

# FOCUS

## Asia-Pacific



Newsletter of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA)

September 2015 Vol. 81

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### Editorial

#### Non-recognition

Indigenous peoples the world over call for the full recognition of their right to exist as indigenous peoples and to enjoy their many other rights. Unfortunately, many countries in Asia and the Pacific have failed to give proper recognition of the rights of indigenous peoples.

Such non-recognition is almost tantamount to denying the injustice suffered in the past by the indigenous peoples, to allowing the continuing loss of their land and natural resources on which they depend upon for survival, to continuation of violence they suffer from those grabbing their ancestral territories for financial gain, to the perpetuation of many forms of discrimination they are being subjected to, and to the maintenance of the marginalization they endure because they are treated as less than equal by many people in the country.

Recently, at least in the case of the Ainu in Japan, the digital social media and other forms of communication have been used to malign the indigenous peoples and deny their rights. Such media assaults are seen as another examples of hate speech. Who knows what this new form of harassment of the indigenous peoples would lead to.

# Right to Land and the Ainu

Chisato Abe

Immediately after the results of the April 2015 local elections gave her a fourth term as Governor of Hokkaido, Harumi Takahashi spoke on television and said “we are planning to hold a big event to celebrate Hokkaido’s 150th anniversary in 2019.” This statement raised issues on the history of the Ainu. This means that only one hundred forty-six years have passed since a portion of the Ainu’s native land was unilaterally named “Hokkaido.” Only sixty-eight years have passed since the Hokkaido government was authorized in 1947 to operate as a regular prefectural government. Additionally, this statement reminded the Ainu that the conversion of Hokkaido’s legal status to that of a prefecture was made without their consent.

In claiming territorial rights in Hokkaido and even the Northern territories or so-called “Hoppou Ryoudo,” the government of Japan has to face the historical fact of colonization of the Ainu land and thus also the reality that such claim is not based on consent from the Ainu.

## Hokkaido History

The Ainu culture evolved starting with the Satsumon culture<sup>1</sup> in the mid-12th century and continued evolving in the 13th century. The traditional settlement area of the Ainu

people, referred to as “Ainumosir,” includes what are now known as Southern Sakhalin, the Kurile Islands and Hokkaido. The Ainu were originally a trading people, using goods obtained through hunting, gathering and fishing. Interactions between the *Wajin*, name referring to the current ethnic majority in Japan, and the Ainu occurred in earlier times as well. Although there were wars between the Ainu and the *Wajin* regarding trade issues, they had relatively good relations for a long period of time. The Ainu called the *Wajin* “*sisam*,” which means “good neighbors” in Ainu language.

From 1720, however, the situation started to change. The Matsumae Clan<sup>2</sup> was gradually able to occupy many parts of Hokkaido and imposed the “subcontracting system.” Under this system, *Wajin* merchants who paid business taxes to the Matsumae Clan were entrusted with the management of the trading posts in Hokkaido. The exploitation of the Ainu by the *Wajin* merchants under this system gradually weakened the unity of the Ainu as a community of indigenous people.

## Colonization Commission

A Colonization Commission, established in 1869, unilaterally changed the name of the island to “Hokkaido.” After the

establishment of the Colonization Commission, the government of Japan became serious in treating the island as state-owned.

Modern land reform in Hokkaido started in 1872. The Colonization Commission adopted several regulations including the “Land Regulation” that forced the Ainu to assimilate to the Japanese society, or become “Japanized.” The regulations forced the Ainu to use Japanese names, banned women’s tattoos, men’s earrings, and the traditional Ainu custom of burning the family home and moving elsewhere after the death of a family member. Using Article 15 of the Ordinance for Issuing Land Certificates, the Colonization Commission declared in 1877 the forests and wilderness in Hokkaido as state owned. Shin-ichiro Takakura, a professor of Hokkaido University, explained this situation:<sup>3</sup>

Most of Hokkaido’s land was left unused, relinquished. Therefore, land ownership in Hokkaido was in total chaos. With the property relationships being ambiguous, the modern land reform was employed as a process of building clear legal relationships. The ambiguous property relationships in Hokkaido led to the disposition of state-owned unexplored territory

and the issuance of land certifications.

However, the assertion of “ambiguous property relationships in Hokkaido” in late 19th century is not proper. The Ainu concept of land use at that time was certainly different from that of the Japanese. To the Ainu, land use was not only for the commercial purpose of buying and selling property. It was a comprehensive concept consisting of fishing, hunting, cultivation and other land uses.<sup>4</sup> Even under the notorious “subcontracting system,” the Ainu were the ones who used the forest and other resources from the land to make their products. The *Wajin* merchants bought and re-sold these products at unconscionable profit. This attitude of not recognizing the Ainu’s relationship with the land and not recognizing the correctness of what they do should be called “colonialism.”

### **Hokkaido Autonomy**

While the government of Japan has never recognized Hokkaido as a “former colony,” the history of governance of Hokkaido is all about colonial administration.

The pre-World War II Japanese territory was supposed to consist of “Japan proper” and “overseas territories.” The category of a territory was dependent on the “special circumstances” existing in the place. An important difference between “Japan proper” and an “overseas territory” — which was referred to as “colony” until 1929—was whether or not Japanese law would apply to

the territory. The “special circumstances” were, for example, the level of education of the inhabitants on Japanese customs, culture, etc., level of development, and lack of land ownership system. An “overseas territory” often had “old history,” “natives,” a significantly different physical environment, and “unique ethnic customs and social structure.” The “special circumstances” of an “overseas territory” made it difficult for the laws of Japan to properly apply.<sup>5</sup> The government in the territory had to judge which laws to apply to the land based on the level of “special circumstances” in the place. Thus it can be said that an “overseas territory” referred to the territory governed by laws other than those applicable in Japan proper.

### **“Special Circumstances” in Hokkaido**

The 1854 Treaty of Shimoda (Russo-Japanese Friendship Pact) was approved without the consent of the Ainu. Under this treaty, the government of Japan declared the Ainu as Japanese people. The treaty designated the Kuril Islands boundary to be drawn at the Uruppu waterway, and Sakhalin was designated as a shared living area, where nationals of both countries might live. There was never any consultation with the Ainu regarding Hokkaido’s land rights issues before and after the signing of the treaty.

The 1889 Election Law that granted the right to vote to Japanese men who had been paying general tax of fifteen Yen or more and at least twenty-five

years old was not applicable in Hokkaido, Okinawa, and the Bonin Islands.<sup>6</sup> Additionally, the amended land law<sup>7</sup> that allowed foreigners to own land in the country was also not applicable in Hokkaido.

After World War II, the Hokkaido government, which used to have stronger authority as Colonization Commission, became a regular prefectural government. The Colonization Commission, having the authority to choose which laws should apply to Hokkaido, considered the “Hokkaido Former Aborigines Protection Act” as a special law for the Ainu, and suspended fundamental rights such as the right to vote. The Colonization Commission did not have a local legislative body and an elected governor. With the prefectural government system, the election of Hokkaido governor, municipal mayors, members of local councils, and members of the Japanese Diet was held for the first time in 1947.

These historical facts should be considered “special circumstances” that support the conclusion that Hokkaido was initially considered an “overseas territory;” and whose status was converted into a regular prefecture without the Ainu’s consent.

### **Ainu’s Indigenous Rights to Land and Other Resources**

Based on Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples, the Ainu should enjoy the right to land, territories, and resources.<sup>8</sup> The Ainu

Association of Hokkaido in a statement submitted to the Eighth Session of the Working Group on Indigenous Populations in 1990 asserted that<sup>9</sup>

in the light of the history [of plunder of] Hokkaido and other territories by the Japanese government without any agreement with the Ainu who were living there, we maintain we have the right to claim back these lands and resources. In addition, we also have economic rights regarding hunting, gathering and fishing in these resources.

In 1997, the Sapporo District Court in the Nibutani Dam case ruled that the status of "...'indigenous peoples' should certainly apply" to the Ainu.<sup>10</sup> This was the first recognition of the Ainu as indigenous people by one of the three holders of power of the Japanese state.

The concept of "regeneration of traditional living space (*iwor*)" adopted by the Advisory Committee on the Future Measures for Ainu People in 1996 should be considered a government policy regarding the Ainu's right to land. The Advisory Council for Future Ainu Policy adopted the same concept in its 2009 report.<sup>11</sup> In this case, the Ainu Association of Hokkaido, the biggest organization of Ainu, could have asserted in the Advisory Council the Ainu's right to land in line with Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples. But it could not yet do so.

The House of Representatives and the House of Councilors

unanimously adopted the "Resolution to Recognize the Ainu as an Indigenous People" on 6 June 2008. In response, the Chief Cabinet Secretary expressed the government's position in his statement on the same day:<sup>12</sup>

Not only will the government further enhance the Ainu policies taken so far, but it will make efforts to establish comprehensive policy measures, in reference to relevant clauses of the UN [United Nations] Declaration on the Rights of Indigenous Peoples, with the recognition that the Ainu are an indigenous people who have lived around the northern part of the Japanese Archipelago, especially in Hokkaido, with a unique language as well as religious and cultural distinctiveness.

On 13 June 2014, the Cabinet adopted the "Basic Policy for the Development, Management and Operation of Symbolic Space for Ethnic Harmony." One of the most important provisions of this policy is on the planned museum to be called Symbolic Space for Ethnic Harmony.<sup>13</sup>

However, the acknowledgment by all three state powers in Japan of the Ainu as indigenous people has not yet led to the discussion of their rights as indigenous people. Worse, some argue that the Ainu cannot have collective rights. There is still much work to do for the government of Japan to show its acceptance of the value to the Ainu of the United Nations Declaration of the Rights of Indigenous Peoples.

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#### Endnotes

- 1 The Satsumon culture was one of the cultures in Hokkaido from the 7th to the 12th century, see Hokkaido's History, Culture and Nature, [www.akarenga-h.jp/en/hokkaido/jomon/j-05/](http://www.akarenga-h.jp/en/hokkaido/jomon/j-05/).
- 2 The Matsumae clan was granted by the Japanese military rulers (shogunate) during the Edo era the authority to govern an area around the southern part of Hokkaido.
- 3 Shin-ichiro Takakura, *Hokkaido Nouchi Kaitaku-shi* [History of Land System in Hokkaido], Hokkaido Nochi Kaikaku Shi [Hokkaido' History of agricultural land reform] Hokkaido, 1954, page 13.
- 4 Tadashi Takizawa, *Meiji-Shoki Kaitaku-shi no Tochi-Kaikaku to Ainu no Tochi: Omoni Hokkaido-Jisho-Kisoku Dai-7-jo wo megutte* [Land Reform of the Colonial Commission in Early Meiji Era and the Land of the Ainu], *Hokudai-shigaku* (51), The Journal of Historical Association of Hokkaido University, 2011, page 3.
- 5 Hideaki Uemura, *Ainu-Minzoku no "Ryodo-ken" to Shokumin-chi Hokkaido* [Territorial Right of the Ainu

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# Beyond the Present Ainu Policy: emancipating the Ainu from subordination to Japan

Hiroshi Maruyama

The results of the 2015 screening of new textbooks for junior secondary school students in Japan provoked criticism. The new textbooks falsified the Ainu history, which is reflective of the present Ainu policy of Japan. There is fear that these textbooks would give the majority Japanese a wrong historical view of the Ainu. This article discusses Ainu's indigeneity and their collective rights in the present Ainu policy to explore an alternative policy.

## Present Ainu Policy

The present Ainu policy is traced back to the replacement of the 1899 Hokkaido Former Aborigines Protection Act with the so-called Ainu Culture Promotion Act (CPA) of 1997. The drafting of the CPA was based on the 1996 report of the Advisory Committee on the Future Measures for Ainu People. The 2009 Final Report of the second advisory body, Advisory Council for Future Ainu Policy, established under the CPA, led to the establishment of the Council for Ainu Policy Promotion which was tasked "to comprehensively and effectively promote Ainu policy, taking views and opinions of Ainu people into consideration."<sup>1</sup> The seven members of the first advisory council (Advisory Committee on the Future Measures for Ainu

People) were all Japanese, while the second one (Advisory Council for Future Ainu Policy) was made up of seven Japanese and only one Ainu. It can be said that the Ainu have basically been excluded from the present Ainu policymaking.

In 2007, Japan reluctantly voted for the United Nations Declaration on the Rights of Indigenous Peoples. In 2008, the Diet passed in a hurry a resolution on the Ainu just a month before the G8 summit in Hokkaido. It recommended to the government to recognize the Ainu as an indigenous people in the northern part of the Japanese Archipelago in particular Hokkaido. The government immediately accepted the resolution. However, the CPA, the only existing legislation for the Ainu, does not refer to Ainu's indigeneity and their rights. Against this backdrop, the government maintains the position that it cannot conclude whether or not the Ainu are among the indigenous peoples stipulated in international instruments and, consequently, has no idea of what their rights are. A scrutiny of the two advisory councils' reports explains the situation.

## Perception of Ainu's Indigeneity

The 1996 report of the first advisory council describes the Ainu as follows:<sup>2</sup>

From the historical viewpoint, it cannot be denied that Ainu persons are indigenous to the northern part of the Japanese Archipelago in particular Hokkaido, a territory that is an inherent part of Japan.

But historians do not support this view as seen in this statement: "The state of Japan was founded in the end of the seventh century based on the western part of the Archipelago...Hokkaido and Ryukyu were outside of Japan until the middle of the nineteenth century."<sup>3</sup> The first advisory council was supposed to take advantage of the archaeological evidence that Jomon people lived more than ten thousand years ago as the first inhabitants in the Archipelago, including Hokkaido. In fact, "the region where Jomon culture prevailed almost overlaps the present territory of Japan. However, we cannot treat equally the demarcation of Jomon culture and the border of Japan with neighbouring countries."<sup>4</sup> Since the end of the Jomon period at around 300 BC, Hokkaido, Ryukyu and Japan had been distinct from each other until



the latter's colonization of Hokkaido and Ryukyu. Overall, archaeological, anthropological and historical evidence support the view that "the Ainu, the Ryukyuan and the Japanese have their roots in Jomon people, and that they have had their own histories and recognized each other as different ethnic groups."<sup>5</sup> The second advisory council repeated the view of the first advisory council in stating that the "Ainu people have lived around the northern part of the Japanese Archipelago, especially in Hokkaido, as an inherent territory of Japan."<sup>6</sup>

With regard to the perception of Ainu's indigeneity, there is no difference between the two advisory councils. The usage of the term "inherent territory of Japan" for Hokkaido implies that "the Ainu and the ethnic Japanese comprise a single identity of 'Japan', of which they are both a part."<sup>7</sup> Thus the two advisory councils encouraged the government to "emphasize the non-indigenous characteristics of the Ainu so that they are treated the same as other minority groups."<sup>8</sup> This resulted in the CPA's non-recognition of the Ainu's indigeneity, despite existing international criteria on indigenous peoples. The same colonial discourse is expressed by Tanimoto Akihisa, historian at the Center for Ainu and Indigenous Studies of Hokkaido University in Yahoo! News Japan on 3 March 2015.<sup>9</sup> He views the Ainu culture as one of the traditional cultures peculiar to Japan along with Japanese culture and Ryukyu Okinawa culture. He denies the historical fact that the Ainu had

developed distinct language and culture on their own outside of Japan's territory prior to Japan's colonization of Ainu land, and that the Ainu have handed down their culture from generation to generation until today despite discriminatory conditions. Thus he misleads the public into supporting the above-mentioned CPA.

### Perception of Ainu's Rights

Close examination of the two advisory councils' reports shows that both councils never discussed how to protect Ainu's rights or the collective rights of the Ainu in accordance with international human rights norms, though both had lawyers as members. This is seen in the CPA which has no provision on any collective right of the Ainu. As a consequence, the United Nations (UN) human rights treaty bodies have expressed concerns and provided recommendations to the Japanese government in their concluding observations on the periodic reports of Japan. For instance, the Human Rights Committee (HRC) of the International Covenant on the Civil and Political Rights (ICCPR) stated in August 2014: "The State party should take further steps to revise its legislation and fully guarantee the rights of Ainu, Ryukyu and Okinawa communities to their traditional land and natural resources."<sup>10</sup> Simultaneously, the Committee on the Elimination of Racial Discrimination (CERD) of the International Convention on the Elimination of All Forms of Racial Discrimination recommended to Japan to drastically change the present

Ainu policy by, among others, adopting "appropriate measures to protect the rights of the Ainu people to land and natural resources, and to foster the implementation of measures aimed at the realization of their right to culture and language."<sup>11</sup>

Teruki Tsunemoto, the Director of the Center for Ainu and Indigenous Studies who has been involved in Japan's Ainu policymaking for many years as key constitutional lawyer, defends the present Ainu policy by saying that the Ainu do not conform to the definition of the indigenous peoples who are entitled to enjoy self-determination and land under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). He further insists:<sup>12</sup>

It is unacceptable for the Ainu themselves to decide whether or not someone is an Ainu who can receive benefits from the authorities concerned. Indigenous rights, including the right to land and language, are collective, and so they contradict the individual-based human rights in the legal system of Japan. Based on the [2009] Final Report, the Ainu should be called an ethnic minority with indigeneity rather than an indigenous people. The present Ainu policy should be maintained and developed within Japanese jurisprudence, because Article 13 of the Constitution enables Ainu persons to live a life with their identity as Ainu.

In sum, he confines the concept of Ainu's indigeneity and their

rights to the Japanese context. In fact, both advisory councils helped the government to disregard Article 27 of the ICCPR and Article 15 of the International Covenant on the Economic, Social and Cultural Rights (ICESCR) to which Japan is a State party, that ensure the collective rights of indigenous peoples, including the Ainu.

### Collective Rights of the Ainu

The international community supports the view that “[N]o single definition could capture the diversity of indigenous peoples worldwide...[and] it was not desirable or possible to arrive at a universal definition.”<sup>13</sup> Instead of a universal definition, the UN recognizes the indigenous peoples’ right to self-identification or the power to decide who belongs to them by referring to the following criteria:<sup>14</sup>

- Historical continuity with pre-colonial and/or pre-settler societies;
- Strong link to territories and surrounding natural resources;
- Distinct social, economic or political systems;
- Distinct language, culture and beliefs;
- Form non-dominant groups of society;
- Resolve to maintain and reproduce ancestral environments and systems as distinctive peoples and communities.

These criteria add to the internationally recognized criteria provided by International Labour

Organization (ILO) Convention No. 169 and Martínéz Cobo Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities.

In the process of drafting the UNDRIP, “Japan was one of the strongest critics as many of the articles contradicted the government’s stance on collective rights.”<sup>15</sup> An open admission by the government of the colonization of Ainu land would guarantee Ainu’s indigeneity based on the UN criteria, and would be a first step to protecting the collective rights of the Ainu.

In essence, indigenous peoples enjoy their own culture, profess and practice their own religion and use their own language in community with other members. Therefore, “collective rights are a special category of rights that are especially important for indigenous peoples worldwide.”<sup>16</sup> At present, collective rights are derived from individual rights of indigenous peoples and other minorities. For example, Article 27 of the ICCPR and Article 15 of the ICESCR ensure collective rights of indigenous peoples as mentioned above.<sup>17</sup> Even in Japan, the Sapporo District Court in deciding on the case regarding the construction of the Nibutani Dam declared that the Ainu have the right to enjoy their own culture as indigenous people based on Article 27 of the ICCPR and Article 13 of the Constitution of Japan. In other words,<sup>18</sup>

the Japanese court in the Nibutani Dam Case was able to view individual rights and collective rights as not being

mutually exclusive. Viewed in this manner, individual rights do not necessarily render collective rights invalid in Japan. Despite this, in international forums the Japanese government has continually insisted on their interpretation of the constitution that divides collective and individual rights into two separate categories that cannot exist together.

Under the Constitution of Japan, the human rights of everyone are equally protected. In reality, the Constitution ensures the human rights of the majority Japanese, while the Ainu, who need collective rights as mentioned above, are not protected as far as maintaining and developing their own language and culture. In order to confirm the equality of all human rights, the collective rights of the Ainu should be immediately taken into consideration. For instance, the Ainu have no right to fish salmon like the majority Japanese, though salmon is indispensable for their culture. In order to enjoy their own culture, fishing rights should be conferred on the Ainu as a whole. However, Ochiai Kenichi, constitutional lawyer at the Centre for the Ainu and Indigenous Studies of Hokkaido University, contends that the collective rights of the Ainu cannot be ensured without the consent of the majority Japanese.<sup>19</sup> If so, minorities, including the Ainu, are not protected by the Constitution. Human rights are universal, inalienable and indivisible, and are unconditionally applied to everyone across the globe. The

protection of minorities does not require the majority's endorsement. His argument is, therefore, against the core values of human rights. Further, he insists that the Symbolic Space for Ethnic Harmony promoted by the Council for Ainu Policy Promotion is likely to give the majority an opportunity to learn the history and traditions of the Ainu. If, as he argues, an insufficient understanding of the Ainu by the majority impedes the promotion of Ainu culture, the first priority should be given to correcting the authorized description of the Ainu in history textbooks, let alone correcting the flawed current Ainu policy.

### Concluding Remarks

The reports of the first and second advisory councils, which underlie the present Ainu policy, helped to falsify Japan's colonization of Ainu land in the modern and postmodern eras, and to neglect Ainu's rights or the collective rights of the Ainu. It resulted in the flawed current Ainu policy in terms of perception of Ainu's indigeneity and their rights according to the international human rights norms. In order to replace the current Ainu policy with a new one, the government first of all ought to openly admit its colonization of Ainu land and apologize to the Ainu for it. Second, the government has to recognize the collective rights of the Ainu in accordance with international human rights norms. Today, Ainu's full participation in decisions affecting them is guaranteed based on the principle of free, prior and informed consent

under the General Comment No. 23 of the CERD and the General Comment No. 21 of the CESCR. Japan bears the responsibility of observing international human rights instruments, including inter alia the ICCPR, ICESCR and CERD, in accordance with Article 98 of the Constitution of Japan<sup>20</sup> in order to move forward.

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### Endnotes

- 1 See Council for Ainu Policy Promotion, [www.kantei.go.jp/jp/singi/ainusuishin/index\\_e.html#about](http://www.kantei.go.jp/jp/singi/ainusuishin/index_e.html#about).
- 2 Advisory Committee on the Future Measures for Ainu People, *Hokokusho* [Report], (Tokyo: 1996), page 2.
- 3 Amino, Y., *Nihon toha nanika* [What is Japan?] (Tokyo: Kodansha, 2000), page 26.
- 4 Segawa, T. *Ainugaku nyumon* [An introduction to Ainu studies] (Tokyo: Kodansha, 2015) page 42.
- 5 Ibid., page 43.
- 6 Advisory Council for Future Ainu Policy, Final Report (Tokyo: 2009), page 19.
- 7 Porter, C., "After the Ainu Shinpo: The United Nations and the Indigenous People of Japan," *New Voices* 2, 2008, page 215. Available at <http://newvoices.jp/sydney.org/2/chapter10.pdf>.
- 8 Ibid.
- 9 Tanimoto, A., *Yahoo! News Japan*. 3 March 2015; <http://headlines.yahoo.co.jp/hl?a=20150303-00000005-wordleaf-pol> (accessed on 28 July 2015).
- 10 Human Rights Committee, *Concluding observations on the sixth periodic report of Japan*, CCPR/C/JPN/CO/6, 20 August 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en) (accessed 14 August 2015).
- 11 Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined seventh to ninth periodic reports of Japan*, CERD/C/JPN/CO/7-9, 26 September 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f7-9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f7-9&Lang=en) (accessed 9 August 2015).
- 12 Tsunemoto, T., "Ainuminzoku to nihongata senjuminzoku seisaku" [The Ainu and Japanese model indigenous policy]", *Gakujutsu no doko* [Trend of Scholarship]. (Tokyo: Japan Science Support Foundation, 2011) pages 80-81.
- 13 UNGA, *Discrimination Against Indigenous Peoples - Report of the Working Group on Indigenous Populations on its fourteenth session*, E/CN.4/Sub.2/1996/21, 16 August 1996, para 28., [www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.1996.21.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.Sub.2.1996.21.En?Opendocument).
- 14 United Nations Permanent Forum on Indigenous Issues, *Indigenous Peoples*, Indige-

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# Human Rights and Cyber Hate Speech: The Case of the Ainu

ann-elise lewallen

In early autumn 2014, two Hokkaido politicians engaged in separate online attacks, questioning the veracity of the Ainu position as indigenous peoples and as a coherent ethnic community in 21st century Hokkaido. Ainu first received recognition as indigenous peoples of northern Japan in 2008. While recognition brought the promise of indigenous rights and new political status, it was also accompanied by increasing concern from conservative interest parties who feared the possibility of greater legal status for Ainu as threatening to majority *Wajin* (ethnic Japanese) enjoyment of constitutional rights. Conservative factions have vocalized these criticisms primarily using online forums such as Twitter, blogs, and elected official websites, and these online conversations have then been channeled into raucous street campaigns. Since the mid-2000s, social media sites have served as digital forums for circulation of critical commentaries and hate speech against immigrant and minoritized communities. Online criticism of Ainu in 2014 extended from a string of conservative attacks against Ainu uses of public funds in 2009. As discussed below, these cyber hate speech incidents are troubling for the state of Ainu human rights and the possibility

that indigenous rights might be introduced as part of planning for future Ainu policy. At present national Ainu policy is being coordinated by the Cabinet appointed Council for Ainu Policy Promotion (Ainu Seisaku Suishin Kaigi), with semi-regular meetings coordinated by the national government in Tokyo.<sup>1</sup>

## Cyber Hate Speech: Questioning Ainu Existence

On 11 August 2014, Sapporo City Assemblyman Yasuyuki Kaneko posted on the micro-blogging site Twitter that “Ainu people no longer exist.” Specifically, Kaneko wrote, “Ainu people, of course they no longer exist now. At most, Japanese of Ainu ancestry is what they are, crazily using up concessions, it’s unconscionable! How do I explain this [excess] to taxpayers?”<sup>2</sup> His comments ricocheted across Ainu community Facebook pages, and soon across the media, sparking criticism and outrage from the Ainu community and beyond. The Ainu Association of Hokkaido (AAH) elected not to respond in any official fashion, but several individual Ainu and allied scholars, both inside and outside academic institutions, spoke out about the issue.<sup>3</sup> By mid-August a group of Sapporo Ainu formed an ad hoc

coalition, the *Ainu Minzoku Sabetsu Hatsugen o Kyumei suru Kyodo Jikoiinkai* (Ainu Peoples’ Discriminatory Speech Investigation Coordinating Committee), and sent a public letter to Kaneko on August 22 demanding an apology. Kaneko refused to apologize and devoted himself to exposing what he called Ainu misappropriation of public funds, rooting out examples of city support for Ainu and then lambasting them on his website and Twitter feeds.<sup>4</sup> Kaneko’s further tweets and refusal to recant drew condemnation from Japan’s top political leaders, including Chief Cabinet Secretary and head of the Cabinet-appointed Ainu Policy Committee Yoshihide Suga as well as Sapporo Mayor Fumio Ueda.<sup>5</sup>

In response to these attacks, anti-racism campaigners and Ainu activists have labeled these media-based and cyber-based attacks as “hate speech,” grouping them with a wave of xenophobic protests and cyber bullying emerging around the mid-2000s.<sup>6</sup> On 25 August 2014, a loosely based collective calling itself Sapporo Against Racism (SAR) launched an online petition drive to demand Sapporo City Assembly pass a resolution calling for Kaneko’s resignation.<sup>7</sup> The petition described how Kaneko’s tweet

negated both Ainu existence as humans and their sense of ethnic identity and belonging as Ainu, further accusing the Ainu of cheating the system by abusing public funds earmarked to ease inequality, all public statements *unfitting to an elected official*.<sup>8</sup> On 22 September 2014, the Sapporo City Assembly approved a resolution demanding Kaneko's resignation from the municipal assembly. Due to the non-binding nature of the resolution Kaneko refused to resign, but he was expelled from his party, the Liberal Democratic Party (LDP).

Kaneko's initial tweets later fanned outward. On 11 November 2014, Hokkaido prefectural legislator Onodera Masaru, the same lawmaker who had ordered a massive financial audit of AAH in 2009, tweeted that the question of whether Ainu can actually be recognized as Indigenous peoples must be revisited, and any funding allocated to Ainu programs or for Ainu welfare likewise must be reevaluated and possibly revoked. During the ensuing months, Onodera elevated his criticism, pulling from archival materials and scholarly records to bolster his case against the AAH. Civil society likewise registered outrage at this denial of Ainu humanity. A broad multiethnic scholar-activist alliance infuriated by this unbridled cyber hate speech and its basis in erroneous historical revisionism coalesced quickly, publishing an anthology rejecting the validity of what they termed the *Ainu Minzoku Hitei-ron* ("Discourse of Ainu Peoples' Non-existence") in February 2015.<sup>9</sup> This alliance

emerged in part from a tactical strategy to help educate the public about the Ainu contemporary and historical situation, and thus to ensure that Kaneko and Onodera would be driven from office during the April 2015 general elections. Ainu and non-Ainu supporters thus sought to rectify the damaging impact of this misguided discourse in the absence of any response from official Ainu organizations. By early April 2015, SAR's petition had gathered more than 15,000 signatures and signers had been encouraged to circulate the petition to social media networks. Indeed, the morning papers bore the results on 12 April 2015: neither Kaneko nor Onodera managed to gain reelection and their terms concluded by the end of April 2015, which was declared a major victory by SAR and petition supporters.

Yet, most troubling, these inflammatory remarks against Ainu and the tweets that elaborated the sources of the historical interpretations that fed these anti-Ainu perspectives have already travelled to the broader *netto uyoko* (Net Far Right) circuit. Since the mid-2000s, new patterns of online xenophobic rhetoric have emerged wherein members of right-wing groups film staged street protests and rallies featuring anti-Korean or anti-Chinese resident rhetoric and streamed these in real-time.<sup>10</sup> By streaming these protests on interactive platforms, these new right-wing groups encouraged viewers to vicariously participate through posting messages to the video streams, thus boosting circulation of this

ultranationalist discourse, and creating the sensation that thousands of supporters were engaged in the real-time protests. Kaneko and Onodera both extensively utilized twitter and other social media applications to circulate their anti-Ainu rhetoric and thus their historical interpretations and arguments about Ainu "non-existence," in part to ensure that these would be circulated to and adopted by other members of the *netto uyoku*. As of Fall 2014, related right-wing groups in Tokyo had already begun to appropriate the Ainu "non-existence" theory and combine this with ongoing xenophobic displays against Koreans and Chinese neighborhoods, to argue that none of these ethnic minority communities should be eligible for government support.<sup>11</sup> Civil society groups such as Counter-Racism Action Collective and Onnagumi have joined together with SAR to stage significant counter-demonstrations against the *Kodo-suru Undo* (Action Movement) or *Kodo-suru Hoshu* (Action Conservatives), including a travelling panel exhibit, and petition drives to educate Japanese voters about the politics of candidates on the ballot. And certainly, the massive petition drive organized to oust Kaneko in fall 2014 proved to have a major impact with Kaneko's failed bid to win reelection in April 2015.

Meanwhile, despite these developments and the increasingly shrill displays of hate speech against minorities in Japan, performances that often threaten violence, the Japanese government has remained silent. During Japan's

periodic hearings at the Committee on the Elimination of Racial Discrimination (CERD) in late August 2014, a delegation of Ainu, Okinawan, and ethnic Koreans presented a shadow report to educate the committee about the frightening escalation in hate speech and threats of violence.<sup>12</sup> In response, the CERD drew upon new measures developed to identify cases of hate speech and provide specific measures that state governments should adopt to combat its dissemination and any escalation of violence it precipitates.<sup>13</sup> CERD specifically condemned the Japanese government's refusal to take concrete steps to censure hate speech in public forums or the media, and expressed concern at the absence of investigations or prosecutions in response to hate speech.<sup>14</sup> CERD urged the Japanese government to introduce punitive measures against public officials "who disseminate hate speech and incitement to hatred" including removing them from office, because of the potential of such rhetoric to escalate into physical and other forms of debilitating violence.<sup>15</sup> While CERD's recommendations constitute important censure from international society, they do not override state sovereignty. That is, they cannot directly compel the government to take corrective action nor do they provide punitive measures when it fails to act. Ultimately these recommendations and Japan's periodic reports to CERD and other United Nations human rights treaty monitoring bodies constitute a moral compass, emphasizing the

values of international society in ensuring that human rights are advanced within each sovereign nation.

### **Social Media and Human Rights: Possibilities and Pitfalls**

Increasingly, social media are being used to facilitate Indigenous communities in asserting "digital self-determination." In this sense social media enables Indigenous communities to forge and assert real-world sovereignty in online contexts by utilizing the user-friendly interfaces of social media tools to strengthen claims of sovereignty. Yet digital technologies still harbor the limitations of the non-digital world. They are often used to deny full enjoyment of human rights for Indigenous and other communities and/or to reinforce the gender stereotypes, racism, colonialism and heteropatriarchy<sup>16</sup> of the offline world. As anthropologist Tomomi Yamaguchi (2013)<sup>17</sup> has documented in her study of the ultra right-wing's use of the internet to circulate neo-nationalist xenophobic rhetoric, use of digital technologies also portends troubling conservative and racist trends because of the anonymity it affords its users and user ability to broadcast hate-based rhetoric to audiences at great distances, even if the offline gatherings are quite small.

But these same disadvantages may be transformed into strengths for Indigenous communities. When the right-wing hate speech circulated over twitter feeds and sought to disable the funding support for Ainu in Hokkaido, Ainu cyber-

networks leveraged their positions to circulate updates about counter-racism actions, to launch petition drives, to call for impromptu protests and gatherings to counter public displays of hate speech, and to disseminate information. If utilized carefully, these serve as a means of empowerment and a way to discuss diverse viewpoints in private group settings and to overcome great physical distances toward cultivating group cohesion. I urge that we question how indigenous scholars, both Ainu and non-Ainu, and their colleagues outside educational settings might take part in an Ainu affirming movement and challenge the hegemony of this small, but strident, minority of voices seeking to leverage cyberspaces to circulate their noxious messages. While positioning social media as an important communications tool for indigenous networking and discussing a wide range of issues, it is critical that we do not forget its social context. It is not a value-free tool, nor is it beyond the spaces or the imaginary realm of the nation. It remains firmly embedded in the dialogues and discourses of the offline world.

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### Endnotes

- 1 The Council for Ainu Policy Promotion at www.kantei.go.jp/jp/singi/ainuushin/index\_e.html.
- 2 [https://twitter.com/kaneko\\_yasuyuki/status/498816070531031041](https://twitter.com/kaneko_yasuyuki/status/498816070531031041), accessed 23 April 2015
- 3 I would like to thank Chisato Abe and Mark Winchester for sharing public statements and other information in response to the hate speech campaigns against Ainu in 2014-15, including the 25 August 2014 petition drive.
- 4 A full selection of Kaneko's anti-Ainu statements and responses to critics can be found here: <http://matome.naver.jp/odai/2140833107202415301>, accessed 23 April 2015.
- 5 "Kaneko Sapporo-shigi no 'Ainu Minzoku inai' Hatsugen, Suga Kanbochokan mo hihan." *Asahi Shimbun*, 26 August 2014, page 34, and "Jiminkaiha ga Ridatsukan koku, shitagawanekereba jomei 'Ainu Minzoku inai' Hatsugen no Sapporo shigi." *Asahi Shimbun*, 29 August 2014, page 30.
- 6 Lawyers Association of Zainichi Koreans (LAZAK), "Discrimination Against Koreans in Japan: Japan's Violation of the International Convention on the Elimination of All Forms of Racial Discrimination." Shadow Report to the 7th-9th Periodic Reports of Japan, 85th Session of the Committee on the Elimination of Racial Discrimination. Geneva: 11-29 August 2014.
- 7 For more information on this petition, see Mark Winchester and Akira Okawada, editors, *Ainu minzoku hiteiron ni kosuru* (Tokyo: Kawade Shobo Shinsha, 2015).
- 8 Petition available at [www.change.org/p/Sapporo-Shigikaigicho-Takahashi-Katsutomoto-sama-Ainu-Minzoku-he-no-Heito-Supichiwo-Tekkai-shinai-Sapporo-Shigikaigiin-Kaneko-Yasuyuki-ni-tai-suru-Giin-Jishoku-Kankoku-Ketsugiwo-Motomemasu](http://www.change.org/p/Sapporo-Shigikaigicho-Takahashi-Katsutomoto-sama-Ainu-Minzoku-he-no-Heito-Supichiwo-Tekkai-shinai-Sapporo-Shigikaigiin-Kaneko-Yasuyuki-ni-tai-suru-Giin-Jishoku-Kankoku-Ketsugiwo-Motomemasu), accessed 2 May 2015.
- 9 See Winchester and Okawada op. cit.
- 10 Yamaguchi, Tomomi, "Xenophobia in Action: Ultrationalism, Hate Speech, and the Internet in Japan" in *Radical History Review*, 2013, 117(Fall): 98-118.
- 11 My gratitude for the Counter-Racism Action Committee for organizing the Sapporo Against Racism Panel Exhibit, 22-24 November 2014, and helping to elucidate the disturbing links between Ainu and other minoritized communities in Japan as subjects of Far Right racism.
- 12 LAZAK, op. cit., pages 27-35.
- 13 Committee on the Elimination of Racial Discrimination, "General Recommendation No. 35: Combatting Racist Hate Speech." International Convention on the Elimination of All Forms of Racial Discrimination, CERD/C/GC/35, 26 September 2013. Full text of recommendation available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GC/35&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GC/35&Lang=en).
- 14 Committee on the Elimination of Racial Discrimination, "Concluding Observations on the Combined Seventh to Ninth Periodic Reports of Japan," CERD/C/JPN/CO/7-9, 29 August 2014. Full text of the Concluding observations available at [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/CERD\\_C\\_JPN\\_CO\\_7-9\\_18106\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/CERD_C_JPN_CO_7-9_18106_E.pdf).
- 15 Ibid.
- 16 Heteropatriarchy refers to the dominance of heterosexual men in societies around the globe, especially as pertains to legal and political power, and the corresponding delegitimization of non-male and non-heterosexual persons.
- 17 Yamaguchi, op. cit.



# More Care, Less Tragedy: Left-behind Children in China

Xu Zhen

In mid-2015, two tragedies about “left-behind” children attracted attention across China. Four young siblings were found dead on the 9th of June after drinking pesticide in Cizhu Village, Bijie city, Guizhou Province. The four children, aged from five to thirteen, lived alone and stopped going to school a month before committing suicide. According to village residents, their father worked in another place and their mother disappeared three years ago. The suicide shocked the whole nation. However, this tragedy happened again after two months. A fifteen-year-old girl and her twelve-year-old brother were killed at home in Nayong county in Bijie city on the 3rd of August. Six days later, the police arrested two suspects who admitted to having raped the girl. Residents in the village said that this teenage victim was previously raped in 2014 by a sixty-year-old man. But she decided not to report the crime to the police after receiving a compensation of 30,000 Yuan (about 4,750 US dollars).<sup>1</sup>

The six children in these two cases drew national attention to the plight of “Bijie-like” children in China, the so-called “left-behind children.” They are rural children who usually live with relatives, generally their grandparents, while their parents are working far away

from home. These left-behind children unnecessarily suffer miserable life due to separated family, poor living conditions, involvement in crime, deep fear and loneliness.

## Background of the Phenomenon

With the economic reform and the continuing advance of urbanization in the 1980s, a significant number of surplus rural labor consisting of young adults left their homes and became workers in cities, forming a spectacular “flood of workers.” However, due to the household registration system (called *hukou*) and their low income, the vast majority of them were not able to settle down in big cities, as well as bring their children with them. Under this situation, more and more children were being left behind in the rural areas as the number of migrant workers increased. Although this phenomenon appeared in the 1980s, these children had little national attention until media reports on their plight started appearing in 2004.

## Statistics on Left-behind Children in China

In 2014, the All China Women’s Federation (ACWF) issued a report about left-behind

children in the rural areas.<sup>2</sup> This report, based on the data of the sixth population census in 2010, calculated that there were about sixty-one million left-behind children in rural areas, covering 37.7 percent of the total rural children population and 21.88 percent of all the children in China. Among the left-behind children in rural areas, 32.01 percent (about nineteen million) were six to eleven year-olds, while 16.3 percent (almost ten million) were twelve to fourteen year-olds. 79.7 percent of these children were raised by their grandparents, 13 percent were entrusted to their relatives and 7.3 percent were not taken cared of by adults and suffered the worst conditions. Most of these children did not see their parents frequently: 11.1 percent met their parents three or four times a month; 32.7 percent met their parents more than five times a year; 11.7 percent met their parents three to four times a year; 29.4 percent could only meet their parents once or twice a year; and the rest, about 15.1 percent either failed to see their parents for more than a year or never saw their parents at all. The phenomenon of left-behind children appears not only in the economically poor areas in the mid-west region of China, but also in eastern provinces that are economically advanced

such as Jiangsu, Guangdong and Shandong.

### Problems Faced by Left-behind Children

The Chinese government’s white paper on the left-behind children, issued in June 2015, identified the following three main problems they face:<sup>3</sup>

#### 1) High rate of crime involvement

One of the most striking aspects of the report is the alarmingly high proportion, 65.3 percent, of the juvenile crimes involving children of the migrant workers. But these children are also the most vulnerable to human rights violations including sexual abuse, lack of protection from parents, and not having education. According to some criminology experts and members of the police force, the crimes involving left-behind children tend to have “three lows”: low age, low legal awareness, and low education. They also notice a common factor in these cases: a problematic family is behind each so-called “problematic youngster.” Lack of education of

family members and lack of protection from the family should be responsible for this situation. Children who are left in the rural areas either staying home alone or commuting between home and school by themselves are lured by criminals to commit crimes to get money or to release their anxiety and relieve their pain. Also, compared to other children, they are more exposed to the criminals because they are not protected by adults, and they lack knowledge on legal measures to protect themselves. In this situation, the criminals usually escape legal punishment.

#### 2) Bad mental condition

Since many left-behind children are not with their parents in their daily life, they more or less suffer mental problems compared to other children. They tend to be more anxious, worried, lonely, confused and pressured. Chart 1 below shows no obvious difference in the academic performance between left-behind children and other children.<sup>4</sup> See Chart 1 below.

However, on satisfaction about one’s self, the left-behind

children are prone to saying they are less satisfied with their selves. See Chart 2 below.<sup>5</sup>

Besides, they tend to have extreme behavior; they can be working very hard to reach the top of the class or abandon themselves totally. But whatever behavior they show, all of them have unstable mental condition, which is a cause of problems.

#### 3) Education

According to some researches, most of the left-behind children can get compulsory education in school. However, the situation in the midwest region is quite worrying; children of families that cannot afford their education end up doing farm work.

Additionally, most guardians of the left-behind children are less willing to take part in the children’s education and regard it as the school’s responsibility. But the guardians are needed in the education of the left-behind children. This situation and the relatively low pay make the working condition of teachers in the rural areas quite hard, and make many people reluctant to become teachers in

Chart 1

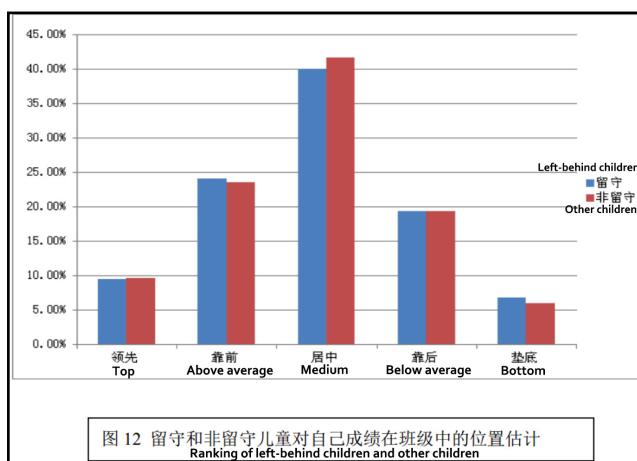
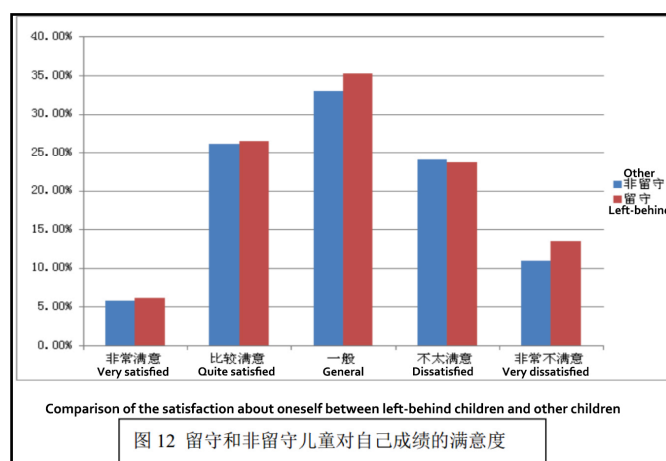


Chart 2



rural areas. The inadequate educational support leads to a vicious cycle of poverty and lack of education.

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**Endnotes**

- 1 毕节留守姐弟被害案细节：姐姐曾遭60岁老人侵害 [Details about the case of left-behind children in Bijie: The girl once suffered sexual abuse], <http://news.163.com/15/0807/12/B0DSMJU400011229.html>
- 2 中国留守儿童心灵状况白皮书 (2015) [White Paper on Left-behind Children's Mental Condition (2015)], All China Women's Federation, [http://](http://image.cdb.org.cn/editor/20150629/files/《中国留守儿童心灵状况白皮书》(2015)》.pdf)

[image.cdb.org.cn/editor/20150629/files/《中国留守儿童心灵状况白皮书》\(2015\)》.pdf](http://image.cdb.org.cn/editor/20150629/files/《中国留守儿童心灵状况白皮书》(2015)》.pdf)

- 3 Ibid., pages 1-2
- 4 Ibid., page 13
- 5 Ibid., page 14.

**Right to Land and the Ainu**

*(Continued from page 4)*

and Colonized Hokkaido],” *International Study Journal*, vol. 7 1994, page 133.

- 6 Now known as Ogasawara Islands.
- 7 This amendment of the land law was made in view of the revision of 1854 Anglo-Japanese Friendship Treaty.
- 8 See full text of the Declaration at [www.un.org/](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

[esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

- 9 Ainu Association of Hokkaido, *Supplementary Report on the Ninth Session of the Working Group on Rights of the Indigenous Peoples*, 2003.
- 10 Kayano, et al., v. Hokkaido Syuyouinkai [Hokkaido Land Expropriation Committee], 1598 HANREI JIHO 33, 46 (Sapporo District Court, 27 March 1997).
- 11 See 2009 Final Report of the Advisory Council for Future Ainu Policy, page 30 at [www.kantei.go.jp/jp/singi/ainu/dai10/siryou1\\_en.pdf](http://www.kantei.go.jp/jp/singi/ainu/dai10/siryou1_en.pdf).

12 See Council for Ainu Policy Promotion, [www.kantei.go.jp/jp/singi/ainusuishin/index\\_e.html#about](http://www.kantei.go.jp/jp/singi/ainusuishin/index_e.html#about).

13 See Overview of the Master Plan for the “Symbolic Space for Ethnic Harmony” in [www.kantei.go.jp/jp/singi/ainusuishin/pdf/symbolicspace\\_e.pdf](http://www.kantei.go.jp/jp/singi/ainusuishin/pdf/symbolicspace_e.pdf). See also Jiji, “Ainu center operations policy gets Cabinet OK,” [www.japantimes.co.jp/news/2014/06/16/national/social-issues/ainu-center-operations-policy-gets-cabinet-ok/#.VcGs4fmqqko](http://www.japantimes.co.jp/news/2014/06/16/national/social-issues/ainu-center-operations-policy-gets-cabinet-ok/#.VcGs4fmqqko).

**Beyond the Present Ainu Policy**

*(Continued from page 8)*

nous Voices – Fact Sheet, [www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf).

- 15 Porter, op. cit., page 203.
- 16 Ibid., page 209.
- 17 General Comment No. 23 of the Human Rights Committee, CCPR/C/21/Rev.1/Add.5, 26 April 1994, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11); General Comment No. 21 of the Committee on Economic, Social and Cultural Rights, E/C.12/GC/21, 21 December 2009, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=9&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=9&DocTypeID=11).

outs/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11; General Comment No. 21 of the Committee on Economic, Social and Cultural Rights, E/C.12/GC/21, 21 December 2009, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=9&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=9&DocTypeID=11).

- 18 Porter, op. cit., page 210.
- 19 Ochiai, K., *Minzokukyosei no shocho to naru kukan koso no kenpogakuteki igi* [Constitutional significance of a concept of Symbolic Space for Ethnic Harmony]. *Kokusai Jinken Hiroba* No. 108, 2013, [www.hurights.or.jp/archives/newsletter/section3/2013/03/post-204.html](http://www.hurights.or.jp/archives/newsletter/section3/2013/03/post-204.html) (accessed on 8 August 2015), pages 3-5.

cept of Symbolic Space for Ethnic Harmony]. *Kokusai Jinken Hiroba* No. 108, 2013, [www.hurights.or.jp/archives/newsletter/section3/2013/03/post-204.html](http://www.hurights.or.jp/archives/newsletter/section3/2013/03/post-204.html) (accessed on 8 August 2015), pages 3-5.

20 Article 98 provides that “[T]he treaties concluded by Japan and established laws of nations shall be faithfully observed.”

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# HURIGHTS OSAKA Calendar

The sixth volume of *Human Right Education in Asia-Pacific* has been printed and the digital file as well as separate files of the articles in the publication are now available at [www.hurights.or.jp/archives/asia-pacific/](http://www.hurights.or.jp/archives/asia-pacific/).

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