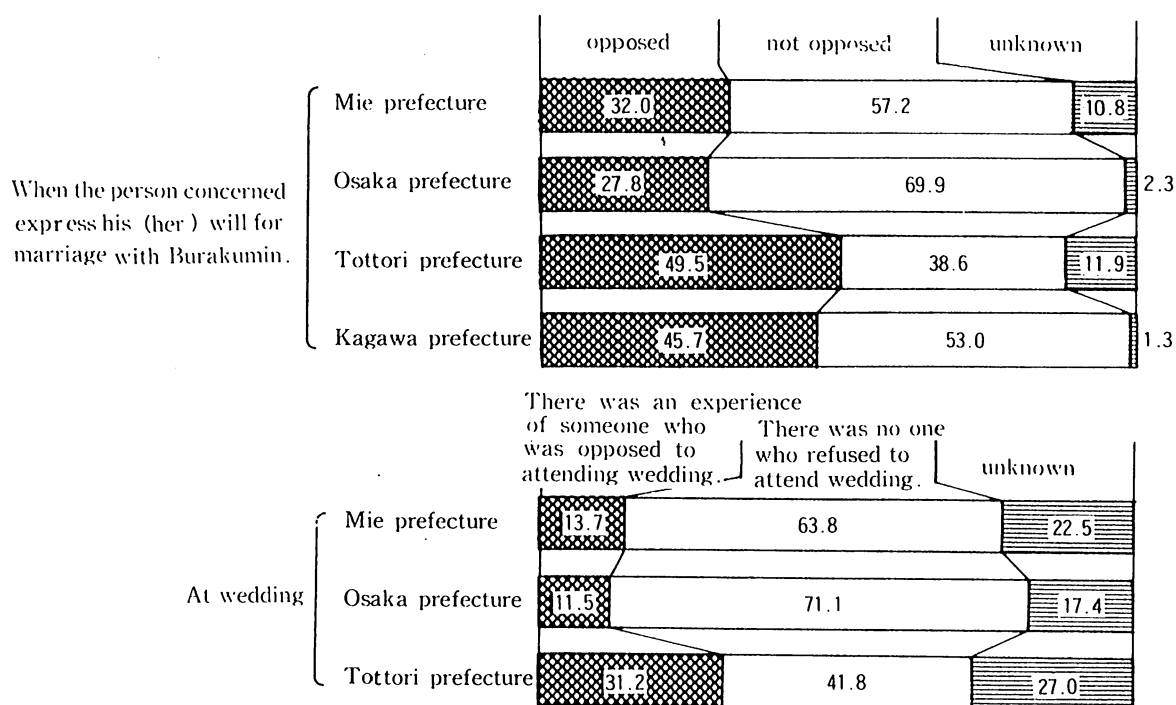
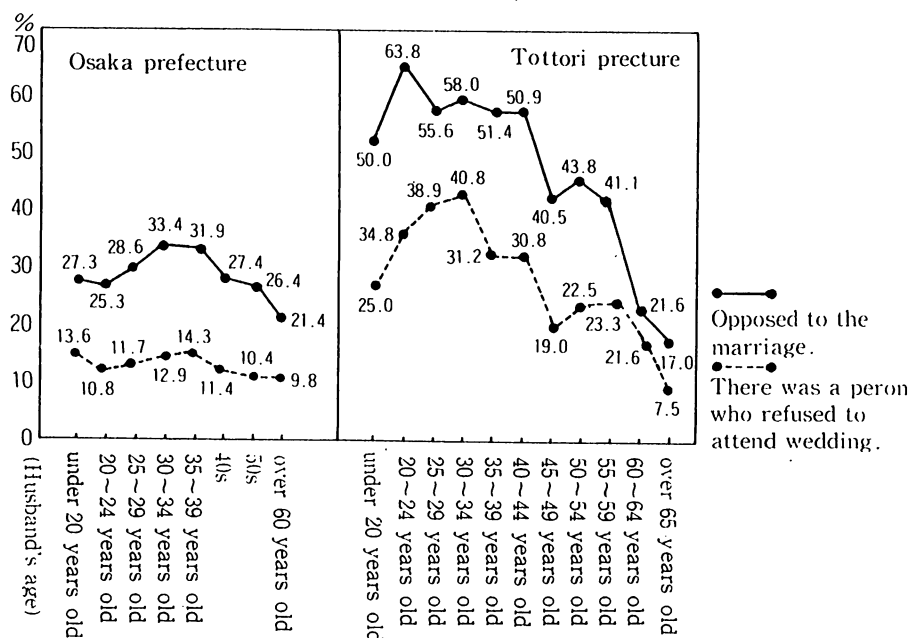


Fig.4 Marriage discrimination by age. –in the case of “One spouse from outside Buraku”





# **BLL Brings “All Japan Federation of Buraku Liberation Movement” Before Kyoto District Court.**

The All Japan Federation of Buraku Liberation Movement (Mr. Hatsuyoshi Nakano, president) and the “Research Institute of Buraku Problems” (Mr. Jyuichi Suginoara, Representative director) in a discriminatory campaign spread slanderous abuse and malicious gossip against IMADR (International Movement Against All Forms of Discrimination and Racism), interfering with IMADR’s UN NGO registration.

BLL, a member of IMADR, brought them before the Kyoto district court on November 29, 1991, demanding 15 million yen in compensation for damages and requesting an apology to be placed in domestic newspapers (the 5 largest Japanese newspapers) and in overseas newspapers (New York Times and others).

A summarized bill of indictment is as follows:

## **Statement regarding the Lawsuit against Zenkaiaren**

Buraku Liberation League  
29 November 1991

The Buraku Liberation League sued for libel in the Kyoto District Court the All Japan Federation of Buraku Liberation Movements (Zenkaiaren) and the Research Institute of Buraku Problems.

Zenkaiaren and the Institute persistently distributed a series of documents containing totally false facts about the Buraku Liberation League, and thereby seriously impaired its reputation. These acts were conducted for the sole purpose of blocking the acquisition of consultative status with the UN ECOSOC of the International Movement Against All Forms of Discrimination and Racism (IMADR), which was established by the League and other individuals and organizations inside and outside Japan, working for the elimination of discrimination and the promotion of human rights.

Considering the possible impact of these documents on the parties concerned in the UN who do not necessarily have adequate knowledge of the Buraku issue and the Buraku Liberation League, IMADR and the League submitted on 22 January 1991 their statements explicitly refuting the allegations of Zenkaiaren.

However, taking into account the extremely false allegations, their negative impact on the League’s image in the international community, and the Zenkaiaren’s unscrupulous attitude, doing anything to attain their ends we concluded that this could not be ignored and decided, after due consultation with our lawyers, to take legal action.

The documents which are mentioned in the lawsuit were distributed to the members of the UN Committee on Non-Governmental Organizations and their permanent missions: that is, “Statement on IMADR” of December 1988, “Bulletin on a Japanese Human Rights Problems” No.1 through 6 which were published since November 1989 and the “Letter” of November 1990.

The organizations openly engaged in a campaign of defamation against the Buraku Liberation League by using these documents and repeatedly alleging that the Buraku Liberation League is a violent, concession-hunting organization which violates the human rights of others. They also alleged that the League had established IMADR as a cover-up so as to be able to continue its violent acts and seek further concessions.

We take pride in being a mass movement organization having a long history and tradition ever since the National Levelers Association was established in 1922. However, we shall never claim that we are absolutely perfect and faultless. We consider that we need to respond sincerely to constructive criticism towards us. But we protest against such an intolerable, deliberate defamation campaign. This is why we are suing Zenkaiaren and the Institute for (a) an open apology in the five major newspapers in Japan, as well as the New York Times and the International Herald Tribune, and (b) compensation of 15 million



yen for the damage caused by defamation.

The significance of the lawsuit is three-fold: firstly, we have tried so far to solve the problems inside democratic movements through sincere dialogue and mutual understanding and not through legal action.

This still remains our basic stance. However, this time we had to resort to legal action as we considered it impossible to pursue the same stance in this case.

Secondly, what will be made public both inside and outside Japan through this legal action, is the meanmess with Zenkai ren has carried out the defamation campaign only to block IMADR's acquisition of consultative status and their unawareness about the responsibilities of Japan's human rights organaizations to the international community in efforts to protect and promote human rights in all parts of the world.

Thirdly, we hope that this legal action would discourage future discriminatory campaigns persist-

ently carried out by Zenkai ren at the times of elections and on other occasions.

Today, despite many difficulties, the Buraku liberation movement is making rapid development. One of its most important works is IMADR. IMADR is further strengthening its ties with the African National Congress and developing its relationships towards the establishment of an Asia-Pacific Human Rights Information Center. We are determined to strengthen our international activities to contribute to the protection and promotion of human rights in the world through such work, which we hope will result in IMADR's acquisition of consultative status with the UN.

We also urge Zankai ren to stop any defamation campaign based on hatred and perversion and start sincere dialogue for the true unity of the movement, looking ahead towards the high goal of the elimination of discrimination and the protection and promotion of human rights throughout the world.



## Meeting Held for Human Rights Week Inviting 3 Experts of Human Rights Matter from Overseas.

During this year's Human Rights Week beginning December 4, people gathered in meetings held in Tokyo, Hiroshima, Fukuoka and Osaka to commemorate the 43rd Anniversary of the Universal Declaration of Human Rights. Speakers from the world over, namely, Mr. Russel Barsh of the United States, Mr. Sunil Bastian of Sri Lanka and Mr. Asbjorn Eide of Norway, a member of UN Subcommission on the Prevention of Discrimination and Protection of Minorities, joined in these meetings to give speeches on the theme

of "Problems and Tasks on Minorities' Human Rights."

On December 10, an audience of 1,100 filled a meeting in Osaka held under the auspices of the Osaka Liaison Conference of the Universal Declaration of Human Rights and supported by the Japan Committee of the International Movement Against All Forms of Discrimination and Racism.

Mr. Kosaku Sakiyama, representing the meeting's organizer, opened the rally with a welcome speech. Greetings from President Saichiro Uesugi of IMADR-



JC, Vice Governor, Kihichiro Yoshida of Osaka Prefecture and Deputy Mayor Eiichi Sakaguchi of Osaka City followed respectively.

In a keynote speech for the meeting, given by Mr. Kenzo Tomonaga, Secretary-General of the Osaka Liaison Conference, aggravating nationalistic confrontations in many parts of the world were noted and the need to find ways to respect the diversity of different peoples and minorities and co-habitat peacefully in Japan was stressed.

Mr. Tomonaga also called participants to work for efforts to build a legal framework in Japan on the International Covenants for Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Earlier legislation of proposed laws such as the Fundamental Law for Buraku Liberation the new law for the Ainu and the Law on War Reparations and the Protection of Human Rights for Natives of the Former Colonies and their Descendants Residing in Japan, as well as amending on-going legislation to further secure the rights of migrant workers in this country.

The coming year of 1992 marks the 70th year of the foundation of the Levelers' Association and the quicentennial of Christopher Columbus' landing in the America. The year 1993 will also see the 45th Anniversary of UDHR, a decade since the foundation of the Osaka Liaison Conference for UDHR and the United Nations Year of Indigenous people. It is already decided that the World Conference on Human Rights will be held in Berlin this year. Mr. Tomonaga reported that preparations are under way in Osaka to open an Asia-Pacific Human Rights Conference on June 22-25, 1992, which shall be a timely forerunner to the World Conference on Human Rights in Berlin.

Two speeches were then given by the speakers from abroad. Mr. Russel Barsh, the head of the delegation of "Four Directions Council," a UN NGO representing North American indigenous peoples, spoke first on "Problems and Tasks of Human Rights of Minorities and Indigenous people." Mr. Barsh is a legal adviser and development program organizer for various indigenous groups in North America.

With ten years' experience in the UN arena, Mr. Barsh presented his analysis and opinions on many on-going nationalistic conflicts and confrontations in today's world. He pointed out that although the situation of groups called minorities or indigenous people is different in many ways, they have invariably been denied their full participation in the process of modern

nation building; such as in drafting of the constitution or in sharing the power of the nation. And even though nations achieved economic growth, conflicts and confrontations increase if the inequalities in sharing such power increase between peoples. The mere formality of equality, while actually keeping exclusion from the process intact, cannot be an effective solution to the problem. What is needed are firm constitutional assurances for concrete sharing in the decision making process: for example, assignment of priority seats in parliaments and local autonomy.

Mr. Barsh noted that whenever such conflicts or confrontations become serious, the United Nations hitherto has put the matter to the Security Council for arbitration of the called for military intervention by UN Peace Keeping Forces. Nevertheless, these UN actions have been rather inconsistent and selective. An effective undertaking of UN programs is also not easy in the field of human rights. A better and more effective approach may be found in the proposal of solutions bound up with development measures, with political and economical priorities provided for minority peoples. Mr. Barsh concluded that economically powerful Japan is expected to begin initiatives in the United Nations or in bilateral relations that will play a vital role in finding such solutions.





The other speaker, Mr. Sunil Bastian from the International Research Center for Ethnic Problems, an NGO in Sri Lanka, and also the representative of INFORM, gave his speech entitled "Ethnic Conflicts and the Tasks for Solutions of the Problem."

Mr. Bastian noted that, as the Cold War Era has ended, people are talking more actively about human rights but human rights violations still persist. The world-wide tendency is that many nations are becoming more and more multi-national and multi-cultural with pluralistic, nationalistic, and religious groups within the same nation. His country, Sri Lanka, consists of four groups of peoples; the majority Sinhalese and three minorities, Sri Lanka Tamil, Indian Tamil and Moslems. The problems of the Sri Lanka Tamil have been considered as a problem of discrimination since the time of Sri Lankan independence. Although a quota system was introduced for minority groups in the 1970's, this did not work successfully and the country has been in a state of civil war since 1983.

When national or ethnic conflicts become violent, commonly observed phenomena are military attacks on minorities by majority government's armed forces, a heightening of chauvinism and an internationalization of conflicts with refugees fleeing out of the country. Solutions to such conflicts have been sought in assimilative national development policies within a nation, but this approach has not worked successfully. Mr. Bastian proposed that better solutions should be found by utilizing measures and methods provided in UN efforts for human rights, in reconstructing national systems toward more autonomy or toward federalism, and in providing very basic local co-existence projects where most ordinary people can

participate in their schools, religious places and in their homes.

Prof. Kinhide Mushakoji, Secretary General of IMADR, in summarizing this day's meeting, told the audience that without building an international social framework with a view toward those who are struggling against discrimination and exclusion in the process of industrialization and nation-building, disparity widens and more conflicts appear. Human rights being used as a justification for armed intervention in international society can never be a solution to conflicts. Such solutions should be sought in having all governments obey the norms of human rights set forth in international treaties and other documents, while the NGOs and individuals across borders and culture achieve solidarity in the struggle against the cause of such conflicts.

Prof. Mushakoji concluded by stating toward this goal Japan must become a nation without any forms of discrimination, and that discriminated groups in Japan must work together with discriminated peoples across the world to build world community free of all discrimination.

Finally, an appeal to the day's participants was proposed by Ms. Chidori Yamato, Head of the Osaka Prefecture Citizens Conference to Realize in Daily Life the Provision of the International Convention on Elimination of Discrimination against Women, and adopted with an applause. Prof. Shozo Suzuki, Representative of the Osaka Joint Association for the Promotion of the Ratification of the International Convention on the Rights of the Child, gave a closing salutation and ended the meeting.

\* Mr. Eide's speech will appear in the next issue.

## **A Counterargument to the Report Submitted by Japan under the Int'l Covenant on Civil and Political Rights (13)**

**Article 25** (participation in election and public service)

This article deals with suffrage. The present

Japanese legal framework contains shortcomings as follows:

1) Voting right equity

Due to population concentration in cities, a city



dweller's vote carries significantly less weight than the vote of a rural inhabitant. The Supreme Court ruled in 1976 that the maximum permissible balance of an individual's voting weight was one to five, and suggested that the allocation of the House of Representatives' seats among different voting districts be altered. But correction measures have been only partially implemented. The maximum ratio of inequity was 1 to 3.94 in 1980, 1 to 4.40 in 1983 and 1 to 2.92 in 1986 after some improvement was carried out. For the House of Councilors, corresponding figures were 1 to 5.56 in 1983 and 1 to 5.85 in 1986. Nevertheless, the Supreme Court has not found this situation unconstitutional because of the 'unique nature' of the House of Councilors.

#### 2) Voting at home for the handicapped

Article 49 section 2 of the Public Office Election Law stipulates that severely physically-handicapped people are entitled to vote at home. It is said that the number of handicapped people who vote under this article falls somewhere between 90 thousand and 110 thousand, but not a small portion of the 3 million physically-handicapped people is estimated to be de facto disfranchised.

#### 3) Suffrage of foreigners residing in Japan.

About 870 thousand foreigners live in Japan, out of whom 680 thousand are Koreans. Most of the Koreans have permanently settled in Japan. They consist of those who were forcibly brought to Japan before 1945 and their children. Given such a historical background, it is a total contradiction of justice to keep them disfranchised.

This article contains the expression "All citizens". We believe that this category should include not only those with Japanese nationality but also foreigners who have permanently settled in Japan. In other words, the above-mentioned Koreans need to be regarded as citizens. However, suffrage of Koreans is hardly provided at local government levels.

4) Right of foreigners living in Japan to assume public office. The Japanese government maintains that one must be a Japanese citizen to become a public servant who will 'exercise public authority or involve in the formulation of the national will'. Following this policy, except for public servants in some localities, foreign nationals (including Koreans living in Japan) have not been employed as public servants in principle. The Ministry of Education has directed some local governments employing Koreans as school teachers to refrain from such employment of 'foreigners'. In view of the fact that Koreans are not

guaranteed equal employment opportunities in Japan due to social discrimination, public authorities should rather promote their employment as public servants. Also, the category 'of public servants that will involve in the formulation of the national will' needs to be more narrowly defined. The Nationality clause should be lifted in recruiting general clerical and engineering staff in national and local government bodies.

### Article 27 (Protection of minorities)

The myth of Japan as a mono-racial nation is still prevalent, and the Japanese government only recently officially recognized the existence of the Ainu people. The Report makes no reference to other northern minorities including the Ainu. Moreover, the government still keeps the derogatorily-named Hokkaido Former Tribes Protection Law which was legislated in 1899.

The government should formulate measures to allow such minorities to substantially maintain their cultures.

For those members of minorities who have become naturalized Japanese citizens, the issue of name change is of great concern. The Ministry of Justice has strongly requested that names be changed to Japanese-like ones. Recently, some court verdicts have accommodated the returning to former ethnic names. Names are an important part of ethnic pride, and it is a clear violation of Article 27 of the Covenant to coerce an ethnic member to abandon his/ her original name.

Secondly, schools for Koreans are not regarded as regular schools under Article 1 of the School Education Law. Rather, they are miscellaneous schools' under Article 83 of the same law. Accordingly, those students completing nine years of education in Korean schools in Japan are not eligible to go to Japanese national universities. An increasing number of universities and colleges in Japan have recently set up special quotas for Japanese students finishing secondary education abroad. Then, why not for the Koreans?