Volume 6 | Issue 10 | Article ID 2932 | Oct 03, 2008

Japan's Entrenched Discrimination Toward Foreigners

The Asahi Shimbun Culture Research Center

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The Asahi Shimbun

Translation by Arudou Debito

Will Japan ever overcome its distrust of foreigners? This question has been forcefully posed in various guises, most notably perhaps by the United Nations Special Rapporteur on human rights Doudou Diene. In 2005 he concluded after a nine-day investigation in Japan that the authorities were not doing enough to tackle what he called Japan's "deep and profound racism" and xenophobia, particularly against its former colonial subjects. The report appeared to vindicate the work of campaigners such as naturalized Japanese Arudou Debito, who argue that Japan needs, among other things, an anti-discrimination law.

Now, unusually perhaps for a major national newspaper, the Asahi Shimbun *has waded into the debate with a major article on the issue. Titled, "Opening the nation: Time to make choices," the article recounts tales of discrimination by long-term foreign residents before looking at how Japan compares to other nations, including perhaps its nearest equivalent, South Korea. A lively illustration helps makes the point that foreigners sometimes feel like second-class citizens. The Asahi concludes that the dearth of laws here protecting the livelihoods or rights of non-Japanese makes the country somewhat unique. "In other countries...there is almost no example of foreigners being shut out like this." Interestingly, the* Asahi *did not translate the article for its foreign edition.* David McNeill

Apartments, hospitals...even restaurants

"They're judging me on my appearance. They suspect me because I'm not Japanese." Pakistani national Ali Nusrat (46), a resident of Saitama Prefecture, was stopped near his home by a policeman and asked, "What's all this, then?" He soon lost his patience. This is his twentieth year in Japan and he has a valid visa. However, since last year, he has gotten more and more questions about his identity and workplace, to the point where he was stopped by police every day for seven days. He was aware that security was being tightened because of the G8 Summit of world leaders [which took place in Hokkaido in July 2008], but still thought it over the top.

Nusrat has admired Japan since childhood. There are lots of nice people here, he says. But after the terrorism of 9/11, he feels that local eyes have grown more suspicious towards non-Japanese. Realtors have told him, "We don't take foreign renters." When he took a Brazilian friend to a hospital, they refused to treat him: "Sorry, we don't take foreign patients."

Recently, an American male (44) who has lived in Japan 23 years took his visiting American friend to a yakitori shop in Tokyo. Nobody took their order. When he eventually asked in Japanese for service, a woman who appeared to be the head manager said, "No gaijin" [the epithet for "foreigner"]. It was a shock. "If this were the US, the first thing we'd do is report it to the police. But there is no law against discrimination in Japan, so there's nothing the

https://doi.org/10.1017/S1557466008007699 Published online by Cambridge University Press

cops will do about it."

In Otaru, on Japan's northernmost main island of Hokkaido, there were public bathhouses with signs saying "we refuse entry to foreigners" back in 1998. A court determined that this "qualified as discrimination", handing down a verdict ordering one establishment to pay compensation. However, non-Japanese making a life in Japan still to this day face various forms of discrimination (see illustration). "Japanese Only" signs have still not disappeared, and some establishments charge non-Japanese entry fees many times higher than Japanese customers.



"If you're worried about people's manners, then make the rules clear, and kick out people who don't follow them," is the advice offered to these businesses by Arudou Debito, a native of the United States with Japanese citizenship and an associate professor at Hokkaido Information University. He was also a plaintiff in a lawsuit against an exclusionary bathhouse. "These days, when Japan needs labor from overseas, properly protecting foreigner rights sends an important message that people are welcome here."

What about other countries? While there are punitive measures, there are also moves to encourage communication.

From July 2007, South Korea began enforcing the "Basic Act on Treatment of Foreigners Residing in Korea". It demands that national and local governments "strive towards measures to prevent irrational cases of discrimination," proclaiming in Article 1: "Foreigners will adapt to South Korean society in a way that will enable them to demonstrate their individual abilities." South Korea's aging society is outpacing Japan's, and international unions now account for over 10 percent of all marriages. Forty percent of South Korean farmers and fishermen have welcomed brides from China, Southeast Asia, and other countries. The acceptance of foreign laborers continues apace. This law is the result of strong demands for improvements in the human rights of foreigners, who are propping up South Korean society and economy.

In Western countries, in addition to punitive laws against racial discrimination, there are very powerful organizations backing up foreigners' rights, such as Britain's Equality and Human Rights Commission, which has a staff of 500 people. Public-sector residences doled out to white residents only; a child denied entry into a school "because he's a Gypsy;" job promotions slow in coming -- many of these types of cases and claims flow into the offices of the Commission, which carries out redress against discrimination by race, gender, and disability.

After investigating a *bona fide* case of discrimination, the Commission proposes all parties talk to each other. If mediation fails, then the organization issues an order for parties to improve their behavior. In the event of a lawsuit, the Commission provides legal funding and offers evidence in court. In recent

https://doi.org/10.1017/S1557466008007699 Published online by Cambridge University Press

years, as more people have emigrated from Eastern Europe, as well as from Africa and Asia, it has become harder to argue that discrimination is simply between "Whites" and "non-Whites". According to [Patrick] Diamond, head of a government policy and strategy division within the Commission, "There are new duties concerning the prevention of antagonisms between ethnicities within communities."

It is not only a matter of cracking down on discrimination after the fact, but also how to prevent it happening in the first place. France has begun trying out a procedure where application forms for public housing, as well as resumes for employment, are made anonymous; this way, people do not know by an applicant's name if the latter is from an ethnic minority or a foreign country. In England, local governments are supporting events where immigrants and long-term residents cook each other food. By methods including trial and error, they are breaking down deeply-held insecurities (*kokoro no kabe*), creating "a leading country of immigration" (*imin senshinkoku*).

Creating anti-discrimination laws in Japan -- the debate stalls

Saitama Prefecture, 2007: A non-Japanese couple in their seventies had just begun renting an upscale apartment, only to find the day before moving that they would be turned away. The management association of the apartment found that bylaws forbade rental or transfer of their apartments to foreigners. The couple's oldest daughter called this a violation of human rights and appealed to the local Ministry of Justice, Bureau of Human Rights. The Bureau issued a warning to the association that this was "discriminatory treatment, conspicuously violating the freedom to choose one's residence". However, the association refused to revise its decision, and the couple had to look elsewhere.

Nationwide, the Bureau of Human Rights took on 21,600 cases of rights violations in 2007, including cases of violence or abuse towards women or the elderly, invasions of privacy and bullying. But there were also 126 cases of discrimination towards foreigners, a figure that is increasing year on year, with numerous cases involving refusals of service by renters, public baths, and hotels. However, even in cases determined to involve discrimination, the Bureau only has the power to issue "explanations" (*setsuji*) or "warnings", not redress measures. Many are deterred by lawsuits and the enormous investment of time, emotional energy, and money they demand. In the end, many people just put up with it.

Japan still has no fundamental law protecting the livelihood or rights of non-Japanese. A bill for the protection of rights for handicapped and women, which also covers discrimination by race and ethnicity, was defeated in 2003. Debate is continuing within the government and ruling party on whether to resubmit it. Still, a "Human Rights Committee", entrusted with the duties of hearing and investigating violations of human rights, has engendered great criticism from conservatives on the issue of appointing foreigners as committee members. The government eventually did a volte-face, saying that "only residents who have the right to vote for people in the local assemblies" are allowed, thus limiting appointments to Japanese.

In other countries, where organizations protect foreigners from discrimination, there is almost no example of foreigners being shut out like this. Even people within the ruling Liberal Democratic Party have been critical: "The very organizations that are supposed to help foreigners in all manner of difficulties, such as language barriers, are in fact putting up barriers of their own. Their priorities are truly skewed" (*honmatsu tentou*).

https://doi.org/10.1017/S1557466008007699 Published online by Cambridge University Press

This article first appeared in The Asahi Shimbun morning edition, October 5, 2008 in the ashita o kangaeru (With Tomorrow in Mind) column. The original text of the article is archived here. Posted at Japan Focus on October 25, 2008.

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With thanks to Miki Kaoru for technical assistance in rendering the cartoon in English.

https://doi.org/10.1017/S1557466008007699 Published online by Cambridge University Press