CHAPTER 4

HUMAN SECURITY: A HUMAN RIGHT APPROACH IN JAPAN

Introduction

Most of the policymakers, activists and common people consider the notion of Human Right and human security as almost same. Some strategists especially Human Right experts claim that both are same and the term 'security' is used only to sensitize the term and the situation. On the other hand, human security experts emphasize that vicinity of human security is little larger than the Human Right and cover inclusive and contemporary issues incredibly and modestly that are indispensable for the respectable human life.

Subsequent to the conceptual debate, some of critical questions concerning the link between Human Rights and human security appear relevant. These questions can shape the prospect of human security through the Human Rights approach. These questions are: is human security, human rights itself? Is human security a part of human rights? What is the relation between human security and Human Rights? Are human security and human rights either elevating or contraring each other? What are the common or different features of human security and human rights? If human right is that much competent, then why we do need a new concept ‘human security’? Does human security play different role from Human Rights in case of Japan? What are the Japanese responses towards these notions? Does human security and human rights really play significant role in Japanese policymaking?

In this regard, the fourth chapter of this thesis entitled, "Human Security: A Human Rights Approach in Japan", will look into human security through Human Rights approach. This chapter will correlate the approaches of Human Rights and human security in general and Japanese approach towards these two notions in particular. The major signpost of this chapter is to trace the conditions of Human Rights, its need, violations, prospects and challenges in Japan in general with special reference to outcasts
and negligence of older generations precisely. Further, it will correlate the conditions of Human Rights in securing human security. This chapter will also deals with role of Non-Governmental Organizations (NGOs), and other institutions in improving the conditions of Human Rights in Japan. Finally, this chapter will also focus on how shifting from human security to military security would affect the condition of Human Right in Japan.

**Human Rights Vs Human Security**

Prior to explaining and differentiating the notion of Human Rights and human security, it is obligatory to distinguish both the terms conceptually and practically. In that regard, one has to go through foundation, surroundings, legality, universality, components and other aspects of both the perceptions and associate them. The correlation in between Human Rights and human security can be elaborated as follows:

**Common Concern**

[1] The concept of Human Rights officially came into existence after the WWII. It was Universal Declaration of Human Rights (UDHR) by the UN General Assembly in 1948 that set down appropriate standards for Human Rights and freedoms that should be enjoyed by everyone and everywhere (Bartrand, 2004). Simply, international human rights have taken more than half a century to develop the concept and able to be implemented in respectable manner.

Compared to human rights, human security is fairly new concept that was coined in the international platform in 1994 in HDR by UNDP for the first time. Before that security was considered narrowly in terms of only state’s security specifically. After the 1994 UNDP Report, human security became very popular in international sphere. Within a decade, human security established itself in international platform and also became a part of policymaking of a number of countries around the world.
Universal Declaration of Human Rights (UDHR) defines human rights as ‘basic rights and freedom to which all human beings are entitled’ (See Appendix-VIII). Simply, human rights provide constructive and sheltered ambiance to each and every individual across the border. However, the Universal Declaration of Human Rights provide basic guarantees regarding food, health, education, housing, protection of family, democracy, participation in administration, the rule of law, protection against enslavements, torture, cruel or inhuman or degrading treatment or punishment (Bartrand, 2004). Clubbing together, they form a larger picture of human rights. In this way, human rights provide fundamental freedom that must be respected, assured and protected (Bartrand, 2004).

Further, UN Charter is aware of the concept of human security and accepts it as a part of its agenda. UNDP defines human security as “freedom from fear and Freedom from want” (HDR, 1994:22). However, this definition is so vague that it does not draw a line of its jurisdiction (Buzan, 2000:8). For that instance, UNDP also defines components of human security as Economic security, Food Security, Health Security, Environment Security, Personal Security, Community Security and Political Security (HDR, 1994: 24-33). Simply, in the human security concept all individuals are entitled to freedom from fear and freedom from want, with equal opportunity to enjoy all their rights and development of their own human potentials.

The focal point of both human rights and human security are individual. Both concepts place individual human beings in the center. Further, both argue about a wide range of issues like civil rights, cultural identity, access to education and healthcare facilities and many more (Bartand 2004). Thus, human rights and human security, both are fundamental necessity of all the human beings. In such a way, human rights are universal and extend to everybody and everywhere. Human security is also a holistic as well as a universal concept.

Human rights itself focuses on security of individual. Article 3 of Universal Declaration of Human Rights (See Appendix-VIII) emphasizes “everyone has right to life, liberty and security of the person”. The Article 3 of UDHR comprises three different but interconnected
rights i.e. right to life, right to freedom means right to mobility in broader sense and right to personal security elaborated in Article 5 and Article 9 of UDHR i.e. prevention of torture and freedom from arbitrary or detention respectively. Even Article 22 of the UDHR says:

“Everyone, as a member of society, has the right to social security and is entitled to realization, through national efforts and international co-operation and in accordance with the organization and resources of each state, of economic, social and cultural rights indispensable for his dignity and the free development of his personality” (Article 22 of UDHR) (See Appendix-VIII).

And in narrower sense Article 25 of the UDHR emphasize that,

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall have the same social protection. (Article 25 of UDHR) (See Appendix-VIII).

In Article 3, 22 and 25 of UDHR, Human Right explains its interlink directly. Article 3 of UDHR has elements of “Freedom from Fear” while Article 22 and 25 of the UDHR has elements of “Freedom from want”. Article 3, 22 and 25 of the UDHR, exhibits that physical security and social security is a major pillar of Human Rights. And together they provide a holistic security- either physical or social- that is essential for the overall development of human beings.

On the other hand, human security directly focuses on the “Freedom from Fear” and “Freedom from Want” together. In a broader sense, Freedom from Fear and Freedom from want elaborated as “safety from chronic threats such as hunger, diseases and repression as well as protection from sudden and harmful disruption in the pattern of daily life” (HDR, 1994:22). In that way, human security and human rights have common referent objects i.e. individual and have common universal security concern.
Diverse Concern

Human rights and human security have common concerns regarding the referent object and its threats. However, it does not mean that both concepts are same. The disparities between Human Rights and human security can be elaborated in many ways:

[1] Human Rights absolutely stresses on the "right of life, liberty and security of the individual" (See Article 3 of UDHR in Appendix-VIII). However, Human Rights do not mention anything about the security of state.

While, human security brings back the question of how to place the security of the state on the same level with the security of the individual, because human security considers that it can not be achieved without state's support and security. It considers state as guarantor of human security (Kerr, 2003:4-5).

[2] Human Rights are simply "right to life, liberty and security of the individual", and in elaborated form it considers physical security and social security of the individual.

On the other hand, comprising civil, cultural, economic, political and social rights as well as the right to development is the core of human security. In such a way human security brings different fields together like Human Rights, Humanitarian Affairs, Development, Security and others. In this sense human security is modestly more than the components of Human Rights alone. It extends to the area and threats far beyond the jurisdiction of Human Rights (Anwar, 2003:536-67).

[3] Even if, both the concepts claim about the same referent objects, however, most vital differences between these two lie in their approaches to addressing threats to human survival and human dignity.

Human Rights framework takes a legalistic approach to fulfill its goal that is provided by the legitimate government of the concerned country. Means, human rights is concerned
with the one and only one legitimate authority of the concerned country. Although, some Non-Governmental Organizations (NGOs) also struggle in the protection of individual’s rights, however, protection of human rights can only be guaranteed by legitimate authority, which is mostly state (Bartand, 2004), (Boyle, 2004:7).

On the other hand, human security approach utilizes a diverse range of actors including an individual, a community, a justifiable administration, NGOs or club of one or all together. Further, human security implements flexible and issue-based approaches that can operate at local, national and international level.

[4] Human rights are all civil, cultural, economic, political and social rights as well as right to development. These rights are essential for human beings to establish themselves in the society. Furthermore, these individual interests are protected by law (Jhering, 2000:3).

While human security comprises protection from natural threats that human rights are not generally concerned for example natural disaster. In this sense human security goes far beyond state’s generated threats only and also includes non-state’s generated threats. In these aspects, human security covers a larger vicinity of threats while human rights only refer to those threats that are related to physical and social security. In this way, one can conclude that Human Rights are just a part of larger dimensions of human security.

[5] The legality and inevitability also split these two concepts. Nature, approaches and functions establish that Human Rights are “Right-Based” Approach (Bartrand, 2004). The Human Right concept demands rights for the individual from a ‘just’ administration with or without help of non-state actors.

Supplementary human security is just opposite to the concept of Human Rights. While Human Right is “Right-based” approach, human security is “Need-Based” approach that demands protection of “elementary” rights and freedom. These elementary or vital rights are not the same as human rights (Donnelly, 1999). Those elementary rights are absolute
and can not alter according to the location (Donnelly, 1999:61). Additionally, human security is culturally relative.

[6] Human Rights and human security are both universal and absolute in nature. However, universality of human rights includes civil, cultural, political, social as well as right to development.

At the same time as, human security is about basic needs of people that are obligatory for the human survival in any part of the world like food, shelter, health, education and accomplishment of everyone’s human potentials (Nikolova, p.1).

As it became clear through the dimensions of conceptual clarity, approaches, function and the ways of achieving goals of both the notion, it became easy to highlight without ambiguity that even if referent objects of human security and Human Right are same i.e. individual, however, there are some disparities between both the concepts. Simply, one can differentiate based on the exceeding argument that human security covers more area than Human Rights. In that way, one can conclude that human rights are part of human security.

**Assorted Concern**

Although, there are some common and different connections among the idea of Human Rights and human security, however, there are some assorted complementary links that also survive. The mixed approaches can provide different aspects of link in between human right and human security in following ways:

[1] The Commission on Human Security (CHS) in its Report “Human Security Now” itself described in 2003 that human security and Human Rights are complementary to each other as:
"Human rights and human security are...mutually reinforcing. Human security helps identify the rights at stake in a particular situation. And human rights help answer the question: How should human security be promoted? The notion of duties and obligations complements the recognition of the ethical and political importance of human security" (Human Security Now, 2003).

A similar relation was expressed at a workshop in Costa Rica convened by the CHS in 2001 in following manner:

"We reaffirm the conviction that Human Rights and the attributes stemming from human dignity constitute a normative framework and a conceptual reference point which must necessarily be applied to the construction and implementation of the notion of Human Security. In the same manner, while acknowledging that norms and principles of International Humanitarian Law are essential components for the construction of human security, we emphasize that the latter cannot be restricted to situations of current or past armed conflict but constitute a generally applicable concept".

In both the explanations, one can differentiate that Human Rights and human security are not same concept rather both are reinforcing each other. Though, the core area of both the concepts is same, however, both are supporting entirely different aspects of the same referent object.

[2] Some human right experts suggested that the goal of human security is to reinforce the existing global Human Rights legal framework. It is true that human security admits the significance of human rights. In fact, from the security perspectives-i.e. generally believed that security is a condition or feeling of safety, of being protected- an international human rights norm defines the meaning of human security and vice versa.
Further, if human rights define and provide true meanings of human security then it furthermore is providing the essential surroundings to experience protected under which Human Rights can offer its basic principles to protect human life and dignity.

(a) Human Rights fostering human security

Human rights and human security both are enriching each other on different issues. The impact on human security by human rights can be measured in subsequent ways:

- Human rights are Right-Based approach that can provide a useful framework for the promotion of human security.
- Human Rights violations are often the root cause of conflict and instability in any society. In that way it became a most important approach to elucidate human security through its threat-based approach.
- The constant Human Rights condition fosters social relations that finally lead to the inter-societal security.

(b) Human security fostering human rights

Human Rights directly formulate and promote human security by defining it through its right-based approach.

- Human security can facilitate to resolve conflicts in-between Human Rights (Seidensticker, 2002:1).
- Human security concept renounces humanitarian intervention as Human Rights violation and says that force can not be an actor in protecting Human Rights.
• National security concerns allow derogation of human rights. However, if human security be so important then human rights will not be neglected or derogated (Seidensticker, 2002:1).

• Human security expands the notion of Human Rights through inclusion of direct threats like natural disaster and/or structural or cultural violence.

As it is previously mentioned that Human Rights and human security are not the same concept; even both concepts are not overlapping with each other and have separate ideas and functions. However, theoretical and practical associations between these two concepts do exist. Both are providing extensive array of issues like civil rights, cultural identity, access to education and healthcare facilities.

However, most fundamental differences between these two lie in their approaches to addressing threats to human survival and human dignity. Human rights opted “Right-Based” approaches while human security opted “Need-Based” approaches. Additionally, human rights is legally-binding rights, means a legitimate authority is responsible for protection of these rights. On the other hand, human security achieved its goal through a number of actors like individual, community, a nations or international community or all together.

Human Rights provide conceptual foundation for human security, while human security expands the vicinity of human rights through inclusion of other dimension like natural disaster and structural or cultural violence. Furthermore, human security is providing the essential surroundings under which human rights can recommend its principles to protect human existence and self-respect. In the meantime, CHS also emphasized that both the concepts are mutually reinforcing each other.
Human Rights Vs Human Security in Japan

Human Rights and human security are not the equivalent concepts and both have their own surrounding in matter of their vicinity, approaches, ideas, and functions. Though, both ideas are complementary and can be seen perfectly comprehended in case of Japan.

Japan is a liberal democratic country that follows the Rule of Law from the beginning of the constitution in 1946. It is generally believed that status of Human Rights is in excellent condition as Japan scores first position in Asia and 10th position worldwide in Human Development Index (HDI) (HDR 2009). At the first instance, it is obsessive to other Asian countries that normally interpret unique and well established Human Rights mechanism in Japan; however, the reality is not passionate as much as it seems.

Further, the concept of human security has also become part of Japanese policymaking after the formal introduction of the concept. The contemporary Prime Minister of Japan used it as a policy tool of policymaking. Even if, Japan has played fundamental role in improving, establishing and promoting the concept of human security theoretically and practically, however, it is very clear that fondness towards human security indicates Japan's twofold intention that promotion of human security worldwide will not only secure individuals from other country but also secure Japanese interests and vice versa.

Japanese policies towards Human Rights and human security can be associates and judged theoretically and practically in subsequent ways:

Human Rights Status in Japan

After the occupational period (1945-52), Japan adopted the constitution that includes a number of articles and provisions with a human face. It also includes some anti-military posture of Japan. The Preamble and Article 14 of Japanese Constitution promote Human Rights activities internally and externally on the other hand Article 9 represents her anti-military stance that is commonly known as “Pacifist Constitution”.
However, nearly half century after the adoption of the constitution, Japan has gone for a different concept and made it as her policy tool. There arose a great debate in academia as to what constitutes the reasons behind the adoption of entirely a new concept ‘human security’? Is this new concept named human security is feasible in case of Japan? Some raised doubts that Japan is not performing sound enough at the human rights front that is why, she needs a new concept to revive her role globally. A few others also claim that, if there are enough provisions regarding human rights, then why Japan has gone for human security. Some also predict that Japan will focus more on international issues than local in the form of human security.

However, these are just predictions of Japanese policies and focuses which are shifting from human rights to human security. Impact may be seen only after a decade that what Japan has done on human security front. Actually, ambiguity arose in late 1990s because most of strategists and policymakers could not differentiate these concepts. For securing human security in complete sense, one should correlate with Human Rights and for that instance we must know the actual condition of human Rights in Japan. In that perspective, following are the basis of determining Human Right status in Japan that further elaborates and reshapes human security.

1. The Constitution
2. Legal Procedure
3. Civil liberties
4. Political Rights
5. Discrimination
6. Rights of person with disabilities.
7. Minorities People

1. Constitution
The foremost authorized document that channels Human Rights to common people of Japan is Japanese Constitution. Constitution is the prime legal document of any country that provides all rights to its citizens. In that way, Japanese constitution is certainly fulfilling its goal.
In that sequel, Japanese post-war constitution provides three different ideas that provide the fate of Human Rights in Japan and that further reshapes human security. First one is "sovereignty", second one is "Pacifism" and third one is "Human Rights". The idea of sovereignty elaborated in the Preamble of the constitution which states from "We the Japanese people..." (See Appendix-VI). Actually, starting Preamble with these words clearly indicates that this constitution is providing authority to Japanese people to rule themselves. This is the first step in providing a place for Human Rights in Japanese Constitution.

Though, the popular sovereignty places Human Rights at the center place in Japanese constitution it also indirectly places human security at the center point. The preamble gave way to a new culture for public to actively participate in Japanese politics; this whole notion is also exceedingly close to the idea of human security.

Second reference in "Pacifism" is anti-military idea with human face. The concept of Pacifism entirely roaming around Article 9 of the Japanese Constitution where, "Japanese people forever renounce war as the sovereign right of the nation" (See Appendix-VI) or indirectly renounce war as the sovereign right of the Japanese people in the light of Preamble. Means, Japanese people will never go to war towards settling international disputes. Further, human security is again an anti-war concept and emphasizes that it is inversely related to war. It simply indicates that it strengthens the status that war will negatively affect the idea of human security and vice versa. In such a way, "Pacifism" does not only place human right in Japanese constitution but also places human security in Japanese constitution.

The third reference is "Human Rights" that gains a unique place in Japanese constitution. The Japanese constitution is talking about rights in 32 Articles out of 103 Articles (See Appendix-VI). Chapter 3 of the constitution directly lists details of some rights in article 10-40 about the rights. Additionally, article 97 also states that "the fundamental human rights granted by this constitution are fruits of the age old struggle of men to be free... and are conferred upon this and future generations in trust, to be held all time inviolate".

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Further, entire Human Rights debate in Japanese constitution, also focuses on the idea of human security indirectly. The chapter 3 of the Japanese constitution is directly establishing and improving the condition of human security.

These three ideas sovereignty, pacifism and human rights together emphasises on the democratic value, world peace and endorsement of rights (mentioned in Article 10-40 in Japanese Constitution that is commonly understood as civil, political, economic, social and cultural rights) (See Appendix-VI). They are promoting human security in Japan constitutionally.

2. Civil Liberties in Japan


Freedom of Speech and Press

Freedom of speech is a part of Human Rights and also comes under the political and personal security under human security premises. Even Preamble of UDHR focuses on the freedom of speech. The Japanese Constitution in Article 19 expresses that "Freedom of thought shall not be violated". Simply Japanese constitution provides freedom of thought and freedom of press. However, Article 21 of Japanese constitution directly forces to provide freedom of speech and freedom of Press. There will be no censorship applied regarding the freedom of speech.

Government generally supports and respects these civil liberties. However, some other groups are violating Article 21 of Japanese constitution. Kisha Group is foremost in this row. These Kisha Groups are superior scrutiny body of news across Japan that is symbol of lack of openness to external groups and freelance reporters. The Kisha groups also are a major symbol of lack of transparency in Japanese media even if Japanese constitution
provides freedom of speech and freedom of free press. All these violations are serious concern regarding the successful completion of human rights and human security both.

**Freedom of Religion**

Freedom of religion is a major component of human rights in view of the Article 18 of UDHR. Article 2 and 16 of UDHR (See Appendix-VIII) also focuses that government will not discriminate with citizen on the basis of religion. Even human security also provides religious freedom in the form of personal security and community security.

In case of Japan, the constitution provides religious freedom in Article 20 of country’s constitution. The Japanese government generally greets freedom of religion in practice.

**Freedom of Movement**

Freedom of Movement is another component of human rights which is described in Article 13 of UDHR, which argued that everyone has right to move inside or outside country’s boundary and reside anywhere in the country. This right provides people that they may really feel and enjoy the benefits of Human Rights.

Human security also provides such security in the form of “Personal Security”. Even Japanese Constitution provides such rights/security in from of Article 22 of Japanese Constitution. According to Article 22 of the Japanese constitution, the people have right to travel freely both within the country and outside country, to change their place of residence and also to migrate to other country. Japanese law does allow forced exile but, it is generally not used.

Japanese government practices freedom of movement in true sense, however, the person who wants alien card/registration (Process under which a foreigner can be permitted to stay in Japan for a longer period), refugees and asylum seekers claim that these procedures are quite lengthy and in such case Japanese government generally adopts the
policy of ‘wait and watch’. However, Japanese government argued that they do it only in genuine cases. Japanese government also claims that more than 200 Jewish family and increasing number of refugees mostly from Korea, China, Vietnam and Cambodia are examples of positive move in such cases.

Freedom of movement, residing anywhere in the country is the basic component of Human Rights and Human Security both. Although, Japanese government practices free movement and residing anywhere in the country, however, disparities in the asylum seekers and actual asylum gainer create some doubt.

3. Legal Procedure

Judicial procedure is considered as the protector of Human Rights in any country. This is like a weapon to every citizen including foreigners that can be used to protect themselves against the barbaric, unlawful activities and false allegation by the concerned agencies of government. Even if any one commits crime in any country, the individual has certain right in the light of Article 3 of UDHR (See Appendix-VII). Thus, it is considered legal procedure as it protects Human Rights to that extent that re-shapes human security.

Even if Japanese legal procedure is considered one of the best, there are some negative aspects of Japanese judicial procedure invited criticism from time to time.

[1] Human Rights and human security both are emphasizing on immoral punishment. Article 36 of the Japanese constitution also argues, “The infliction of torture by any public officer and cruel punishments are absolutely forbidden”. Even if anyone is in judicial custody, Japanese Penel Code (JPC) forbids brutality through Article 195 (Assault and cruelty by Special Officers) and Article 196 (Abuse of Authority Causing Death or injury by special Public Officer).

In the light of Article 36 of the Japanese constitution and article 195 and 196 of JPC, it is believed that Human Rights and human security situation in Japan is better than other
countries. However, reports by Bar Association, Human Rights groups and by some prisoners indicate physical abuse by the officers inside the jail. The situation in prison became worse if prisoner were illegal immigrants. The entire episode is direct threat to personal security that is part of Human Rights and human security both.

[2] Prisoners are facing acute problem and inhuman treatment inside the detention centers. Cells inside the prison are overcrowded and lack of basic facilities like blankets, medical facilities lack of heater/cooling system inside the jail are not available (Faiola, 2006). These are again against the norms of Human Rights and human security both. Even if prisoners have committed crimes and generally considered them as anti social elements however they are human beings and have certain rights.

[3] Japanese constitution prohibits arbitrary arrest or detention beyond 72 hours. Within 72 hours, arrested person should be presented before the court, however, pre-indictment can be extended up-to 28 days by the Judge. These additional delay and detention are again somehow against the norms of Human Rights and human security.

[4] Apart from the legal, rare torture incidents, substandard condition in prison and unnecessary detentions, Japanese legal procedure has certain genuine cause for its effectiveness. The average trial period of any case in Japan is 3-4 months for criminal cases and 8-9 months for civil cases (Country Report, USD, 2006). However, the credit goes to the Article 37 of Japanese constitution and different types of courts like Supreme Court, High Courts, District Courts, Family Courts, and Summary Courts in Japan that are running very efficiently.

[5] In view of the different courts and active national and international Human Rights organizations, Japanese officials are in general very supportive and responsive, although, government constrained human rights groups access to prison houses. The prohibition generally creates uncertainty in relation to the exact condition of prisoners inside the jail.
Although, Japanese legal and judicial procedure are performing acceptable in fostering the Human Rights and human security both simultaneously, however, rare torture incidents, un-necessary detention and government prohibition regarding the access of prisoners information inside jail by human rights groups are the major critique of Japanese legal system. However, these critiques have some ground that finally leads to threats to Human Rights and human security.

4. Political Rights

Political Rights are official guarantee to enjoying any other related rights. These are the rights that can provide people to choose the government according to their own wishes and also get opportunity for active participation in the political process of the concerned country. Actually, only this right is the true basis of establishing and promoting democracy. Political security is foremost in establishing Human Rights and human security. In the first instance, one can easily emphasize that political security is the core of both human security and human rights.

Article 2 of the UDHR also indirectly claims that legitimate government will not discrete anyone on the basis of political involvement or political ideology or political opinion. Further, Japanese Constitution also provides political rights according to Article 15. This Article provides Japanese citizens to choose their public officials through adult suffrage. This Article also mentions that maintaining secrecy of the voter’s wish is also a part of political right. Means, voter will never be answerable for their choice.

Japanese people actively participate and enjoy their political right in great way. Increasing voting behaviour and active participation in general elections before the successful completion of the elected government indicates the political rights in Japan. Recently, loosing of Liberal Democratic Party (LDP) and winning by Democratic Party of Japan (DPJ) after almost more than half a century of LDP rule is another indication that Japanese people are very much concerned about their political rights provided by
Japanese constitution. However, negligible percentage of women candidates participation is still a crisis in Japanese electoral politics.

It becomes clear that political rights are hub of both Human Rights and human security. As Japanese constitution provides this security, however, negligible opportunities for women to participate as candidate due to political parties apathy to encourage, frequent incidents of political corruption, charges of bribery, bid-rigging and violation of Political Fund Control Law are major visible threats to securing political right.

5. Discrimination

Discrimination in any form is again against the norms of Human Rights and human security equally. UDHR in Article 7 protects human beings from any form of discrimination. This Article claims that all are equally protected against any types of discrimination or prejudice. While, article 23 of the UDHR claims that not a single one will be discriminated on economic front and assured equal pay for equal work.

On the other hand, Japanese constitution in its Article 14 focuses that there will be no discrimination in political, economic or social front on the basis of race, creed, sex, social status or family origin. Article 44 of Japanese constitution also provides political right/security and prohibits discrimination on the basis of property or income. In fact, discrimination in any form is major obstacle of human security and Human Rights both. Without proper elimination of discrimination in all forms, human security and human rights can never be achieved.

The intact idea of human security is based on indiscrimination. This is the concept that is against the inequality, bigotry or any form of biasness. Essentially, the whole idea is just a unique symbol of equity, tolerance and impartiality. The components of human security provides basic ambience under which anyone can explore the available resources to enrich their own human capabilities. In that way human security restrains government from any type of discrimination.
Japanese Government usually follows the guidelines of constitution and normally respects the provisions mentioned in Article 14 and 44 of the Japanese constitution. However, violence against women particularly domestic violence became a major threat of human security in Japan. Even if Japanese officials argued that discrimination is an ‘alien concept’ in Japanese society, however, one can trace discrimination in various fronts. The most commonly observable area is racial discrimination and gender discrimination.

Racial Discrimination

Although, Japanese constitution prohibits any form of discrimination, however, racial discrimination is one of the most common forms that one can find in Japanese society very easily in following ways:

- Foreigners are generally not welcome in public places like restaurants, pubs, cinema halls, parks and other amusement places, unless accompanied by any Japanese native.
- Japanese nationals habitually avoid sitting next to any foreigner in public places. In such a circumstance, they prefer to stand or move away rather than have seat next to foreigners.
- In the classified ad regarding employment, visually it is clearly mentioned that foreigners need not apply even in English newspaper. If English newspapers directly outline racial discrimination then one can assume about the circumstances in Japanese newspapers.
- Even if, any non-Japanese is rarely hired for job, they face discrimination. Salaries are lower and expectations are higher from non-Japanese. Firings/retrenchment of non-Japanese is very easy and they are not a part of decision making in any company even if they are more efficient than their immediate counterparts (See Appendix-IX).

Above-mentioned trends express the state of mind of common Japanese individuals as well as Japanese corporate sector towards foreigners. In view of the UDHR and human
security, discrimination in any form is serious threat to Human Rights and human security together. And yet, Japan has no basic law protecting livelihood or rights of non-Japanese. In other words, Japan has no law to protect human rights and human security for non-Japanese.

Gender Discrimination

In this chain, gender discrimination is another front whether anyone can criticize Japanese society and culture that lead to the threats for human rights and human security equally. Gender discrimination specifically points out the status of women in Japanese society. Although, Japanese constitution averts any forms of discrimination however, violence against women particularly domestic violence subsists in the form of mental abuse than physical abuse (The Japan Times, 26th February, 2008). Generally, investigators argue domestic violence only took place inside homes; however, it is not correct and can happen anywhere (Egusha, 1999:10) in home, in offices or in the street.

Some of the analysts also argue that violence against women generally performed by husbands; however, can include a number of players like husbands, former husband, fiancé, former fiancé, boyfriend, former boyfriend and some times other family members (Egusha, 1999:10).

Domestic violence also can be separated into various forms like; physical violence (hitting, kicking, catching and pinching) sexual violence (raping and other involuntary violation of woman’s bodies) and physiological violence (using abusive language and many more) (Muramoto, 2001:20). This domestic violence may also connect to murder as 134 wives were killed by their husbands in 2000 (Inoue, 2001:19). Sometimes, this domestic violence spread its area and affects child abuse and even pregnant wives (Inoue, 2001:141).

Violence or discrimination against women also takes place in offices too specifically in way of promotion. Most companies in Japan refuse to promote women in their company
because they consider women will quite their job for too long because of marriage, child birth, child care and so on (Kaneko & Tatsui, 1996:131). However, in that regard, the formation of Equal Employment Opportunities Law (EEOL) ensures that all companies in Japan implement gender equality with regard to promotion.

Japanese society, culture and working behaviour practice discrimination, even if Japanese constitution provides protection from any form of discrimination including racial and gender. The entire episode is critical for human rights and human security together.

6. Rights of Persons with Disabilities

Discrimination against physical disables is as well concern of Human Rights and human security together. Though, UDHR in its Article 25 mentioned the rights of disabled persons, however, Japanese constitution remains silent on that issue. It does not mean that Japanese society is very compassionate about the rights of disabled persons. In reality, there are a number of incidents occurring that shows the discrimination against disables.

In this regard, Japanese Ministry of Health, Labour and Welfare in its survey held in 2001 mentioned following data regarding disables in Japan:

<table>
<thead>
<tr>
<th>Nature of Disabilities</th>
<th>Total Number of Disables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physically Disabled</td>
<td>3.4 Million</td>
</tr>
<tr>
<td>Mentally Retarded/intellectually Disabled</td>
<td>2.18 Million</td>
</tr>
</tbody>
</table>

*The above data is from Kusunoki Tashio 2001.

The total number of disabled in Japan is estimated over 6 million including 3.4 million physically disables of which 3.2 million lived at home and about 160,000 stayed in institutions adding 50,000 intellectually disabled (mentally retarded) and 2.18 mentally disabled persons. The number looks so tiny but in comparison with the total number of population, it arose fair percentage of disables in Japan.
Though, Japanese constitution is silent on the issue of its disabled citizens, however, Japanese government acknowledged this subject for the first time in 1993 and categories it in legal, physical, informational and culture and attitude of people. The Basic Law for Person with Disabilities enacted in 1993 did not include protection for disables. In the aftermath of the 1993 Japan Federation of Organizations of Physically Disabled Persons (JFOPDP) and Japan National Assembly of Disabled People’s International (JNADPI) continued for Japan Disabilities Act (JDA) which would prohibit discrimination against disabled persons.

Japan Federation of Organizations of Physically Disabled Persons and Japan National Assembly of Disabled People’s International (DPI) both are working to legalize this issue, however, unfortunately, no such rights has been legislated since 1993. In spite of these positive remedies, Japanese government has not done much in legal system to stop discrimination against disabled and also could not ensure their safety.

Japan must protect the rights of disabled and ensure provisions of education, employment, independent living and housing environment, income security, provisions of care and access to information. There is also a need of a legal mechanism in case of infringement of these rights. The participation of disabled persons in policy-making will be another remedy for securing the disabled rights in Japan. In such a way, Japanese government ensures human rights and human security to its citizen.

7. Minority People

The term ‘Minority People’ is ‘socio-political’ indication of group of individuals that are backward compared to majority people in the same society. Minority people/groups are not only politically suppressed by majority groups but also through a number of other parameters like: social status, education, employment, wealth, political power, language, nationality, religion and culture.
Though, notion of Human Rights and human security have not been constrained in minority rights directly, however, both are keen to establish minority rights in different forms. Article 7 and 23 of UDHR prohibits discrimination in any form to any people that indirectly provides rights to minority people. On the other hand, human security indirectly focuses on minority rights in the form of economic security, physical security, community security and political security of each and every individual of any society. The perception of differences between minority and majority is a direct threat to human rights and human security together.

In the case of Japan, a number of minority groups can be identified on the basis of parameters adopted worldwide. This worldwide parameters that identified minorities on the basis of physical appearance, language, culture, food habits of a particular community, economic status and specific business of a certain community. Family name and residing area are another basis for determining minority people in Japan including the worldwide parameters. In that sequel, some of the minority people listed in Japanese society is Burakumins, Ryukyuns, Ainus and Foreign Residents.

**Burakumins**

Burakumins (People of the hamlet) formerly known as *eta* (heavily polluted) or *hinin* (non-human) are one of the large minority groups in Japan. It is considered that Burakumins are contaminated and their lineage linked to the outcast community in Japanese society. There are a number of theories about the origin of Burakumins. Some scholars described that Burakumins are Koreans who came to Japan between fourth to seventh centuries and got semi-slave status. Being non-Japanese, they were segregated and treated as inferior by Japanese. Other scholars also argue that they are descendents of Korean prisoners brought back to Japan by Japanese expeditionary forces between fourth to sixth centuries, while others have held opinion that they were descendents of the Ainus (Hane, 1982:139).

Almost all theory about the origin of Burakumins emphasize that Japanese consider them to be of different racial origin. Even a government survey conducted in 1965 showed that
70% of Japanese believed that Burakumins were of a race and lineage different from the Japanese (Harada, 1975:22). However, these theories are being rejected by most of the historians who claim that Korean people were not treated as lowly people and achieve high social status and in many cases married into the aristocracy and noble families (Harada, 1975:32-35).

On the other hand, many eta families claimed that their ancestors had been warriors who got defeated in the struggle for power in the fifteenth and sixteenth centuries, who went into hiding and ended up doing menial works (Harada, 1975:22-23).

There are ambiguities about the origin of Burakumins but one thing is clear that Burakumins indulge themselves in dealing with low profile jobs that are considered impure in Japanese society like death rituals, executioners, butchers, town guards, entertainers, leatherworkers and public sanitation workers. Initially, such status was not hereditary and one could move out the outcast group by adopting other “respectable” work. Nevertheless, Tokugawa rulers froze the social order broadly dividing population into four classes: Samurai, peasants, artisans and merchants. But in reality, there were more than four classes. At the top of society were members of the courts, aristocracy and Daimyo (feudal lords) and at the very bottom there were the outcasts. With the fixation of social order by Tokugawa rulers, burakumins, eta and hinin became nationwide institutions and for the first time their status were fixed (Hane, 1982:141).

Though, Burakumins stood at the bottom of the social order decided by Tokugawa rulers, however, they were in good number. The numbers of Burakumins vary from source to source. In Meiji era, when nation’s population was about 33 million, Burakumins were approximately 400,000. It was estimated that they became 2 million in 1970 when overall population was 104 million. In 1993, Japanese Government had identified Burakumins as 298,385 household with 892,751 residents all over Japan, though, mostly concentrated near Kyoto and adjacent prefectures and in the inland sea region while northeastern region has least number of them (Wagatsuma, 1967:115). In some area, Burakumins are
in majority and counted 70% of all residents like Yoshikawa in Kochi Prefecture and Oto in Fukuoka Prefecture.

Even in places where Burakumins are good in number; usually they face discrimination by common people. Burakumins are facing discriminations from early times such as the beginning of the religion Shinto as:

Fundamental Shinto beliefs equated goodness and godliness with purity and cleanliness, and they further held that impurities could cling to things and persons, making them evil or sinful. But a person could become seriously contaminated by habitually killing animals or committing some hideous misdeed that ripped at the fabric of the community, such as engaging in incest or bestiality. Such persons, custom decreed, had to be cast out from the rest of society, condemned to wander from place to place, surviving as best they could by begging or by earning a few coins as itinerant singers, dancers, mimes, and acrobats. (McClain, 2002).

Generally, Burakumins face discrimination in day to day life. Tokugawa rulers allowed the Samurai to abuse commoners, they permitted commoners to abuse Burakumins. Burakumins were restricted in where they could live, quality of housing, mobility in and out of their hamlets, clothing, hairdo and even footwear (Hane, 1982: 142). One member from Burakumin community recalled his ancestors, remarked:

[They] were not treated as human beings. They were not allowed to wear any footwear but had to go about barefoot. They could use only straw ropes as belts and only straws to tie their hair. They were forbidden to leave their hamlet from sunset to sunrise. They were not allowed to associate with other people. When it was necessary to see others, for some business reason, they had to get on their hands and knees before they could speak (Tsuchikata, 1973:11-12).

Other Burakumin also recalled that:

Whenever Burakumin encountered people above them in the social hierarchy, they had to get on their hands and knees until the others passed by. In some area they were
required to wear special identification marks such as a yellow collar (Harada, 1975:11).

As has been mentioned earlier that Burakumins faced discrimination in day to day life, however, the worst condition was in marriage, employment, education and religious and other social activities (Akio, 1977:7)

Non-Burakumin did not want marriage relation with a person from Burakumin background. Other family members also forced them not to go for the same. This meant trouble for those who fell in love with a Burakumin and vice versa. Such an affair frequently ended in divorce or suicide (Shuppansha, 1978:64). Even husband or wife had concealed the fact about his/her Burakumin background and the truth later come out, the marriage often ended or even suicide on the part of one of the spouses.

Generally, family members of non-Burakumin forced them not to marry Burakumins. One case revealed the actual picture about the anti Burakumin sentiments as:

A young woman fell in love with a graduate of Kyoto University who was a Burakumin. When she found out, she decided to marry him anyway and tried to persuade her parents to accept her decision. She insisted that her fiancé was “a splendid person who is, in fact, too good for me. I am confident that I will achieve happiness by devoting my life to him.” Her parents contended, “It is not a matter of the person’s moral character. (If you marry him) our ancestors and descendents will be disgraced. We will not be able to face our friends and relatives.” The young woman was pregnant and was determined to go through with the marriage, but at the last minute she succumbed to the pressure from her parents and wrote her fiancé, “I could not sleep last night for analyzing my feelings. In the end I was unable to live with the thought that I would be venturing into something impure. I concluded that, if I were to marry feelings like this, we would end up being happy... (Shimonaka: 32).
In another case in 1957, the father of a young man planning to marry a Burakumin girl committed suicide when he found that he could not persuade his son and the girl to abandon their plan (Wagatsuma, 1967:254).

Such incident testifies the prejudice against Burakumins and the persistence of the belief that there is something inherently “unclean” about them. Anti Burakumin sentiments were so strong that mixed marriage have remained relatively rare. Most of the Burakumin marriages were concluded with other Burakumin (Shibata, 1975:155).

Burakumins also faced discrimination in schools and colleges. For many Burakumins attending schools with non-Burakumins was a painful and traumatic experience. They became the target of insults, taunts and even physical attack by their schoolmates as:

Children were picked on and abused in the classroom as well as on their way to and from school. Burakumin children often reported that when they went to school they had to carry rocks with them to protect themselves. When Burakumin and non-Burakumin children got into fight, the teacher tended to punish the former. When assignments to clean the school were handed out, the Burakumin children were usually the ones given the task of cleaning toilets. The constant taunting by other children stifled their desire to go to school at all, and their schoolwork naturally suffered (Harada, 1975:235).

Burakumins were also discriminated at religious front. Both, Shinto shrine and Buddhist temple during Tokugawa period discriminated against Burakumins. They were not allowed to enter in Shinto shrine and wherever they permitted they were made to sit in a secluded section in the back of the hall. In bestowing posthumous Buddhist name, some temple gave the dead of the Burakumin ignoble name like “male beast” and “female beast” (Buraku: 1975:195-97).

Burakumin soldiers also discriminated even when they were killed in action in the service of their country. A village in Saitama Prefecture built a monument to honor those who died in the Siberian Expedition that was launched by Japan following the Bolshevik
revolution. When the names were inscribed, the Burakumin war dead were left out (Kitahara, 1974:100).

Such type of cases clearly indicated that Burakumins were considered inhuman and impure. However, Burakumins got discriminated by older generation people rather than young generation. Sometime, young people get shocked that such discrimination and unethical practices still remain in their society. Every Burakumin faces discrimination in marriage, in employment and get neglected in social gathering. Traditionally, family members made queries about the family name of expected bride and groom and in that way they could identify people from Burakumin background. There is a history that before 1970s, people avoided indulgence with the people from Burakumin background. It happens rarely in modern days, however, ratio of discrimination against Burakumins are coming down because of a number activities like;

- In 1922, the leaders of Buraku Community organized a movement to advance the Buraku rights and the discrimination against Burakumins. This movement influenced by Bolshevik Movement and active till 1930.
- In the post WWII, National Committee for Burakumins Liberation (NCBL) was founded that transformed itself as Buraku Liberation League (BLL) in 1950. This league became one of the major pressure groups in Japanese politics till 1970s.
- In 1976, a Legislation banning the practice of making query about the other person's family register was introduced.
- In the early 1970s, Government was also keen to pass the Special Measures Law for Assimilation Projects that provides financial assistance for discriminated communities besides opportunities.

Though, all these provisions together have immense impact on the improved status of Burakumin people in Japanese society, however, key steps were taken by Ministry of Justice (that maintains the record of family names) that family background will be revealed only in legal cases and not in individual cases, so that no one can identify who is
from which community. This move made by Ministry of Justice made difficult to trace/make out the origin and discriminate people from that community.

Ainus

Ainus are the second largest indigenous minority group in Japan. Historically they have been residing largely confined to Hokkaido (commonly known as Hokkaido Ainu). Also there are Kurile Island (Kurile Ainu) and Sakhalin Island (Sakhalin Ainu). Ainu legend says that “Ainu lived in this place a hundred and thousand years before the children of Sun came” (Siöberg, Katarina V, 1993:9). Most of them still live in the same region and gather around Hokkaido. The exact number of Ainu People in Japan is unknown because the person from Ainu community generally hides their identity. Japanese government official estimates their population around 25,000 at the same time their unofficial number is around 200,000 (Poisson.B, 2002:5). Ainu People are traditionally hunters, who lived mainly in groups and indulge in hunting and fishing.

Discrimination against Ainu takes place in many forms including disparities in employment, education and marriages. Though, common Japanese discriminate Ainu on certain aspects however, Japanese government also discriminates at policy level.

Japanese government has never conducted any survey regarding the development of rights and improvement of social position of Ainu community. Besides conducting survey to identify the problems faced by Ainu and its measures, policymakers themselves indulge in neglecting the existence of Ainu. On July 2, 2001, Munéo Suzuki (a member of LDP and Director of Japanese Government’s Hokkaido-Okinawa Development Agency) stated that “Japan is an ethically homogeneous nation”. Munéo referred that “Japan as one nation [with] one language and one ethnicity”. Further on Ainu issue he opined that “Ainus are now completely assimilated”. This type of statement is offensive about the existence of Ainu and Ainu culture.
Due to negligence of Japanese policymakers, Ainu people and Ainu culture have been disappearing rapidly. Once a Japanese government representative stated in 324th session of the 12th Human Rights Committee of the United Nations, held in 1980:

"the Ainu people should rightly be called Utari people, but that as a result of the rapid develop of communications since the Meiji Restoration in the 19th century, it has become difficult to recognize any distinguishing features in their mode of living."

Even Committee on the Elimination of Racial Discrimination (CERD) found that Japanese government had violated the norms of International Convention on the Elimination of All Forms of Racial Discrimination. Unfortunately, Japanese government has not taken any steps regarding this.

Except the poor negligence from policymakers' side, Ainu people also face discriminatory remarks by other Japanese. Ainu children who attend school are often bullied and called Inu (dog). This abusive remark shows the discriminatory nature of common Japanese towards Ainus.

Apart from discrimination about their existence, Ainu culture has been preserved in some area in northern part of Japan, however, strong sense of socialization and fear of marginalization led generation to regard their Ainu identity negatively. Simply, people from Ainu community chose to survive at the cost of losing their Ainu traditions.

Over a period of time and intermingling with rest of Japanese, it is very difficult to identify Ainu People. On the other hand they also do not want to be identified and do not want to reveal the truth about their background. Ainus are often afraid to tell their friends and classmates that they are Ainu. Intermarriage with mainland Japanese and inclusiveness of Ainu culture in Japanese culture became other causes that one can not identify the true Ainu. However, one difference available to differentiate Ainu and Japanese is the language in use. Ainu people have different syntax, phonetics, vocabulary, sentence structure and grammar. Though, this difference is also vanishing
day by day as it is estimated that less than 100 speakers remain of Ainu specific language (Hohmann, 2008:20-24).

Though numbers of Ainus are decreasing, however, some of them formed Hokkaido Utari Association (HUA) with an intention to incorporate and integrate Ainus with Japanese society and culture. But, it does not mean that every person related to HUA is associated with Ainu community. In such a way, there are no specific characteristics to identify the people from Ainu community except their language dialects.

Even if Ainu people are not facing discrimination like Burakumins in Japanese Society, however, their culture and language need to be protected according to Article 14 and 25 of the Japanese constitution and 7th and 23rd article of its charter (See Appendix-VI and VIII).

At present, Japan does not have any domestic laws to address racial or ethnic discrimination. In presence of discriminatory remarks by government officials, its strongly suggested that Japan need certain measures that will guarantee protection from all forms of racial and ethnic discrimination.

Nowadays, 80-90% of Ainu either ignores or don’t know of their Ainu identity. Many customs and traditions of the Ainu have been lost, abandoned or annihilated by way of assimilation, and the Ainu language is no longer in common use. At the same time, language and culture is noteworthy constituent of human security under the subtitle “Community Security”. Yet, there are a number of drawbacks, though; Diet passed a law in 1997 recognizing Ainu as ethnic minority and encouraged ways for promoting Ainu culture and traditions. The Japan Ainu Association (JAA) also played crucial role in providing economic assistance and greater social welfare benefits to such people.
Foreign Residents

Next in this sequel are foreign residents in Japan. Foreigners also continuously facing discrimination in Japanese society not only by the common Japanese people, but, also by the policies of Japanese policymakers. Here, foreign residents mean those, whose ancestors belong to other countries and they are living in Japan for centuries. Even if they are born on Japanese territories and could only speak Japanese language, they are considered as foreigners in Japan (Yasunori, 1996:1). These foreigners are born and brought in Japan and sometimes they can not evoke their lineage or ancestral land. Unfortunately, Japanese society and Japanese government also considers them as foreigners and named them “alien” or gaijin.

These foreigners are mostly descendent of Koreans, Chinese and many other countries. Total number of foreigners residing in Japan is officially 1,555,505 nearly 1.22% of total population (Statistical Data, Japan 2005). However, unofficially, the number increases in such a ways:

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Total Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>China (PRC) / Taiwan (ROC)</td>
<td>655,377</td>
<td>29.6%</td>
</tr>
<tr>
<td>South Korea / North Korea</td>
<td>589,239</td>
<td>26.6%</td>
</tr>
<tr>
<td>Brazil</td>
<td>312,582</td>
<td>14.1%</td>
</tr>
<tr>
<td>Philippines</td>
<td>210,617</td>
<td>9.5%</td>
</tr>
<tr>
<td>Peru</td>
<td>59,723</td>
<td>2.7%</td>
</tr>
<tr>
<td>USA</td>
<td>52,683</td>
<td>2.4%</td>
</tr>
<tr>
<td>Thailand</td>
<td>42,609</td>
<td>1.9%</td>
</tr>
<tr>
<td>Vietnam</td>
<td>41,136</td>
<td>1.9%</td>
</tr>
<tr>
<td>Indonesia</td>
<td>27,250</td>
<td>1.2%</td>
</tr>
<tr>
<td>India</td>
<td>22,335</td>
<td>1.0%</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>17,011</td>
<td>0.8%</td>
</tr>
<tr>
<td>Country</td>
<td>Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td>Nepal</td>
<td>12,286</td>
<td>0.6%</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>11,414</td>
<td>0.5%</td>
</tr>
<tr>
<td>Canada</td>
<td>11,016</td>
<td>0.5%</td>
</tr>
<tr>
<td>Australia</td>
<td>10,708</td>
<td>0.5%</td>
</tr>
<tr>
<td>Others</td>
<td>141,440</td>
<td>6.4%</td>
</tr>
<tr>
<td>Total</td>
<td>2,217,426</td>
<td>100%</td>
</tr>
</tbody>
</table>

* The above data is from Statistical Data, Japan till 2008.

The above statistics neither include nearly 30,000 US troops in Okinawa nor illegal immigrants/unregistered workers in the country.

Japanese people discriminate foreigners by identifying their facial features and skin color firstly and then by culture, food habits, language. Even after 150 years of modernization, Japan has kept its long-standing mentality of a ‘black’ and ‘white’ judgment toward other nations. In general, the Japanese have only two ways of looking at foreigners up to them as “master” or down on them as “servant”. So called Positive discrimination in Japan mostly includes Western nationals. (Azad, 2006).

Regarding the discrimination against foreigners, a new concept named “Japanese Only” has emerged in Japanese society. Japanese managers and owners of bars, restaurants and also hospitals discriminate foreigners with their so called “Japanese Only” policy. In a case:

An American male (44) who has lived in Japan for 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” (No 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 cops will do about it.” (Asahi Shimbun, October 5, 2008).
Japanese society somehow accepts so-called positive discrimination towards western nationals especially Americans. If American is facing such type of discrimination then one can measure even the worse situation of a non-American.

Pakistani national Ali Nusrat (46), a resident of Saitama Prefecture has admired Japan since childhood. He has a number of Japanese friends in Japan, but he also face discrimination in Japan and says that any time he himself or his friends visit to rent an apartment realtors told him, “We don’t take foreign renters.” Even one time he took a Brazilian friend to a hospital; they refused to treat him and said: “Sorry, we don’t take foreign patients.”

Further, 85 members of a union of restaurant and cafes in Mombetsu, northeastern Hokkaido displayed discriminatory notice against foreigners like “This is a shop for the Japanese”. Again Shinjuku Ward in Tokyo had also put discriminatory notice in a video game parlor that “We don’t want Chinese customer” (Kyodo News, 31 January 2001).

Not only those foreigners had faced discrimination, who had been in Japan for a little while but the person who were living there for so long also got discriminated. In a discriminatory case as:

In September 1999, few multinational families (German, American and Chinese with their Japanese spouses) had visited Otaru Onsens (hot spring in Otaru city located in Shiribeshi in Hokkaido). The manager refused their entry. Reason given? “Russians disobey our bathing rules. They drive away our Japanese customers”. When they protested that:

“We are not Russians also we have lived here for than a decade and have Japanese families. Further, they also mentioned that they know how to take bath”. Then they got reply that “Doesn’t matter”. “Refusing Russians would be blatant discrimination, so we refuse all foreigners equally”. Asking about their children born and raised in Japan (they are full Japanese citizen), they got the answer that “Asian-looking kids can come in. But we will have to refuse foreign looking ones” (Debito, 2004).
Foreigners are not only discriminated on the streets but also in jobs. Administration wants more output from them and pays less. Foreigners face problem in promotion even in finding job as they are last to get job and first to be fired in any company. Japanese government also discriminates foreigners according to the concept of “alien registration”. According to this rule that each foreigner have to carry alien registration card that also mention fingerprints of the concerned card holder. Some foreigners also claim that fingerprints registration is humiliating and they felt like criminals. The government policy on fingerprinting of foreigners has been very dicey. They ban it for some time but revoke it very soon. Though, government banned the fingerprints registration every time and make necessary for one time.

Apart from the above mentioned minority groups in Japan, there are a number of other minorities groups also. Some of them are Ryukyuans, the people from Hokkaido and people from Okinawa. Total number of the Ryukyuans and people from Hokkaido and Okinawa are very less and difficult to identify, however, intermittend cases of discrimination appears in Japanese society. These cases are causes of age-old Japanese and who knows the family background of the person from the above mentioned community, however, these types of cases are rare and not often registered.

The entire notion of discrimination by Japanese people as well as policy of the hate is against the notion of human rights and human security both. Japanese government has to not only protect the minorities and their rights, but also protect their culture, language and their heritage. Providing economic assistance would be a major signpost towards strengthening the minority people. Though, political activism in Burakumins and Ainu community somehow protects their rights and secures sustainable growth, however, foreigners are still struggling for basic rights that is against the noble norms of both human rights and human security.

The above mentioned scenario of Human Rights status clearly indicates that Japanese government tried hard to secure human rights in Japan. Any one can identify the Japanese
government efforts very easily on each and every front including the constitution, civil liberties and others. Except that rare incidents of human rights abuse by Japanese people and not by Japanese administration establishes the fact that government is very keen to emphasize and eliminate human rights in Japanese society. All these aspects are directly related to the Human Rights and further relate to the components of human security. However, there are some negative aspects where Japanese government has not done enough but could do even better to secure human rights and human security together. These aspects are related to racial discrimination, foreigners, rights of minorities and persons with disabilities. Japanese government should also ensure both the human rights and human security of the above mentioned community.

Conclusion

The idea to consider human security through Human Rights approach in Japan unquestionably overviews the status of concerned notion, however, the first dimension of these issues is to clarify connection in between Human Rights and Human security. As it is previously included that most of the researchers consider Human Rights and human security as similar concepts and further consider that the term security used is a post 9/11 trend to sensitize the issue. Though, this idea is not correct.

Human Rights and human security are not similar. Both are different in terms of their different approaches. Their vicinity is entirely diverse. Though, there are some common concerns between Human Rights and human security as both have common referent object i.e. individual human beings. However, the approach of Human Rights and human security to undertake their referent object is entirely different. Further, universality is another common concern of both the notions. In simple terms, both the notions have common components that are obligatory for the human survival and dignified life in any part of the world.

At the same time, there are some diverse concerns of Human Rights and human security. The dissimilarities between Human Rights and human security appear in the approaches
regarding the referent objects. Human Rights are "Right-Based Approach" while human security is "Need-Based Approach". Human Rights also use legalistic approach in achieving its goal. Further, whole notion of Human Rights is heavily dependent upon the rights that are obligatory for the human survival in the any part of the world. In such a way Human Rights need a legitimate administration to secure its referent object, while, human security is a Need-Based Approach and uses a diverse number of players (approaches like individual, groups initiatives, community, NGOs and many more), to shelter its referent object.

Additionally, Human Right approaches only emphasize on "right of life, liberty and security of the individual" for the dignified human life worldwide while, human security expands its territory by including direct threats like natural disaster and/or structural or cultural violence. In such a way, components of Human Rights are just a part of the larger dimension of human security.

Apart from common and diverse concerns in between Human Rights and human security, there are some assorted concerns also. As Commission on Human Security itself emphasizes that both the concepts are not similar, not against each other even both are not overlapping, but complementing and reinforcing each other to secure the common referent object.

Its very easy to look after the common, diverse and assorted concern of Human Rights and human security especially in case of Japan. Japanese society and culture became an accurate example to evaluate the approaches and impact of Human Rights and human security reciprocally.

Challenges of Human Rights violations provide a strong base to measure human security through Human Rights components and vice versa. In such a way, one can identify a number of approaches that are enforcing Human Rights and human security together. These approaches are Japanese Constitution, Legal Procedures, Civil Liberties and Political Rights. There are some other approaches that hamper Human Rights and human
security equally especially in case of Japan. These approaches are discrimination at various points including racial, gender, against disabled and discrimination of minorities like Burakumins, Ainus, Foreigners and Ryukyuns.

Usually, Japanese government respects the provisions provided by Constitution, civil liberties, political rights and legal procedures. For securing Human Rights and human security both at the same time, Japanese government provides a number of tools to foster the two. However, Japanese people are at the centre stage of Human Rights violations. They hamper Human rights and human security through discrimination at various levels that finally leads to threats to human security.

In such an instance, Japanese government needs to make additional provisions to secure the approaches, dimensions and components of human rights and human security collectively. Japanese government needs to take strong initiatives in opposition of any forms of discrimination. In such mode, Japanese government needs to make provision to protect minorities, minorities’ rights, their culture, language and their heritage. Providing economic assistance would be a major signpost to strengthen the minority people. Though, political activism in Burakumin and Ainu community somehow protects their rights and secure sustainable growth, however, foreigners are still struggling for the basic rights including political rights that is against the noble norms of both human rights and human security.