

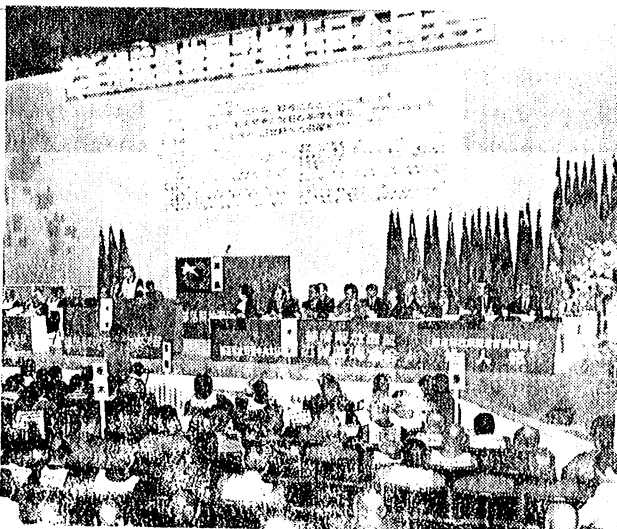
May 1988

45th BLL Annual Convention

Some 1,200 delegates from Buraku throughout Japan participated in the 45th annual convention of the Buraku Liberation League, held from March 2 to 4 in Otsu City, Shiga-ken. The following seven propositions were adopted at the convention :

- (1) The Buraku movement has moved into a new phase, marked especially by the establishment of IMADR (International Movement Against All Forms of Discrimination and Racism), founded on January 25 with the aim of strengthening our ties with movements and organizations in Japan and abroad. This solidarity will help Buraku movements contribute to the liberation movement at the international level.
- (2) Our unity was intensified in a second step toward victory in our struggle to secure passage of the Fundamental Law for Buraku Liberation.

- (a) Concerning non-designated Buraku areas, we determined to strengthen our struggle to secure implementation of the Dowa scheme using our victory in the Kamibayashimura lawsuit.
- (b) We recognized that the regulatory legal section of the law should not conflict with "kyudan" (denunciations) and is a theme for international solidarity.
- (3) To mobilize a grass-roots mass movement for the conduct of the second phase of the struggle for the retrial of the Sayama case, in which Kazuo Ishikawa, a man from a Buraku, was unjustly arrested and sentenced to death for a rape-murder which occurred 25 years ago.
- (4) To clarify the positive role of "kyudan" (denunciations) in society through "the force of



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actual examples" while seeking positive participation from the members acting in solidarity and the administrative organization, we will strengthen the "kyudan" struggle against discrimination.

- (5) We have been countering the attempt by the administration to establish a "public-interest corporation" designed to manage enlightenment programs such as "A Guide for the Promotion of Enlightenment" and "Enlightenment Centres." So far our efforts have met with considerable success. We'll strengthen our opposition struggle and aim at definite victory.
- (6) We will strengthen the opposition struggle against political exploitation of the Emperor.

At the same time, we will focus on the emperor system which lies at the base of society and fight towards its abolition.

- (7) In order to build up a strong main body which will be able to cope with the new phase of the struggle in the Buraku liberation movement, we have to enrich the consciousness of every member through training

The 45th Convention resulted in an intensive consolidation of consciousness, representing a new step forward for the movement.

Mr. Sueo Murakoshi, director-general of BLRI, attended as guest-of-honor.



Osaka High Court Affirmed Burakumin's Right to Kyudan

A Hard Blow to Kyudan Denial

Iwakichi Wajima (lawyer)

On March 29 the Osaka High Court gave the following verdict on the merit of kyudan (denunciation) that Burakumin conducted in criticizing teachers' discrimination at Yoka High-School (*) in 1974.

"The plaintiffs claimed that the practice of kyudan in this case was just and not punishably illegal. In considering the extent to which kyudan is to be permitted, it appears, as the plaintiffs argued, that the reality of discrimination is still very harsh and serious while legal protections or systems to provide remedy are not really sufficient in the current judicial practice. For this reason, it has been widely observed that the discriminated-against, rather than appealing to legal remedies, demanded the discriminators for the explanation of their views and self-criticism as well. Kyudan is not a right that is recognized in the substantive law, but may be accepted as a self-rescuing act by substantiating the principle of equality stipulated in Article 14 of the Japanese Constitution. Kyudan may exhibit certain severity because it is engaged with anger against discrimination. There is obviously a limit, however. In examining the validity or legality of a particular kyudan act, the motivation, aim, specific method and means applied, and legal interest violated as the result of kyudan have to be judged to see whether or not the act is permissible from the perspective of the entire judicial order."

This verdict constitutes a hard critique to the report of the Area Improvement Measures Council. A subcommittee of the Council whose mission was to formulate a policy framework for further government measures to deal with Buraku discrimination problems came up with a view to completely deny Burakumin's right to kyudan in its report of August 1985. It said, "Because kyudan is a kind of self-rescuing act and private trial engaged by the discriminated-against, those to be exposed to kyudan may not be really obliged to face kyudan." "For a right to be established as a legal right demanding certain obligations to others, it has to be founded in legal provisions

or court rulings. There is no such law nor previous court ruling." The prejudice and misunderstanding on the part of the Area Improvement Measures Council give a harm to public perception. The Council is strongly requested to admit its fault.

This verdict sheds light on some important issues about kyudan. It says, "the reality of discrimination is still very harsh and serious while Legal protections or systems to provide remedy are not really sufficient in the current judicial practice." This makes a clear critique to the stance of the Area Improvement Measures Council which argues "when discriminated against, seek for legal remedies". The verdict also states, "Kyudan may exhibit certain severity because it is engaged with anger against discrimination." Kyudan is a counter-action against discrimination. When the nature and form of discrimination is harsh, kyudan obviously gets severer. The verdict maintains further, "In examining the validity or legality of a particular kyudan act, the motivation, aim, specific method and means applied, and legal interest violated as the result of kyudan have to be judged." The fact that the damage discriminators get in kyudan is tangible while the damage of the discriminated-against is intangible is often overlooked. In balancing these two kinds of damage, the former tends to be more emphasized than the latter. This is a blind spot for those who make judgment. Burakumin sometimes commit suicide being discriminated-against in marriage or employment as well as bullied Buraku children. It is unfortunately only when victims die people perceive the gravity of discrimination.

In the Yoka High-School case, teachers themselves incited discrimination as the verdict determined in assessing the way they criticized BLL activities and turned their back to Buraku students. Because teachers are in the position of making efforts to eliminate discrimination, these Yoka High-School teachers should be criticized legally and socially.



(*) Yoka High-School case

Yoka is a town in the north of Hyogo Prefecture. Around 1974, Buraku students in Yoka High-School wanted to form their in-school association to study buraku discrimination problems. Teachers, however, decided not to allow their activities by refusing to appoint any teacher to supervise and be responsible for the association. They firmly believed that those Buraku students were agents of local BLL branches for their intervention in school affairs. Even when Buraku students began a hunger strike in protesting

the teachers' irresponsible behavior, Yoka High-School teachers would not listen to them. The teachers suddenly made their way home in the afternoon of November 22 announcing that they had to keep their safety from BLL activists. They collectively left school. Buraku activists and collaborators demanded them to go back to school. Kyudan took place in the school. In the aftermath, twelve leaders on the BLL side were sued for violence and forcing teachers to remain in the school.

Meeting to Commemorate "Elimination of Racial Discrimination" Staged in Tokyo

Toward Anti-Apartheid

On March 22, 1988 a gathering sponsored by IMADR (International Movement Against All Forms of Discrimination and Racism) to commemorate "Elimination of All Forms of Racial Discrimination Day" was held in Tokyo.

The remembrance day was created by the U.N. in order to preserve the memory of the so-called Sharpville Massacre, occurring on March 21, 1960, when police opened fire on people opposing the pass laws, leaving over 70 dead.

During the first part of the meeting, a movie on the liberation movement in South Africa produced by the U.N. PR Center was shown. Mr. Saichiro Uesugi, speaking as a representative of IMADR, then delivered an address urging that amidst increasing international criticism of apartheid, Japanese people should be ashamed of their designation as "honorary whites" and reject the special status. Next, Prof. Kusuhara of Kokugakuin University gave a memorial lecture on the theme, "Whose problem is apartheid?" "The gist of his remarks went as follows.

Since World War II Japan has been enjoying economic prosperity at the expense of the Third World. On the other hand, a host of social problems have hit the country's children, taking such forms as suicide, autism, serious bullying, etc.

For the Japanese the problem of apartheid is not just something which exists in a distant country. What has happened to the children of South Africa is connected with the issue of how we can create a rich

human relationship. Prof. Kusuhara gave the following detailed explanation of the predicament of South African children.

In the 1980s the children maintained the principle of "First Freedom, Later Education" as the slogan of the anti-apartheid movement. During the period from 1984 to 1986 some 300 kids were killed and 1800 arrested. A total of 173,000 were detained and underwent torture, experiencing severe violation of their human rights. These children were aged between six and 18 years old. They realize who their enemy is and join the anti-apartheid movement. Apartheid is a system involving the suppression of human rights and economic exploitation. Its influence is not only limited to South Africa but has also expanded to other areas.

What can Japanese do for the anti-apartheid movement?

- (1) Protest against the Japanese government and enterprises investing in South Africa.
- (2) Boycott South African products.
- (3) Apply pressure through publicity in South African newspapers.

The Japan Anti-Apartheid Commission has appealed for campaigns boycotting South African goods. IMADR decided to send a telegram urging a stay of execution for six persons.

Mr. Lee In Ha, director of IMADR, wound up the proceedings by launching an appeal.



The Present Situation of Women in Japan

Our Critique of the Japanese Government Report on CEDAW

Osaka Prefectural Citizens Conference For Embodying in Life the Convention on the Elimination of All Forms of Discrimination against Women

I. Characteristics of the Government Report

The following three points are what we consider the three fundamental characteristic shortcomings :


1) The most apparent shortcoming of the Japanese government report is that it does not pay due attention

to the concrete, present situation of women in Japan. The report merely cites legislation and measures without mention of discrimination against women, its background and proposed solutions.

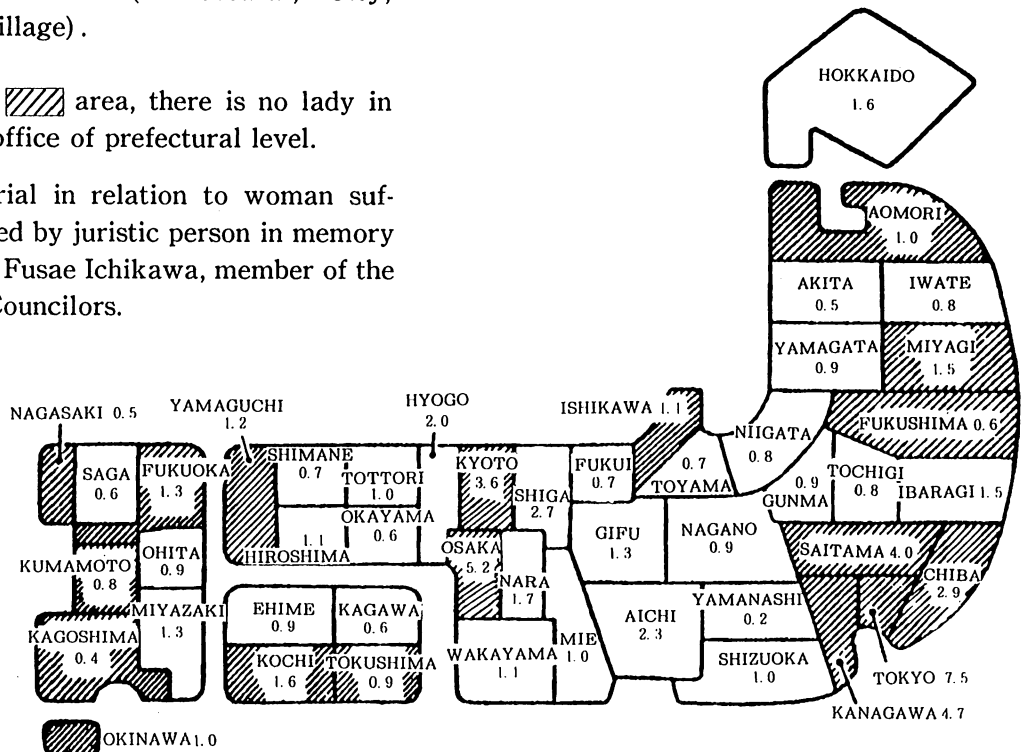
2) The government's interpretation of and basic policies regarding the Preface and Article 1 of the

Participation of women in municipal councils. as of June, 1986

Note : Figures mentioned under each prefecture indicate women's ratio for total quorum of municipal bodies (Prefectural, City, Town & Village).

Except for  area, there is no lady in municipal office of prefectural level.

Source : from "Material in relation to woman suffrage" issued by juristic person in memory of late Ms. Fusae Ichikawa, member of the House of Councilors.





Convention which both constitute its significant portion are not provided.

3) The report falls short of elaborating on the interpretations of respective articles of the Convention by spelling out their real meaning.

Next, we turn to the illustration of circumstances in which Japanese women find themselves today.

II. The Present Situation of Women in Japan

1) Level of Consciousness of Government Officials

Despite the ratification of the Convention in 1985, we have repeatedly observed high-ranking government officials make discriminatory statements.

In September 1986, the already infamous racially discriminatory remarks by former prime minister Nakasone were made in a seminar held for members of the Liberal Democratic Party, the long-time ruling party in Japan. He also made in the same speech a sexually discriminatory remark. Referring to his appearing in a TV program, he ridiculed female viewers when he said: "Women focus their attention on the color of my tie more than on anything else. They don't seem to remember what I've said." This is obviously demeaning and regards women as being ignorant of politics and economics. Criticism was voiced in the Diet, but Mr. Nakasone has not made an apology yet.

In May 1987, the then Minister of Education Mr. Shiokawa said in a conference sponsored by the Ministry: "While their children are receiving compulsory education (ages 6 to 15), mothers should stay home". A number of women voiced their criticism, and some Diet members publicly questioned him on the remark. However, he rather justified what he had said by maintaining: "Children aged 6 or 7 don't ask their fathers to fix a meal. They ask their mothers to do that. This is what people naturally expect. So, I wanted mothers to stay home." His repeated message in the Diet was: 'Women, don't work outside'. 'Housework and child-care are women's jobs' and 'working mothers are bad mothers' are deep-seated in the public consciousness. The responsibility of the Ministry of Education therefore needs to be critically examined.

These two cases symbolize how government officials responsible for implementing the Convention are prejudiced against women and positively affirm the fixed differentiation of roles between men and women.

The government's responsibility is truly grave.

2) Discrimination in Mass Media

The next source of discrimination is the mass media, particularly TV. Except for NHK, the Japanese public broadcasting network, there are a number of commercial TV stations in Japan. TV commercials are often especially discriminatory against women. First of all, commercials portray the fixed image of role differentiation between sexes. For instance, even little girls are portrayed wearing aprons and serving boys in some commercials. Also, given the prevalent view of women as mere sexual objects, TV commercials carry images of naked women too often. This is the case even when the products promoted do not have anything to do with nudity.

We have no control measures in Japan to regulate such activities by the mass media. It is up to the discretion of producers. It appears that the criticism of discriminatory portrayal of women is seldom responded to fairly.

The Convention calls for measures to ban discrimination, but there is no basic legislation in Japan to forbid discrimination against women. No laws are available to control discrimination by public institutions and between private individuals.

For instance, a female journalist was prevented by a guardian from observing a shrine festival solely because she was a woman. This incident occurred in Hiroshima in February 1987. There was no effective remedy available to her. Accordingly, discrimination is regarded as a moral matter in Japan and as something uncontrollable by legal means. Legally, discrimination against women is controlled only insufficiently in regard to employment.

3) Discrimination in Education

Patterns of path selection of girl students following the completion of compulsory education reveal discrimination. In 1986 the rate of advancement to high school was 95.3% for girls and 93.1% for boys, while that to college / university was 12.5% for girls and 34.2% for boys. The rate of advance to two-year junior college was 21.5% for girls and 1.7% for boys. Furthermore, female students tend to major in humanities while male students specialize in politics, economics and engineering.

Such patterns are a measure of discrimination against women in Japan. To be noted in the background is the lack of recruitment of female graduates



of higher education institutions. Also, institutionalized differentiation of education for boys and girls through the twelve years of compulsory schooling is noticeable in course offerings, curriculum arrangements and teachers' consciousness. Particularly, high school girls are required to study 'homemaking', consisting primarily of acquiring knowledge and skills related to housework and childcare, while boys take gymnasium lessons separately. Some modification has been proposed to this arrangement since the ratification of the Convention, but it will take several years before any significant change occurs.

Textbook materials present problems, too. Photos and illustrations of primary school social studies texts show only men as plant workers. Out of twenty historical figures, only one is a woman. Most authors of works contained in textbooks are men. The differentiation of sexual role appears to be quite fixed in such works.

The consciousness of teachers and students is not free of problems. According to a survey conducted by a teacher's union, 60% of primary school girls and 75% of junior high school girls have been the target of remarks like "Behave yourself. You are not a boy." Another survey in a high school in Osaka prefecture has shown that only 22% of its students knew the Convention.

Equal educational opportunity is indeed provided in schools in Japan, but education that positively aims at eliminating discrimination is hardly practiced. A majority of students graduate without knowing the content of the Convention because there is a lack of effort to produce educational materials about the Convention aimed at disseminating its content.

The survey conducted in 1981 and 82 by the Prime Minister's Office on women in five countries has revealed that almost 70% of Japanese women support the idea "Husbands work outside, while wives guard the home". We need to intensify our efforts to rid the role-differentiation consciousness and prejudices against women through mass media and education.

4) Discrimination in Employment

Discrimination is most serious in employment. The number of female employees has rapidly increased in recent years, and the ratio of women in the total labor force has hit 36.2%. In 1984, the number of employed women surpassed that of homemakers, which truly marked an historic transition. However, employment-related discrimination against women seems to have been structurally reproduced in propor-

tion to the increase in their numbers in the workforce.

(a) Wage Difference

The wage difference between men and women has expanded in the past decade. According to the Labor Ministry's monthly labor statistics, 'regularly paid monthly wage' in 1975 was 56.5 for women against 100 for men. In 1985 the figure for women decreased to 52.9. The same survey revealed the full-time female workers received only 62.6% of the wage paid to full-time male workers. The percentage points were 39.8 for part-time female workers and 23.3 for domestic female workers.

After the Equal Employment Opportunity Law was enacted, overt discrimination as once represented by the gender-differentiated wage structure has decreased indeed. Substantive discrimination, however, is on the increase. This is because various forms of employment-related discrimination have not been done away with. These include discriminatory treatment of women from their recruitment through retirement, less favorable job conditions and rewards for women, the predominance of women in small-scale businesses, and other examples.

(b) Concentration of Women in Unstable Employment

In Japan we have traditionally been dependent on many smallscale businesses. Wage level and work conditions vary widely from one company to another. In the past decade, female workers have predominated in small-scale businesses. For example, the rate of increase of female employees for businesses with 1 to 29 employees is double the figure for male employees. The appreciation of the yen has led to a number of bankruptcies for small businesses. As a result, many women have lost their jobs.

Another characteristic is the increase of part-time female workers. About one of five female employees (22.7%), or 3.5 million in total, are part-time workers. The Ministry of Labor defines part-time workers as those who work less than 35 hours a week. In some cases, however, 'part-timers' work for as many hours as full-time employees of the company. The statistics of 1985 showed that female 'part-timers' worked on the average 6 hours a day, 22 days a month. In other words, they worked 1,584 hours a year. When overtime is added, they work no differently than full-time workers in western industrialized nations.

Part-timers, nevertheless, receive substantially



less favorable wages, insurance coverage, bonus, and retirement allowance. In particular, according to the Labor Ministry's 'Basic Survey of Wage Structure' conducted in 1985, the average hourly wage for female part-timers was 595 yen, while that for full-time female employees was 815 yen. The level of fringe benefits for part-timers was only 18.1% compared to full-timers. The ratio of wage level between full-time male employees and part-time female employees is 100 to 39.8.

In Japan, a typical work pattern for women is that they retire when their baby is born due to the long work hours, insufficient maternity leave, and traditional practices that demand women leave their job upon marriage or giving birth to a child, and they return to work after their children have grown. However, middle aged and elderly women necessarily take mostly part-time jobs with unfavorable compensations because full-time positions are hardly offered them. Efforts are needed to regulate conditions for employing part-timers and to correct the existing gaps.

(c) Gender-Based Work Assignment

The 'Survey of Women's Labor Situation' conducted in 1979 by the Osaka Prefectural government disclosed that 52% of 140 companies studied assigned women to only one or two types of work. 47% of the companies assigned men to 4 to 6 types of work, while only 18% did so for women. In addition, men are allowed a larger range of work and mostly placed in divisions that require higher skills and longer training. Women, on the other hand, are predominantly assigned to work that requires lower skill levels and shorter training.

This kind of gender-based work assignment derives from discrimination that is still practiced at the time of recruitment. As the government report maintains, the Equal Employment Opportunity Law was enacted prior to the ratification of the Convention. The Labor Department of Osaka Prefectural government examined recruitment notices placed for high school graduates (college graduates constitute the main labor supply in Japan) within one year after the enactment of the Law, and found out that there were 35,412 'men wanted' notices, 25,568 'women wanted' notices and 5,434 'both men and women wanted' notices. Only 8.2% of these were in conformity with Article 7 of the Equal Employment Opportunity Law which stipulated the principle of equal opportunity for men and women in recruitment. This

is basically because violation of the Law is not penalized and companies are not really obligated to observe the principle of non-discrimination in recruitment and employment. Companies are expected to observe regulations and laws under administrative guidance, but there are only 6 officials of the Labor Ministry's Women's Bureau stationed in Osaka in contrast to the large number of companies (15,667) in Osaka.

Because such a differential treatment of women is allowed and widely practiced at their entry to work, low wage levels for women are constantly reproduced in Japan and result in trade frictions.

Furthermore, simultaneously with the enactment of the Equal Employment Opportunity Law, the Labor Standards Law was amended. Regulations for professional women's overtime and late-night work were eased to conform to the long work hours of men. According to the survey made public in January this year by the Electrical Machinery Workers Union, professional female employees of a major electrical machinery manufacturer work on the average 24 hours overtime a month, two of three bring their work home, and those with children have only 23 minutes of 'free time' a day.

The Convention maintains the principle that both men and women participate in the activities of the society, share housework and childcare and get adequate support from the society. We cannot help feeling that the ongoing move for 'equalizing' work conditions by adjusting those of women to those of 'workaholic men' in Japan appears to be heading in an opposite direction.

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