

Research Summary

Originally, the theme of this research is an analysis of postwar Japanese court judgments on *buraku* discrimination cases and the human rights abuses relating to it up to 2008. However, the library of Nissan Institute of Japanese Studies of Oxford University, the law library of Oxford University, the library of School of Oriental and African Studies, the library of Japanese Diet, the law library of Kyoto University, the Hoover Institute of Stanford University and the library of Buraku Liberation and Human Rights Research Institute (BLHRRI), which is the largest NGO in Japan for eliminating *buraku* discrimination, have no systematic collection of judgments on *burakumin* cases. I found that BLHRRI only has a collection of judgments up to 1995, excepting the full court judgments of the Sayama case. I therefore decided to use the human rights abuses discovered in the Sayama case as the *framework* to link to other court judgments on *buraku* discrimination and human rights abuses. Law depends upon their being established through the decisions of judges in a particular case and society. The objective of the research is for understanding the extent of human rights protection in Japan.

The Sayama case is a notorious kidnap-murder case of a 16-year-old high school girl in Sayama on 1 May 1963, it is also depicted as a racist incarceration. Equality and non-discrimination underpin the application of all human rights and freedoms, because one human rights abuse can adversely affect another. The analysis of judgments in Sayama, *buraku*-related judgments and human rights judgments reveals the topics of human rights abuses of *buraku* discrimination, forced voluntary self-confession, lengthy detention by abusing substitute prison system, the court's disproportionate reliance on confession, and the prosecutor's privilege of nondisclosure of evidence and the procedural injustice of policemen's *modus operandi* during interrogation. Evidences obtained by procedural injustice should be inadmissible in court but the court judgments indicate otherwise. In this research, I find a subtle linkage among discrimination and other human rights abuses. Article 26 of the International Convention on Civil and Political Rights (ICCPR) does not pinpoint such *caste-based* discrimination as the *burakumin* prejudice. To the *burakumin*, Japanese society is neutral on its face but discrimination exists indirectly.

Buraku discrimination is described as a psychological illness and the restoration of relationships among people is a means to abolish it. To fight against indirect discrimination and to achieve equity by restoration of social relations, lawsuit is possible in the absence of an anti-caste law and human rights bill in Japan. In the mid 1960s, Kwawshima Takeyoshi and David Danelski had conducted researches on the judiciary behaviors of Japanese judiciary, especially that of the Supreme Court. They find that individualism progressed gradually. Unlike Kawashima and Danelski, I discover through court judgment analysis in this research that both liberalist and conservative rulings can be found in human rights court cases in Japan. The Supreme Court adopts an inconsistent approach to handle human rights abuses due to the lack of a national human rights law and independent commission for enforcement. Another issue is the unwillingness of the Japanese government to sign the two Protocols to ICCPR. The effect of such legislative measures as the Code on Special Measures for Dōwa projects in April 1982 and the subsequent legislative affirmative measures for the elimination of *buraku* discrimination is subject to debate. Doudou Diene's report to the UN in 2006 indicates that *burakumin* still suffer from the same discrimination in recruitment and marriage. Even so, this research confirms that civil litigation is a possible way for protection against *buraku* discrimination but this means for civil justice is time-consuming and expensive.

Publication of the Results of Research Project:

Verbal Presentation (Date, Venue, Name of Conference, Title of Presentation, Presenter, etc.)

I am trying to arrange a verbal presentation of my research findings in an academic conference. As an expression of my gratitude to the assistance of Sumitomo Foundation, I shall inform Sumitomo Foundation after my confirmation of it. Also, I will express my appreciation of your assistance at the beginning my verbal presentation. It is likely that I shall present it in Stanford University.

Thesis (Name of Journal and its Date, Title and Author of Thesis, etc.)

Pending

Book (Publisher and Date of the Book, Title and Author of the Book, etc.)

Pending