

NGO Joint Statement

Overcoming “Marginalization” and “Invisibility”

Towards the Realization of a Multicultural Society Free of Prejudice and Discrimination

In Response to the Report of the United Nations Special Rapporteur
on contemporary forms of racism, racial discrimination, xenophobia
and related intolerance on his Mission to Japan

Following his first official mission to Japan (July 3-11, 2005), Mr. Doudou Diène (Senegal), UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted a report to the UN Commission on Human Rights (UN Doc. E/CN.4/2006/16/Add.2). The eradication of racial discrimination, racism, xenophobia and related intolerance, including ethnic discrimination and Buraku discrimination, is an important task for the international community in the 21st century, as re-affirmed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in South Africa in 2001. Within this context, the report will serve as a touchstone for whether Japanese society can re-examine itself, and take concrete measures toward solving these problems.

Report Summary – “Racial discrimination and xenophobia do exist in Japan”

From the report: “The Special Rapporteur reached the conclusion that racial discrimination and xenophobia do exist in Japan, and that these affect three circles of discriminated groups: the national minorities - the Buraku people, the Ainu and the people of Okinawa; people from and descendants of people from former Japanese colonies - Korea and China; and foreigners and migrants from other Asian countries and from the rest of the world. (para. 69)” Mr. Diène presents a comprehensive set of 24 recommendations, calling on the Japanese government to publicly acknowledge the existence of racial discrimination and show the political will to eradicate it; to create laws prohibiting discrimination and establish domestic institutions to deal with the issue; and to revise its history textbooks, among other points. (The recommendations are attached for your reference.)

Overall evaluation of the report – A step toward overcoming “marginalization” and “invisibility,” and realizing a multicultural society

We welcome the report, recognizing that it is the first UN document to address racism, racial discrimination and xenophobia in Japan in a comprehensive way that deals not only with the legal aspects of these issues but also with their social and historical context.

Although some elements of the report may reflect an incomplete understanding of the details or be based on misconceptions, on the whole, it is a very valuable document because it emphasizes that there are clearly groups in Japanese society who have been rendered invisible or whose presence has been poorly recognized and that a multicultural society cannot exist without appropriate policies that acknowledge the social and historical context of these issues. This point is illustrated, for example, in the first recommendation (para. 74), which states: “The Government, at the highest levels, should officially and publicly recognize the existence of racial discrimination and xenophobia in Japanese society,” and that the government “should also officially and publicly recognize historical and cultural roots of racial discrimination and xenophobia in the Japanese society, and express in clear and strong terms its political will to combat it.” It continues: “It should be done by conducting a survey to find out the present conditions of each discriminated group in Japan.” It further states that, “Such a message will not only create the political conditions of combating discrimination and xenophobia at all levels of society, but

also facilitate the promotion of the complex but profound process of multiculturalism in Japanese society.”

The establishment of the nation-state, colonialism, and in recent years, neo-liberal globalization and the “war on terror” have left the Buraku people, the Ainu, the people of Okinawa, people and descendants of former Japanese colonies (Koreans and Chinese), foreigners and migrant workers from other Asian countries and from the rest of the world increasingly marginalized—they face harsh discrimination, their history has been buried, and they have been deprived of their distinct cultures. These socially invisible minorities have been kept apart from the majority, and the state has taken advantage of this split to implement its security policies and maintain its authority.

We bear in mind a remark made by Special Rapporteur Diène during the press conference at the end of his mission to Japan: “The submission of the report is not the goal. I want this to serve as an opportunity to help Japan move towards multiculturalism – this is what the end-goal is.” We hope that the Japanese government and other concerned actors will take the submission of this report to the UN as an opportunity to reaffirm the existence of “others” whose backgrounds differ from that of the majority, and to deepen their understanding of the conditions faced by minority groups, the underlying social, economic and political structures involved, as well as the history and distinct cultures of those groups.

We call on Japanese policymakers to implement the report’s recommendations and engage in dialogue with minority groups

Taking the above into consideration, we demand that Japanese policymaking institutions – the government, local authorities, legislatures and the judiciary – enlighten themselves about the comprehensive meaning, recommendations and background of the report, and take all necessary measures to implement each of the recommendations under their respective mandates. At the same time, we believe it is important to ensure that minority groups are consulted in all phases of this process and that a commitment to publicly recognize the existence of racial discrimination is shown through action. It will be impossible to carry out any of the recommendations without accurately reflecting the point of view of minorities that have been marginalized and rendered invisible, and without re-examining Japanese society. We commend the Japanese government for receiving Special Rapporteur Diène’s mission, but its true value will only be realized when the government engages in dialogue and consultation with minority groups.

Calling for strengthening of partnerships between minorities and NGOs

We believe it significant that the report ends with the following recommendation: “Groups that are discriminated should act in a spirit of solidarity between them, and support each others against causes, as a way to achieve a truly pluralistic society, where all are minorities are respected and have their place (para. 97).”

In light of recent conditions, we must take a clear stand against policies and incidents that promote racial discrimination, racism and xenophobia. We must make effective use of international human rights mechanisms, and focus not only on the effects of discrimination but also on the underlying social, economic and political structures and history, as we forge stronger partnerships between minority groups, as well as among minority and majority groups. The Japanese government has begun drafting its third and fourth periodic reports due under the International Convention on the Elimination of all forms of Racial Discrimination. Our immediate task is to demand the substantive participation of minorities and NGOs throughout the reporting process, from drafting to deliberation by the Committee on the Elimination of Racial Discrimination (CERD). At the same time, we must demand that the report reflect

policies designed to implement the recommendations of Special Rapporteur Diène.

We thus call upon Japan's minority groups and individuals, as well as groups and individuals concerned about the issues of racial discrimination, racism and colonialism, to participate in a wide coalition to deepen their mutual understanding of the existence, history and current situation of historically marginalized and invisible minority groups, and to share their awareness of these issues.

Japanese society today is built on a lack of understanding of minorities, and neither the government nor members of the majority, who constitute the overwhelming part of society, can identify with the pain felt by discriminated groups. This threatens multiculturalism and promotes xenophobia, and, as a result, impairs the full functioning of democracy. We believe that only by understanding minorities and creating policies based on that understanding can Japanese society realize multiculturalism and fight xenophobia, and in so doing, take the first step towards overcoming a false democracy based only on the power of the majority.

Jointly signed by 85 Organizations (list attached)

As of October 31, 2006

Signatory Organizations (in no particular order)
As of October 31, 2006

1. The International Movement Against all forms of Discrimination and Racism - Japan Committee (IMADR-JC)
2. The International Movement Against all forms of Discrimination and Racism (IMADR)
3. Asia-Japan Women's Resource Center
4. Center for Prisoners' Rights
5. Network for the Education and Human Rights of Foreign Children
6. KOREA NGO CENTER
7. Rights of Immigrants Network in Kansai
8. Citizen's Network for the Redress of WW Victims by Japan
9. Korean Alliance for Democracy and Reunification in Japan
10. Solidarity Network with Migrants Japan
11. Forum for Peace, Human Rights and Environment
12. The Association of Indigenous Peoples in the Ryukyus (AIPR)
13. The Association of Korean Human Rights in Japan
14. Association for Returnees from China
15. Japan Women's Council I
16. Association to Protect Utoro
17. International Movement against Discrimination on the Internet (INDI)
18. The Ainu Association of Hokkaido
19. Multi-Ethnic' Human Right's Education Center for the Pro-existence
20. Support Network for State Redress Lawsuits
21. Ainu Association of RERA
22. Japan Civil Liberties Union
23. Kanagawa Human Rights Center
24. Release Education Laboratory
25. Kanagawa Council For Combating Discrimination Against Ethnic People in Japan
26. Human Rights Research Institute against All Forms of Discrimination and Racism- MIE
27. Network in Support of the Edagawa Trial
28. National Christian Council of Japan Human Rights Committee of Foreigners Living in Japan
29. The Japan Citizens' Coalition for the UN International Decade of the World's Indigenous Peoples
30. Asian Women's Empowerment Project
31. Children and Textbooks Japan Network 21
32. The Kyoto Korean Community Center - LFA
33. Women's Active Museum on War and Peace (WAM)
34. Network for Human Rights Legislation for Foreigners and Ethnic Minorities (FR-Net)
35. Korean Women Residents in Japan, MIRINE
36. Peace Boat
37. Okinawa Citizens' Information Center
38. The National Research Association for Dowa Education
39. Ainu Women's Association
40. Japan Fellowship of Reconciliation (JFOR)
41. Citizens' Diplomatic Centre for the Rights of Indigenous Peoples
42. Research-Action Institute for the Koreans in Japan (RAIK)
43. Shin Professional Studio (Human-Resource Development Institute)
44. Organization of United Korean Youth in Japan

45. KALAKASAN Migrant Women Empowerment Center
46. Buraku Liberation League Central Headquarters
47. Amnesty International Japan
48. Buraku Liberation and Human Rights Research Institute
49. Osaka Liaison Conference for the Universal Declaration of Human Rights
50. Network against Discrimination for Research on Human Rights
51. Human Rights Center in Tochigi
52. Network of Religious Organizations Addressing "Dowa Issues"
53. Kyojukon
54. APEURO Women's Self-investigation and Analysis Project
55. Council of Democratic Resident Korean Women in Japan
56. ARC (Action for the Rights of Children)
57. Ainu Resource Centre
58. Yay Yukar no Mori
59. Zentoitsu (All United) Workers Union
60. National Committee for the Support of Elderly Residents from Japan's Former Colonies in their Lawsuit against the Government for Non-inclusion in the National Pension Plan
61. Osaka Council For Combating Discrimination Against Ethnic People in Japan
62. The National Research Association for University Dowa Education
63. The Wakayama City Children's Network
64. National Network for the Total Abolition of the Pension Citizenship Clause
65. Supporters of the Suit for a Pension System for Disabled Foreign Residents in Japan
66. Kyoto Supporters of the Case for a Pension System for Elderly Korean Residents in Japan
67. National Christian Liaison Conference to struggle with Issues of Alien Registration Law
68. Save the Dugong Foundation (Okinawa)
69. Japan Catholic Council for Justice and Peace
70. Committee for BURAKU Issues Catholic Bishops' Conference of Japan
71. Catholic Commission of Japan for Migrants, Refugees and People on the Move
72. Network for the rights of Indigenous People
73. Association for the Support of Children out of Wedlock
74. Aomori Residents Concerned about the Sayama Case
75. Club of Children and Students working together for multicultural society
76. Edogawa Union Japanese Language Class
77. Society Against Osaka City University's Ethnic discrimination Against Korean High school students
78. Ebina Liberation Educators Association
79. Japan Network for Forced Labor Litigations
80. Bunny Knights SC
81. People for social change
82. Network Addressing the Problem of Non-Inclusion in the National Pension Plan
83. Association for Elimination of Pension Discrimination against Korean Residents
84. Association for the Abolishment of the Nationality Clause in Disability Pension
85. Japanese Association for Human Rights of Koreans

For more information:

The International Movement Against all forms of Discrimination and Racism - Japan Committee (IMADR-JC)

3-5-11, Roppongi, Minato-ku, Tokyo 106-0032

Tel: 03-3586-7447 Fax: 03-3586-7462 Email: imadrjc@imadr.org

Attachment 2

The Japanese translation of the report, prepared under the guidance of Yuji Hirano and coordinated by IMADR-JC, can be found on IMADR's website (<http://www.imadr.org/japan>).

This is the second time for a UN Commission for Human Rights appointed Special Rapporteur to release an independent report about Japanese issues. The first report was by Special Rapporteur on violence against women, Radhika Coomaraswamy, who issued a report in 1996 on the issue of "Military Sexual Slavery in Wartime" (1996).

The 24 recommendations presented in the report (E/CN.4/2006/16/Add.2, 24 January 2006) are reproduced below. Paragraph subheadings have been added by IMADR-JC and Yuji Hirano for easy reference and understanding of each recommendation.

V. RECOMMENDATIONS

74. (Public recognition of racial discrimination and xenophobia; survey of current conditions of discriminated groups; Government expression of political will)

The Government, at the highest levels, should officially and publicly recognize the existence of racial discrimination and xenophobia in Japanese society. It should be done by conducting a survey to find out the present conditions of each discriminated group in Japan. The Government, at the highest levels, should also officially and publicly recognize historical and cultural roots of racial discrimination and xenophobia in the Japanese society, and express in clear and strong terms its political will to combat it. Such a message will not only create the political conditions of combating discrimination and xenophobia at all levels of society, but also facilitate the promotion of the complex but profound process of multiculturalism in Japanese society. Moreover, in the context of globalization, such a message will undoubtedly enhance the standing and image of Japan in the world and in particular in the countries economically related to Japan and whose citizens or people migrate or visit Japan. Japanese citizens, who are increasingly visiting foreign countries for tourism or business-related reasons, will be in a stronger moral position not only to combat the manifestations of discrimination they may be subjected to, but also to promote the image of their country.

75. (Adoption of measures against discriminatory statements by public officials)

The Government should strongly condemn and oppose to any statement by public officials which tolerates or even encourages racial discrimination and xenophobia, in accordance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Japan, and in particular its paragraph (c), which provides that States "shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination", and in accordance with article 20 of the International Covenant on Civil and Political Rights, also ratified by Japan, which prohibits "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

76. (Establishment of anti-discrimination legislation)

The Government and the parliament (Diet) should as a matter of urgency proceed to the adoption of a national law against racism, discrimination and xenophobia, giving effect into its domestic legal order to the provisions of its Constitution and of the international instruments to which Japan is a party, which include the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Such a domestic law should:

- Penalize racial discrimination in all its forms, and specifically discrimination in the field of employment, housing and marriage, and guarantee access to effective protection and remedies, including compensation, to victims;
- Declare an offence all propaganda and all organizations which are based on racial superiority or hatred and promote or incite racial discrimination, as provided for in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. In this regard, the Special Rapporteur shares the view of the Committee on the Elimination of Discrimination that the reservation made by Japan to article 4 (a) and (b) of the Convention is in conflict with Japan's

obligations under article 4, which is of a mandatory nature, and that the prohibition of the dissemination of all ideas based upon racial superiority and hatred is compatible with the rights to freedom of opinion and expression. Therefore, the inclusion in the domestic legal system of a prohibition of all propaganda and all organizations which promote or incite racial discrimination cannot validly be avoided by invoking the rights to freedom of opinion and expression.

The communities concerned should be consulted and should participate in the process of elaboration of this law.

77. (Prohibition of discriminatory enquiries into a person's origins; Ratification of ILO Convention No. 111)

Appropriate legal provisions should be adopted that prohibit any lists and enquiries as to the origins of a person which could be used to discriminate against a person in relation to recruitment, renting or selling of an accommodation or the exercise of any other right of that person. The Osaka Prefecture Ordinance to Restrict Buraku Discriminatory Investigation of 1985 could be taken as a basis, but its scope should be expanded. It is also recommended that Japan ratify ILO Convention No. 111 (1958); which prohibits discrimination regarding employment and occupation.

78. (Urgent adoption human rights bill, including anti-discrimination regulations)

Concerning the draft human rights bill, the Special Rapporteur considers that it needs to include a clear ban of racism, racial discrimination and xenophobia. He reiterates the urgency of adopting such provisions and urges the Diet to proceed without delay, as a matter of priority, to the discussion and adoption of such a law.

79. (Guidelines for national human rights commission; Establishment of government administrative function dealing specifically with the problem of discrimination)

A national commission for equality and human rights should be established, in conformity with the Paris Principles, in particular with the requirement of its independence. Given the interlinkage between all forms of discrimination, and for the purposes of efficiency and empowerment, this Commission's mandate should bring together in a holistic way the most important and indeed related fields of contemporary discrimination, namely: race, colour, gender, descent, nationality, ethnic origin, disability, age, religion and sexual orientation. This Commission should be attached to the Office of the Prime Minister and not to the Ministry of Justice, since this Ministry is the governmental office in charge of implementing the human rights policy that such an independent organ would be responsible of reviewing. Such a commission should also have offices at the municipal level since around 20,000 cases are currently submitted yearly to the Ministry of Justice which concern human rights violations all around the country. Moreover, there should be no Japanese nationality clause to become investigator of this commission, as such a clause would be discriminatory. It is also recommended that the Government establish an appropriate administrative function that specifically deals the problem of discrimination, including Buraku discrimination.

80. (Drafting of national plan of action to fight against racial discrimination)

The commission on equality and human rights should as a matter of urgency draft, in close consultation with the minorities concerned, and then submit to the Government a national plan of action to fight against racism, racial discrimination and xenophobia. The national plan of action should be based on the Durban Declaration and Plan of Action.

81. (Abolishment of system of reporting illegal immigrants)

The system put in place by the Immigration Bureau of the Ministry of Justice urging citizens to report suspected illegal migrants anonymously on its website is an incitement to racism, racial discrimination and xenophobia: it is essentially based on the criminalization of foreigners and promotes a climate of suspicion and rejection towards foreigners. This reporting system should therefore be abolished without delay.

82. (Revision of history textbooks)

The Government should revise history textbooks in order to better reflect, with objectivity and accuracy, the history of minorities and the relations with neighbouring countries. The Special Rapporteur noticed with concern that the parts of the history books dedicated to the history of the Buraku people, the Ainu, the people of Okinawa, the Koreans and the Chinese have been particularly reduced, and therefore urges the Government to proceed to the revision of such textbooks in order to include a detailed section on the history and culture of these groups, in the perspective of the long memory of history, the relations and interactions with the people and

communities concerned, and the origins and reasons of the discrimination to which they were subjected. Their important contribution to the construction of the Japanese identity should also be highlighted. Textbooks should also include explanations of the crimes linked to the colonial era and wartime committed by Japan, including a recognition of its responsibility, and for the establishment of the “comfort women” system. The Special Rapporteur is concerned that decisions on the content of the school textbooks can be taken locally without any capacity of control at the national level. He therefore recommends the adoption of a legal provision at the national level which guarantees that the above-mentioned minimum content requirements be included in school textbooks. Moreover, given the fundamental impact of the drafting and teaching of history in the actual and future relations between the countries of the region, the Special Rapporteur recommends that, in the spirit and the scientific methodology of the drafting by UNESCO of the regional histories of Africa, Latin America, the Caribbean countries and Central Asia, Japan in consultation and with the agreement of all the countries of the region invite UNESCO to start the process of drafting the general history of the region.

83. (Consultation with minority groups on policies and legislation)

The Government should consult with minority groups on policies and legislation to be adopted that concern them.

84. (Launch of programme of promotion on the culture of discriminated groups)

The Government is invited to launch a programme of promotion on the culture of discriminated groups: for example, the contribution Buraku work and knowledge gave to society should be recognized and valued, and Buraku cultural specificities disseminated, in order to transform the perception of Buraku people by Japanese society through culture. The creation of cultural centres for minorities in the main Japanese cities would be a very welcome step.

85. (Guarantee of rights of the Ainu as an indigenous people)

Japan should recognize the Ainu as an indigenous people. A number of specific indigenous rights should be recognized to the Ainu people, in accordance with international law and standards. In this context, Japan is encouraged to ratify the ILO Convention No. 169 (1989) concerning indigenous and tribal peoples. In particular, stunned by the fact that the Ainu have been deprived of their right to access their traditional food, the Special Rapporteur urges the Government to return to the Ainu the freedom to fish for salmon in their territories.

86. (Guarantee of political representation of minorities)

Political representation of minorities should be guaranteed in State institutions. The Government should accede to the request of the Ainu community to have a quota in the Diet for Ainu representatives. The same could be envisaged for the people of Okinawa.

87. (Creation of Ainu media)

The Government should facilitate the creation of independent Ainu media, managed by the Ainu and financed by public funds, in order to guarantee effective pluralism in the Japanese media and give the Ainu an additional and truly effective means to promote their culture and identity.

88. (Investigation into US military bases in Okinawa)

The Government should request the Diet to carry out a thorough investigation on the issue of whether the continued existence of the United States of America’s military bases in Okinawa is compatible with the respect of the fundamental human rights of the people of Okinawa. It is also encouraged to establish a joint body composed of representatives of the people of Okinawa and of the Government to monitor the existence of discrimination in relation to the situation of the people of Okinawa. Such a body would formulate recommendations on appropriate measures and policies for adoption by the Government.

89. (Abolishment of discriminatory differential treatment of Korean schools)

The Government should adopt all measures required to eliminate differential treatment between Korean schools and other foreign schools, which can be considered as racial discrimination. In particular, Korean schools should be allowed to receive subsidies and other financial assistance, as well as the recognition of their certificates as university entrance examination qualifications, on the same footing as other foreign schools, and even more so taking into account the special historical circumstances of the Korean presence in Japan.

90. (Adoption of measures against violent racially motivated acts targeting Korean children)

The Government should adopt strong preventive and punitive measures to stop and firmly sanction violent racially motivated acts against Korean children.

91. (Adoption of measures to assist Koreans without pension benefits)

The Government should adopt remedial measures for Koreans who are more than 70 years old and who have no access to pension benefits because of the existence of the nationality clause when they were of working age.

92. (Guarantee Utoro Korean community's residential rights)

Concerning the situation of the Korean community living in Utoro, the Government should enter into a dialogue with the Utoro residents and take immediate action to protect them against forced evictions and prevent them from becoming homeless. In the light of the fact that the Koreans residents of Utoro have been placed in this land during the colonial times to work for the Japanese State for its war effort, and considering that they have been allowed to live there for 60 years, the Government should take appropriate measures to recognize their right to continue to live in this land.

93. (Promotion of programmes about minorities)

Japanese national media should give more space to programmes on minorities, in order to reflect the pluralism of its society and promote a culture of reciprocal knowledge and interactions. Such programmes could be elaborated with the collaboration of minorities.

94. (Eradication of discrimination against foreigners; Guarantee of right of access to public places)

The Government should adopt appropriate measures to guarantee that foreigners are treated equally in Japan. It should avoid the adoption of any measure that would discriminate against them in the fields of employment, social security, housing, etc., as well as in the exercise of all their rights and freedoms, in particular their freedom to move, to access public places and their right not to be persecuted and perceived as potentially more dangerous than the Japanese. Situations such as blatant refusal to foreigners for them to access public places are totally unacceptable in a democratic country and should not be allowed.

95. (Combating prejudice against foreigners through culture)

The Government should also adopt measures to combat prejudices against foreigners through culture, in particular through promoting the knowledge of depth of the culture of the other. This could be most effectively achieved by promoting a vast programme of intercultural and interreligious dialogue, the organization of foreign cultural festivals and by creating dynamic cultural centres, of African, Arab, European and other countries, and developing Japanese cultural centres, in particular in the countries of the new migrants' population, where prejudices are combated by knowing, understanding and appreciating the culture and history of others.

96. (Guarantee the rights of women within minority groups)

Communities can only plead for the respect of their human right as a discriminated community if they guarantee the respect of human rights and do not allow for discrimination within their communities. In this context, all communities, and specifically the Buraku and Ainu communities, should make sure that women can exercise their rights, as guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women, in all fields of the political, economic, social and cultural life, within and outside the community, on an equal footing with men.

97. (Solidarity among discriminated groups)

Groups that are discriminated should act in a spirit of solidarity between them, and support each others against causes, as a way to achieve a truly pluralistic society, where all are minorities are respected and have their place.