

# BURAKU DISCRIMINATION ON THE INTERNET

## Second-Cycle UPR Recommendation

**Part 1** In reference to Paragraph 147.149 of the 2012 recommendation regarding defamation and infringement of privacy of others and the follow-up information made by Japan thereto.

*Continue its protection measures in response to infringements of human rights of other persons, such as defamation and invasion of privacy committed through the internet (Bangladesh)*

1. Buraku is the largest minority community in Japan. They are widely recognized as descendants of outcaste populations in the feudal period. Outcastes were assigned such social functions as slaughtering animals and executing criminals, and the general public perceived these functions as 'polluting acts.'
2. Today, Buraku discrimination is primarily based on whether a person lives in a Buraku neighborhood, or whether his/her ancestors are from such a neighborhood. Stigmatization of Buraku is based on one's family lineage and occupation, as being defined as "discrimination based on work and descent" by the former UN Sub-Commission on the Protection and Promotion of Human Rights. Also, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines 'descent' as one of basis of racial discrimination<sup>1</sup>, and the CERD clearly states that Buraku people are discriminated against on the ground of "descent," which is not shared by the Government of Japan<sup>2</sup>.
3. Against this backdrop, many people in Japan still try to avoid an association with Buraku people, especially on the occasion of marriage, employment or moving to a new place.
4. "Buraku List" was compiled by several private investigative agencies four decades ago. It contained information about Buraku neighborhoods throughout the country including their locations and addresses, a size of neighborhood, main occupations. When it was discovered that many leading companies had bought it in the attempt not to employ a person of Buraku origin, it became a big national scandal, and the government took the step to retrieve all copies yet some left uncollected.
5. Recently, a group of few individuals attempted to publish a Buraku List in a hard-cover. At the same time, they uploaded information contained in the Buraku List on their webpages for the purpose of promoting Buraku discrimination. Buraku Liberation League (BLL, a national organization of Buraku people calling for the elimination of Buraku discrimination) has filed a

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<sup>1</sup> Article 1

<sup>2</sup> CERD/C/JPN/CO/7-9 (2014), paragraph 22

lawsuit against the group for a breach of privacy, defamation and an infringement of Article 14 of the Constitution (equality clause).

6. The district court came out with the injunction of the publication of the List and ordered to delete the Buraku list from their website. However, they have not yet done it.

7. With the widespread of the Internet, the law on the protection of personal information was revised in 2015 by including “social status, descent and domicile address” in the scope of definition of “sensitive personal information” which is to be protected under the law. Any acquisition, use or transfer of “sensitive personal information” by a third party is required to have a prior-consent of the person concerned, and an infringement is to be punished.

8. However, the Personal Information Protection Commission has the opinion that any case involving Buraku discrimination is not within the scope of the “sensitive personal information.”

9. Meanwhile, discriminatory and derogatory information against Buraku has been rampant on the Internet. Usually, such information is disseminated by someone anonymous.

10. The government does not respond to human rights infringement on the Internet. Ministry of Justice does not request providers to delete such information unless they make a judgement on a case alleged by an individual as a human rights infringement. Providers rarely respond to requests for deletion of such information made by individuals. Even the recently enforced Act concerning hate speech does not cover this problem. Because of absence of regulations or law to prohibit racial discrimination, it is quite difficult for individuals to file a criminal complaint and access justice. When bringing a complaint to a civil court for defamation or contempt, one has to spend a large amount of money and time. It also exposes a concerned individual to the public, raising a risk for harassment and intimidation.

11. We recommend the Government of Japan to take the following measures:

**Recommendations:**

- 1) With the recent enforcement of the Act for the promotion of elimination of Buraku discrimination, which focuses on awareness-raising/education, consultation service and research in actual conditions, the Government is urged to issue a cabinet order prescribing that it is prohibited to disseminate information relating Buraku neighborhoods or one’s Buraku origin on the Internet for the purpose of facilitating discrimination.
- 2) To define the scope and social impacts of “sensitive information,” the Government is urged to consult with representative of Buraku people, i.e. BLL.
- 3) Any infringement of privacy or human rights abuse of individuals who are to be protected under the law, the Personal Information Protection Commission should take part in restoring human rights and redressing victims.

## MINORITY WOMEN'S HUMAN RIGHTS

**Part 2:** In reference to Paragraph 72 and 160 of the 2012 UPR recommendations regarding gender equality for minority women and the follow-up information made by Japan thereto, and the comprehensive study on the situation of minority women and the development of a national strategy and the follow-up information made by Japan thereto, respectively:

### Second-Cycle UPR Recommendations

*72. Continue to implement measures to ensure gender equality, including women belonging to minorities (Cuba)*

*160. Implement the recommendation given by the Committee on the Elimination of Discrimination against Women (CEDAW) to conduct a comprehensive study on the situation of minority women and develop a national strategy to improve the living conditions for minority women (Germany)*

1. Minority women are facing multiple challenges. Minority women here include Buraku women, Zainichi (resident) Korean women, indigenous Ainu women and indigenous Okinawan women, whose historical, social and cultural backgrounds are different from each other. As they are not visible, these challenges are hardly addressed either in human rights policies or women's policies. In its review of the reports of the Japanese government in 2003 and 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) recommended the government to take measures to address these challenges through developing a policy framework or grasping situations of minority women via a survey,<sup>3</sup> but, there has been no progress made.

2. Here, we focus on three challenges that women of minority communities face in their own social and cultural context.

### Domestic Violence

3. In the absence of the government's efforts to collect disaggregated data, Ainu, Buraku and Korean women conducted surveys by themselves. They revealed that victims of domestic violence of these communities rarely go to a public consultation service for help. Some do not know where to go for the consultation, and others refrain from taking the service out of fear of being found where they are from or being re-victimized in the consultation. Many of them have already been exposed to discrimination at the time of marriage or employment. Therefore it is important that counselors or advisors are from the minority communities or have good understanding of situations of minority women, so that it is less likely that victims will face difficulties again in the consultation.

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<sup>3</sup> CEDAW/C/JPN/CO/6 and CEDAW/C/JPN/CO/7-8

4. Ainu women are reluctant to use a public consultation service. For physical or verbal abuse they suffer, they often go to a medical doctor not only seeking for treatment but also for an advice. It is less likely that they go to their family members or friends.

5. More than a half of respondents from the Korean community have experienced difficulties in using their original Korean name. In fact, some of them felt that they were treated in a bad manner when they used their Korean name, or they felt tense and uneasiness when using their Korean name. It is important that public consultation service for victims of violence from Korean or other migrant communities is given in such a setting that would make them feel safe and ease.

**Recommendations:**

6. 1) The Government of Japan should provide counselors at the public consultation service with trainings that are tailored to conditions of victims from minority communities.

2) Such trained counselors are posted at every public service desk.

Education of Minority Women

7. Some surveys revealed that women from minority/indigenous communities have lower educational background than that of men from their own community and of women from the mainstream.

8. Gender disparity exists in Buraku community with regard to education level. Less Buraku women are given higher education than men. Many parents of Buraku community prefer to sending their sons to a college or university rather than sending their daughters.

9. Especially, among elderly Buraku women, the illiteracy rate is high. When they were small children, they were not allowed to go to school because of poverty, indifference of their parents or segregation they would face in school.

10. According to a survey conducted with and by Ainu women themselves in 2004, only 36% of them went to a high school, considerably lower than the national average. The rest of 60% were not allowed to go to a high school because of poverty or discriminatory attitude of school administrators or classmates. With the lower educational background, many of Ainu people live in the low standard of living. As Ainu women are subject to multiple forms of discrimination, they face more difficult situations than men in their community. Special measures are required for improvement of educational opportunities for Ainu girls and women.

**Recommendation:**

11. The Government of Japan should provide women from minority and indigenous communities with educational opportunities and support.

## Minority Women and Their Participation in the Labor Market

12. Buraku women tend to work throughout their life. Unlike women in general, Buraku women do not stay home while in pregnancy, child-rearing or even after the retirement age. They tend to work until they end their life. Many of them work in a small business as a part-time worker with less payment than other full-time colleagues. They earn around two million yen (approx. 18.000 US dollars) a year, whereas other women earn three million yen (approx. 27.000 US dollars) in average. Yet they do the same job with the same productivity.

13. A survey conducted with 250 Ainu women by a local Ainu group in 2005 revealed that most of respondents worked on part-time basis with an annual income less than 1.5 million yen.

14. Resident Koreans, especially women, are at a disadvantageous position in the labor market. Because of their ethnicity and gender, they have less opportunity of getting a job than their men and Japanese women.

15. On the basis of the census conducted in 2010, the Human Rights Association for Korean Residents in Japan analyzed the gap of unemployment and non-regular employment rate among all respondents who are almost Japanese nationals, all foreign nationals and Korean residents who have nationalities derived from Korea, by sex. Results revealed that the unemployment rate of Korean women was 9.13%, which was higher than that of all female respondents (5.03%, 4.1 percentage point gap) and of all foreign female nationals (7.73%, 1.4 percentage point gap).

16. As to non-regular employment rate, it also turned out that the rate of Korean women was higher than that of Korean men (27.25%, 35.08 percentage gap) and of all female respondents (54.56%, 7.77 percentage point gap).

### **Recommendation:**

17. The Government of Japan should take effective measures to improve employment of indigenous and minority women under proper working conditions and to provide assistance to them in finding decent jobs.