



January 1989

## *The 200th Anniversary of the French Revolution and the French Declaration of Human Rights*

### **1989 is Year for Peace and Human Rights**

The year 1989 marks the 200th anniversary of the French Revolution and the French Declaration of Human Rights. The world has massively changed and evolved in the past two centuries. The change is conspicuous, for instance, in the field of nondiscrimination and human rights assurance. The French Revolution and the Declaration, born out of the struggle against absolutist domination and oppression, were epoch making by establishing civil liberties based on the principle of liberty, equality and humanity. However, the actual historical development that followed gave birth to various problems represented by poverty and unemployment rather than concretizing the 'kingdom of reason.' As the result, labor and socialist movements became aggressive and led to the establishment of social rights symbolized by the Weimer Constitution and the Soviet Constitution. Nevertheless, the humanity was not able enough to contain the emergence of the Nazi in Europe and Japan's fascism in Asia. The Second World War broke out and massacres were conducted. The War ended with the victory of anti-fascist forces. The United Nations was created out of serious reflection on the war that had just ended registering a huge number of casualties by the Nazi and fascists. The Universal Declaration of Human Rights was adopted. Former colonies won their independence one after another and joined the UN as sovereign members. The adoption of the International Covenants on Human Rights or 'the constitution of the world' on human rights in 1966 reflected such a dramatic shift in the world history. The Covenants stipulated the right of people to devel-

opment and the right to live in a healthy and safe environment in addition to conventional civil liberties and social rights.

This overview of world history toward the elimination of discrimination and assurance of human rights indicates that the concept of rights expanded greatly from just civil liberties to social rights and then to include the right to development. In addition, the subjects who are not to be discriminated-against and whose rights are to be protected have expanded also: from only citizens to workers and to all the people even including those from former colonies. Today the elimination of discrimination and the assurance of human rights are the earnest wish of all in the world along with the elimination of nuclear weapons.

In this world today Japan's international responsibility is increasingly important in exploring and creating the future of mankind. Japan has undergone three critical historical transitions since the end of Edo era and the Meiji Restoration. The first was between the end of Edo and the Meiji Restoration.

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The second was at the time of what is called fifteen-year-war period from the Sino-Japan War and the Pacific War. This second engagement made by the Japanese people was completely wrong. It caused great damages in the countries of South East Asia and other neighboring countries and finally turned Japan into the land of ashes. And yet Japan revived like a phoenix and made herself one of the leading economic superpowers in the world. Here came the third historical transition point since the Meiji restoration where Japan is compelled to make a choice either to build up military forces on top of existing economic capacities thus remaking herself as a power of invasion and oppression or to lead the world in the struggle to eradicate nuclear weapons from Japan, Asia and all over the world and to establish human rights.

In making this choice, we need to seriously accept the criticism of Japan expressed by the UN General Assembly during the Human Rights Week of December, 1988 in regard to Japan's massive trading with South Africa. The desired direction of Japan is obvious. Japan is urged to strive for prompt ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as for complete ratification of the International Covenants and to take definite steps for the eradication of Apartheid in South Africa including economic sanctions. The 1989 incidentally marks the 100th anniversary of the Imperial Constitution of Japan under the rule by the Emperor and also the full-fledged operations to colonize Korea. For us to better analyze the future direction of Japan, serious review of Japan's history of human rights oppression at home and invasions abroad is necessary.

At this historical juncture, the role to be played by the Buraku liberation movement that has tenuously struggled for human rights since the founding of the Leveler's Association (Suiheisha) on March 3, 1922 is decisively important. The year 1989 is also the 20th anniversary of the Special Law for Integration Projects. The life of Buraku, particularly housing standard, has improved to some extent as the result of hardfought struggles that utilized the government report on Buraku discrimination problems (1965) and the Special Law as bargaining tools. However, there are many Buraku communities that have received no

government measures yet and struggles to ensure equal opportunities in education and employment are about to challenge the real problems. As we examine the content and context of discrimination against Burakumin, some clearly show incipient forms of fascism. The enactment of Fundamental Law for Buraku Liberation is wanted by all means. The elimination of discrimination against Burakumin has much to compare with nondiscrimination struggles of other forms in Japan and the world. Today the Buraku liberation movement plays a central role not just in the movement to eliminate all forms of discrimination in Japan but also in the assurance of human rights in the world. A concrete representation of the significance of Buraku liberation movement is the founding of IMADR (International Movement Against All Forms of Discrimination and Racism) on Jan. 25, 1988. The registration of IMADR as an NGO in the UN system is needed.

The Buraku liberation movement is now clearly entering its new phase. The Buraku Liberation Research Institute, celebrating its 21th anniversary today, is determined to execute its tasks at hand based on clear understanding of the trend in world history, important historical transition points, Japan's international responsibility and historical mission of the movement. We strongly urge for more support to organizations and individuals concerned.





# To Achieve a Consultative Status in the United Nations for The International Movement Against Discrimination and Racism. An Appeal.

November 18, 1988

Saichiro Uesugi, President, Central Executive Committee,  
Buraku Liberation League, Japan.

## FOUNDATION OF IMADR AND ITS ACTIVITIES

We have established on January 25 of this year 1988, "The International Movement Against All Forms of Discrimination and Racism" at the Matsumoto Memorial Hall in Tokyo.

The aims of the establishment of "The International Movement Against All Forms of Discrimination and Racism" is "to embody the Universal Declaration of Human Rights, in close cooperation with the United Nations in human rights activities, in particular, to eliminate all forms of discrimination from all parts of the world and promote the human rights, and to make contributions in order to promptly resolve the problems in the above field, through such means as investigations, researches, educational and appealing activities." The members participated to the establishment of the IMADR include, in Japan, representatives from such organizations as Buraku Liberation League, the Ainu Association of Hokkaido, National Liaison Conference to Combat National Discrimination National Liaison Conference for Liberation of Disabled Persons, as well as those actively struggling to eliminate discrimination against women. Representatives of the organizations abroad fighting against discrimination from U. S. A., West Germany, France, Belgium, Austria and South Africa are also participating to the IMADR.

Since its foundation, IMADR has been engaged in such activities as; expansion of its memberships,

participation in the activities of the UN Center for Human Rights (Dispatch of a delegations to the Commission of Human Rights and the Subcommissions on Human Rights), promotion of movements toward the elimination of all forms of discrimination in the world, including apartheid and the publication of the bi-monthly "IMADR" Bulletin."

In December, we have held, to commemorate the fortieth anniversary of the Universal Declaration of Human Rights, the Second International Conference against Discrimination and clarified the human rights situations in the world proposing our course to embody the Universal Declaration of Human Rights. To this Conference, six representatives actually struggling against discrimination have participated; they are, Mario Jorge Yutzis, Vice Chairman of the United Nations Committee on the Elimination of Racial Discrimination (Argentina); Paula Brown Edme, Director of Northeast Region of National Association for the Advancement of Colored People (U. S. A.); Romani Rose, Chairman of Central Council of German Sinti and Roma (West Germany); Anne-Marie Dumas, Vice-Secretary General of the Movement against Racism and for Friendship among People (France); Freddie Dlamini, Co-ordinator, Department of Information and Publicity of the African National Congress (South Africa) and Prakash Y. Ambedkar, Organizing Secretary of the Buddhist Society of India.



## INHERITANCE OF THE TRADITION SINCE THE FOUNDATION OF NATIONAL LEVELLERS ASSOCIATION

The foundation of the IMADR has never been achieved overnight. It is inherited from the tradition of international solidarity accumulated since the foundation of the National Levellers Association on March 3, 1922. The National Levellers Association, the forerunner of Buraku Liberation League, as provided in the first paragraph of its General Principles; "We shall respect the fundamentals of human dignity, and shall march toward the highest ideals of mankind," aimed at the elimination of all discrimination as well as discrimination against themselves.

In fact, they engaged in the solidarity movement with the organization of the Korean outcaste "Paekchong", the Hyongpyong-sa (a society organized in 1923 for the liberation of 400, 000 Paekchong) since 1923. In December 1933, the Association campaigned against the execution of Jews by Nazi, submitting protests to the German Embassy.

Late Jiichiro Matsumoto, a founding father of Buraku liberation movement, with the belief that "there would never be a complete liberation for the Buraku unless all the discrimination in the world are eliminated," proposed "world levellers' movement." He made personal efforts to exchange opinions with the Untouchables in India and the indigeneous Aborigines in Australia. And in March 1956, Matsumoto participated in the World Conference against Racism and Anti-Semitism held in Paris, and made an address of solidarity greetings.

In the later half of 70s, Buraku Liberation League and Buraku Liberation Research Institute started the active movement to promote the ratification by Japan of the International Covenants on Human Rights, and in December 1977, invited late Mr. Marc Schreiber, former head of Human Rights Division of the United Nations to speak in a series of lecture meetings. More efforts of solidarity with the people and the movements struggling against discrimination in the world and in line with the United Nations have been achieved until today.

The activities in the international field include the International Symposium on Human Rights in 1980, the First International Conference against Discrimination in December 1982, the Commemoration Gatherings on the 35th Anniversary in December 1983 and the gatherings being held every year after 1983 with guests invited from abroad. Delegations with major members from Buraku Liberation League have been sent to Europe, America, Asia and Africa, to deepen and cement the relations with the various organizations fighting against discrimination and to observe the UN sub-commissions on human rights.

The IMADR has been founded on the basis inherited from the tradition of more than 60 years experience of international solidarity as described above since the first foundation of National Levellers Association.

## INTERNATIONAL SOLIDARITY AND THE IMPORTANCE OF THE ROLE OF NON GOVERNMENTAL ORGANIZATIONS

In pursuing the goal of the elimination of discrimination and establishment of human rights, the role of international solidarity is greater than ever today.

The first reason for this comes from our severe reflections on the experiences of the World War II. As typically shown in the example of Germany in the period before the War, a country with gross violation on human rights and discrimination inevitably leads to the invasion abroad and war. Therefore, if the international community leaves any domestic violation of

human rights and discrimination as neglected, they are sure to suffer as the victims of war of invasion. This bitter lesson of history teaches us the importance of international solidarity.

Secondly, when it has never been more active and freer for the people, trade and capital to move between the borders as today, and the times when, the communication transmitted through satellites brings you the news just occurred moments ago on the other side of globe through the radio and television sets in your living rooms, any discrimination in domestic



scenes are firmly linked with other discrimination in the other countries. Therefore, the movements aiming at the elimination of discrimination and establishment of human rights inevitably develop into the movements that demand the elimination of discrimination and establishment of human rights all over the world.

In this sense, the father of our liberation, late President Jiichiro Matsumoto of our League was so far-sighted when he proposed for the World Levellers Movement several decades ago.

In the work for elimination of discrimination and establishment of human rights, the UN and its Member States undoubtedly play a big role, but the role being shared by the concerned NGO is equally as important. For, as the history tells us, in the considerable cases of discrimination and human rights violation, governments themselves had actually been held accountable for such acts.

## **INTERFERENCE FROM THE NATIONAL BURAKU LIBERATION MOVEMENTS FEDERATION**

The National Buraku Liberation Movements Federation and other organizations similarly under the strong influence of Japan Communist Party are working against the efforts of IMADR to become an NGO registered in the United Nations. To interfere the IMADR's move, they have submitted their "petitions" to the Foreign Ministry and other government ministries, and have sent their "statement" to the UN committee on NGO, as well as expressing their will to send their delegations to New York and Geneva on this purpose.

What they claim in their documents mentioned above, is that as IMADR is mainly initiated by the Buraku Liberation League (BLL), and BLL's traditional practice of violent Kyudan (Denunciation) tactic, readily regarding all non-Buraku people as discriminators, consists a violation of the International Covenants on Human Rights.

However, our organization Buraku Liberation League is an organization of mass movement, which has a history of more than 60 years since its foundation as the National Levelers Association, and claim today individual registered membership of 200,000 under 2,300 branches in 39 of all 47 prefectures in the country, having practically dominant influence over a million Burakumin people.

That is why great expectations are harbored on the NGOs in the efforts for the establishment of human rights and elimination of discrimination, and many NGOs with consultative status are actually playing quite active role in the Human Rights Committee or Sub-committee for the Prevention of Discrimination and Protection of Minorities of the United Nations.

There exist today about 800 NGOs rostered in the UN, but only five have their head offices in Japan and all are engaged in the problems of peace or development that none existed which is aimed mainly for the elimination of discrimination or establishment of human rights.

Therefore, the concerned people of the world, especially those in Asia and Oceania, are looking forward very much to the work of IMADR, and expect IMADR to become an NGO with consultative status in the United Nation.

Also, BLL is in solidarity with many organizations, movements and individuals, such as trade unions, educators, religious groups, private companies, scholars and those engaged in cultural works, while continuing the struggle closely united with the movements of other discriminated-against such as Ainus, resident Koreans, women and disabled persons.

Results of these our efforts, for example, are shown in the number of signature of the national diet member agreeing for the legislation of the Fundamental Law for the Buraku Liberation, which, we believe, is indispensable for the fundamental solution of the Buraku problems and construction of real democratic society without any discrimination. The signatures of the diet members collected as of April 1988 include those of all members belonging to the Japan Socialist Party, Clean Government Party, Democratic Socialist Party and Social Democratic Federation, as well as one-third of ruling Liberal Democratic Party, a total accounting for the majority.

Out of all these efforts, we founded IMADR, in cooperation with fellow struggling brothers and sisters, to extend our long tradition of international solidarity since the foundation of National Levelers Association.

As to tactic of Kyudan, which people of National



Buraku Liberation Movements Federation claim to be a violation to the Human Rights Covenants, it never is a private lynching to the discriminators as NBLMF says. Kyudan actually is a protest action, which will disclose and confront together the evil of discrimination with noble and instructive effect to both discriminators and the discriminated alike.

In fact, with the deployment of Kyudan since the time of National Levelers Association, many people were made to realize the usjustness of discrimination, and began to work actively to eliminate Buraku discrimination.

In connection with the Yoka case, which NBLMF quotes in their document to criticize our Kyudan tactic, Osaka High Court handed down its decision of the case on March 29, 1988 as stating ; "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

stimulated in Article 14 of the Japanese Constitution. Also, Kyudan may exhibit certain severity because it is engaged with anger against discrimination."

As this decision clearly described, Kyudan, in fact, is an act of just cause in line with the spirit embodied in the Human Rights Covenants and the Japanese Constitution. Those who are actually violating the Human Rights Covenants and the Japanese Constitution are the people who dare not reflect on their own acts of discrimination, who dare deploy the discriminatory campaign for their own political interests and who dare ignore the situation where "legal protections or systems to provide remedies" for victims of discrimination "are not really sufficient in the current judicial practice."

Although Japan has already ratified the International Covenants on Human Rights which prohibit incitements to discrimination, relevant domestic legislations are yet to be modified to meet fully the provisions of the Covenants. Also, Japan has not even become a member state to the International Convention for the Elimination of All Forms of Racial Discrimination to which as many as 124 states are already members, and to the ILO Convention concerning Discrimination in Respect of Employment and Occupation (No. 111)

## **IMADR MUST ACHIEVE U.N. CONSULTATIVE STATUS**

The arguments of National Buraku Liberation Movements Federation to block the IMADR's efforts to achieve UN consultative status, as you would clearly see in the lines above, is nothing but a one-sided presumption of their own political interest.

NBLMF exert their influence among Buraku people on only a handful of people who are under the discretion of Japan Communist Party, and they are in solidarity with such organizations being initiated by the same party. And NBLMF's achievements in the international arena are almost non-existent.

It is this isolation in the both domestic and international movements that makes NBLMF resort to absurd actions of sending documents and delegations even to United Nations organs, to jeopardize the IMADR's efforts to achieve UN consultative status which many concerned people feel just and urgent. This silly attempt of NBLMF exactly reminds us of the tale of sour grapes from the Aesop's

Such actions of NBLMF very clearly show the fact that NBLMF is no longer a movement organization to strive for the elimination of any discrimination, let alone Buraku discrimination, but an organization to counter against every activities of Buraku Liberation League at any cost. This kind of undertakings by NBLMF will only add to hasten their domestic and international isolation.

We have to stand firm against to this confusion NBLMF is trying to bring about, and, in closer solidarity with fellow movement people struggling against all discrimination, have to be seriously determined to work to achieve the consultative NGO status for IMADR, to make another step forward to realize the goal where the world knows no discrimination and lives in eternal peace.

I take this opportunity to ask all concerned people every support and assistance for our cause.



## *Aiming at the realization of the UN Declaration of Human Rights*

### **The 2nd International Conference on the Abolition of Discrimination and Racism was held with great success.**

This year is the 40th anniversary of the Universal Declaration of Human Rights adopted by United Nations. We consider it a turning point. In order to make clear the present condition of discrimination in the world and to realize the spirit of the UN Declaration of Human Rights, the 2nd International Conference Against Discrimination and Racism which included six foreign guest speakers was held with great success.

The meeting was sponsored by IMADR (International Movement Against All Forms of Discrimination And Racism) and Universal Declaration of Human Rights Committee in Japan in eight cities throughout Japan (Tokyo: Dec. 3, Sapporo: Dec. 5, Nagano & Fukuoka: Dec. 6, Hiroshima: Dec. 7, Nagoya & Takamastu: Dec. 8, Osaka: Dec. 9 & 10). The total number of participants was over 20,000 people of the Buraku Liberation Research Institute were af-

filiated to the above conference. The final, declaration of the conference was adopted at the symposium in Osaka on December 9, 1988.



### **Urge the Japanese government to ratify the International Convention Against Racial Discrimination!**

MARIO JORGE YUTZIS

(The UN Committee on the Elimination of All forms of Racial Discrimination)

The Universal Declaration of Human Rights embodies the conviction that liberty, justice, and peace in the world are based upon the intrinsic dignity and equal inalienable rights of all the members of the human family. This declaration is the first charter formulated by the United Nations on a world-wide

scale of rights and fundamental liberation based on this universal conception of the human rights.

By August, 1976, the International Convention on the Elimination of all forms of Racial Discrimination, which was opened for signature by the United Nations on March 7, 1966, and entered into force on January 4,



1969, had been ratified by 90 countries, including all the world's major powers with the exception of the United States and China. Today, the fact that the Convention has been ratified by 125 countries makes it the most widely ratified United Nations human rights treaty in force. Its substantive provisions, moreover, represent the most comprehensive and unambiguous codification in treaty form of the idea of the equality of races. These considerations, combined with the fact that the Convention provides for an institutional mechanism to supervise governmental compliance, demonstrate the importance of the Convention as a milestone in the development of international human rights law and a subject for study by those interested in making this law work. Urge the Japanese government to ratify the International Convention against Racial Discrimination as soon as possible.

Now I want to respond to the relevance of a Presentation of the Latin American region with regard to the subject of racial discrimination. The question is to prove that, in the face of the universal character of the struggle against racism and racial discrimination, the Latin American continent has contextual characteristics which enable it to make its own statement of the problem.

Probably Latin America is much more interested than the industrialized nations in the enforcement of human rights in its continent. And this is so because a large part of the continent is far from living "humanly."

In Latin America, as in Africa and Asia, the greatest part of the population lives in sub-human conditions, malnourished, subject to epidemics, without access to a minimum of medication, marginated from the culture and progress of the civilized world, with few possibilities for education and literacy.

All of these socio-cultural data are thrown together in a weak economic structure with a vertiginous growth of the external debt, the cost of which is being translated into a great exportation of capital just to pay the service charges of the debt, requiring new loans to thus maintain the vicious circle of greater indebtedness, greater dependency, and greater backwardness. The payment of this crisis, goaded on from beyond its frontiers, will cost human lives, physical debilitation, a generalization of epidemics, and an increase in marginalization and poverty.

Concerning this financial crisis such as the external debt, Japan can take a great part in solving the problem.

## **The United States is a nation of disparity and great paradoxes.**

Paula Brown Edme (National Association for the Advancement of Colored People)

The United States is a nation of vast opportunities for those who have been blessed with a formal education, communication skills and contacts. On the other hand the U. S. symbolizes the vast disparity between the "haves and the have nots". The U. S. is also the country where on these steets dilapidation, hopelessness, despair and despondency are constant companions. The sophisticated, elegant cities like New York, Washington D. C., Dallas, Texas, etc. have the most expensive and luxurious housing in the world. But these cities have another side and on that side is a vast army of homeless people sleeping on park benches. The United States is a nation of great paradoxes.

I find two views about the civil rights struggle which are particularly distressing to me. The first

view is that things are worse than-or no better than they were 30 years ago. The other view is that all the civil rights victories have been gained and that there is nothing else left to be accomplished. To subscribe to the first view is to spit on the graves of our grandmothers and grandfathers, sisters and brothers who fought long and hard to bring about change. To subscribe to the second view that nothing remains to be done is to be blind, deaf and dumb to the conditions that confront us now.

Just thirty years ago, the U. S. was quite a different nation. It was many monumental achievements by the NAACP that affected the quality of life and education such that I would have the opportunity to experience these victories. These victories would provide the opportunity for me to receive the same





education that whites in the U. S. received. Our past victories do not allow us to stand still-the struggle continues. Very recently we instituted a "Back-to-school program" to decrease the drop-out rate of our young people. We recognize the fact that too many of our young people are enrolled in school but not attending schools in many of our urban areas. The NAACP has sponsored an Afro-American cultural technological scientific program and provides scholarships

to over 25,000 young people each year. The NAACP prepared young people for the job market. The NAACP has signed over 30 agreements with major corporations as a countermeasure to the high unemployment rate among black Americans.

As people of color, as concerned people, as people against all forms of racism and discrimination we must band together and work together to end evils of injustice.

## **Japanese Attitude to South Africa Means Support Apartheid!**

FREDDIE DLAMINI (Africa National Congress)

Despite the fact that the Universal Declaration on Human Rights was adopted by the United Nations 40 years ago, in South Africa, rather black South Africans have never been accorded their basic human rights and the situation has been made even worse by the ascendancy to power of the white minority racists.

As the ANC has stated it, "Apartheid means not only inequality racism, oppression and exploitation of the black majority but also the means necessary to enforce it, to defend it and to guarantee its survival in the face of powerful forces of resistance fighting to defeat it".

As a result of ANC's activities, on the international plane in Europe and America the effect of sanctions are beginning to bite. But the most worry-

ing issue is the fact that Japan has superseded all other countries to become the racists' main trading partner. 52% of all automobiles in South Africa are made in Japan and armed forces and police are using them. In addition to this, cameras and computers are supporting the apartheid system, too. And Japan has imported diamonds worth over 1 billion dollars for 6 months since January 1988. This state of affairs has greatly surprised the black people of South Africa who know the attitude of the racists towards the Japanese people as honorary whites. Then we wonder if profits are more important than the dignity and pride of a people. We will be gratified when we hear the Japanese government admits that apartheid is the source of all conflicts in Southern Africa.

## **Japanese enterprises discriminating against Sinti and Roma**

ROMANI ROSE (Central Council German Sinti and Roma)

Japanese enterprises are participating in discriminating against Sinti and Roma in Germany. There are two striking examples.

The first one occurred in a tourist company in Japan. One of the tourist companies in Japan included the note "Be careful with gypsies!" in its travel guidebook which regards Sinti and Roma as criminal groups. Thanks to the Buraku Liberation League's protest to the company, a representative made an apology for his remarks.

The second case involved the well-known Japanese company . A group of Sinti and Roma who are seeking a place to stay are living in Köln city. However, they are staying in shacks because of financial reasons. threatened Köln city that Sony would transfer its factory from Köln to Holland unless the city authorities drove Sinti and Roma away. A manager of made an apology, however, he has not withdrawn what he had said about the factory.



The Nazis sacrificed 6 million Jews and 500,000 Sinti and Roma. The Nazis also made a "gypsy identification data bank", so-called gypsy "cards". Sinti and Roma are specially registered in data files stored in computers in West Germany. These

"gypsy cards" were found in the possession of the police headquarters. In line with the judicial authorities, they still regard Sinti and Roma as criminal groups.

## **3200 Castes exist in India**

PRAKASH AMBEDKAR (The Buddhist Society of India)

There are 3200 different castes in India. They are mainly divided into four groups; Brahman, Kshatriya, Vaisya and Sudra. There is another people the so-called untouchables who are not admitted to be included in the four castes. Today untouchability is constitutionally banned but only in few places, it is abolished. The outer form of untouchability has been abolished but the inner structure of this dispossessed class, still remains.

The Scheduled castes (now all the untouchables are here referred to as Schedule castes) form 18% - 22,500,000 of the whole population in India. Even after 40 years of independence, the Scheduled castes are still treated as outcaste and being discriminated against. The nature of discrimination that exists in India is:

- 1) The Scheduled castes still have to live outside the village.
- 2) The burial ground is separate.
- 3) The drinking water well is separate. They can not draw water from the common village well.
- 4) They don't have a voice in political power.
- 5) More than 90% of the Schedule castes are labourers. They don't own land.
- 6) The education facilities are inadequate.

The land, trade, commerce, and industry are in

the hands of the Hindus. The Scheduled castes today doesn't own any big landholdings.

In Bihar State, more than 3000 Scheduled caste people were killed by landlords during the last 15 years. This was caused because of the strife between the landlords and landless people who were working for landlords. The landlords refused to pay the workers even a legal minimum wage. However, the Scheduled castes were the ones who were killed. The murderers were arrested but soon released.

Only 15% of landlords occupy the whole land of India. The Scheduled castes being without any means of livelihood, are dependent upon the landlords for their bread and butter.

If the ownership of land which is in the hands of a few people is taken away by the government and then distributed equally among the people living in the village, then one of the means of maintaining the caste system will be destroyed.

It is also important to send proper representatives of the Scheduled castes to parliament and thus get the right and privileges intact.



## **Extreme Rightists Organized Political Campaign against Foreign Immigrants.**

Anne-Marie Dumas

(Movement against Racism and for Friendship among People)

There are extreme rightists like Mr. J.M. Le Pen of the political party leader the "National Fronts". They exploited public consciousness and organized political campaigns against foreign immigrants. They say, in the situation of worsening economic circumstances, foreign labour should be expelled from France, and foreign people are consuming the bread that belongs to French people. Two years ago, there were 15 such Assembly members belonging to the "National Front", though now it is zero. And also various forms of discrimination are observed against foreign immigrants.

In 1986 and 1987 murders or assassinations were attempted against Arabic immigrants. Violence was used in public and there discrimination/ was discrimination about registration. In employment and

housing has been practiced. In this way many French people had a sort of discriminatory consciousness and feeling against foreign immigrants.

The anti-racism law (July, 1972) plays an important role against extreme rightists. Based on this law, MRAP and other organizations are developing day-to-day struggles to eliminate all kinds of violence and terror. Among them, to get the abrogation of the law concerning "conditions for foreigners' entry and stay in France (1986)", MRAP has been taking action together with Arab people. Furthermore, MRAP has been continuing its international activities in the following issues: anti-apartheid movement, the Palestine problem, the rights of the Kurd minority and participation in the UN Human Rights commission, etc.

### **Message of the Secretary-General, U.N to the Second International Conference Against Discrimination**

December 10 1988 Tokyo, Japan

It is a pleasure to greet the participants of the Second International Conference Against Discrimination assembled to commemorate the 40th anniversary of the Universal Declaration of Human Rights.

The principle of equality among individuals and peoples is a pillar of the United Nations. The Universal Declaration of Human Rights proclaims in its first article that all human beings are born free and equal in dignity and rights.

The fortieth anniversary of the Universal Declaration is an appropriate time to evaluate the progress made in implementing the principle of equality and the results achieved during the first and second decades to combat racism and racial discrimination. Your conference can offer a useful assessment of what has been accomplished and of the challenges ahead.

I wish you success in your deliberations.



# The Growing "Japa-Yuki" Phenomenon

The Japanese Government has maintained the position of not accepting foreign workers for unskilled labor since it made a decision in the Cabinet council in March 1967. Foreign workers allowed into Japan are limited to those with entertainment visas, mainly comprising Filipinos who repeatedly come to Japan on short stays, and those with business visas and language teachers, who are mainly American. As of the end of 1986, 30,000 foreigners were working in Japan on permits. In 1987 there were 70,000 new foreign entrants.

However, the eagerness of Asian workers to find work in Japan has been intensified: first, by the increased gap in the economic situation in Japan and that in Asian countries; secondly, by the economic depression in Middle Eastern countries, which used to be the main destinations for these workers; and lastly,

by the rapid appreciation of the yen. At the same time, demand for Asian workers in Japan itself is also increasing, due to the reluctance of Japanese workers to take on dangerous or dirty jobs and to industry's need for low-cost labor.

In this context, the so-called "Japa-yuki" (literally, "going-to-Japan") phenomenon has emerged and is expanding rapidly. These "Japa-yuki" people try to find work after entering Japan on a tourist visa. The immigration authorities are trying to prosecute them for "unqualified activities" or "illegal overstay involving unqualified activities." Initially, female workers in the entertainment business were the main target for prosecution. However, according to statistics disclosed for the first half of 1988, males have now outnumbered females for the first time.

## THE NATURE OF "ILLEGAL WORK"

The only data that show the actual nature of "illegal labor" are the statistics from the Ministry of Justice. Charts 1-3 are based on data for the five-and-a-half years to mid-1988. In terms of nationality, Filipinos have been the dominant group. However, the ratio is decreasing gradually and in the first half of 1988, the distribution was rather different from that of the past. In terms of sex, the percentage of males has increased steadily and, during the first half of 1988, it exceeded that of females. This trend reflects the increase in Bangladeshi and Pakistani workers. Turning to the type of work, female entertainers accounted for 70% in the beginning. However, construction and factory workers, mainly males, are on the increase. In the first half of 1988, the proportion of female entertainers was no more than 34.2%.

The Ministry of Justice also publishes statistics on "length of working period" and "total amount of earnings." Taking length of stay, the largest group

of people stayed "more than six months and up to twelve months" before the authorities got to know of them, either through disclosure or voluntary appearance. The second largest group stayed "more than one year." Turning to earnings, the largest group earned "more than ¥100,000 and less than ¥500,000," followed by the group with "more than ¥500,000 and less than ¥1,000,000." The median figures are "eight months" and "¥561,000" (about ¥70,000 per month), compared with "5.4 months" and "¥478,000" respectively one year ago. This illustrates the decreasing effectiveness of disclosure. Though these data are termed "disclosure statistics," in fact, more people voluntarily appear before the authorities. According to the explanation given by the government in the Diet (the Judicial Committee, 10.9.1987) on the data for 1986, people revealed through disclosure accounted for no more than 16.3%.

## PROBLEMATIC LEGISLATION

Various labor laws have been enacted to protect the rights of workers in a vulnerable position. In

contrast to the laws governing other sectors, Japanese labor laws explicitly refer to "nationality" as one of



# Transition of exposed number of illegal foreign labour forces

Chart 1 By Nationality

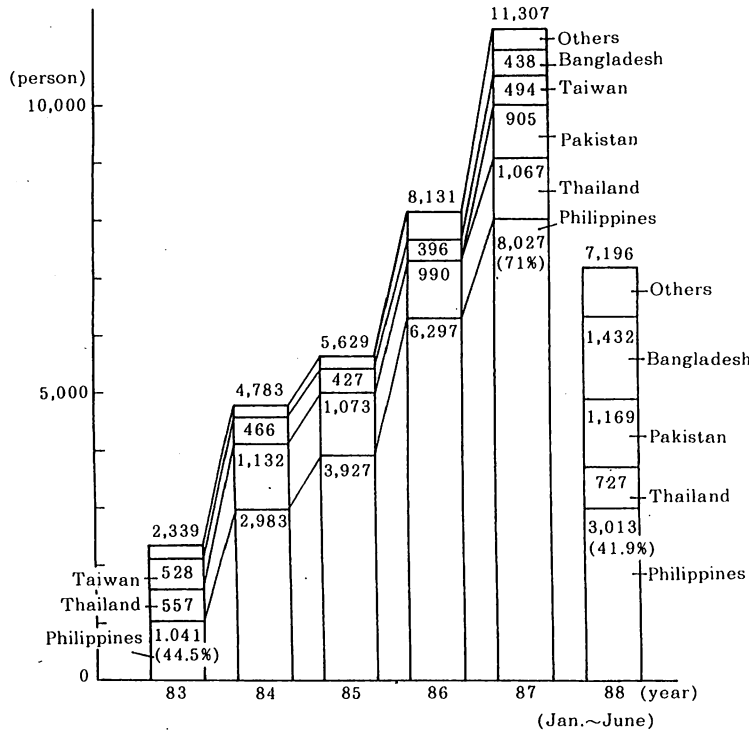


Chart 2 The Distinction of Sex

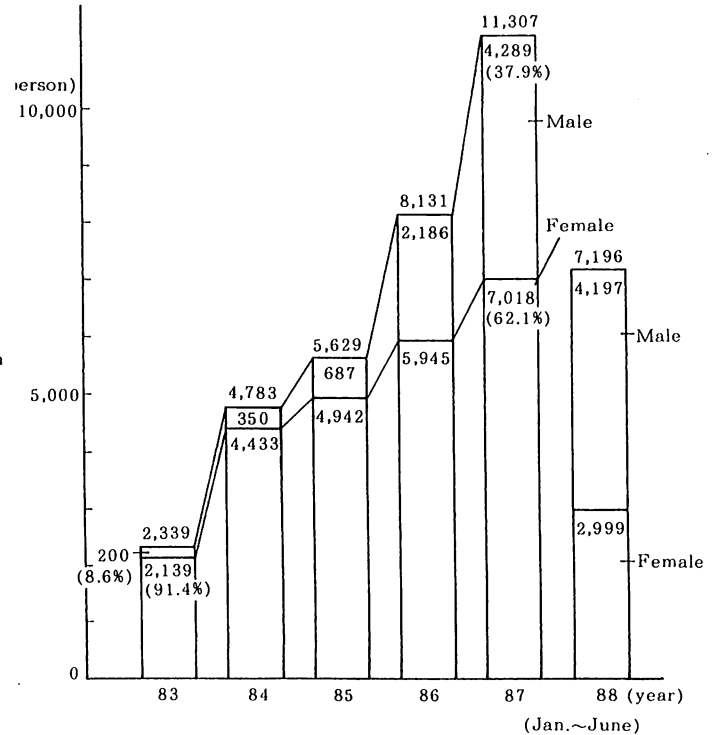
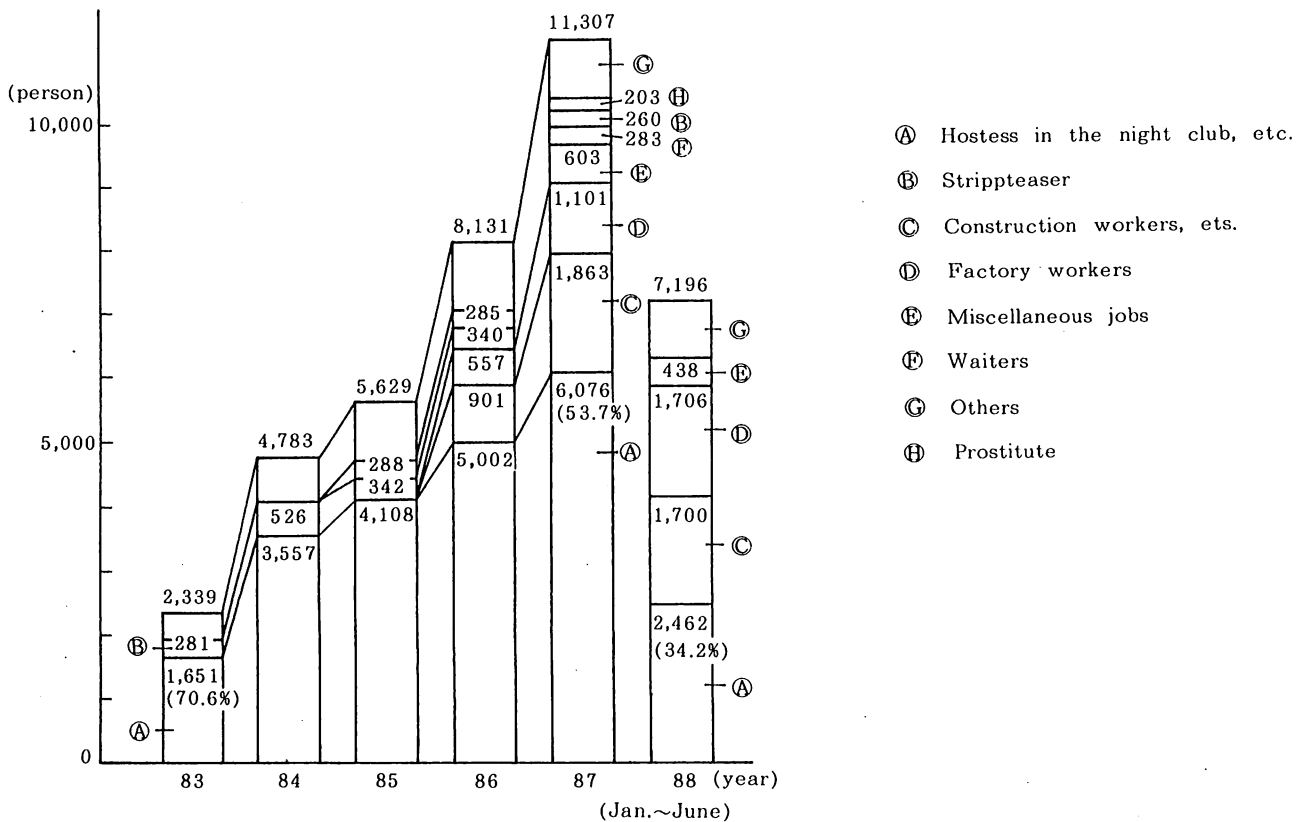


Chart 3 By Occupation





the factors which should not be made the ground of discrimination. (The Labor Standards Act and Article 3 of the Employment Security Act). Then how do the laws function with respect to foreign workers, especially Asian workers?

Let us look into the administrative notification issued by the Ministry of Labor in January 1988 addressed to Labor Standards Inspection Offices, prefectural bureaus of the ministry, and prefectural governors. In the notification, the Ministry confirms that all labor-related legislation should be applied to any kind of worker—even if he/she is neither a Japanese nor a legal worker. However, it also stipulates that “both agencies (public employment security office and Labor Standards Inspection Office) should “take strict action, according to the power given to each of them, in the case of serious and vicious (author’s underlining) labor law abuses” and should “inform immigration authorities if the two agencies learn of possible cases of immigration law abuses, such as unqualified activity and illegal overstay.”

What concerns me is the latter part of the notification. In this section, “labor law abuses” are deliberately limited to serious and vicious cases while there is no corresponding restriction on “immigration law abuses.” Doesn’t this make it nothing more than a formality? Every illegal worker is employed by somebody, and labor legislation mainly articulates the obligations of the employers. Promoters and recruiters may be abusing Article 32 of the Employment Security Act, which prohibits fees for activities related to introductions to employment. They may be involved in business that is not allowed under Article

4 of the Labor Detachment Act. Is Article 5 of the Labor Standards Act, prohibiting forced labor, or Article 6 of the same law, excluding intermediary exploitation, observed? Is the Minimum Wage Act observed?

Recent newspaper reports suggest to some extent that behind the illegal labor, there exists illegal employment. However, the sole emphasis has been on “illegal labor by foreigners” whereas few cases of “illegal employment of foreigners” have been reported. If the above-mentioned notification is making the situation worse, the issue is far from negligible. In this respect, it is noteworthy that the Human Rights Advice Center for Foreigners, established by the Legal Affairs Bureau in Tokyo in August 1988 “was well received by foreign workers as it opens its gate to those who are not qualified to stay in Japan” (extract from the agency’s interim report). It seems that the agency put more priority on Article 3 of the Human Rights Consulting Handling Instruction, stipulating secrecy, than Article 239 of the Criminal Litigation Act, covering reporting, and Section 2 of Article 62 of the Immigration Act, covering notification. A problem emerges if the officials in the Labor Standards Inspection Office are to inform the immigration authorities without due consideration while they also have an obligation to observe secrecy as stipulated by Article 105 of the Labor Standards Act. Rather, it should take the same stance as the Human Rights Protection Department of the Legal Affairs Bureau and should work for the protection of the human rights of foreign workers, collecting information to tackle the wicked acts of employers.

## **RECENT PROBLEMS AND TASKS FOR THE FUTURE**

Recently, increasing numbers of “students” or “trainees” have been coming from abroad in order to work in Japan. We get to hear about this same situation from reports in China about “students going abroad to work.” The difference between “training” and “work” is minimal, and “workers under the name of trainees” are reported to be on the increase.

In the first half of 1988, 7,000 illegal workers were exposed by the immigration authorities. However, computerized immigration registration data tell us

that there were actually as many as 70,000 remaining illegally in Japan as of the end of 1988. Neither “refusal of entrance” nor a concentrated effort to disclose them in a special campaign month would solve the problem. Now is the time to consider not only the influx of foreign workers into Japan but also resolutions for the immediate problems of human rights abuses faced by the Asian workers—through, for example, the establishment of institutions to tackle the problem.



*We Long for a Society with Human Rights Fulfilled  
without Any Discrimination*

**A Counterargument to the Report  
Submitted by Japan under the Int'l  
Covenant on Civil and Political Rights(4)**

**Article 12**

(1) Mandatory Holding of Alien Registration Certificate

1. According to the Alien Registration Law of Japan, every foreigner who resides in Japan has to make a registration as a foreigner within 90 days from the day of disembarkation. Those foreigners who have registered are given an alien registration certificate which they have to carry with them at all times, once they become 16 years old. In case of violation, maximum fine of 200,000 yen is charged as a punishment. This provision is applied to foreigners having permanent residence permit, even in cases of negligence.

2. Therefore, foreign residents have to make sure at all times if they have a certificate with them whenever they go out. When they find they don't, they have to go back home to get it however distant they are away. This provision is clearly in violation of Paragraph I of Article 12 of the Covenant.

Also there is no need for mandatory keeping and carrying of a certificate, because the original registration document with detailed data is kept at the municipal offices. A registration certificate is not required for Japanese nationals.

(2) Freedom for the Japanese to Leave Country

1. Article 13 of the Passport Law stipulates that the Foreign Minister or a Consulate has authority not to issue a passport or permit additional destinations in certain cases. Therefore Article 13 of the Passport Law should be reconsidered as provision to restrict the right of the Japanese to leave the country.

2. Paragraph 5, Section 1, Article 13 of the Passport Law provides that the Foreign Minister can deny the issuance of a passport to persons who are considered to do considerable and direct harm to the interest or security of Japan. This reason for restriction is too vague and abstract, which is in contradiction of Paragraph 3, Article 12 of the Covenant.

(3) Freedom for Registered Foreigners to Leave Country

1. Article 26 of the Immigration Control Act has provision for reentry permit. There is no legal provision for conditions as to whether a person is granted a reentry permit or not, and it is within discretionary power of the Justice Minister.

Those who have a permanent residence permit and place their basis of life in Japan, if not granted reentry, cannot leave the country as a matter of fact. This provision for discretionary power of the Justice Minister is in violation of Article 12 of the Covenant.

2. Actually, the Justice Minister does not grant reentry permit to nationals of North Korea with which Japan has no diplomatic relations, who refuse mandatory fingerprinting provided in Article 18 of the Alien Registration Law and wish to go home temporarily, therefore restricting their voyage.

(4) Right to Enter One's Own Country

The cases where those foreigners having permanent residence permit are not allowed to reenter fall under restriction of the right to return to their own country. Since there is no legal provision as to reasons for not permitting reentry, this restriction is indeed "arbitrary".

Furthermore, in cases of persons, for example, who went to the U. S. to study without reentry permit or went to Korea for study having reentry permit but could not return to Japan within effective period of reentry because he served a sentence of penal servitude in Korea, the government of Japan deemed that they had lost their status of residence they previously held (i.e. permanent residence) and allowed their entry only as new one.

The right to return to one's own country is the right to return to his/her land of citizenship or country in which he/she permanently resides. Entry with one's nationality or permanent home denied is not considered to be returning to his/her own country.