

SOME APPROACHES TO HUMAN RIGHTS EDUCATION - IN RELATION TO THE JAPANESE CHARACTER OF HUMAN RIGHTS EDUCATION -

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Abstract: *The aim of this paper is to propose appropriate perspectives to human rights education (HRE) by showing approaches for analyzing the characteristics of Japanese HRE and by considering where HRE is situated in relation to relevant educational fields.*

HRE has a close relationship with peace education, development education, intercultural education and the international education program of UNESCO. The methodology of HRE has been discussed in the fields of knowledge and skills "associated with understanding and supporting human rights". Since the middle of 1990s for Japan and also for some members of the UN, HRE has been developing as a newly established terminology.

The Japanese HRE, greatly influenced by Dowa Education (education for the integration of Japanese minorities), has been weak in the legal area of human rights. As a result, it has a strong orientation to equality as a relational concept and from a "sociological" perspective, in which human rights problems are grasped as mentality problems.

Keywords: *human rights education, Japanese characteristics, moral education, law-related education, multicultural education.*

0. Preface

The aim of this paper is to propose appropriate perspectives to human rights education (HRE) by showing approaches for analyzing the characteristics of Japanese HRE in relation to relevant educational fields, for example multicultural education, moral education or law-related education and also by considering the place of HRE.

At the beginning, I will examine some trends of HRE. HRE has, on the one hand, a close relationship with peace education, development education, intercultural education and the international education

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program of UNESCO. On the other hand, the methodology of HRE has been discussed in the fields of knowledge and skills “associated with understanding and supporting human rights” (Recommendation of the Committee of Ministers of the Council of Europe on Teaching and Learning about Human Rights in Schools, 1985).

HRE is directly related to multicultural education or intercultural education. These fields have made more progress than HRE in North American and European nations. Their purposes as reform movements are firstly “to make major curricular and structural changes in the education of students in the elementary and secondary schools and in colleges and universities”, and secondly “to provide all students with the skills, attitudes, and knowledge they need to function within their ethnic culture and the mainstream culture, as well as within and across other ethnic cultures” (Banks 1994: 44, 47). On the other hand, there is a contradictory reaction, the so-called “backlash”, to multicultural education, for example, the tendency that relatively many people prefer mono-cultural schools to multicultural schools, or the regression of affirmative action and bilingualism in California, USA. This tendency is an expression not only of the opposition to multicultural society, but also of neo-liberalism and neo-conservatism.

Some keywords of multicultural education are the respect for, and tolerance to diversity, participation and reform without any discrimination based on race, ethnicity, sex, impairment and so on. It can be said, therefore, that "multicultural education" is the national strategy for educational diversity. In Japan, not multicultural education but "international understanding education" is the mainstream. It is not very common to question the issue of “one’s own-culture” or to work on the educational reforms of the type mentioned by Banks. Problems regarding the differences between multicultural education and international understanding education are common both in international and Japanese HRE.

1. A Short History of Japanese HRE

HRE has been discussed in Japan since the 1990s in three phases: the UN Decade for HRE (1995-2004), the official introduction of “Period for Integrated Studies” in school since 2002, and the official end of the national Dowa policy (liberation and integration of Japanese discriminated communities) and education in 2002.

1.1 Dowa Education as a Starting Point

The origin of Japanese HRE lies in the Yuwa education and the Dowa education as educational measures for solving the “Buraku problem” in the modern Japan after the Restoration of 1868.

The “Buraku problem” has its origin in the Edo period (1603-1867) and refers to the discrimination of the “Eta” (the caste of the “untouchable”) in the feudalistic society of the time. The Eta’s main occupations were connected with the handling of dead cows and horses and with executions; they were considered “impure” and were forced to live in particular districts, which were afterwards known as “Buraku”. The Buraku population came to about one million, mainly in Western Japan (Suginohara: 2002).

The Yuwa education began in the 1920s, with an orientation to reconciliation and harmony; it was aimed mainly at increasing the awareness of the Buraku people about improving their own standards of living. In 1941, at the outbreak of the Pacific War, “Dowa”, a loan word from the administrative terminology, meaning homogeneity and harmony, became the official word denominating the integration of the Buraku population. The Dowa policy as a solution for the Buraku problem also included Dowa education. After World War II the Dowa policy including Dowa education was acknowledged as “an important national task to solve in Japan” in the report of the Council for Dowa Integration Measures to the Prime Minister in 1965. It was implemented from 1969 until March 2002.

1.2 Beginning and Critics of HRE

In 1996 the Japanese Cabinet’s decision “about the coming strategy for an early solution of Dowa issues” was reached and the “Law for the Promotion of Measures for Human Rights Protection” was issued. According to the recommendation of the Council for the Protection and Promotion of Human Rights (July 1999), which was founded in 1997, the important points as far as human rights policies are concerned refer to HRE and the system for the protection of human rights. This recommendation indicated as the objects of the Japanese human rights policy the following categories: women, children, seniors, persons with disabilities, Dowa Issues, Ainu people, foreign nationals, HIV carriers/ Hansen’s disease patients, persons released from prison after serving their time, crime victims, human rights violations via the internet. Whereas the Dowa problem had been previously treated as the most important subject

for many years, it is now just one of the many human rights tasks in Japan.

Under international influence mainly from the UN Decade for HRE, the Japanese government devised an Action Plan for the UN Decade in 1997, relatively early among other UN member countries. HRE in Japan has a naturally strong orientation to participatory practice (Kawauchi 1990; Ohtsu 1999, Council of Europe 2006) and emphasizes self-esteem and empowerment. In the second half of the 1990s, more and more practice with the participatory learning method took place (Shirai 1998, 2000; Kita/Kawauchi 1997; Morita 2000; Umeno/ Umene 2001; CAP Center Japan 2004; Umeno 2006; Tabuchi 2006). At the same time, there were and still are lively critical discussions about problems and tasks of the participatory learning method (Yagi/ Umeda 1999, 2002; Ikuta 2001, Kishimoto 2008, 2009). Furthermore, under the international orientation towards applied and integrated competencies, the “Period for Integrated Studies” was introduced from the 3rd grade of elementary to the end of secondary school, for 1 or 2 school hours a week in 2002 and has been tackling issues such as HRE, international understanding education and so on.

In 2003 a “Work Group for the Investigation and Cooperation about Learning Guidance and Methods of HRE” was organized by the Japanese Ministry of Education. In 2008 it issued a third report about the aims, contents and methods of HRE. Its report about the Japanese HRE is based on the following decision of the Cabinet meeting about the basic plan for HRE, held on 15. Mar. 2001:

It is important for HRE programs “to develop people’s sensitivity so that, when they encounter violations of human rights in their daily life, they would feel very intuitively that it is wrong, and to arouse such a spirit of human rights as to prompt people to take attitude and action based on human rights unconsciously in daily life.”

What is regarded as important in “mutually protecting and taking care of human rights” is the emotional and intuitive understanding of human rights, which is referred to as “a sense of human rights”. What is emphasized in classroom activities and in adult education is for example to become sensitive to the way of using words about the physically handicapped or gender problems: ex. “te-mijikani” (means “quickly”: it might also be interpreted as ‘short hands’), “katate-ochi” (means “insufficiency”, literally ‘lacking one hand’) or “shujin” (means “one’s husband”, but also ‘the head of the house’).

In Japanese HRE the idea of pre-established harmony i.e., “mutually protecting and taking care of human rights” is predominant. Nevertheless,

in my opinion active and critical thinking and action for the state and society, ex. “exercising one’s rights on one’s own initiative” and “gaining the right to do something”, are difficult to accomplish in this type of HRE.

2. Characteristics of Japanese HRE

2.1 HRE as moral education or anti-discrimination education?

Currently in Japan the basic problems concerning human rights and HRE have been discussed especially by specialists who are engaged in law-related education¹ and citizenship education, and by constitution scholars. Also, from the viewpoint of pedagogy, some questions have been raised about the strong orientation of HRE to “consideration for others” and “kindness” (Akuzawa 2001, 2007; Ikuta 2001, 2007, 2010; Ohtani 2007).

The argument of Shigeki Matsui (2002), a constitution scholar, is suggestive in his article “The bill for the protection of the information of individuals and human rights”.

“I think that there is a sort of distorted consciousness about freedom among citizens.

The active intervention of the administrative section into human rights violations by mass media is perceived as a good and necessary action. That is to say, citizens think that as freedom without restriction brings chaos, it is necessary to check the misinterpretation of freedom and it is desirable for this responsibility to lie with the administrative section.

Furthermore, I think that there is the misconception that the administration is the protector of the human rights of the citizens, and it poses no threat of ever violating them. At the bottom of the citizens’ consciousness, I guess, they only take into consideration the familiar and private side of human rights – ‘freedom without control by the others’, such as freedom of hairstyle and fashion – as important, and they have no interest in the other aspects of human rights.

Despite it being said that freedom of the press is indispensable to monitor and watch politics, the citizens have no deep interest in the political significance of the freedom of expression.”

Matsui indicates the tendency for human rights to be regarded only limitedly in their private aspect, and the fact that citizens expect the

¹ LRE has been defined as "education to equip non-lawyers with knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values on which these are based" (Law-Related Education Act of 1978). LRE is typically understood to foster the knowledge, skills, and values that students need to function effectively in our pluralistic, democratic society based on the rule of law.

administrative section to manage and coordinate the relations between the citizens in a paternalistic manner.

Yasushi Okudaira (2001), a constitution scholar, points out the great emphasis that is laid on “discrimination” and “equality” in the Japanese terminology of human rights and discusses the deep relevance relationship between human rights and the Dowa problem as follows:

“In Japan (---) ‘human rights’ means ‘abolishment of discrimination’, and the policies for the protection of human rights in the Ministry of Justice have put a great deal of weight on measures against ‘discrimination’. (---) The idea that the violation of human rights means “Dowa problem” was in the center of the measures against ‘discrimination’.”

Toshimasa Toyosaki (2001: 84), a lawyer, talks about the insufficiencies of HRE as follows:

“In order to really learn the principle of the modern state that says that ‘the rule of law’ brings human rights protection through ‘due process’, only HRE is not sufficient. (I [Toyosaki] think that the distinction between human rights protection and egoism or moral consideration is ambiguous.) To learn the principle, it is necessary to understand the point of the process in which several rights materialize as laws. By securing the ‘due process’ we can secure the human rights of the others, restrict or abolish them. From this point of view, unless law-related education is done, I think, the citizen as a ‘sovereign subject’ does not exist in the true sense of the word.”

In order to promote the understanding of the system that ensures the protection of human rights, he discusses the introduction of ‘mock trials’ in the social studies classes in school. This aims at overcoming the main weak point of the usual HRE, which is the fact that HRE provides the students only with emotional, and not with scientific understanding of human rights by using as study cases of discrimination problems.

From the consideration of the above-mentioned problems, the following questions ensue: what is ‘the knowledge and recognition of human rights’ that children should acquire? Why are human rights easily connected with discriminatory issues and moral issues such as right or wrong words and expressions, or consideration and kindness to others? How should we understand the differences between the usual HRE and the empowerment- and self-esteem-oriented HRE that has been showing new developments in recent years in Japan?

2.2 Proposal of “Different Approaches to HRE”

In relation to the above-mentioned issues, Felice I. Yeban (2002: 2) of the Philippine Normal University Center for Peace, Gender and Human Rights makes a very interesting analysis. She explains HRE as “an educative process that equips individuals with thinking tools, knowledge, values, and skills that facilitate their critical assessment of their personal and social experiences vis-à-vis human rights standards for the pursuit of individual and soci(et)al well-being”. Furthermore, she points out that “it is crucial to provide learners with the opportunity to make interconnections of their personal, social, cultural, economic, and political experiences. They are to gain the necessary knowledge, values, and skills to re-arrange existing interconnections into a new order that fosters their well-being as individuals and members of the community”.

Table 1 “Different approaches to human rights education” (Yeban 2002: 1), which is “a summary of approaches” she has “appropriated in the course of more than a decade of doing HRE”, indicates three approaches according to three different views on human rights: legalistic, political/ ideological, and cultural/ sociological.

The law-related education is similar to the legalistic approach, while Dowa education and multicultural education are strongly related to the political/ ideological approach. However, recently, since Dowa problems have been solved almost completely, Dowa education has been showing a tendency towards the “human relationship” approach, thus being connected to the cultural/ sociological approach.

Table 1 “Different approaches to human rights education”

	Legalistic	Political/ Ideological	Cultural/ Sociological
View of Human Rights Education	<ul style="list-style-type: none"> Human Rights (HR) as a set of rules governing the state and its citizens 	<ul style="list-style-type: none"> HR as a set of rules governing the state and its citizens Tool for detecting oppression by the state and its agents 	<ul style="list-style-type: none"> HR as a set of values and cultural norms with which the state and its citizens interact with each other
Goal of HRE	<ul style="list-style-type: none"> Teaching people their rights 	<ul style="list-style-type: none"> Raising people’s consciousness 	<ul style="list-style-type: none"> Raising people’s

	as manifested in international and domestic legal documents	about their oppressive situation using HR as the tool to make the assessment	awareness of the need to build a culture that is based on HR's principles and values
Facilitator	· Experts in HR laws, usually lawyers	· Experts in HR laws and politics, usually lawyers, paralegals, activists, development workers	· HR lawyers, educators, social scientists, development workers
Analytical Framework Used	· Legal framework	· Marxist/ liberal framework	· Sociological/ Anthropological framework
Strengths	· Popular use of the legal language and the language of human rights	· Concrete experiences of oppression as a very potent tool to make the issue of HR very personal	· Indigenization of HR concepts · It hides the confrontational dimension of HR (good for undemocratic countries)
Weaknesses	· Knowledge of HR laws does not automatically raise one's consciousness · HR are treated as a body of esoteric knowledge to be memorized	· The ideological framework used sets the limits for HR	· It hides the confrontational dimension of HR (not a good approach in an already democratic environment)

In the following chapter I want to take into consideration the reason why Dowa education has shifted from the political/ ideological approach to the cultural/ sociological approach, by investigating the keywords 'equality and freedom', which are closely related to HRE and Yeban's three approaches.

3. The Legal Viewpoint: the Controversy between Equality and Freedom

Yoshihide Kitagawa points out two issues in relation to the problematic of Japanese HRE, from the standpoint of law-related education. The first is that HRE deals not with “the legal side of human rights”, but mainly with “the moral and idealistic side”. The second is that HRE treats only equality as the sphere and contents of human rights.

3.1 Lack of a Legal Side in Japanese HRE

About ‘the knowledge and recognition of human rights’ that children need to acquire in school Kitagawa indicates that it should be made up of:

(1) a substantial side : the content of “human rights”

(2) a procedural and institutional side : the process of realization of “human rights”.

“The practice case books and textbooks on human rights in West European countries (Anglo-American juristic bloc) include the classification and discuss the relationship between ‘human rights’ as idealistic rights and ‘human rights’ as legal rights. On the other hand, HRE in Japan refers generally only to ‘human rights’ as idealistic rights, but doesn’t mention the classification and mutual relationships between ‘human rights’. Whether ‘human rights’ as legal rights are dealt with or not, is one of the differences of HRE in West European countries and in Japan.” (Kitagawa 2001b: 50)

For example, one West European textbook, G. Pike/ D. Selby “Human Rights” (1987) distinguishes between idealistic rights, i.e., “the rights based on moral, fairness and justice”, and legal rights, “the rights based on laws”, “the most reliable and secure rights of all rights in the sense of the protection and security by the trial”. “Idealistic rights” become “legal rights” through “the statutory formulation in law”, and as a result “rights become idealistic and legal rights”. The “universal” rights among the “idealistic rights”, which are without exception applied to all people, are called “human rights”, as Kitagawa (2001b: 50) mentions.

3.2 Tendencies of the Equality-oriented HRE

The fundamental difference between freedom and equality results from freedom being considered a “substantial concept” of rights, and equality a “relational concept” of rights. Freedom is a substantial concept such that “freedom of expression is based on concrete actions of expression, and freedom of religion is based on the belief in a specific religion”. On the other hand, equality is a relational concept such that “a

person (or group) A isn't discriminated in relation to another person (or group) B in 'specific matters' (ex. expression or religion)". The mutual relation between the two refers to the fact that "equality as a relational concept can have a meaning only related to 'particular matters' (in many occasions, freedom as substantial concept) and, on the contrary, freedom as substantial concept is assessed in relation with its actual problematic (formal or actual freedom) from the perspective of equality as a relational concept" (Kitagawa 2001a: 115).

Furthermore Kitagawa (2001a: 115-6) summarizes the problematic of the equality-oriented HRE as follows:

- (1) HRE makes it difficult to understand the essential differences and mutual relations between freedom as substantial concept and equality as relational concept and thus engenders the understanding of equality simply as a "comparison", not based on substance.
- (2) HRE maintains and encourages a very Japanese sense of equality, based on the tendency of the Japanese to come in line with one another, so that formal uniformity equals equality (a sort of absolute and mechanical equality/ formal equality).
- (3) HRE ignores the fact that equality is immanently relevant to the freedom criteria in the political, economic and social relations.

Kitagawa (2001a: 116) expressed his doubts about the Japanese HRE as follows:

"The understanding of equality simply as 'comparison' creates a dangerous situation by trivializing the problem. That is to say, in considering discrimination against minorities, it is not the criteria about the freedom as substantial concept in the political, economic and social relations that come to the front, but the 'mental attitude' of individuals based on 'goodwill' and the fact that 'all should be same'."

He indicates the problem of trivializing human rights as a 'mental attitude' of individuals and points out the interdependency of human rights and personality.

3.3 The "Sociological" Scheme and the Legal Scheme

Itsuo Kohama (1999: 201-2) raises the same problems as Kitagawa, arguing that "discrimination and disdain are not the same".

"The use of the word 'discrimination' has become inflationary in the modern society and thus, even the matters that are, strictly speaking, not necessarily objects of 'discrimination' are all called 'discrimination'. As a

result, (---) for example the feelings and complexes of crime victims are also regarded as 'being discriminated'."

Words of disdain such as 'bald-headed', 'a plain girl' and 'fat' "are problems of morality, conscience and dignity, but are not 'social, legal and institutional problems'".

Masayuki Uchino (1992) regards the scheme of interaction between human rights and personality as "sociological". For example, one of the reasons for the restriction against discriminatory expressions is the violation of the "human rights" of the victims. The freedom to utter a discriminatory expression is opposed to the human rights of the victims who suffer from this expression. This example brings to the fore the confrontation scheme "freedom of expression vs. human rights of the victims". Uchino calls this scheme "sociological". The perspective of constitution scholars is, however, contrary to this scheme. The legal scheme shows "human rights as freedom of expression vs. mental benefits that cannot be called human rights", in other words, "human rights vs. the standpoint of the discriminated".

Matsui (2002) also points out the same problem:

"The fundamental human rights secured by the constitution were originally very political rights and were nothing but indispensable rights for the citizens in order to watch and participate in politics. This situation changed in the education of the last half of the century, and so did the consciousness of the people. They have only a vague awareness of 'human rights, which everyone has by nature'. I regard this depoliticized awareness among Japanese people as one potential trap."

The legal scheme and the "sociological" scheme differ in the way they deal with the matter of human rights. This point also has a great influence on Japanese HRE.

In the end, Kitagawa (1999: 34-5) argues about making the necessary distinction between "moral rights" and "legal rights":

"Conflict between human rights often occurs in daily life. What is indispensable for solving this conflict is the principle of coordination and restriction of human rights. In this case, in order to deal with plural 'human rights' by using the principle of coordination and restriction, they must be 'human rights' = 'legal rights', which have been already determined by constitution and law. The 'moral rights' = 'human rights', which are not yet determined by the constitution and law, should be in the pre-stage of being determined as "legal rights" through legal interpretation during a trial. Thus, it is meaningful to distinguish between

'legal rights' and 'moral rights'. In the situation that 'HRE' deals with 'human rights' as 'moral rights' and has a vague idea about distinguishing between 'moral rights' and 'legal rights', it is difficult to understand the significance of the public conflict solution in the social space sufficiently."

The distinction between moral rights and legal rights is relevant to the differences and approximation of moral education and HRE.

4. Conclusion and a New Thesis

What chapter 2 and 3 clarified is, first of all, that human rights have a moral, idealistic side, as well as a legal side. Secondly, the legal side tends to lack in the Japanese HRE. Thirdly, as a result, HRE, which is historically related to Dowa education (integration education) and moral education, has a strong orientation to equality as a relational concept and from a "sociological" perspective, in which human rights problems are grasped as mentality problems. Fourthly, it is important in HRE that individuals are educated about the legal system and values such as "due process" in order to be able to protect their freedoms, consider their own possibilities and be empowered.

Next, I will expand these arguments and Yeban's approaches into a new thesis about the positioning of HRE (Table 2). The moral and the legal side of human rights can be formulated as the "'relation-related' - 'system-related'" axis. "System-related" refers to the social system such as laws, having as its premises the freedom and equality of individuals. Law-related education and multicultural education are included here. On the other hand, 'relation-related', the other side of the axis, is the direction where human relation concepts are stressed. Here, we have moral education and Dowa education, especially after the 1980s, when the problem of the discrimination of the Buraku population had been almost completely solved on the substantial plane, but more efforts were still necessary to solve it on the psychological/ conscious plane.

Empowerment and self-esteem in international HRE place high value on individualism and universalism, and also on the respect for the diversity and differences between individuals. This orientation can be named 'value-/ individual- oriented'. On the contrary, multicultural education and Dowa education are related to the rights of minorities and the orientation to cultural relativism and collectivism. Here human rights are 'task-/ group- oriented'. Thus, we have a second axis, named "'value-/ individual- oriented' - 'task-/ group- oriented'". This axis is related to the consideration of rights or problem situations. It consists of the two

following directions: internalizing values and standards with high universality and comprehensibility such as human rights, morals, and laws, and deepening the understanding about general phenomena by using these values (law-related education, moral education etc.), and the direction corresponding to educational tasks in relation to the community and group, such as Dowa problems, ethnic problems, cultural problems (Dowa education, multicultural education etc.).

The “place of HRE” can be described by using these two axes (Table 2). When using Yeban’s three categories, the “legalistic approach” shows similarity to the “value-/ individual- oriented” direction, while the “system-related”, and “political/ ideological approach” shows similarities to “task/ group- oriented” and “system-related”. Furthermore, the “cultural/ sociological approach” is similar to “relation-related” and “task/ group- oriented”. That is to say, HRE is oriented, from the viewpoint of international human rights, toward universality and individualism. However, when considering the community problems and discrimination situations, HRE is also related to collectivity and the cultures of the minorities. It is, therefore, situated relatively in the center of the chart containing the two axes.

However, as I have mentioned before, the Japanese HRE has a relatively strong tendency towards the “sociological” approach and is weak in the legal area of human rights. Thus, it is situated partially in the “relation- related” and “task/ group- oriented” zone (Table 3).

When considering the future of HRE in Japan, it is necessary to cultivate the programs that emphasize the relation between the dignity of individuals and the system of laws, and the empowerment of individuals. In this sense, HRE should learn more from relevant fields such as law-related education and multicultural education, and develop a systemic comprehensive approach, incorporating it into the Japanese education system.

Table 2: Place of HRE

	Orientation	Value/ Individuals	
View Relation	Moral Education Human Rights	Law-related Education Education (HRE)	System
	Dowa Education	Multicultural Education	
		Task/ Group	

Table 3: Place of HRE (Japan)

	Orientation	Value/ Individuals	
View	Moral Education	Law-related Education	System
Relation	HRE in Japan	Multicultural Education	
	Dowa Education		
	Task/ Group		

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