

Incidents of Discrimination and Defamation at the “Meeting with NGO and Citizens regarding the Japanese Government’s Report on International Convention on the Elimination of All Forms of Racial Discrimination” (August 31, 2007)

The Japanese government is currently in process of making its 3rd and 4th report concerning the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Japan NGO Network for the Elimination of Racial Discrimination (ERD-Net) is taking action to seek effective discussion processes between the government and the minorities concerned to shape the making of the government’s ICERD report.

On August 31, 2007, the second “meeting regarding the government’s ICERD report” between the Japanese Government, NGOs and citizens was held. (This meeting was open to public. The first meeting was held on July 28, 2006.) This meeting was hosted by the Ministry of Foreign Affairs of Japan, and representatives from other ministries such as the Ministry of Justice (the administration responsible for observance of the convention) also participated.

Recently in Japan, there is great concern over the state of meetings between the Government and civil society on human rights treaties, because NGOs who deny the international human rights standards represented by the UN human rights system have begun to participate in such meetings. They deny or seek removal of legislations such as those on human rights and gender equality, campaign for withdrawal from human rights treaties, and organize themselves to systematically participate and voice their opinions in government hosted meetings. With this in mind, at the beginning of the meeting on ICERD, which was hosted with intentions for striving to implement international human rights standards in Japan, members of the ERD-Net requested that the host and chair of this meeting take measures so that participants would refrain from voicing discriminatory comments that violate the convention. However, comments of slander, discrimination and defamation were voiced repeatedly, and those who participated with expectation for the convention were hurt deeply. (Please see “1” and “2” below for the specific incident. There are three speakers: A, B and C.)

1) Discrimination against Koreans residing in Japan

A, an ethnic Korean resident in Japan, introduced an incident where her daughter experienced discrimination on employment; During job interview for two companies, interviewers had asked her; “Won’t your nationality be a problem in working here?” and said; “You must be able to use a Japanese name (instead of her Korean name).” Her daughter wasn’t hired, and A said

that discrimination against nationality on employment exists in Japan.

To counter A's comment, B, another participant from the civil society, commented, "it is natural to be "differentiated" if you do not have a Japanese nationality. It is "differentiation" and not "discrimination." The reason your daughter wasn't hired was not because of her nationality, but because she had no ability." This comment defames A and her daughter, and supports discrimination based on nationality.

2) Discrimination against Out-of-wedlock Children

C commented that the discriminatory nature of the Japanese legal system against children born out of wedlock is leading the Japanese society to enhance social discrimination, and that the government has never taken any measures to enlighten people to eliminate discrimination against them.

To counter C, B commented, "Out-of-wedlock children are a result of adultery. It is natural for children born from adultery to be discriminated." When voices were raised for B to apologize, he refused and added, "I will not apologize, and I will repeat. It is natural for children born from adultery to be discriminated." This comment defames C, and also discriminates all people who are out-of-wedlock children.

3) Responsibility of Management and Human Rights Protection

Participants including members of ERD-Net regarded the comments made above as discrimination itself, the very issue that the meeting was supposed to address. Thus, members of ERD-NET requested that the meeting should only proceed after B apologized to A and C. However, the representatives of the government, especially the representative of the Ministry of Justice, which is responsible for protecting domestic human rights, did not take any measures to settle the situation. The representative from the Ministry of Foreign Affairs only said, "Do not raise comments against individuals," did not take any action to deter the discriminator or to provide protection for the ones discriminated, and attempted to simply proceed with the meeting. As a result, the "meeting" was discontinued.

Concerned members among the participants of the "meeting" submitted a letter to the Ministry of Foreign Affairs and to the Ministry of Justice on September 14, 2007, asking how each of the ministries viewed what happened and what counter measures they would take. As of 3rd December 2007, no response has been made by the Japanese Government.

ERD-Net has so far sincerely cooperated the Government in its process of making the ICERD report, providing comments and participating in the “meetings” hosted by the government. The ERD-Net has also made propositions on how to better conduct dialogue between the government, NGOs and minorities concerned, for the realization of human rights standards and implementation of the convention in Japan. However, the “meeting” hosted by the government fails to enable the government and minorities concerned to discuss with each other on an equal basis, due to its form which did not allow for proper interactive dialogue, and the government’s disregard to minorities as counterparts to combat racism. Moreover, this second “meeting” was held without the government providing proper response for issues and opinions that were raised at the first “information exchange meeting.”

It is an extreme disappointment that a constructive and fruitful discussion has not yet been realized between the government and the minorities concerned. ERD-Net will continue to work to successfully realize this constructive discussion.