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**РАСИЗМ, РАСОВАЯ ДИСКРИМИНАЦИЯ, КСЕНОФОБИЯ
И ВСЕ ФОРМЫ ДИСКРИМИНАЦИИ**

**Доклад Специального докладчика по вопросу о современных формах
расизма, расовой дискриминации, ксенофобии и связанной с ними
нетерпимости г-на Дуду Дьена**

Добавление

МИССИЯ В ЯПОНИЮ

* Резюме настоящего доклада распространяется на всех официальных языках. Текст самого доклада, содержащийся в приложении к настоящему документу, воспроизводится только на языке представления.

Резюме

Специальный докладчик по вопросу о современных формах расизма, расовой дискриминации, ксенофобии и связанной с ними нетерпимости во исполнение своего мандата посетил Японию в период с 3 по 11 июля 2005 года. Он произвел оценку факторов дискриминации, затрагивающей различные группы меньшинств, включая меньшинства, возникшие в результате существовавшей ранее кастовой классовой системы, коренные народы, потомков населения бывших японских колоний, иностранцев и трудящихся-мигрантов.

Специальный докладчик пришел к выводу, что в Японии существует расовая дискриминация и ксенофобия и что она затрагивает три круга дискриминируемых групп: национальные меньшинства - буракумины, айны и народ Окинавы; население бывших японских колоний и их потомков - корейцев и китайцев; иностранцев и мигрантов из других азиатских стран и из остальной части мира. Проявления такой дискриминации в первую очередь имеют социальный и экономический характер. Все обзоры показывают, что меньшинства живут в ситуации маргинализации в отношении их доступа к образованию, занятости, здравоохранению, жилью и т.д. Во-вторых, дискриминация имеет политический характер: не отмечается присутствия национальных меньшинств в государственных институтах. И наконец, существует глубокая дискриминация культурного и исторического характера, которая в первую очередь затрагивает национальные меньшинства и потомков населения бывших японских колоний. Это в основном отражается в слабом признании и преемственности истории этих общин и в увековечении существующего дискриминационного образа этих групп.

Что касается политики и мер, принятых государственными властями, то Специальный докладчик приветствует принятие ряда законов, способствующих продвижению некоторых прав ряда меньшинств, однако с беспокойством отмечает, что не существует национального законодательства, которое ставило бы вне закона расовую дискриминацию и обеспечивало бы средства судебной защиты для ее жертв.

И наконец, Специальный докладчик формулирует ряд рекомендаций, включая следующие:

- признание существования расовой дискриминации в Японии и выражение политической воли для борьбы с ней;
- принятие национального закона против дискриминации;
- учреждение национальной комиссии по вопросам равенства и прав человека, мандат которой охватывал бы наиболее значимые области существующей дискриминации: раса, цвет кожи, пол, происхождение, гражданство, этническое происхождение, инвалидность, возраст, религиозные убеждения и сексуальная ориентация;
- сосредоточение на процессе нового изложения и преподавания истории.

Annex

**REPORT OF THE SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS
OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED
INTOLERANCE, DOUDOU DIÈNE, ON HIS MISSION TO JAPAN (3-11 JULY 2005)**

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Introduction

1. The Special Rapporteur, in pursuance of his mandate, visited Japan from 3 to 11 July 2005. He travelled to Osaka, Kyoto, Tokyo, Hokkaido and the Aichi prefecture in Chubu region. He met with all stakeholders in order to hear their views on the existence of racial discrimination and xenophobia in Japan and on the measures taken to fight against it. In this context, he met with the Vice-Minister of Foreign Affairs, representatives of various ministries, judges, as well as representatives of the local governments of the Osaka, Kyoto, Tokyo and Sapporo.

2. Furthermore, the Special Rapporteur visited a number of communities: in particular, the Buraku community in Nishinari in Osaka, a Korean school in Kyoto, the Utoro Korean community in Uji City in Kyoto, the headquarters of the Buraku Liberation League in Tokyo, the Ainu Association of Hokkaido and the Ainu community of Niburani in Hokkaido. The Special Rapporteur also met with representatives of several non-governmental organizations (NGOs) and the Japan Federation of Bar Associations.

3. The Special Rapporteur carried out his visit in excellent conditions, thanks to the full cooperation of the Japanese authorities. He regrets however that he could not meet with a number of high-level authorities, in particular the Governor of Tokyo. The Special Rapporteur also thanks the United Nations Information Centre in Tokyo, the NGOs and the communities he met for their excellent support.

I. GENERAL BACKGROUND

A. Ethnic and demographic situation

4. Japan has a population of 127.7 million, out of which 98.45 per cent are Japanese nationals. The Japanese population includes one indigenous population, the Ainu, estimated at between 30,000 and 50,000 people: they live predominantly in the island of Hokkaido. Amongst the foreigners, who do not represent more than 1.55 per cent of the population, Koreans are the largest foreign community (607,419 in 2004), followed by the Chinese, Brazilians and Filipinos.

B. Historical and social context

The Ainu

5. In the fifteenth century, the Japanese started to move into the island of Hokkaido, ancestral land of the Ainu people, and imposed on the Ainu strict rules impeding them from carrying out their main activities like hunting and fishing, and practising their traditional rituals. After 1867, the Meiji Restoration, the modern Japanese nation State started to exploit Hokkaido. It adopted an official policy of assimilation of the Ainu and expropriated their land, so that Ainu society and culture was fatally damaged. It was only in the 1990s that the Government of Japan put into question the notion of Japan as a “mono-ethnic nation” and adopted a law that recognizes the specificity of the Ainu culture and the need to preserve it.

The people of Okinawa

6. The “Ryukyu Kingdom”, maintained by the Okinawa people from the fourteenth century, was conquered by the Government of Japan and annexed in 1879. This produced various colonialist and assimilative policies, such as the prohibition of Ryukyu dialects, traditional customs, religious faith and lifestyle. Since 1972, the majority of the United States bases in Japan have been concentrated in Okinawa, which covers only 0.6 per cent of Japanese territory, affecting the environment, indigenous culture and custom of the Okinawa people.

The caste-like class system

7. During the feudal era of the Edo (1603-1867), a caste-like class system based on social and professional belonging was established. The humble people (*senmin*) were assigned such duties as disposing of dead cattle, leather production, being executioners and performers. Placed at the bottom of the system, they were designated as *eta* (extreme filth) and *hinin* (non-humans). In the late nineteenth century, the system was abolished, but a new class system was established, which again placed the most humble class (the *Buraku*, from the name of their district) at the bottom of the system. In the 1960s, following the claims of the Buraku Liberation League (BLL), the Government recognized the deep discrimination suffered by the Buraku people and adopted special measures to improve their living conditions.

The colonial past

8. In 1910, Japan annexed Korea, which became a Japanese province. Koreans were considered as inferiors and could only work in subaltern jobs, while the decision-making jobs were taken by the Japanese. Korea was forced into a strict colonial rule: liberties were suppressed, the use of the Korean language discouraged and then totally forbidden in 1940. During the Second World War, the Koreans were obliged to participate to the efforts of war: in 1945, 4 million Koreans in the peninsula and 2 million in Japan were subjected to forced labour. Following the end of the war and the independence and separation of the two Koreas after 40 years of Japanese rule, a large community of Koreans continues to live in Japan.

C. The legal system

9. Japan is party to six of the seven major international human rights instruments, including both the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

10. Legislative efforts were made in order to promote certain rights of some minorities. A series of laws for the elimination of discrimination against the Buraku were adopted in 1969, but terminated in 2002. In 1997, a law for the promotion of the Ainu culture was adopted, and, in 2002, a law on human rights education.

11. The only provision in national legislation which prohibits racial discrimination is article 14 of the Constitution, but its provisions are not considered by courts to be self-executing.

Since the provisions of ICERD are also considered to be not self-executing, there is at present no provision in the national legislation that outlaws racial discrimination and provides a judicial remedy for the victims.

D. The administrative structure

12. The executive power in Japan is vested in a Cabinet headed by the Prime Minister, who is elected by the Diet (parliament) and is usually the leader of the majority party. The Constitution establishes also the principle of local autonomy and recognizes the right of each local public entity to manage its affairs and to enact regulations. The country is thus divided into 47 prefectures, each governed by a governor elected by direct popular vote and a unicameral legislature.

E. Methodology

13. The Special Rapporteur based his investigation on three main questions he addressed to all interlocutors he met: (1) Is there racism, racial discrimination and xenophobia in Japan; (2) If yes, what are its manifestations; (3) What are the policies adopted by the Government to fight against these phenomena? In the following chapters, the Special Rapporteur reflects on the main issues and concerns that were reported to him by the Governmental and local authorities (chap. II) and the civil society and communities concerned (chap. III) in response to his three main questions. Thereafter, he presents his conclusions (chap. IV), followed by his recommendations (chap. V).

II. PUBLIC AUTHORITIES' POLITICAL AND LEGAL STRATEGY

14. Certain national and local authorities with whom the Special Rapporteur met recognized the discrimination against certain groups, while others minimized it. Overall, these authorities identified the following groups as being victims of discrimination: the Buraku, the Ainu, the Koreans, the Chinese and other foreigners, and migrant workers.

A. The Buraku people

15. The ministries of the central Government indicated that a consultative commission on the question of *Dowa* (name given to the Buraku question) established by the Government issued a report in 1965 that recognized the discrimination against the Buraku people as a fundamental human rights issue, and called for an urgent solution which "is the nation's responsibility and simultaneously a task for all citizens". Consequently, the Diet adopted in 1969 the Law on Special Measures for Dowa Projects, aimed at improving the living environment of Buraku districts, and improving access to employment and education. This law was terminated in 2002, when the Government considered that the situation of Buraku people had improved and that the question could now be dealt with by common law.

16. However, the discriminatory mentality against Buraku people persists, and the governmental strategy is now to fight such a mentality not only concerning Buraku people but in relation to all groups affected by discrimination. This is done principally through human rights education policies promoted by the Ministry of Education, which includes the teaching of human rights at school and the training of teachers.

17. At the regional level, the Osaka prefectural government recognized the depth of the discrimination still affecting the Buraku community and indicated that the elimination of all discrimination against Buraku people is their priority. Since 1969, when the central Government started providing subsidies to prefectures and towns where Buraku people reside, the prefecture worked jointly with towns to improve the living conditions in Buraku areas. These projects related to basic infrastructure such as roads and sewers, social welfare such as health counselling and assistance to the elderly and handicapped, employment counselling such as professional training and industrial development, and education, which included sensitization projects about the Buraku people and scholarships for Buraku students.

18. Following the scandal of 1975 revealing that private detectives were selling to companies and potential marriage partners directories known as “Buraku lists”, which included information on Buraku community locations, names of households etc., to be used for discriminatory purposes, in 1985 the Osaka prefecture adopted a municipal ordinance, which for the first time in Japan prohibited such investigation.

19. In 2000, the Osaka prefectural government conducted a study on the situation of the Buraku people. It revealed that, while there had been improvements in relation to housing and infrastructure, the progress had not been sufficient in the field of education and employment, or concerning changes in the mentalities of non-Buraku people. It revealed that 20 per cent of them were still reluctant to accepting a marriage with a Buraku person and that 40 per cent did not want to live in a Buraku area. Consequently, the prefecture is now working on promoting the integration of the different communities as a means to eliminate prejudice, and on human rights education. It also established special counters for Buraku people on employment counselling and for the filing of complaints.

20. The Kyoto prefectural government also considers discrimination against Buraku people a major human rights issue. The level of education and employment of Buraku people is lower than for the rest of the population of the prefecture: the rate of children going to high school is 20 per cent lower amongst Buraku people. On the employment side, Buraku people mainly work in the construction field and in precarious employment. At the end of the Second World War, the prefecture included the teaching of the history of Buraku people at school as an essential means to eradicate discrimination, but the discriminatory mentality persisted. The prefecture currently promotes a better dialogue between Buraku people and the administration. Also, it promotes exchanges between Buraku and the rest of the population, through the establishment of community centres. Finally, sensitization activities are carried out for teachers, police officers, social actors and municipalities, to invite them to include human rights education in their programmes.

21. Concerning Tokyo prefecture, a number of Buraku people have moved there, but the communities are smaller than the ones in the Osaka and Kyoto areas. They suffer the same discrimination in the field of recruitment and marriage: a number of companies continue to use “Buraku lists”.

B. The Ainu

22. The Ministry of Land and Infrastructure, in charge of the Ainu policy, indicated that there are 24,000 Ainu in Japan, according to the last census. However, this census only includes the people who declared to be Ainu, while many Ainu conceal their identity to avoid discrimination.

The Ministry recognized that between the seventeenth and the nineteenth centuries, the Ainu in Hokkaido were put into forced labour, deprived of their resources, prevented from practising their traditional activities. After 1867, the Meiji Restoration, modern Japanese nation State started to exploit Hokkaido, and adopted an assimilation policy, so the Ainu society and culture was fatally damaged. This condition continued until the twentieth century.

23. In 1997, a law for the promotion of the Ainu culture was enacted. It establishes the Foundation for Research and Promotion of Ainu culture, in charge of implementing the law. This text provides for the promotion of the Ainu language and culture, the research on the Ainu and the dissemination of knowledge about Ainu traditions. The Foundation organizes classes to teach the Ainu language, but does not plan to create a specific writing to prevent the Ainu language from disappearing.

24. In relation to the discrimination against Ainu people, the Ministry reported that they mainly face vexations and marriage refusals. Concerning social indicators, 16.1 per cent of the Ainu who finish high school continue into higher education, as opposed to the general average of 34.5 per cent in the area. There is a specific programme for scholarships for Ainu, but there are no quotas in universities for Ainu students, since those would be considered unconstitutional.

25. The Ministry of Social Welfare, Health and Employment has a programme of professional orientation for Ainu, a recruitment service, and lends money to allow Ainu to find an employment. It briefs managers on the discrimination of the Ainu and promotes their recruitment. The Ministry of Justice has local legal services that mediate between parties in cases of individual conflicts or complaints. For example, in cases of marriage refusal linked to the Ainu origin of one of the persons, the legal service intervenes through mediation in order to resolve the conflict.

26. The 1997 law concerns the Ainu culture but does not touch upon the promotion of their human rights. In this regard, the Ministry of Land and Infrastructure indicated that the Japanese Constitution guarantees equality before the law of each Japanese. Therefore, the demands of the Ainu people to get recognition of the rights as indigenous peoples cannot be satisfied, as this would be in breach of the Constitution.

C. The people of Okinawa

27. The Government has taken a set of actions toward Okinawa, including formulating the “Okinawa Promotion and Development Plan”, with a view to closing the economic gap with the mainland, establishing the Okinawa Policy Council, composed by all Cabinet ministers and the Governor of Okinawa, so as to deliberate on basic policies regarding Okinawa, and passing the 2002 Law on Special Measures for the Promotion and Development of Okinawa.

D. Koreans and other foreigners

28. There are around 2 million documented foreigners in Japan, of whom 607,419 are Koreans. The policy of the Government to fight against the discrimination of Koreans in the labour sector consists in briefing employers on discrimination, administrative guidance in case of discriminatory hiring procedures, and sensitization activities to the whole society. In particular, the Ministry of Social Welfare, Health and Employment has a programme of equitable

recruitment: it meets with companies' managers to brief them on the discrimination of foreigners and in particular Koreans, and promotes fair recruitment.

29. In Osaka Prefecture, there are 212,590 foreigners: one inhabitant out of 40 is a foreigner, 69 per cent of whom are Koreans. Many of these were brought to Japan forcibly during the past colonial rule and their descendants. Other nationalities include the Chinese (38,554), Filipinos (5,161), Brazilians (4,758), Americans (2,613), Peruvians (1,200) and Africans (551). The prefecture indicated that discriminatory incidents against foreigners occur at the time of recruitment or when renting a house and most frequently involve Koreans and Chinese. In September 1994, an incident was reported of an African-American male who was refused entry to a shop.

30. In addition, there are Koreans who use Japanese names against their will to avoid discrimination. In primary school, only 14.2 per cent of the Korean children use their Korean name. In secondary school, only 9 per cent. Unjustified treatment, such as harassment, verbal abuse, physical violence, or the ripping of the *chima chogori* (Korean ethnic dress) have taken place one after another after the North Korean side admitted the abduction of Japanese nationals in 2002.

31. As a response, the Prefecture of Osaka elaborated a five point policy, in consultation with an advisory panel of Koreans, Chinese Japanese and other nationalities: to promote the respect of human rights for the population; to impose on firms of a certain size that they assign specialists in proper recruitment; to provide information and social services in several languages; to publicize the objective of the prefecture to turn Osaka into an international city; and to provide foreigners with opportunities to learn Japanese.

32. In Tokyo, the metropolitan government distributes booklets on the eradication of discrimination against foreigners and organizes yearly conferences on human rights for principals and teachers of public schools that include a component on foreign residents.

33. In Kyoto prefecture, foreigners represent 2.1 per cent of the population: 66 per cent of these are Koreans. Some are students or researchers in university. To promote the integration of foreigners, the Prefecture disseminates information on housing, health, security etc. in several languages, through brochures, a web page and a radio program. It assists foreign students and researchers to find an accommodation and sends voluntary interpreters to hospitals. Concerning the education of the Korean community, there are Korean schools, some of which receive grants if they meet the conditions set by law. Kyoto prefecture indicated that the most serious problem of discrimination in their region is discrimination against Koreans: there is a risk of xenophobia in this regard.

E. Anti-discrimination legislation

34. The Ministry of Justice, which is in charge of human rights, indicated that racism is prohibited under article 14 of the Constitution. However, there is at present no legislation that allows people to denounce racial discrimination and get reparation. The Human Rights Protection Bill was being discussed at the time of the visit (the Parliament having been dissolved, the bill will have to be resubmitted), which may provide for such a possibility.

35. The Ministry further explained that article 4 (a) and (b) of ICERD requires State parties to punish the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination. Japan made a reservation to these two provisions, indicating that these would be applied as far as they are compatible with the rights to freedom of assembly, association and expression. As a result, propaganda of ideas based on racial superiority or hatred is not punished in itself, and may only be punished if it engenders criminal conduct such as physical violence, threat, or defamation. The Ministry indicated that, despite the lack of a specific law, racial discrimination is not tolerated in Japan, since equal protection before the law is basic under the Constitution. There are no statistics on judicial cases that relate to racism.

III. PRESENTATION OF THEIR SITUATION BY THE COMMUNITIES CONCERNED

A. The Buraku people

36. The Buraku community indicated that discrimination against them still exists and is even increasing, while nationalism rises in the current political context. The daily manifestations include graffiti, posters and Internet messages insulting Buraku people, treating them as dirty and requesting them to leave, and discriminatory practices, mainly in the field of employment and marriage. Employers continue to enquire on the origins of the job applicants, but there is no local or national legislation that prohibits this practice, except for the prefectures of Osaka, Fukuoka, Kumamoto, Tokushima, Kagawa and Tottori. Regrettably, the “Buraku lists” are also used by marriage partners, who inquire as to the origins of their future spouse. According to a recent survey, 78 per cent of the population of Osaka indicated that they would see a marriage with Buraku people as problematic: this shows how profound the discriminatory mentality against Buraku people is. Discouragement of marriages is a major obstacle to the integration of Buraku people into the rest of the Japanese society.

37. The case of the Nishinari district in Osaka prefecture, visited by the Special Rapporteur, is a special case, since mixing took place to a certain extent. Since the leather industry has been very successful, some Buraku per cent people reached a considerable standard of living and left the district. At the same time, many non-Buraku people came to the district to work in that industry and pay lower rents. As a result, only 50 per cent of those who live in Nishinari were born there: this is still an exception in Japan.

38. Nevertheless, the district has a number of serious problems, as came out of a survey conducted in 2000, which reflect the situation of the majority of the Buraku districts: one household out of five needs income subsidies, the level of schooling is very low (the majority of the elderly residents only completed compulsory education), only 20 per cent of the inhabitants use computers and 10 per cent the internet, which is much lower than the national averages (respectively, 38.6% and 28.9%), 20 per cent of the houses are insalubrious, 30 per cent of the inhabitants feel useless, and 17.4 per cent were victims of discrimination in relation to marriage. Among young people aged between 15 and 29, 17 per cent are unemployed. The elders have extremely low revenues and serious health problems, 11 per cent of the inhabitants are disabled and only 19 per cent of these people work. In Nishinari, all discriminations intermingle. The strong prejudice against the district is felt: 50 per cent of the inhabitants hesitate to declare their residence.

39. In this context, the Nishinari community representatives stressed both the urgent need for a law against discrimination, mainly in the area of employment and marriage, which would enable victims to be indemnified, and the need for measures to change the discriminatory mentality. The district leaders became aware that racism and xenophobia are deeply linked with ignorance: neighbouring districts are much less discriminating than the ones that are far away. Therefore, the district is establishing links between various communities, promoting mutual knowledge.

40. Turning to the historical perspective, the Buraku Liberation and Human Rights Research Institute (BLHRRI) explained that, for centuries, the class system placed those who were performing certain work that were avoided by Buddhism, such as disposing dead bodies of cattle, at the bottom of the system, driving them in a situation of exclusion. Later on, when the Japanese identity was construed, those people were not considered as being part of the Japanese people in the collective mentality, and were rejected, perpetuating the discrimination that they still endure. According to BLHRRI, the origins of Buraku discrimination are still not taught sufficiently in the national education system. In addition, the contribution Buraku people gave to the society is not valued: a better recognition of their professions would be a positive step, as well as the dissemination of their cultural specificities (Buraku performing art, culinary specialties, etc.).

41. Thanks to the 1969 laws, the gap between Buraku people and the rest of the population was reduced, but the special laws were terminated. According to BLHRRI, it is possible to continue to operate against the discrimination without special measures, but only if the national legislation provides for a clear prohibition of discrimination, and specifically in the field of employment and marriage. The lack of a national law is a serious obstacle to the elimination of discrimination against Buraku people. Also, since the elimination of a Buraku service in the governmental structure in 2002, the negative impact of the lack of a structure addressing the issue is felt. The Buraku Liberation League also underlined the need to conduct a survey on the actual conditions of the Buraku people and to establish a truly independent National Commission on Human Rights.

42. Finally, Buraku women suffer from double discrimination: as Buraku, but also as women both outside and inside their community. Some Buraku representatives recognized that women are still far from having the same place as man within the Buraku community, and that an important effort is required.

B. The Ainu

43. The Ainu community feels the discrimination against it very strongly. According to a 1999 survey conducted by the Hokkaido prefectural government, 28.1 per cent of the people interviewed indicated that they had experienced discrimination or known someone who had experienced discrimination. The situations in which discrimination was experienced were, in order, at school, regarding marriage and at the workplace. The survey indicates that 95.2 per cent of Ainu children go to high school, compared to the local average of 97 per cent. The difference becomes very significant in university: 16.1 per cent of them go to university, as opposed to the local average of 34.5 per cent.

44. The discrimination faced by Ainu children at school is a serious concern. Ainu children are despised in such a strong way that some of them leave school because such persecutory treatments become unbearable. This affects the life of the entire family, which is sometimes forced to move to another region. Another consequence is that children tend to be ashamed of their identity: therefore, they tend to assimilate into the mainstream culture, and lose their culture and their pride in it. Many Ainu adults also hide their identity for fear of discrimination in finding employment or accommodation.

45. Discrimination against the Ainu is mainly based on old prejudices and mistreatment. The Former Natives Protection Law of 1899 was aimed at assimilating the Ainu by granting plots of land and turning them into farmers. This law, which was only abrogated in 1997, gave to the Ainu around six times less land than that given to the rest of the Japanese who migrated to Hokkaido. Today, the Ainu only live on 10 per cent of their ancestral land. Also, this law compelled them to lead a farming lifestyle completely alien to their traditional way of life, causing the decline of their ethnic culture. As of today, the Ainu are still greatly limited in their freedom to fish salmon, their ancestral traditional food: they can only fish for a very limited amount of salmon and only in designated areas where the salmon is of poor quality, and only after getting the authorization of the district, which in turn needs to get authorization from the Government. Such a procedure appears profoundly unjust: it prevents the Ainu people from eating their traditional food, and is humiliating, since it puts them in a position of dependence from the public authorities in the access to their ancestral alimentary resources.

46. On the identity side, the Japanese have built a number of prejudices to justify the historical oppression of the Ainu, spreading the idea that they were not intelligent, had a barbaric culture, and had a different appearance. These prejudices continue to be used to denigrate them and make them ashamed of their origins. However, after the adoption of the 1997 law, many of them are regaining their pride in being Ainu.

47. Concerning Ainu women, they want more space in the Ainu Association, out of the 20 members of the association, only one is a woman. An association of Ainu women was created, and is composed of 10 women. This association promotes the idea that education should start in the family, debates the role of mothers in education and discusses the discrimination women have faced during generations within the family. Many women explained that, in Japan in general and in the Ainu community in particular, men dominate and women are not allowed to speak on the same footing.

48. The Ainu community believes that the solution to their discrimination mainly lies in education: many Japanese on the main island do not know anything about Ainu history, or even that the Ainu exist, or they think the Ainu are foreigners. The Ainu need their true history and culture to be taught as part of the culture and history of Japan, which is not homogenous. But teachers do not teach the reality about the Ainu culture and history at school. On the contrary, many of them continue to transmit the same discriminatory image of the Ainu being inferior, for example by saying in front of a class that Ainu children can only count to 10.

49. Another solution lies in the recognition of the Ainu as indigenous peoples. The 1997 law is not considered to be sufficient since it is only on the promotion of culture. The Ainu want to see included in this law the recognition of their status as indigenous peoples, the promotion of their indigenous rights in conformity with international law, and the fight against the

discrimination they face. However, the Government has not acceded to this request. In this context, they mentioned that in 1997, in the case of the Nibutani dam built in an expropriated sacred Ainu land, the Sapporo District Court recognized the indigenous nature of the Ainu. They are among the few indigenous peoples in the world who have no land recognized as their indigenous land.

50. Finally, the Ainu are absent in the national political sphere: there was only one Ainu parliamentarian in the past, whom the Special Rapporteur has met, and none at present. The Ainu have requested a quota of parliamentarians reserved for the Ainu community.

C. The people of Okinawa

51. The people of Okinawa explained that they have suffered from a discriminatory governmental policy since the annexation of the island in 1879. The people of Okinawa are rarely consulted on the decisions affecting their island and its future. The most serious discrimination they presently endure is linked to the presence of the American military bases in their island. The Government justifies the presence of the bases in the name of “public interest”. However, the people of Okinawa explained that they suffered daily from the consequences of the military bases: permanent noise linked to the military airport, plane and helicopter crashes, accidents due to bullets or “whiz-bangs”, oil pollution, fires due to air manoeuvres, and criminal acts by American military officers. The noise due to airplanes and helicopters is higher than the level prescribed by law and causes severe health consequences, including in schools where children cannot concentrate and lessons are regularly interrupted. A number of court trials have taken place, but the Okinawan people have almost always lost. During one of these trials, the Government was reported to have made discriminatory statements about the people of Okinawa, saying that they had special feelings, that they were not normal, which provoked a scandal.

52. Between 1972 and 2005, there were 338 plane crashes on the island. In particular, in a case of a helicopter crash on a university campus, the aid workers and police were driven out, the prefecture could not participate in the investigations and the victims received no compensation. Many people on the island fear crashes. Also, several cases of women being raped and killed by American military officers have occurred, as well as of young schoolgirls being sexually harassed. On those occasions, the Government said it would take appropriate measures, but thereafter nothing was done.

53. As a consequence, some of the people of Okinawa want it to become an independent territory, in order to stop being subject to permanent human rights violations.

D. The Koreans

54. During his visit to the Utoro district, the Special Rapporteur had the opportunity to witness concretely the conditions in which a Korean community lives today, one which was placed by the Government of Japan on this piece of land during the Second World War, in order to build a military airport. When the war ended, the project of building the airport was abandoned, and the Koreans who were working there, far from receiving war reparations, were forgotten and left in that land without work, resources, protection or legal status. The sanitary conditions of Utoro are deplorable: a considerable number of the families have no running water, and the district has no channels to evacuate water, which often provokes floods. There are no sewage pipes, but an

open-air sewer whose level often rises because a neighbouring canal managed by the city of Uji often causes a reflux into the Utoro sewer. The poor existing basic infrastructures were built by the inhabitants: public authorities never came to this area. The inhabitants see this lack of basic infrastructure as unjustifiable, stressing that those who work pay their income tax.

55. Many of the inhabitants have spent more than 60 years in Utoro, have suffered and continue to suffer from these very precarious conditions of life, but are profoundly attached to their land as their only identity, memory and emotional link. However, they are now under the threat of expulsion. After the war, the land continued to be owned by the contractor (the present Nissan Shatai Corporation), but in 1987 it was sold without notice to the dwellers to a real estate agent, who requested the residents to immediately evacuate. The Kyoto District Court and the Osaka High Court rejected the arguments of the Utoro dwellers that the land had been occupied illegally. The courts ruled and that they should demolish their houses and leave Utoro. The Supreme Court confirmed the expulsion, failing to recognize any right of the Utoro people on the land where they were brought by the Japanese authorities and where they lived for more than 60 years. In addition, the sentence does not indicate any date for the expulsion, which makes the Utoro people live under an unbearable constant threat of expulsion. The Koreans living in Utoro feel they are the victims first of colonialism and war, thereafter of discrimination and exclusion, and most recently of real estate speculation: their basic rights have been violated for over 60 years.

56. Another problem of the Korean minority in general is the lack of access to pension rights. Koreans of the first generation who came to Japan have worked for years as Japanese citizens, having acquired the Japanese nationality under the colonial rule. In 1952, the Japanese nationality was withdrawn from those Koreans. In 1959, the social security system was established and Japanese nationality was required for joining it, thereby excluding Koreans who had worked for years as Japanese. The Government of Japan removed this nationality clause only in 1982, after having ratified the ICCPR and ICESCR. Despite the fact that compensatory measures have been taken to integrate in the system those who were discovered not to be entitled not due to their fault - as for the Okinawa residents after 1972 or the returned Japanese children left behind when Japan withdrew from China after the end of the Second World War - no comparable measures have been taken for Koreans who had lived in Japan under the colonial rule. An estimated 50,000 Koreans who are now more than 70 years old and in their working years were prevented from joining the system because of the nationality clause are excluded from any pension benefit. Many of them are obliged to work to survive. The matter went to the Osaka High Court, which ruled that this issue was of the resort of the legislature. The case was submitted to the Supreme Court, which should now rule on it, but Koreans need a prompt decision in view of the age of the persons concerned.

57. Turning to the situation of the education of minorities in Japan, and in particular of its Korean minority, since Japan's surrender in 1945 Koreans have created a number of Korean schools in Japan to preserve their national identity and enable the young generations to be familiar with their language, history and culture. The Special Rapporteur visited a Korean secondary school in the Kyoto Prefecture. A major concern of Korean schools is the lack of recognition by the Japanese authorities: students have no automatic eligibility to take the university entrance examination, as is the case for students with a diploma issued by Japanese schools and by the majority of the international and foreign schools. Also, Korean schools do not receive financial support from the Government, which puts a very heavy burden on the

parents. Some prefectural governments and municipalities give voluntary contributions, as in Kyoto, but these remain much lower than the ones given to Japanese schools. Finally, parents cannot benefit from tax exemption on their donations to Korean schools, while donations to other foreign schools are tax-exempt.

58. While some situations of discrimination against Korean children have recently been solved, for example concerning their right to participate in school sports federations, violence against Korean schoolchildren continues to increase. Some children suffer insults or are physically abused simply because they are Koreans. But the most serious expression concerns girls wearing national Korean dresses, who have had their clothes ripped or cut in public places during daytime. Children are now scared of showing their identity or of wearing their traditional dress.

59. Finally, concerning the most shameful form of discrimination endured by the Koreans - the system of sexual slavery of Korean women put at the disposal of the Japanese military during the Second World War - only in 1991 did the Government of Japan recognize its responsibility in the establishment of this system. However, issues such as official apology, compensation and proper education about this tragic historical episode known as “comfort women” have still not been settled. The Special Rapporteur was even informed that, starting from next year, school textbooks will not include any reference to the “comfort women”.

E. Foreigners and migrant workers

60. The foreign communities concerned and a number of Japanese human rights NGOs reported that public authorities do not take appropriate measures to fight against xenophobia and discrimination against foreigners. On the contrary, they play a role in encouraging such discrimination. Discriminatory statements against foreigners are made by some public officials. The police disseminate posters and flyers in which foreigners are assimilated to thieves. Posters by extreme right political organizations asking for the expulsion of foreigners are tolerated. The National Police Agency’s press releases exaggerate the role of foreigners in criminal offences by mentioning that crimes by foreigners were worsening, or widespread, spreading thus the wrong impression that foreigners are responsible for the country’s security problems, when in reality in 2003 the proportion of criminal offences committed by foreigners was only 2.3 per cent.

61. In February 2004, the Immigration Bureau of Japan created an e-mail reporting system on its website inviting citizens to anonymously inform on any “suspected illegal migrant”. Since citizens cannot enquire on the nationality of a person, the only way they can suspect that a person could be an illegal migrant is by their “foreign appearance”, on the basis of racial or linguistic characteristics: this system is a direct incitement to racial profiling and xenophobia.

62. Most worryingly, elected public officials make xenophobic and racial statements against foreigners in total impunity, and affected groups cannot denounce such statements. For example, the Governor of Tokyo declared in 2000 that in Tokyo “foreigners are repeating very vicious crimes ... in case of a serious disaster, even a big riot could be expected”, and in 2001 that the “very pragmatic DNA of Chinese ... [makes them] steal without hesitation in order to satisfy their desire.”¹ The national Government did not react to such statements.

63. Another serious manifestation of racial discrimination is the problem of private and quasi-public establishments refusing entrance to people based on nationality or race. According to allegations received by the Special Rapporteur, several establishments prohibit entrance to foreigners or even Japanese nationals who are not racially Japanese such as in the Hokkaido, Okinawa, Shizuoka prefectures and in the city of Tokyo. For example, in Hokkaido foreign residents have been consistently refused entrance in the Yunohana Bath, in the city of Otaru. This facility also refused entrance to a Caucasian male who had naturalized and showed proof of Japanese nationality. The owner explained that the Japanese clients would not consider him Japanese and would not want him in. According to a survey conducted by the owner, a high percentage of the clientele would not come to the baths if foreigners were allowed in. The local government asked the owner to change his policy, which he refused to do, and thereafter did not find any effective means to solve this situation.

64. Similar cases exist throughout Japan, where racial discrimination is practised undisturbed, but in no case have the public authorities prosecuted the owners of the establishments concerned. Apart from a personal unwillingness to do so, the reason is their inability to prosecute those responsible of such acts on the basis of national law. However, it is important to note that the Assembly members of a number of municipalities concerned, including the Otaru Assembly, despite having been requested by interested groups to draft and adopt ordinances which would allow the authorities under the local jurisdiction to prosecute such offences, and despite having the competence to do it, have not done so, referring to the difficulty to do it in the absence of a national law which contemplates such offences.

65. The Special Rapporteur was briefed about a case of a golf club refusing membership to foreigners in which the court ruled that such a refusal was acceptable: according to the court, prohibition of racial discrimination included in the Constitution as well as in international conventions does not apply private entities. In such circumstances, it can hardly be argued that Japan is respecting its international obligations by “appropriate means” according to the language of article 2, paragraph 1, of CERD: it appears that the Japanese system is not one in which discriminatory acts can effectively be restrained by the existing legal system.

66. Foreigners, and especially Koreans who were born in Japan or have Japanese nationality, are calling for the suppression of the Japanese nationality requirement to become civil servants in the public administration, including at the municipal level. Certain local governments, such as Osaka and Kawasaki and quite a number of municipalities, have suppressed this nationality clause, even if obstacles remain for foreigners concerning promotion to higher positions.

67. The Special Rapporteur was also informed that the majority of the foreigners working in Japan have no job security and some of them are in a situation of overstay. Foreigners mostly work for many years with short-term contracts, and have no appropriate medical coverage. The Japanese labour law which provides for its application without any discrimination based on nationality is often not implemented. The Special Rapporteur also heard testimonies on harsh treatment of foreigners, including foreigners arrested in a situation of overstay, in Immigration Bureau Facilities and other places of detention. In particular, he heard several cases of arrested and detained foreigners in need of medical treatment who were not allowed to get it and were released after prolonged detention with permanent and very serious health consequences.

F. Discriminatory messages on the Internet

68. In the light of the spread of discriminatory messages on the Internet, the prefecture of Nara decided to host a Liaison Centre established by 46 municipalities, which monitors such messages. The majority of them target the Buraku (76 per cent) referring to them as non-humans and calling for their death. The Nara Liaison Centre campaigns for the establishment of an effective legal framework to prohibit such messages and sanction their authors. In May 2005, a law on the responsibility of the Internet providers was passed, which does not provide sufficient protection to the victims: the deletion of a message depends on the will of the provider.

IV. ANALYSIS AND ASSESSMENT OF THE SPECIAL RAPPORTEUR

69. After having collected and analysed the views of all parties concerned, 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.

70. The Special Rapporteur noticed that the manifestations of such racial discrimination and xenophobia are manifold. First of all, they are of a social and economic nature. All surveys and indicators point to the fact that minorities live in a situation of marginalization and economic and social vulnerability, in the fields of employment, housing, marriage, pensions, health and education. Such inequalities vis-à-vis the rest of the Japanese society should urgently be addressed.

71. Secondly, the discrimination is also of a *political nature*. The Special Rapporteur noticed the invisibility of the national minorities in State institutions, in particular the Parliament and the Government. For example, the Ainu have only had one congressman in the national Parliament, whom the Special Rapporteur met, but have none at present. Such invisibility shows the depth of exclusion, and increases the sense of discrimination and marginalization of the communities concerned, who are given no opportunity to participate in the managing of their present and future affairs.

72. Finally, the most profound manifestations are of a cultural and historical nature. This type of discrimination affects principally the national minorities, but also descendants of former Japanese colonies. The fundamental sources of these discriminations are the identity construction of Japan, the writing and teaching of Japanese history, the image of the communities and people concerned and their perception by the society. For example, concerning the Buraku people, the historical origin of their discrimination, linked to the division of labour in the feudal era, is not at present an important element of the teaching and education of the young generations. If this is not clearly taught, it will reinforce the existing negative images and perceptions of the Buraku community. Concerning the Korean and Chinese communities, there is a lack of awareness in Japan of the historical and cultural profundity of the discrimination against these minorities which is illustrated by the frequent controversies surrounding the way in which certain episodes of Japan's history are written in school textbooks, particularly vis-à-vis its historical relations with the Korean peninsula and China. The Special Rapporteur also noticed a strong presence of the discriminatory mentality towards Koreans and Chinese in the

media and other communications targeting the young generations. He learned that new comic books that became best-sellers recently, such as “Hating the Korean wave” and “Introduction to China”, deny and revise the most relevant episodes of the Japanese colonial history, and have as an objective the denigration of the Korean and Chinese culture and civilization. They mention that “there is nothing at all in Korean culture to be proud of” and portray Chinese as obsessed with cannibalism and prostitution. Concerning the foreigners and migrant workers of other Asian countries, Middle East, African and indeed European, their discrimination is not only linked to cultural and historical xenophobia, but also, in different degrees, to the vast ignorance of their culture, history and values systems.

73. In the following section, the Special Rapporteur submits to the Government a number of recommendations relating to its political and legal strategy, but also underlines the need for an intellectual and ethical strategy to eradicate the deeper roots of the culture and mentality of discrimination and xenophobia in Japanese society.

V. RECOMMENDATIONS

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

84. 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. 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. 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. 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. 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. 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. The Government should adopt strong preventive and punitive measures to stop and firmly sanction violent racially motivated acts against Korean children.
91. 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. 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. 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. 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. 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. 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. 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.

Note

¹ Quotations provided by the "Solidarity Network with Migrants Japan".
