

Alternative report to the UN Human Rights Committee

For the adoption of the List of Issues Prior to Reporting (LOIPR) on JAPAN

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Submitted by:

the Association of the Indigenous Peoples in the Ryukyus (AIPR)

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i. About AIPR

The Association of the Indigenous Peoples in the Ryukyus (AIPR) is a non-governmental, non-profit organisation of the indigenous peoples in the Ryukyus, established in 1999 with the objective to realise, protect and promote the rights of indigenous peoples in the Ryukyus in full accordance with the international standards including the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). AIPR has obtained special consultative status with ECOSOC in 2012.

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ii. About the indigenous peoples in the Ryukyus and glossary

Indigenous Peoples in the Ryukyus:

All the persons whose ancestors lived in the Ryukyus before 1879 (annexation / colonisation of the Ryukyu kingdom by Japan) and identify themselves as indigenous (independent from where he or she is born, if at least one of the parents or ancestors is from the Ryukyus): There are several indigenous peoples having own languages in the Ryukyus. While Japan has recognized the “Ainu” people as indigenous in 1997, it has been failing to do so with regard to the indigenous peoples in the Ryukyus.

Ryukyu Islands i.e. the Ryukyus:

The territory of the Ryukyu kingdom (see below) consisted of more than 160 islands including the Amami archipelago, they are called Ryukyu Islands or the Ryukyus.

The Ryukyu kingdom:

An independent kingdom, lived and governed by the peoples of the Ryukyus for about 400 years till the colonization / annexation by Japan in 1879, it consisted of more than 160 islands including the today’s Amami archipelago (of which about 40 are currently inhabited). In 1609, Japan (then Tokugawa / Edo bakuhu) through a regional lord (lord “Shimazu”) invaded the Ryukyu kingdom and annexed the Amami archipelago to Japan. Ryukyu kingdom had trade relationships with other countries in the region and other parts of the world, whereby ratifying bi-lateral treaties with the US (1854)¹, France (1855) and the Netherlands (1859)².

Okinawa (Prefecture):

The name of the prefecture created by Japan after its colonization / annexation of the Ryukyu kingdom (Amami archipelago was put under the governance of Kagoshima prefecture).

Okinawa Island:

The biggest island in the Ryukyus, which consists of more than 160 islands. The capital of the Ryukyu kingdom (Shuri) was located on this island.

¹ <http://ryukyushimpo.jp/news/preentry-240653.html>

² <http://ryukyushimpo.jp/news/preentry-238566.html>, treaties that the Ryukyu kingdom ratified with other countries were confiscated by Japan in its annexation / colonisation process in the 1870s and currently kept in the archive of the Ministry of Foreign Affairs of Japan.

1. Colonisation of the Ryukyu kingdom by Japan (ICCPR Arts. 1, 2, 18, 19, 24, 25 and 27)

In 1879, the government of Japan sent about 400 military and 160 police officers to the Ryukyus, forced out the king of the Ryukyu kingdom from his residence, “Shuri”-castle, and colonised / annexed the whole kingdom under its control. In this colonisation process, Japan created “Okinawa” prefecture to annex the Ryukyu kingdom as one of its municipalities, whereby the king of the Ryukyus was brought to Tokyo. Resistance of the peoples in the Ryukyus against the colonisation and control by Japan, including the treatment by Japan as “Okinawa” prefecture instead of Ryukyu kingdom, was violently repressed, where more than 100 local leaders were detained and tortured³.

Since 1879, Japan started assimilation of the peoples of the Ryukyus to Japan by:

- Designating Japanese to the main and key positions in the administrative and educational bodies in the Ryukyus (i.e. Okinawa prefecture);
- Forcing the peoples in the Ryukyus to pledge loyalty to the Japanese emperor;
- Treating any feature of the peoples in the Ryukyus, including its culture, tradition, religion, customs and language as “primitive”;
- Prohibiting traditional or cultural practice and customs of the peoples in the Ryukyus;
- Forcing peoples in the Ryukyus to change their Ryukyu family names to Japanese ones; and
- Prohibiting the usage of the indigenous languages of the peoples in the Ryukyus.

The prohibition of the usage of the indigenous languages of the peoples in the Ryukyus was rigorously implemented, whereby “*all the public institutions in the Okinawa prefecture were instructed not to deal with anyone from outside who spoke Ryukyu languages, those Ryukyu elderly who used Ryukyu languages were put on the “black lists”, and the Ryukyu languages were labelled as useless*”⁴. Furthermore, the prohibition of the Ryukyu languages was strictly enforced in the public education and schools, where students who used Ryukyu languages were punished with shaming practice of hanging cards from their necks saying that they used the language. This prohibition with the punishment continued till after the end of the World War 2. As a result, several of the Ryukyu languages have been listed by UNESCO since February 2009 as definitely or severely endangered (Amami – definitely endangered; Kunigami – definitely endangered; Miyako – definitely endangered; Okinawan – definitely endangered; Yaeyama – severely endangered; and Yonaguni – severely endangered)⁵.

At the same time, the Japanese government grabbed the land owned by the indigenous communities in the Ryukyu under traditional “Somayama” system and one-sidedly declared it as State owned land, whereby destroying the traditional economy, livelihood and resource

³ <https://this.kiji.is/131139919330903546>, last accessed on 22 July 2017

⁴ Testimony of a Ryukyu elderly reported in the Okinawa times on 13 September 2006.

⁵ UNESCO Atlas of the World’s Languages in Danger, <http://www.unesco.org/languages-atlas/index.php>, last accessed on 12 July 2017

management system of the indigenous peoples in the Ryukyus.⁶ The peoples of the Ryukyus were excluded from the participation in the public and political process of Japan through election till 1919.

2. Grave violation of human rights and war crimes during the World War 2 (ICCPR Arts. 1, 6, 12 and 27)

In March 1945, Japan decided to fight against the US troops on the islands of the Ryukyus, mainly on the Okinawa Island, with the hope to hold the US troops as long as possible to avoid their attack on the main land Japan. As the Okinawa Island was the most inhabited island in the Ryukyus, one quarter of the population of the Ryukyus died due to this battle. Japan also forced the civilians in the Ryukyus, from teenagers to 70-year-old, even women, to join military related labour and even direct battle against the US troops.⁷ Furthermore, facing food shortage on the battleground, the Japanese military robbed foods from the peoples in the Ryukyus and used their shelters to evacuate, whereby driving out the Ryukyu civilians who evacuated in the shelters.⁸

The Japanese military strengthened the prohibition of the usage of the Ryukyu languages, issued orders to kill those who used the languages, and actually killed many.⁹ Many of the peoples in the Ryukyus, who were labelled as spies, were systematically killed by the Japanese military. It also prohibited the peoples in the Ryukyus to surrender to or even caught by the US, ordered to commit suicide when encountering the US troops, and distributed hand grenades among the civilians for such suicide missions.¹⁰ Those Ryukyu civilians who attempted to surrender to the US were killed by the Japanese military.¹¹ It is estimated that total of 150,000 casualties in the battle of Okinawa, more than 120,000 were civilians / peoples in the Ryukyus.¹² Almost all of the historical and cultural heritages of the Ryukyus were destroyed.

During the war, especially since 1943, the Japanese military grabbed the lands of the peoples in the Ryukyus and used them for military purpose, e.g. building bases. The lands grabbed and occupied by the Japanese military have not been returned to the peoples in the Ryukyus even today, no compensation has been given either.

⁶ http://www.i-repository.net/il/user_contents/02/G0000031Repository/repository/keidaironshu_063_005_027-045.pdf

⁷ “Kokudo Kessen Kyourei” (document issued by then Japanese military on 20 April 1945, kept in the research library of the MoD Japan)

⁸ Toshiaki Shinjo (2010): “*History seen from Okinawa*” (Okinawa kara mieru Rekishi Fukei)

⁹ Ryugun Kaihou, 20 April 1945

¹⁰ Document issued by then Japanese military on 18 November 1944

¹¹ Document issued by then Japanese military on 15 June 1945

¹² Toshiaki Shinjo (2010): “*History seen from Okinawa*” (Okinawa kara mieru Rekishi Fukei)

After defeating the Japanese on the Ryukyu islands, US military also grabbed and occupied the lands of the peoples in the Ryukyus, including those grabbed and used by the Japanese military, and built their military bases and facilities on the vast area on the islands, in particular on the Okinawa island, which are still being occupied and used by the US military today, as the biggest US military facilities and bases in Asia

After the war, those parts of the Ryukyus as administered by Japan as Okinawa prefecture, was put under the control of the US, whereby the peoples in the Ryukyus were deprived of their nationality, being left as stateless. In May 1972, administration of the Ryukyus i.e. Okinawa prefecture was returned to Japan, but the US was still allowed to occupy the vast lands of the Ryukyus and still using them for military purpose until today.

3. Discrimination against the peoples in the Ryukyus and poverty (ICCPR Arts. 2, 24, 26 and 27)

Since the colonisation of the Ryukyu kingdom in 1879, Japan has been structurally and systematically discriminating against the peoples in the Ryukyus, forcing inhuman assimilation policies and denying and rejecting not only the rights but more significantly the existence of the indigenous peoples in the Ryukyus. It was also widely known fact that since 1920s till 1990s, there were a number of restaurants and other shops openly rejecting the entrance and usage by the peoples from the Ryukyus by placing signs and posters outside saying “No peoples from the Ryukyus allowed”. On 20 March 2016, one of the major newspaper in the Ryukyus “Ryukyu Shinpo” reported that one of its reporters who was appointed to its office in Tokyo was rejected by a landlord when searching for a place to rent, allegedly because the reporter was from the newspaper from the Ryukyus. Another fundamental human rights issue threatening the lives and health of the peoples in the Ryukyus is the concentration of (US) military facilities and its negative consequences (please see below chapters), while the Ryukyus is excluded from benefits of the treaties and agreements between Japan and the US.

The peoples in the Ryukyus were left out from any development efforts and measures of Japan. They were forced to survive by themselves critical hunger situation and poverty in the 1930s resulting from the Great Depression. Since no measure was taken by Japan to rescue the peoples in the Ryukyus, they were even forced to eat poisonous plants for survival as there was nothing else to eat. As the Ryukyus i.e. Okinawa prefecture was put under the administration of the US for 27 years, it was also excluded from the any development efforts and industrialisation process of Japan, while vast areas of lands in the Ryukyus were forcibly occupied and used by the US for military purpose, preventing the local population from developing their livelihoods and industries.

Against this backdrop, peoples, especially children in the Ryukyus are particularly affected by the issue of poverty today. According to a report published by UNICEF in 2012¹³, percentage of children living in households with equivalent (annual) income lower than 50% of national median, i.e. relative poverty rate set by the UNICEF set as 1.12 Mio JPY for Japan, was 20.6 % in the Ryukyus i.e. Okinawa prefecture as compared to the national average of 16.9 % in Japan. Percentage of the households regarded as “working poor” with

¹³ http://www.unicef.or.jp/library/pdf/lab0_rc10.pdf, last accessed on 17 July 2017

the annual income of under 2 Mio JPY were 72.5 %, while the national average was 51.5 % in 2008 according to the official record of the Okinawa prefecture.¹⁴ Moreover, the percentage of persons working under irregular contract was 44.5 % in 2012 in Okinawa prefecture, the highest in Japan, while the percentage of female single-parent (mother-child) household in Okinawa prefecture was two times higher than the national average of Japan.¹⁵ According to the data published by the Ministry of Health, Labour and Welfare (MHLW) of Japan, the minimum wage (per hour) in Okinawa prefecture was 714 JPY, while the national average was 823 JPY in 2016.¹⁶ Moreover, it was reported that unemployment rate between 15 and 34 years old was 4.2 % in Okinawa prefecture, the highest in Japan, as compared to the 2.2 % of national average.¹⁷ Households in Okinawa prefecture are also affected by relatively high rent.¹⁸

Despite the obvious data showing particular economic difficulties faced by the households in Okinawa prefecture, and its clear linkage to the systematic and structural discrimination against and exclusion of the peoples in the Ryukyus by Japan, the government of Japan has not taken any positive measures to address it, nor any action addressing their root causes and protect and promote the rights of the indigenous peoples in the Ryukyus.

4. Continuation and expansion of the military occupation in the Ryukyus (ICCPR Arts. 1, 2, 26 and 27)

As of March 2016, about 10 % of the lands in the Okinawa prefecture (as explained above, “Okinawa” is the name given by Japan to the prefecture, when it colonised and annexed the Ryukyu kingdom in 1879) is used by the US for its military facilities. Among these, the majority of the US military facilities are on the main island in the Ryukyus, the Okinawa island, which is inhabited by 91 % of the total 1.44 Mio population of the Okinawa prefecture. 18 % of the Okinawa island is occupied and used by the US for military purpose, who also controls 28 areas in the sea and 20 areas in the air located in the administrative area of the Okinawa prefecture. As of June 2013, there were about 94,600 US military personnel and their family members in the Okinawa prefecture.

At the same time, the Japanese government has been forcing the construction of new facilities for the usage by the US military helicopter since July 2007, despite huge protest and opposition by the peoples in the Ryukyus and other Japanese in and outside Okinawa

¹⁴ <http://www2.pref.okinawa.jp/oki/gikairep1.nsf/481e05e7edaca1db49256f540004c033/9a97c12bfab5d0db49257507000d571f?OpenDocument>, last accessed on 17 July 2017

¹⁵ Report of the Statistics Bureau, Ministry of Internal Affairs and Communications of Japan, published on 12 July 2012

¹⁶ http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/roudoukijun/minimumichiran/, last accessed on 17 July 2017

¹⁷ Ryukyu Shinpo (major newspaper in the Ryukyu), 22 August 2015

¹⁸ http://uub.jp/pdr/h/rent_3a.html and <http://www.niac.or.jp/topix/okinawakeizaikouzouhennka.pdf>, last accessed on 17 July 2017

prefecture. The area, in the Northern part of the Okinawa island, where these military facilities is currently constructed, is located in the so-called “Yanbaru Forest”, which has one of the richest bio-diversity in Japan. In over 340 square km of the Yanbaru Forest, there are at least 4000 different species of flora and fauna, including 23 species that only exists in this forest. Currently, 188 species as confirmed by the Okinawa prefecture, and 177 species as confirmed by the Ministry of Environment of Japan, are listed as endangered in this forest.

The Japanese government has been also forcing the construction of a new US military air-base in the sea of Henoko, Nago-city on the Okinawa island, also despite the huge protest and opposition of the peoples in the Ryukyus as well as other Japanese population in and outside Okinawa prefecture. The Japanese government is planning to fill up about 160 hectare of the sea of Henoko and build total of 205 hectare new military base, including two V-formed runways for airplanes as well as facilities for the usage by large military ships and tankers, and provide it to the US.

There are more than 5800 different species living in the sea of Henoko, including 262 endangered species of corals, fish, sea turtles and dugong. The importance and necessity of preservation of the nature of the sea of Henoko have been repeatedly stressed by the International Union for the Conservation of Nature (IUCN) through their recommendations in 2000, 2004 and 2008, which are unfortunately completely ignored by the government of Japan.

The opposition of the local population against the construction of the new military base in Henoko was also apparent in the election of the mayor of the Nago city, the governor of the Okinawa prefecture as well as the election of national Parliament (Diet) members from Okinawa prefecture, whereby all the elected have been expressing their opposition to the construction.

In parallel to the abovementioned construction of new military facilities, Japanese government has been expanding joint military training between the Japan’s Self-Defence Force and the US military as well as the construction of new facilities for the Japan’s Self-Defence Force on the other islands in the Ryukyus (e.g. Ishigaki and Yonaguni) including those islands currently under the administration of Kagoshima prefecture (e.g. Amami archipelago and Miyako).

5. Crimes, human rights abuses and accidents caused by military personnel including violence against women (ICCPR Arts. 2, 6, 7, 8, 14, 24, 26 and 27)

Presence, concentration and increase in the (US) military in the Ryukyus has also been the cause of a large number of crimes, accidents, environmental destruction including noise pollution by the military personnel and military(-related) actions.

In September 1955, then 6-year old girl was abducted by a US military sergeant, and repeatedly assaulted by him in the Kadena Air Force base. The officer then killed the girl and abandoned her body at a dumping ground. The face of the girl was distorted and teeth clenched when her body was found. The sergeant was arrested and tried in the US court in the Ryukyus, where he was sentenced to death. However, his sentence was reduced to 45 years of hard labour after being deported to the US.

On 30 June 1959, a US fighter jet lost control and fell on Miyamori elementary school on Okinawa island. While the pilot escaped still in the air, the falling jet itself destroyed 35 houses, killed 17 pupils at the school and 6 residents, and injured more than 200 in the area. It was reported that incidents of killings, rape and fatal accidents caused by the US military personnel were happening almost on a daily basis in the Ryukyus during the 27 year of the US control after the World War 2.

On 18 September 1970, a drunk US military officer drove over with excessive speed on the sidewalk and killed a local woman. On 7 December 1970, US military court ordered compensation to the family of the victim, but decided the officer concerned as not guilty saying available evidence was not sufficient.

Such crimes and accidents caused by the US military personnel are still continuing even after the administration of Okinawa prefecture was returned to Japan in 1972. In April 1995, three US military officers abducted and assaulted a local female elementary school pupil. The three were sentenced to 6.5 to 7 years imprisonment in 1996. On 13 August 2004, a US military helicopter crashed on the campus of Okinawa International University. Though there was no casualties since the university was closed on that day, the crash site i.e. university is located in the middle of densely populated residential area with gas stations and kindergartens nearby, thus it could have been a serious disaster. In April 2016, a local 20-year-old woman was abducted, raped, killed and abandoned in a forest by a former US military officer, who is now waiting for trial but the timing is not yet confirmed. Since this incident, Japanese government decided to start daily patrol in the Ryukyus deploying 200 officers and 100 cars between 7 and 10 pm. In December 2016, a US airplane crashed on the coast in the Nago city, where the crash site was only 300 meter apart from the residential area.

The government of the Ryukyus under the US control since the end of the World War 2 and the prefectural government of Okinawa after the administration was returned to Japan from the US, have adopted and submitted more than 500 petitions in total until today concerning the crimes and accidents caused by the US military in the Ryukyu. However, no reply is given by the Japanese or US government to those petitions.

Between 1945 and 1997, in total of about 180 cases of sexual abuse i.e. violence against women by US military personnel were reported in the Ryukyus, in which 22 cases were against women under 20 years old including one case against a 9 month female infant. Between 1972 and 2013, in total of 5833 criminal cases were committed by the US military personnel or their family members in Okinawa prefecture, of which about 570 were violent ones including murder, robbery, arson and assault.

6. “Explosive” noise pollution caused by the military planes (ICCPR Arts. 2, 6 and 24)

In addition to a number of issues caused by the US military in the Ryukyus, explosive noise of their military planes have been severely affecting the lives and health of those living near the bases, since the bases are build forcibly and one-sidedly by the US and Japanese government on the lands grabbed from the peoples of the Ryukyu, some of them in the middle of residential areas. Against this backdrop, residents near the bases, in particular those

living around Futenma Airbase and Kadena Airbase, have sued the government of Japan, claiming, among others:

- Noise over 100 decibels are frequently caused;
- Airplanes are also making such noises between 10 pm and 7 am, severely obstructing the sleep of the local people;
- A report from Okinawa prefecture showed that the noise has resulted in 12 cases of loss of hearing ability and other cases of low weight new born babies as well as increase in the blood pressure;
- People who suffered and survived the battle of Okinawa are traumatised by the such noise; and
- When the noise happens, people cannot continue their activities including conversation, work or classes at school.

At an elementary school located next to the Futenma Airbase, on a day in March 2012, explosive noise caused by US military planes, which also reached over 100 decibels at its maximum, were measured 11 times during 45 minutes, the average of the noise was 84 decibel. According to the US environmental department, in order to realise 95 % of comprehension, the noise must be limited under 65 decibels. At this school, it was reported that it is not possible to hear any other voice or sound, when the noise caused by the military plane goes over 75 decibels. If one military plane takes off or lands, the noise will continue for about 30 seconds each and it is not possible to continue classes or even conversation during this period. It was also reported that schools near Kadena Airbase are facing similar situation, in which classes have to be stopped every time when the noise is caused by US military planes. Such situation has been continuing since more than 50 years.

7. Arbitrary detention and restriction on the fundamental freedoms of the civil society by the Japanese government (ICCPR Arts. 9, 10, 14, 19, 21 and 26)

As described above, there are more than enough reasonable grounds that the peoples in the Ryukyus oppose to the continuing existence of the US military in the Ryukyus, and much more to the new construction or expansion of their facility and presence, and strongly demand for the removal of US military from the Ryukyus. However, when they protest, their rights to the freedom of expression and peaceful assembly have been violated by Japan.

The residents of the village of “Higashi”, Takae district, where above mentioned facilities for the US military helicopters are build in the Northern part of Okinawa island (see Chapter 4), have been protesting against the construction through peaceful manners e.g. by sit-in in front of the construction sites. In order to remove those protesters from the sites, the Japanese government deployed about 500 officers of the riot police. By forcibly removing the peaceful protesters, who are ordinary citizens, through riot police deployment, the government is proceeding with the construction against the will of local population. Reporters of the newspapers in the Ryukyus, who were present at the sites to document the situation, were

also taken away by the riot police even though they were not engaging in the protest, and temporarily blocked their journalist activities.¹⁹

One of the most prominent leaders of the protest movement in the Ryukyus against the construction of abovementioned military helicopter facilities, Mr. Hiroji Yamashiro, was arrested for his action of cutting a wire, which was a part of steel net fence separating the construction site, on the charge of destruction of property. After his arrest, two more charges i.e. violence and obstruction of business, were added in a quite arbitrary and politically motivated manner. He was detained for 5 months, even after he was indicted and all the investigation process was closed, thus without any lawful ground for detention. No access to his family members was allowed. During his detention, he was repeatedly pressured to stop and never engage in any protest against the government's plan, while the police carried out his household search. Due to the arbitrarily in the case of his disproportionately long or even unnecessary detention, the defence has repeatedly requested his release, but the request was rejected by the Supreme Court on the highly questionable ground of the fear of destructing evidence, which showed that the courts and their decisions, even the Supreme Court, are apparently influenced by the government and the prosecutor's position rather than being independent. Mr. Yamashiro was given bail after 5 months of detention, whereby any contacts to any person involved in his case (and protest against the government's construction plan) has been prohibited as the main condition.

It is suspected that Mr. Yamashiro was arbitrary detained due to his role in the protest against the government's plan, whereby the judgement and action of the courts were clearly influenced by the Japanese government and the prosecutor's office, which also shows general problem of the lack of independence of judiciary in Japan.

In Henoko, it is reported that the Ministry of Defence (MoD) as well as the private security company employed by the MoD have been video- and photo-recording citizens engaged in the protest against the above-mentioned construction of the new military base, tracking their behaviour and making a list of about 60 citizens with their names and pictures specified.²⁰ The necessity of such measures, especially specifying citizen's names and concerning violation of their privacy, has been questioned by the newspapers in the Ryukyus, but the MoD has not yet provided any reply.

According to the Okinawa times, a major newspaper in the Ryukyus, individual employees of the security company employed by MoD stated that the list was a part of the manual provided to the security company, and serial numbers were given to those protesters whose name could not be identified.²¹ The information including the names and pictures of the protesters are further provided to the MoD.

¹⁹ <http://www.okinawatimes.co.jp/articles/-/58487> and <https://ryukyushimpo.jp/photo/entry-340617.html>, last accessed on 22 July 2017

²⁰ <http://www.okinawatimes.co.jp/articles/-/30740>, last accessed on 22 July 2017

²¹ *ibid.*

Between 8 March 2015 and 9 March 2017, total of 41 protesters have been arrested by the police on minor charges, which usually do not require any arrest.²²

8. Discriminatory remarks and hate speech / crimes against indigenous peoples of the Ryukyu (ICCPR Arts. 2, 20 and 27)

On 27 January 2013, representatives of the municipalities in Okinawa prefecture, who were on the way to submit their petition opposing the deployment of military aircraft “Osprey” in the US military bases in Okinawa prefecture to the Prime Minister, were met by discriminatory and degrading remarks by the supporters of the government. Remarks made towards them included “*Cockroach*”, “*sewage rats*”, “*traitors*” and “*anti-Japanese*”²³. Such remarks and obvious hate speech have been increasing online too. On 20 June 2014, tents built by the protesters against the construction of new military base in Henoko (see above chapters) were destroyed by intruders.²⁴

However, no measure was taken by the government or any other authorities in Japan to address, stop or prevent such incidents. On the contrary, it was reported that a member of the ruling party (Liberal Democratic Party), concerning the incident of rape and murder of a 20 year-old woman in April 2016 by former US marine man in Uruma city on the Okinawa island²⁵, said that “*it is the worst timing to report such thing*” since the news was reported at the time when the Ise-Shima Summit and the visit of then US president to Hiroshima was scheduled shortly thereafter²⁶. It was also reported that a member of the Liberal Democratic Party, who was a member of prefectural parliament in Kanagawa prefecture, calling those opposing the construction of US military facilities in Okinawa prefecture as mad, used obviously discriminatory remarks referring to the indigenous peoples in the Ryukyus.²⁷

In October 2016, discriminatory and derogatory terms referring to the indigenous peoples (in the Ryukyus), such as “*Dojin*” (derogatory term referring to indigenous peoples) were thrown by the members of the riot police, who were dispatched from Osaka at the protesters at the site of above-mentioned construction of helicopter facilities in Takae, Okinawa island. Though disciplinary actions were eventually taken by the Osaka police against the officers of the riot police concerned, the ruling party has taken a position that the remarks made by the riot police members were not necessarily discriminatory or derogatory, as expressed by the

²² Protocol of the discussion of the Cabinet Committee of the House of Councilors (Upper House of the Japanese Diet) on 11 May 2017

²³ https://www.youtube.com/watch?v=qylTdh_h98I

²⁴ Okinawa Times, 20 June 2014

²⁵ <http://www.okinawatimes.co.jp/articles/-/31361>, last accessed on 17 July 2017

²⁶ <https://ryukyushimpo.jp/news/entry-283353.html>, last accessed on 17 July 2017

²⁷ <http://www.okinawatimes.co.jp/articles/-/31774>, last accessed on 17 July 2017

Minister of State for Okinawa and Northern Territories Affairs (who is also a member of the ruling party) on 18 November 2016.²⁸

In January 2017, a local TV channel in Tokyo, Tokyo MX TV, broadcasted a programme, in which discriminatory and derogatory terms were used towards indigenous peoples in the Ryukyus, protesters, and ethnic minorities, as well as wrong information and fake stories were disseminated inciting hatred and discrimination towards those groups. In the programme concerned: elderly protesters from the Ryukyus, who survived the war and the US control, were labelled as “militant fraction of extremist group consisting of 65-75 year olds, who won’t have any difficulties even if arrested”; protesters were portrayed as terrorists violently attacking the officers from MoD and the riot police and committing crimes; commentators in the studio in Tokyo were laughing at the protestors while reporting from Okinawa prefecture was made far from the construction sites and with full of wrong and fake stories. It also wrongfully reported that the protestors were getting daily allowance²⁹. The broadcaster is partially funded by the city of Tokyo. However, no measure was taken by the authorities in Japan to correct wrongful information, or stop / prevent / address dissemination of propaganda and hatred, incitement to violence against the indigenous peoples in the Ryukyus.

A law was adopted on 24 May and enforced on 3 June 2016 concerning the increase in the hate speech. However, the law does not contain any provisions that prohibits hate speech or punish such act, and only covers obviously discriminatory remarks towards migrants, foreigners and their descendants, thus is not addressing any such remarks and hate speech against the indigenous peoples in the Ryukyus or Ainu, or any other minorities in Japan who have Japanese nationality.

9. Failure to recognise the peoples in the Ryukyus as indigenous and to implement the recommendations issued by the HR Committee and other UN bodies (ICCPR Arts. 1, 2, 26 and 27)

Despite the recommendations issued by the UN Treaty Bodies including the Human Rights Committee, and recognition of distinctive character of the indigenous peoples in the Ryukyus as well as heritage of the Ryukyu kingdom by UNESCO³⁰, Japan is still failing to recognise the peoples in the Ryukyus as indigenous, thus denying their rights as indigenous peoples and neglecting the fact of various forms of discrimination against them. Against this backdrop, Japan is not only failing to protect or promote the rights of the indigenous peoples in the Ryukyus, but also expanding the military usage of the lands of the peoples in the Ryukyus by promoting construction of new military facilities, e.g. in Henoko and Takae on the Okinawa island.

No particular, if not contradictory, measure has been taken by Japan to implement the recommendations of the HR Committee and other UN Treaty Bodies with regard to the

²⁸ Ryukyu Shinpo, 3 March 2017

²⁹ <http://www.okinawatimes.co.jp/articles/-/79297>

³⁰ <http://whc.unesco.org/en/list/972/>, last accessed on 17 July 2017

protection and promotion of the rights of indigenous peoples in the Ryukyus. There is no possibility of education of or in the languages of the Ryukyus, many of which are even endangered as proved by UNESCO³¹.

In response to the above recommendations issued by the Committee and other UN Treaty Bodies as well as to the questions raised in the Parliament and by the civil society, Japan is insisting that there is no indigenous peoples in the Ryukyus, but only Japanese nationals in Okinawa prefecture. Moreover, then deputy Minister of Foreign Affairs of Japan, Seiji Kihara, stated on 27 April 2016 during a meeting at the Diet that Japan intended to request for withdrawal or revision of the recommendations issued by the UN Treaty Bodies regarding the indigenous peoples in the Ryukyus.

Considering the fact that Japan has recognised the Ainu people as indigenous people in Japan, AIPR has asked to the representative of the Department of the Human Rights and Humanitarian affairs of the Ministry of Foreign Affairs of Japan, in an informal meeting conducted with civil society representatives on 13 December 2016 as a follow-up to the review of Japan by the Committee on the Elimination of Racial Discrimination (CERD), for detailed explanation about: 1) the official view of Japan as to its understanding of the “indigenous peoples” as dealt with in the international human rights instruments and recognised by the UN HR bodies; and 2) whether any historical verification is done with regard to the Ryukyu kingdom and peoples in the Ryukyus and what are the grounds of Japan’s claim that there is no other indigenous peoples in Japan than the Ainu. In response, it was stated by the MoFA representative that there is no international definition of “indigenous peoples”, there is no change in the view of the government of Japan that the Ainu is the only indigenous people Japan recognises within its territory, and that the government is not in the position to determine whether peoples in Okinawa prefecture is indigenous. While the reply provided by MoFA representatives was not precisely answering the questions raised, Japan is not recognising or respecting the self-identification of the peoples in the Ryukyus as indigenous either.

Moreover, despite the controversial and at times violent assimilation measures taken by Japan towards indigenous peoples in the Ryukyus, including the prohibition of their languages with punishment, as well as systematic and persistent discrimination against them since the annexation / colonisation of the Ryukyu kingdom in 1879, Japan has failed to take any effective measures to address such discrimination, or any positive measures to promote self-identification of the peoples in the Ryukyus, most of whom have been forced to recognise themselves as Japanese national from the fear of discrimination.

10.Suggested questions to be asked by the Committee to Japan in its LOIPR

- TBC

³¹ UNESCO Atlas of the World’s Languages in Danger, <http://www.unesco.org/languages-atlas/index.php>, last accessed on 12 July 2017