

Submission by Society for Threatened Peoples

a non-governmental organization in special consultative status

Language: English only
Universal Periodic Review
Second session

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2008-02-06

Japan

Society for Threatened Peoples is concerned about the discrimination of ethnic minorities in Japan. The Ainu, Japan's indigenous people, are complaining about growing discrimination despite of a landmark law enacted in 1997 that, for the first time, recognizes their culture as unique and officially promotes their rights. Traditional hunter-gatherers, the Ainu were the first inhabitants of some of the outlying islands. Today, around 25.000 Ainu live on the northernmost island of Hokkaido. With 30 percent of Ainu working in agriculture, 30 percent in fishing, only 10 percent in business and manufacturing, and 30 percent getting by as day labourers, they are among Japan's poorest inhabitants.

They have long been almost invisible in a society that likes to consider itself racially homogenous. Physically indistinguishable from Japanese, many Ainu still prefer to hide their ethnic identity to avoid discrimination. As a minority in their own land they have faced discrimination and prejudice for centuries. Japanese called them "dogs" and treated them as second-class citizens. Japanese settlers commonly took Ainu women as sexual slaves. After the Second World War, the ban on speaking Ainu was lifted, but government pressure to assimilate persisted. Ainu faced discrimination in marriage and employment, children endured bullying at school. A survey conducted in October 1999 by the Hokkaido authorities revealed that 12.4 percent of the Ainu had faced discrimination such as being rejected by potential marriage partners. This figure shows an increase of 5.1 percent from the previous survey in 1993.

But the Ainu have survived, and in 1991 Japan acknowledged to the United Nations that the Ainu were indigenous to the land, the first peoples. However, the Government of Japan has refused to acknowledge the Ainu as an indigenous people. It thus followed the advice of a 1996 internal report which warned that if the Ainu were recognized as an indigenous people, they would take the opportunity to assert sovereignty, claim land rights and the restoration of their resources and call for compensation for the crimes of colonisation.

The "Hokkaido Former Aborigines Protection Act" of 1899, the main vehicle of Japan's assimilation policy, was only abrogated in 1997 by the new "Law for the Promotion of the Ainu Culture and Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture". The new legislation was a huge step forward, but remained silent on the land rights issue. And while the law did mandate the return of money that the Hokkaido prefectural government has managed on behalf of the Ainu under the old law, many Ainu felt that the 14.000 US-Dollars the government agreed to pay was far too little and did not compensate the Ainu for the land that was stolen from them. Representatives of the indigenous population urged the government to pay at least 2.500 times that amount to reflect inflation.

The Ainu are still struggling for full recognition and acceptance by the Japanese society of their culture and language, and for the recognition in law of their rights as an indigenous people. They tried to protect their land rights by filing cases in court demanding the cancellation of expropriation orders. Though these cases were ultimately dismissed, the court recognized the Ainu as an indigenous people based on the United Nations definition and faulted the Hokkaido prefectural government for its management of the Ainu properties.

Japan's main minority group, the three million Burakumin, still suffers from discrimination which is deeply rooted in Japanese society. The Burakumin are descendants of outcast communities of the feudal era, which mainly comprised those with occupations considered "tainted" with death or ritual impurity (leather workers, animal slaughterers, executioners, grave diggers). Traditionally, they lived in their own secluded hamlets and ghettos. With the abolition of the feudal caste system in 1871, the Burakumin were legally liberated. But the long history of taboos and myths left a continuous legacy of social desolation. Those who were born, grew up in, live in Burakumin communities or are married to minority people, are still identified as Burakumin.

Despite some improvements after the enactment of the "Law on Special Measures for Dowa Projects" in 1969 (the administrative term "Dowa issues" officially describes registered Burakumin communities) many problems remain unsolved even today. At least 1,000 Burakumin communities were not officially recognized as Dowa and therefore not eligible to Dowa projects. The most serious problem is the persistent and widespread prejudices against Burakumin communities. According to a survey, 53.7 percent of respondents said that they would oppose the marriage of their child with a Burakumin. Discrimination of Burakumin in employment persists, too. Japanese companies have been accused of launching discriminatory inquiries into applicants' backgrounds and to block enrolment of minority people. Society for Threatened Peoples is therefore deeply concerned about the continuing discrimination in the education system. Enrolment in higher education is more than 10 percent lower among Burakumin students. 55.3 percent of the Burakumin have only completed primary education, compared to a national average of 31.6 percent.

Furthermore, the development of Dowa projects has caused new problems both in and outside the minority communities. Due to inadequate efforts to raise awareness among the majority population, these projects resulted in a sense of jealousy or reverse discrimination. Many younger people left the Burakumin communities in search for better housing and employment. As a result, the proportion of economically vulnerable people, such as elderly persons and single parent households, has become higher in Burakumin communities and has caused social problems.