

### A Lawsuit against the Governor of Tokyo, Mr. Shintaro Ishihara

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“According to Takanori Matsui, not to me, mind you, ‘The most harmful existence that civilization has brought are Babahs (Babah is a vulgar term for elderly women; an old hag).’ He states further ‘when women live on with their reproductive abilities gone, they are useless and sinful.’ Men are capable of reproduction at the age of 80 or 90, but women are incapable of bearing children after their menopause. Such humans that live on till the age of Kin-san and Gin-san<sup>1</sup> are considered an extreme harm to the earth. I find his argument convincing, but I sure could not say such things as a politician (laughter).” These are the words of Governor Ishihara of Tokyo Prefecture, which appeared in *Shukan Josei* (Weekly Women) Magazine issued on November 6, 2001.

His statement brought women tremendous shock, insult, desperation, grief, and anger. Indeed, Governor Ishihara has in the past repeatedly made discriminatory remarks in various settings. On October 23, during his attendance at the meeting, “Low Birth Rate Society and Social Welfare in Tokyo,” he stated, “As there are women in the audience, I cannot be too explicit, but that there exists some fundamental excess, that is there are individuals who have lost their purpose of existence and are still allowed to continue consumption and usage (of resources) just because they are living things or humans.” Even when a member of an opposition party inquired closely into the discriminatory remark quoted at the beginning of this article, at the Tokyo Prefectural Legislature, he responded that it is unnecessary to withdraw his statement as he had in his own way simply acknowledged the statement of Noritaka Matsui, a professor at

University of Tokyo.

Is it appropriate that we leave his derogatory statement against women as is? His statement is equivalent to a declaration that useless individuals can be removed from society while the value and role of women’s lives are limited only to their reproductive functions. At the same time, his words are contrary to his responsibility as the governor to abolish discrimination against women based on the law. His words by all means reflect on women-related policies. Tokyo Women’s Foundation which had a central role in the operation of Tokyo Women’s Plaza has already been abolished. Women who felt the need to start some sort of protest movement called for an open letter to Governor Ishihara. On July 12, 2002, a total of 447 women (the final figure later became 468) who answered the call turned in an open letter in their joint names to the Tokyo Metropolitan Government Office. However, no response has been received as of yet.

The women who agreed with the open letter formed the “Women against Sexist-Ageist Remarks by Governor Ishihara.” This group has engaged in petition collections, hosted assemblies and prepared fliers calling for the withdrawal of and an apology for his statement. During the distribution of the fliers in Sugamo, Tokyo, a district popular with elderly women, one woman voiced that a statement such as the one by Governor Ishihara would push her to desire her death. Multiple discussions were held to figure out how the withdrawal and apology could be realized.

There exists no human-rights redress system in Japan for protecting the rights of the victims of discrimination by halting the violence that attempts to screen them out with the use of discriminatory expressions. The Equal Opportunity Ordinance of Tokyo Prefecture does not even stipulate the complaint processing system. We believe that

a statement that threatens the life and security of elderly women through the media with the title and authority of Tokyo governor is violence against women. We would like the Ishihara Statement to be recognized as a violation of human rights. If it is difficult in the Japanese system of law, we can prove it with the use of, for example, the Constitution, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights of the UN Human Rights Commission, and the Convention for Elimination of All Forms of Discrimination Against Women. We must not allow the government to continue denying our existence.

A case for human-rights redress was plead before the Japan Federation of Bar Associations, utilizing its procedure of human-rights redress on November 29, 2002. On December 20, a total of 119 women (the number later increased by 12 to a total of 131 women) who either reside or work in Tokyo brought a case before the Tokyo District Court against Governor Ishihara to seek compensation for damage, withdrawal of and a published apology for the discriminatory remark against women, "Babahs are harmful." Governor Ishihara, having come to know of the lawsuit, replied to interviewers, "I simply introduced a statement of a professor as I was impressed with its logic, but it is not that I consider it 100% right."

The first hearing was held on March 13, and three plaintiffs explained allegations. The defense requested a dismissal of the plaintiffs' claims, demanding proof of the legitimacy of the victims and clarification of the concrete violation of human rights caused by the statement. After the hearing, about a dozen plaintiffs delivered petitions of 6,288 individuals to the Tokyo Metropolitan Government Office and held an assembly for reporting the proceedings in the courtroom.

Response from overseas was significant.

Petitions from 228 people arrived from Germany for boycotting Japanese products and restaurants till the media reports an apology has been made. A woman in Colorado in the US stated in her email 妬 f elderly women govern the world, there will be no war and resources will be distributed more fairly across the world."

In the second hearing held on May 8, the defense team turned in a document which indicates recognition of the Ishihara Statement and their intention to challenge the litigation. It used the phrase "contest" and did not acknowledge plaintiffs' claims.

During the third hearing on June 12, the chief justice stated, "this is a difficult trial, but as long as degradation of social opinions (of the plaintiffs) is claimed, I would like to know concrete examples of infringement of rights that each of the plaintiffs has experienced. With such information, I would like to revisit the issue." At present, the plaintiffs are working on the verbalization of the harm that individual plaintiffs suffered to prove the violent and criminal nature of the Ishihara Statement.

Footnotes:

1 Kin-san and Gin-san were twin sisters who appeared on a TV commercial in 1992 with the well-known phrase, "Kin is 100 years old. So is Gin." They then became national heroes and appeared on various TV programs and events across Japan.

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