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Contents

Defending Human Rights in the Gulf Region

This is a report on the situation of the human rights defenders in the Gulf region.

- Gulf Centre for Human Rights

Page 2

Shrinking Democratic Space in World's Largest Democracy

This is a report on the situation of the human rights defenders in India.

- Human Rights Defenders Alert - India

Page 6

Center for Health and Rights of Migrants: A Japanese NPO in Osaka

This is a presentation on the work of a Japanese non-governmental organization in Osaka which focuses on right to health issues.

- Tex Boonjue

Page 9

6th World Human Rights Cities Forum

This is a report on the expert workshop and forum on human rights cities held in Gwangju city in July 2016.

- HURIGHTS OSAKA

Page 12

Japan's Hate Speech Elimination Law

This article explains the main contents of a new law in Japan aimed at eliminating hate speech against non-Japanese residents.

- HURIGHTS OSAKA

Page 14

Human Rights Events in the Asia-Pacific

This is information on important human rights events in the region.

Page 15

Editorial

Courts and the Defenders

The courts are being challenged to uphold the basic principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. This challenge apply even more in cases of people who are charged before the courts of violating laws for acts that constitute either their exercise of human rights or protection of the rights of others.

Reports from several countries in Asia show that people who are considered human rights defenders are being charged with violating laws on sedition, cybercrime and right to information. They have been detained or arrested for criticizing the government, for raising human rights issues, and for defending people who have suffered human rights violations or abuse. All these are legitimate acts and should not be considered unlawful. Unfortunately, in some cases, the courts failed to see the harassment angle of the cases and punished the accused.

The courts have the power to help ensure that human rights are protected and realized, but their failure to do so leads to a society with less freedom and more injustice.

Defending Human Rights in the Gulf Region*

Gulf Centre for Human Rights

On 22 September 2016, the Gulf Centre for Human Rights (GCHR) made a plea¹ to the United Nations (UN) to immediately address the continuing acts of reprisal and harassment against human rights defenders in the Gulf region and neighboring countries. The situation for human rights defenders continued to deteriorate in the Gulf region and neighboring countries in recent years. Those working peacefully and legitimately for the promotion and protection of human rights were increasingly exposed to dangerous environments, particularly in war-torn countries such as Syria, Iraq and Yemen; while the impact of these conflicts had been felt in neighboring countries.

Plight of Human Rights Defenders

Based on documentation, missions and interviews undertaken by the GCHR, human rights defenders face increased harassment, intimidation, arrest, detention and torture as a result of their human rights work. Many prominent human rights defenders remain in detention and are subjected to inhumane prison conditions as well as ill treatment at the hands of prison authorities. Freedom of expression continues to be seriously curtailed throughout the region and the exercise of this fundamental right has led to

hundreds of arrests and cases of judicial harassment throughout 2015. Rather than protecting human rights defenders and promoting their work at a time when their role in peace building is so desperately needed, the authorities have passed new laws such as cybercrime laws, and clamped down on online expression, curtailing "digital rights." Despite this challenging environment, human rights defenders continue their work tirelessly, refusing to be silenced through intimidation, harassment or detention.

Bahrain

2015 saw an escalation in the ill-treatment and abuse of human rights defenders in prison in Bahrain. The situation resulted in hunger strikes throughout the year, including by GCHR Founding Director Abdulhadi Al-Khawaja and blogger and human rights defender Dr. Abduljalil Al-Singace, in an attempt to protest the ill-treatment to which they were subjected to and demand better conditions for prisoners. Freedom of expression continued to be targeted and women human rights defenders were subjected to judicial harassment.² The climate continues to be one of hostility and danger for human rights defenders, including GCHR Founding Director Nabeel Rajab, President of the Bahrain Centre for Human Rights, who spent four months in prison for a tweet. Given the large number of cases

directed against human rights defenders, including Ghada Jamsheer, Zainab Al-Khawaja, Naji Fateel and Mohammed Al-Maskati, GCHR issued twenty-eight appeals, three statements and one letter on Bahrain during 2015, as well as ran campaigns to free them or keep them free.

Iran

Appeals issued in 2015 focused on women human rights defenders detained for promoting human rights through the exercise of their right to freedom of expression, especially with the rise of violence against women following acid attacks in October 2014. Human rights lawyer and women's rights activist Narges Mohammadi, human rights defender Bahareh Hedayat and cartoonist Atena Farghadani, all detained in the notorious Evin prison in Tehran, are suffering from serious illness as a result of the prison conditions. Journalists, bloggers and social media activists promoting human rights continue to face threats and harassment by state authorities as freedom of expression and opinion is severely restricted. While independent journalist Jason Rezaian was convicted on charges of "espionage" in October, he was later freed in January 2016. But many human rights defenders remain in detention or at risk due to their human rights work, and the need to further support them is ever present.

Iraq

In 2015, human rights conditions in general deteriorated further leading to political instability; while the internal conflict was exacerbated by the fight against the extremist group Islamic State (IS or Da'esh). Human rights defenders work in extremely dangerous conditions for the promotion of human rights, risking death, imprisonment and torture by security forces and armed groups. Sadly many have lost their lives, like prominent human rights defender Ammar Shahbender, who was killed during a terrorist attack on a café in Baghdad in May 2015. Women human rights defenders in the de facto state of Iraqi Kurdistan continue to face serious difficulties relating to their work, which challenges the traditional notions of family and gender roles within families and is often focused on gender-based violence. Freedom of expression continues to be curtailed and in February a group of journalists was attacked and beaten by a state official's bodyguards.

Saudi Arabia

2015 saw a continuation of the systematic targeting of human rights defenders in Saudi Arabia, including those connected to non-governmental organizations (NGOs) such as the Saudi Civil and Political Rights Association (ACPRA), whose members have been jailed. The peaceful exercise of the right to freedom of expression and opinion was met with arrests and lengthy prison sentences. Detained human rights defenders face appalling conditions and treatment, including the high profile case of blogger Raif Badawi, who was

flogged in January despite an international outcry. He won the Sakharov Prize for Freedom of Thought in 2015. The jail sentence of prominent human rights lawyer Waleed Abu Al-Khair was increased by the Specialised Criminal Court to fifteen years. Following a legal challenge by GCHR, the United Kingdom government cancelled its controversial bid to supply prison services to Saudi Arabia given the dire human rights violations that take place in the prisons. Despite gaining the right to vote in and run for municipal elections, the situation of women in Saudi Arabia is still extremely repressive and those fighting for women's rights, such as the right to drive cars, are subjected to threats and harassment, as well as arrest. In September 2015, Saudi Arabia was elected as head of the Consultative Group of the UN Human Rights Council - a decision that was met with much criticism. GCHR issued thirteen appeals and updates, five statements and one closed letter on the situation in Saudi Arabia.

Syria

During 2015, the war in Syria continued, human rights violations were commonplace and the environment in which human rights defenders operate remained dangerous. Syrian bloggers and journalists were targeted for exercising their right to freedom of expression and opinion, including being murdered inside Syria or abroad (Turkey) by both state and non-state actors such as the Islamic State (IS or Da'esh). Hundreds were killed due to torture in government prisons. Human rights defenders continue to work under fear of arrest and

harassment, many are victims of enforced disappearance and those in detention suffer ill treatment and poor conditions at the hands of the authorities. Members of the Syrian citizen journalist group Raqqa is Being Slaughtered Silently (RBSS) were murdered and threatened with death by IS. On a positive note, the three members of the Syrian Centre for Media and Freedom of Expression (SCM), detained since February 2012, were finally unconditionally released following much international pressure. SCM head Mazen Darwish won the prestigious UNESCO/Cano World Press Freedom Day Prize, after being nominated by GCHR. Other human rights defenders, who were subjected to enforced disappearance (including Razan Zaitouneh, Samira Khalil, Nazem Hamadi and Wa'el Hamada) remained missing. Calls continued for an investigation into their abduction. GCHR issued over twenty appeals, statements and letters in relation to Syria in 2015, including a number of joint actions with other non-governmental organizations (NGOs).

United Arab Emirates

The authorities continued to crackdown on bloggers and online activists in 2015 for exercising their right to freedom of expression and opinion. The space for dissent is shrinking as was feared following the introduction of the Cyber-Crime Law in 2012 and Anti-Terrorism legislation in 2014, both of which have been used to target human rights defenders. In January 2015 GCHR's website was blocked. Arbitrary arrest and detention of human rights defenders and

members of their families continued in 2015. Those in detention, including majority of defendants (known collectively as the UAE94) in a court case, faced harrowing conditions as outlined in GCHR's report published in March 2015 "Torture and Abuse in Prisons in the United Arab Emirates." Family members of the UAE94 were arrested and at the close of 2015, the whereabouts of activist Dr. Nasser Bin Ghaith remained unknown since his enforced disappearance in August 2015.

Recommendations³

GCHR urges state authorities in the Gulf region and neighboring countries to:

- Ensure that all human rights defenders, and all citizens, are free to avail of and engage with the UN human rights mechanisms and the international human rights community;
- Ensure that human rights defenders are able to carry out their legitimate and peaceful human rights work without fear of reprisals and free from all restrictions including judicial harassment;
- Encourage engagement with UN human rights mechanisms which would benefit the promotion and protection of human rights; and
- Ensure that a national system is in place for investigation of acts of reprisals which human rights defenders can engage with, and which carries out impartial and thorough investigations with

a view to prosecuting those responsible.

Conclusion

The human rights situation continued to remain grave in 2015 as human rights defenders in the Gulf region and neighboring countries continued to be targeted on a daily basis. They bravely went about their peaceful and legitimate human rights work despite being faced with threats of arrest, intimidation, judicial harassment, and violence. Civil society organizations strived to ensure an open and safe environment where human rights could be promoted.

Many human rights defenders in detention suffered under appalling conditions. In Bahrain, in March 2015 the situation reached a crisis point as prisoners were subjected to beatings and ill treatment, sparking a series of hunger strikes. In Iran, fears mounted regarding the health of women human rights defenders detained in Evin prison. In Syria enforced disappearance and incommunicado detention continued to plague human rights defenders. At the close of 2015, many human rights defenders remained arbitrarily detained or missing, including some collective cases known as the Bahrain 13, Syria's Douma Four and many of the UAE94.

Conflict in many Gulf and neighboring countries continued throughout 2015, most notably in Iraq, Syria and Yemen, and the general human rights situation deteriorated as both state and non-state actors committed atrocities.

Freedom of expression violations remained a serious human rights issue in 2015 as those who exercised their right to freedom of expression and opinion were targeted. In recent years there has been an increase in the targeting of those posting online, a trend which continued throughout 2015 particularly evidenced by cases of persecution of online activists in Bahrain, Oman, Saudi Arabia, Syria and UAE, including through the use of cybercrime laws.

Despite the overall critical situation, there were some positive human rights developments in 2015 including the albeit limited granting of women's right to vote in municipal elections in Saudi Arabia and the release of the SCM members in Syria. On the international stage, Sweden's refusal to renew military contracts with Saudi Arabia and the United Kingdom government's cancellation of its bid to supply services to Saudi prisons were welcome moves.

Human rights defenders are better enabled to document human rights violations as members of NGOs such as GCHR which provides training in human rights mechanisms, capacity building, documentation, security and protection, among other topics. When advocacy is aimed at allies and influential actors, human rights defenders receive international recognition, ultimately offering a measure of protection.

2016 marks the 50th anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on

Economic Social and Cultural Rights and there is an international UN campaign to ensure their ratification and promotion. Let it be an opportunity for the authorities in Gulf and neighboring countries to improve the human rights situation and ensure a safe environment for human rights defenders.

In a statement issued for the International Human Rights Defenders Day on 9 December 2015, the UN Special Rapporteur on human rights defenders, Michel Forst, honored human rights defenders stating:⁴

They are “Gandhis” and “Mandelas.” They are “Rosa Parks” and “Malalas.” They are also ordinary individuals, lawyers, women activists, community leaders, journalists, unionists and environmentalists who strive to re-claim our rights and promote our freedoms.

They are called human rights defenders, countless individuals and groups advocating for human rights, educating and raising awareness of situations around the world, and holding governments to account for their action.

xxx xxx xxx

They face enormous risks and threats as a result of the work they do, or because of who they are.

xxx xxx xxx

I call on States to support and protect human rights defenders at the international, regional and national levels through building defenders friendly alliances and adopting

concrete measures to protect rights activists.

In our [strive] for freedom, equality and justice, it is imperative that we empower and protect human rights defenders – our heroes, our sentinels who fight our human rights battles. They deserve our unequivocal support.

GCHR is committed to continue supporting and protecting human rights defenders and to work to ensure their safety as they carry out their peaceful and legitimate human rights work in the face of adversity.

For further information, please contact: Gulf Centre for Human Rights (GCHR), e-mail: info@gc4hr.org; www.gc4hr.org.

Endnotes

- * This report is drawn from the Gulf Centre for Human Rights (GCHR) - *Annual Report 2015: Human Rights Defenders in Prison and in Peril throughout the Gulf and Neighboring Countries*, February 2016.
- 1 The plea was made by Ms Maryam Al-Khawaja, Co-Director of the Gulf Centre for Human Rights (GCHR), during a side event to the Human Rights Council session entitled "Reprisals & harassment against human rights defenders in the Gulf region & neighbouring countries: UN HRC must act immediately" held on 22 September 2016 in Geneva.
- 2 This means filing of unwarranted criminal charges in court for legitimate acts such as expressing opinions to keep the human rights defenders in detention.

- 3 Text taken from Gulf Centre for Human Rights, *Liberty at Risk: Reprisals Against Human Rights Defenders in the Gulf Region and Neighbouring Countries*, August 2016.
- 4 See full text of the speech of Michel Forst in UN Office of the High Commissioner website: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16849&LangID=E.

Shrinking Democratic Space in World's Largest Democracy

Human Rights Defenders Alert – India

The difficulties and dangers faced by human rights defenders (HRDs) in India continue to arise unabated. The United Nations Special Rapporteur (SR) on HRDs, after her visit to India in 2011, pointed out that “HRDs are often labelled as ‘Naxalites (Maoists)’, ‘terrorists’, ‘militants’, ‘insurgents’, ‘anti-nationalists’ and ‘members of underground’ and their rights to freedom of expression, peaceful assembly, association and movement is on many occasions unlawfully restricted.” HRDs throughout India continue to face harassment, false charges, threats, abduction, arrest and/or detention and assault; in extreme cases they can be tortured and killed.

Journalists, writers, students, filmmakers and activists questioning government policies were not only targeted with threats or physical attacks by both State and non-State actors but illegally arrested on fabricated charges, tortured, threatened, restricted from traveling abroad by state authorities and even killed. Antiquated, colonial-era laws like the sedition law have been used to harass and intimidate the HRDs. The last few years witnessed a disturbing new trend regarding HRDs with the

Right to Information Act (RTI) being used against them.

Specific Cases of HRD Harassment

Human Rights Defenders Alert – India (HRDA), a national platform of HRDs for HRDs established in 2015, intervened in one hundred five cases of HRDs with the National Human Rights Commission of India (NHRC) and various United Nations (UN) human rights mechanisms. HRDA also filed since January 2015 two hundred twenty five complaints at the NHRC, whose independence is repeatedly questioned and which failed to provide relief not even in a single case. During that year, HRDA intervened in twelve cases of killing, sixty cases of harassment, physical assault, physical and verbal threat, thirty-three cases of arbitrary arrest and detention. Nearly 80 percent of these cases involved HRDs working to protect land, natural resources, and tribal rights and to expose corruption. Among them, twenty-four cases involved Right to Information (RTI) applications and eleven cases are on reprisals against journalists, writers and “rationalists.” In seven cases, peacefully protesting citizens faced severe crackdown and excessive use of force by State machineries. In the 2016,

HRDA intervened in more than one hundred twenty five cases. This period witnessed a rise in systematic attacks on journalists, lawyers, researchers and activists, crackdown on student movements and charging them under fabricated cases including sedition charges.¹

In 2016, HRDs in Chhattisgarh state continue to witness an upsurge of attacks by State and non-State actors. The attacks were primarily orchestrated by the Inspector General of the Police of Bastar region, SRP Kalluri, to silence the voices of those exposing cases of State brutality. On 20 February 2016, Soni Sori, advocating for the land rights of indigenous people and exposing cases of killings and torture, was attacked by unidentified assailants on her way from Jagdalpur to her home in Geedam in Chhattisgarh. Her attackers threw a chemical substance on her face and she had to be admitted to a hospital and then taken to New Delhi for further treatment. At the time of the attack, she was working on a case of extra-judicial killing that implicated the police. During the attack, her assailants threatened her of another attack if she continued working on the case. Following the attack, her relatives were targeted next. On 10 March 2016, her brother-in-law, Ajay

Markam, was arrested and questioned about the attacks on her and was released two days later. Her sister, Dhani, was arrested on 11 March 2016 and interrogated at a local police station before she was released. On 1 August 2016, she was threatened by Kalluri, after holding a press conference in which she condemned the extrajudicial killing of a citizen by the police. Several other activists in Chhattisgarh are routinely targeted. On 18 February 2016, members of Jagdalpur Legal Aid Group (JagLAG), a group of young women lawyers providing pro-bono legal aid, were barred from practice and evicted from Jagdalpur. JagLAG played a critical role in the cases of State brutality by intervening in courts and also providing legal aid to those arrested under fabricated cases.

On 19 February 2016, Malini Subraminam, a journalist, was also evicted from Jagdalpur in manner similar to JagLAG. Malini was critical of State brutality and wrote extensively on sexual violence by security forces. On 21 March 2016, police arrested journalist Prabhat Singh, a reporter from the Hindi daily newspaper *Patrika*, after he posted messages on the social media (WhatsApp) critical of the police and requested that a law be passed to protect reporters in the Bastar region. Police in plainclothes seized him from outside his office in Dantewada District. He was charged with sharing an insulting message under the Information and Technology Act. He was physically assaulted while in custody. Prabhat reports on

human rights issues and extrajudicial killings and has in the past raised issues critical of the police during press conferences. On 26 March 2016, police arrested another journalist Deepak Jaiswal, a reporter from the Hindi daily newspaper *Dainandini* in Bastar. He was arrested for a case against him and Prabhat which was filed seven months before by the principal of a school in Geedam. The case was in relation to a report written by them, accusing teachers in the school in Geedam of being complicit in exam malpractices. Deepak was charged with trespassing, preventing state officials from doing their work and assaulting staff. On 29 September 2015, journalist Santosh Yadav was arrested and charged with supporting Maoist rebels and his name was subsequently added to a case where eighteen villagers are in prison, charged with an encounter on 21 August 2015. On 16 July 2015, another journalist Mr. Somaru Nag was arrested and falsely charged with keeping a look out on the movements of the police while a group burned a crusher plant employed in road construction in Chote Kadma on 26 June 2015.

In West Bengal, HRDs associated with *Banglar Manabadhikar Suraksha Mancha* (MASUM) working on torture and extra-judicial killing cases attributed to state police and Border Security Force (BSF) in Murshidabad, North 24 Parganas, Cooch Behar and Jalpaiguri districts have been facing continuous and systematic harassment, physical intimidation, illegal arrest,

detention and persecution. Mr. Kirity Roy, present Secretary of MASUM, was arrested by the Anti-Terrorist Cell of Kolkata Police on 7 April 2010 for coordinating a People's Tribunal on Torture on 9-10 June 2008. The police charged MASUM with illegally staging a tribunal. A police case was registered at the instance of the Detective Department of Police at Taltolla Police Station under sections 170 (Personating a public officer), 179 (refusing to answer public servant authorized to question), 229 (Personation of a juror or assessor), and 120B (Criminal Conspiracy) of the Indian Penal Code against Kirity and others. The case is pending in the Supreme Court of India after the Calcutta High Court rejected to quash the case. The Government of India has also refused to grant Foreign Contribution and Regulation Certification/License to MASUM; the refusal has been challenged before High Court of Delhi.

Ajimuddin Sarkar, District Human Rights Monitor (DHRM) of MASUM, has been implicated in several false criminal charges by Murshidabad district police. He was in jail for seventy days. In September 2015, Ajimuddin was implicated in two fabricated criminal cases by Islampur Police Station. Kirity is co-accused in two criminal cases initiated by the police in Murshidabad district. Mr. Mohor Mondal, DHRM of 24 Parganas (North) was detained at Swarupnagar police station under 24 Parganas (North) district on 27 July 2014. He suffered verbal abuse and was heckled at the police station by

the officer-in-charge and on-duty police personnel. He was threatened and told to withdraw from human rights work. Durbadal Majumdar, DHRM for Jalpaiguri district was illegally detained at New Jalpaiguri police outpost in August 2015. He was implicated in a false case for helping a woman. Ajijul Haque, DHRM for Coochbehar district was brutally beaten by the hooligans in police presence at New Coochbehar station in February 2015. Tilak Barman, DHRM of Coochbehar was illegally detained and harassed by police personnel of Mekhliganj Police Station in May 2016. She is working for the deprived erstwhile enclave dwellers of Coochbehar district and three rehabilitation camps.

On 30 June 2015, Roma Malik, National Secretary, New Trade Union Initiative (NTUI) and Deputy General Secretary of the All India Union of Forest Working People (AIUFWP) and Sukalo Gond, Executive Committee, AIUFWP were arrested and interned at the Mirzapur jail. Many activists were arrested with them from the AIUFWP office in Robertsganj, Sonbhadra district of Uttar Pradesh state while preparing for a public meeting of the All India Peoples' Forum (AIPF). The other activists were released later in the day. All arrests, by the police, and the remand, by the Sonbhadra Court, of Roma and Sokalo are based on three First Information Reports in which no individual has been named. On 26 April 2016, Lama Lobsang Gyatso, General Secretary of the Save Mon Region Federation, a group consisting of monks in

Arunachal Pradesh state, opposed to construction of 7000 MW hydropower plant in Tawang district, was arrested for allegedly leading a group of people from Gongkhar village where another hydropower plant project was coming up. He was arrested based on FIR filed by the personal security officer of a local Member of Legislative Assembly Pema Khandu for disruption of peace.

On 10 August 2015, HRD and RTI Activist, Jawahar Lal Tiwary, was kidnapped in Muzaffarpur district, Bihar state and his mutilated body was discovered four days later. He was brutally assassinated because of his campaigns for accountability for funds that were disbursed for victims of floods in Bihar in 2012. He was a member of the *Sahebganj Vikas Manch* an organization created after the floods in Sahebganj.

Data compiled by the Commonwealth Human Rights Initiative shows that Maharashtra has recorded the highest number of attacks (sixty) on RTI activists since the law was passed a decade ago, followed by Gujarat (thirty-six), Uttar Pradesh (twenty-five) and Delhi (twenty-three). For murder cases, Gujarat and Uttar Pradesh come second with six each, followed by Karnataka and Bihar with four murders each. On attacks on RTI activists (harassed or killed), Gujarat comes second with thirty-six, followed by Uttar Pradesh at twenty-five and Delhi at twenty-three.

Concluding Note

In the world's largest democracy, fundamental rights including the right to dissent and protest are under brazen attack. India needs a national law on the protection of HRDs. Civil society and human rights groups in India have long been demanding that the NHRC should work closely with them in drafting a proposed national law on the protection of HRDs. But the NHRC has so far failed to adequately respond to this demand.

Endnotes

- 1 All the cases undertaken by HRDA can be accessed at www.hrdaindia.org.

Center for Health and Rights of Migrants: A Japanese NPO in Osaka

Tex Boonjue

More than a decade ago, a large number of non-Japanese were hospitalized due to HIV/AIDS complications. These non-Japanese learned about their HIV infection after they had developed AIDS. Seeing that they lacked the proper resources to make well-informed decisions, doctors and counsellors in Japan felt there was a need for a civic organization that would respond to their needs.

Founding CHARM

The Center for Health and Rights of Migrants (CHARM) was founded in 2002 and sought to “realize a society where everyone has access to medical service.”¹ It primarily deals with non-Japanese and those who are disempowered, such as those with “language barriers” and “lack of information about the [Japanese] welfare system.”² Its mission is twofold: 1) to provide individual support to people living with HIV/AIDS (PLWHAs) and their families/partners; and 2) to cooperate with government agencies and private sectors to facilitate better access to medical services by non-Japanese.³

It works with “hospitals, government agencies, private organizations, business sectors and concerned individuals to

fill the gap between people's needs and services specialized institutions offer.”⁴ It also works with local government agencies regarding policy formation. It provides data to these government agencies to aid them in policy making. In addition to policy formation, CHARM works directly with local government officials in the field. For example, CHARM has partnered with local government employees in a health outreach program for non-Japanese.

Activities and Services

CHARM offers a wide range of individual support to PLWHAs, victims of domestic violence and even those seeking employment. Their main services include a multi-language telephone hotline service, individual assistance, and group programs. When CHARM was initially founded, the majority of their clients were migrants (approximately, 80 percent non-Japanese, 20 percent Japanese). However, over the course of their near fourteen-year existence, CHARM has experienced a large increase in needs among Japanese clients who have no support system.

CHARM maintains a multi-language (Portuguese, Spanish, English, Thai, Filipino, and

Japanese), anonymous and free telephone hotline, which aims to provide information on HIV and sexual health and is available Tuesday thru Thursday. In addition, one can inquire about health facilities that provide free, and anonymous, sexually transmitted infections (STI) and HIV/AIDS testing and are English-friendly. Moreover, one may call the telephone hotline to inquire about anything related to sexual and reproductive health. The scope of its telephone hotline service is quite broad – CHARM assists with anything related to HIV/AIDS, sexual health, and overall well-being, regardless of one's HIV status.

In addition to maintaining a telephone hotline, CHARM offers a consultation service for PLWHAs. This service is meant to help alleviate any problems clients may have. As part of this service, CHARM staff listens to the client, helps the client organize his or her thoughts, brainstorms ideas on moving forward, assists in establishing goals and creating a viable framework for the future. Further, the consultation service is free of charge and appointments can be made by phone or e-mail.

Lastly, CHARM offers consultations over the phone and at their office in Osaka.⁵

Other services include an interpreter service, mobile home and prison visits, and referrals for HIV/AIDS treatment in other countries. As part of CHARM's interpreter service, CHARM provides an interpreter for PLWHAs to accompany them at a visit of particular importance, such as an appointment with a medical professional or a discussion with a social worker. Although this service is limited to HIV/AIDS related matters, CHARM is very accommodating as the service is completely free of charge and works with the client to come up with a consultation schedule and other conditions of the service. CHARM's "home and prison visit" service is available to those who do not have the means to travel to CHARM's office. In such a case, CHARM sends a social worker, nurse, or student to the client's home to attend to the clients' needs. CHARM also tailors their visits according to the unique circumstances of each client, meaning those with barriers in accessing CHARM's resources, either geographically or financially, such as prison inmates, those hospitalized, or those with limited means, can still be accommodated. Lastly, CHARM has connections with organizations around the globe to assist clients who seek HIV/AIDS treatment and services in other countries. When needed, CHARM can inquire and refer clients to an appropriate support organization located outside of Japan.

Health Fiesta

One of its major events is the "Health Fiesta," which aims to

enable non-Japanese residents to feel secure in dealing with their own health issues. It is organized along with various civic organizations and the local governments. The "Health Fiesta" is held every November in Kyoto at the Fushimi Youth Activity Center. The program is co-sponsored by the Fushimi Youth Activity Center, with the cooperation of the Fushimi Public Health Center, Kyoto International Foundation, Kyoto Fushimi-ku Council of Social Welfare, Kyoto YWCA's Asian People Together, Kyoto Pag-Asa Filipino Community, Kyoto Association of Pinoy Scholars, and Bazaar Café.

Several programs are held simultaneously during the "Health Fiesta." The main stage, food court, and workshop areas of the Fushimi Youth Activity Center were used to provide health checkups, health consultations with volunteer medical professionals, general consultations, HIV/STI testing and chest X-rays. Other activities include gynecologist

consultations on women's diseases, individual consultations, health checkups for body fat and BMI, and a breast self-examination tutorial. Volunteers and other organizers, including those from CHARM, disseminate information at universities and other spaces where there are many foreigners. CHARM also maintains a Home Page, an SNS blog, a Facebook, and a Twitter page to disseminate information about the event. 151 persons from the Philippines, Thailand, U.S.A., China, Brazil, Peru, Korea and Japan attended the event a few years ago. Twenty-six people took an HIV/STI or X-ray test. The health checkup corner, which was a new program in the event, was very popular and crowded with people. Five persons consulted medical professionals for their health concerns. The next "Health Fiesta" will be held in Kyoto on 19 November 2016.

CHARM has also partnered with local governments in creating a health consultation outreach



program on health issues for foreigners. On 23 October 2016, in the Namba district of Osaka, CHARM along with local government employees (a Health Nurse and two Child Rearing Assistants) from Osaka city Chuo ward office, will be providing free health consultations and information to foreigners.

Health Issues

CHARM serves as a first step towards solving problems. CHARM's specializes in handling issues surrounding HIV/AIDS and sexual and reproductive health. On other issues such as domestic violence, education and employment, CHARM refers the client to organizations or institutions that specialize on the issues. Health and human rights are closely intertwined and thus, someone whose rights are violated will likely have health issues.

Domestic violence not only causes physical harm to the victim, but also psychological harm, which may have a rippling effect later on in the victims's life. Consequently, domestic violence is unquestionably a health issue. CHARM is connected with several other non-profit organizations (NPOs) that specifically deal with these issues and refers victims of domestic violence to these organizations. Moreover, CHARM holds drop-in lunch meetings for people living with HIV. During these lunches, no topics are off limits. Discussions are broad in scope as the purpose of the lunch is to create a safe and welcoming

environment where men and women can express their troubles freely and without judgment.

Materials

CHARM disseminates a variety of informative materials (in five languages) such as HIV/AIDS information on transmission, prevention, and awareness. Moreover, they have materials covering testing, services offered at public health centers in Japan, the medical system in Japan, the social welfare system in Japan, and basic information about HIV infection.

The Future: Continued Operations

CHARM has been providing community support for PLWHAs for nearly fourteen years. Though it has been a vital resource to the community, CHARM faces the challenge of an aging population that brings novel problems. Naturally, clients are older now than when CHARM first began operation. With older clients comes new issues, such as preparing for the client's final phase of life. Each client's case is unique but all cases involve difficult decisions and require a considerable amount of thinking and decision making. CHARM will need to respond to these ever increasing needs by expanding its services. For CHARM to be effective in carrying out its mission, it is imperative that it has the financial resources to adapt to the needs of their increasingly demanding clientele base.

Throughout its almost fourteen-year existence, CHARM has

made tremendous strides towards reaching its vision of "a society where everyone has access to medical service." Though it will undoubtedly face new problems related to an aging clientele base, funding, and resource allocation, CHARM will continue to make a difference in providing access to health and in promoting the human rights of both non-Japanese and Japanese. The amount of societal goodwill CHARM provides is just too essential.

Tex Boonjue was an intern of HURIGHTS OSAKA during the July-August 2016 period. He is currently taking a juris doctor course at the Indiana University Robert H. McKinney School of Law (Indiana, U.S.A.).

For further information, please contact Tex Boonjue at this e-mail address: Tex.Boonjue@gmail.com.

Endnotes

- 1 CHARM website, www.charmjapan.com/index_e.html
- 2 Id.
- 3 Id.
- 4 Id.
- 5 CHARM's address: 10-19 Kan-
ei-cho, Kita-ki, Osaka-shi,
Osaka, 530-0031, Japan. It
can be reached by phone
(81-6 - 6354 - 5901 [English
service] and 81-6-6354 - 5902
[Japanese service]), fax
(81-6-6354 - 5902) and e-
mail: office@charmjapan.com.

6th World Human Rights Cities Forum

HURIGHTS OSAKA

The 6th World Human Rights Cities Forum (WHRCF) with the theme "Building Human Habitat Friendly Cities: Urban Development, Housing and Environment" was held in Gwangju city in the context of the agenda preparation for the United Nations (UN) Habitat III Summit to be held on 15 to 17 October 2016 in Quito, Ecuador. As the third conference of the United Nations, after Habitat I (Vancouver, 1976) and Habitat II (Istanbul, 1996), Habitat III aims to set a New Sustainable Global Urban Agenda, in a world where 55 percent of the population live in cities and where urban dwellers will represent more than 66 percent of the world population in 2050. As a result, the international community expects the Habitat III Conference to set the basis to address the challenges of a sustainable urbanization of the planet. To that end, the New Sustainable Global Urban Agenda should concretize and fulfill the Sustainable Development Goals, adopted at the United Nations General Assembly in September 2015 and the COP21 Agreement of Paris in December 2015.

6th WHRCF Goals and Program

The 6th WHRCF had the following main goals:

- a) To expand the human rights cities' movement worldwide in order to promote solidarity

and mutual cooperation among them. It is believed that human rights mainstreaming through the human rights-based approach if rightly and fully implemented at all stages of a human rights city including budgeting, planning, implementation, monitoring and evaluation, can and must be a key to successful innovation to make a city a common space for solidarity for all beyond local and national boundaries;

- b) To make concrete proposals to contribute to human rights-based approach at the Habitat III Summit;¹
- c) To exchange concrete experiences related to human rights mainstreaming in local administration and human rights implementation mechanisms at local level;
- d) To develop knowledge on human rights and particularly in new fields such as environmental rights where local governments can play an important role; and
- e) To strengthen the cooperation between local governments, civil society organizations,

national institutions and international and regional protection of human rights bodies.

The Mayor of the Gwangju city, Mr Janghyun Yoon, along with the Governor of Jeju Special Self-Governing Province, Mr Heeryong Won, and the Mayor of Seongnam City, Mr Jaemyung Lee, presented in the conference their experiences in implementing local government human rights programs.

Workshops were held during the two-day conference on various themes consisting of the following: 1) City and Gender; 2) City and Child/Youth; 3) Disabilities and Human Rights; 4) the Elderly and Housing; 5) City and Environment; 6) Social Economy; 7) Urban Regeneration; and 8) Education Policy and School Autonomy.

An expert workshop on "Local Government and Human Rights Guidelines" reviewed the recommendation of the 4th WHRCF on developing²

guiding principles for local government and human rights, taking into account various



standards related to the role of local government and city in implementing internationally recognized human rights. Such guiding principles, once adopted, will be a useful instrument to clarify the role of various actors and institutions, and to develop concrete strategies in implementing the recommendations of the present report and other recommendations from special procedures of the Human Rights Council, its UPR [Universal Periodic Review] mechanism and UN treaty bodies.

The expert workshop reviewed national experiences on human rights cities and recommended concrete measures that would help local governments adopt human rights city measures or sustain programs that are being implemented.

The Asia Local Democracy and Human Rights Cities Network (Asia LDC Net) was established by civil and social organizations from the Philippines, Indonesia, Japan and Korea during the conference as a response to the importance of building a cooperative network among cities.

WHRCF 2016 Declaration

The participants of WHRCF 2016 adopted a declaration at the end of the conference that

states the following commitments:³

1. Promise to lead the way for human rights cities, through stronger solidarity and tolerance, to help humanity regain freedom from the fear and terror arising from religious and racial conflicts;
2. Envision the local communities where human values are most respected as a goal for future cities, and recognize that citizen's participation and happiness are prerequisites for urban development;
3. Contribute to the spread of the concept of "local governments and human rights" currently under discussion at the United Nations so that it becomes general guiding principle in every city and request members of the United Nations Human Rights Council, including Republic of Korea, to adopt a resolution during their upcoming session in September calling for the research of guiding principles for local governments and human rights as a follow up effort of the 2015 report;
4. Endeavor to facilitate identification and sharing of detailed cases of human rights city policies and further institutionalize the concept through WHRCF 2016; and

5. Execute an objective assessment of the discussion results and tasks of WHRCF 2016 and use the assessment results as basis for WHRCF 2017.

The WCHRF 2016 had more than one hundred participants from thirty different countries and sixty two cities, in addition to those from Korea.

For further information, please contact: Korea Human Rights Foundation (KHRF), 4th Fl. Changbi Seogyo Building, 7 Worldcup-ro 12-gil, Mapo-gu, Seoul, Korea 04004; ph (82-2) 363-0002; fax (82-2) 363-0208; e-mail: khrf99@gmail.com; www.humanrights.or.kr.

Endnotes

- 1 The WHRCF 2016 program and final declaration were presented as input to the process of defining the New Habitat Agenda. A delegation of cities, in alliance with the Indonesian Human Rights Cities Movement, brought the proposals at the Surabaya Preparatory Committee of the UN Habitat III.
- 2 Paragraph 78, Gwangju Guiding Principles on Human Rights City adopted on 17 May 2014 at the 4th World Human Rights Cities Forum (WHRCF). See Concept Note and Program of the Expert Workshop on Local Government and Human Rights (24 May 2016).
- 3 Full text of the declaration available at the World Human Rights Cities Forum 2016, www.whrcf.org/page.php?page_code=E40200&act=view&idx=29.



Japan's Hate Speech Elimination Law

HURIGHTS OSAKA

The National Diet (Parliament) of Japan enacted the law on the elimination of hate speech in mid-2016. The law, Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan, took effect on 3 June 2016. The words "unfair discriminatory speech and behavior against persons originating from outside Japan" are considered to be equivalent to what is known as "hate speech" as indicated in the website of Japan's Ministry of Justice.¹

Rationale of the Law

The rationale for the enactment of the law is explained as follows:²

In recent years in Japan, unfair discriminatory speech and behavior are being practiced to incite the exclusion of persons and their descendants, who are residing lawfully in Japan, from local communities in our country by reason of such persons originating from a country or region other than Japan, therefore imposing tremendous pain and suffering on such persons and their descendants, and causing serious rifts in the local community.

Obviously, such unfair discriminatory speech and behavior should not exist, and tolerating such a situation is not permissible in light of

Japan's position in the international community.

It is therefore declared that such unfair discriminatory speech and behavior will not be tolerated, and, accordingly, this Act is to be enacted to spread awareness among the general public and to promote their understanding and cooperation through further human rights education and awareness-raising activities, and to strengthen efforts to eliminate unfair discriminatory speech and behavior.

Definition of Hate Speech

Article 2 of the law provides the definition of hate speech:

In this Act, "unfair discriminatory speech and behavior against persons originating from outside Japan" shall mean unfair discriminatory speech and behavior to incite the exclusion of persons originating exclusively from a country or region other than Japan or their descendants and who are lawfully residing in Japan (hereinafter referred to in this Article as "persons originating from outside Japan") from the local community by reason of such persons originating from a country or region other than Japan, such as openly announcing to the effect of harming the life, body, freedom, reputation or property of, or to significantly

insult, persons originating from outside Japan with the objective of encouraging or inducing discriminatory feelings against such persons originating from outside Japan.

The reference to non-Japanese residents covers Korean residents who have been the target of hate speech activities during the last few years.

Main Provisions of the Law

The main contents of the law are on the "basic principles for efforts towards the elimination [of hate speech], and to clarify the responsibilities of the national government, etc., as well as to set out and promote the basic measures." Thus the remaining provisions of the law deal with the following matters:

- a. Understanding of the general public of the need to eliminate hate speech and the public role in this task;
- b. Responsibilities of the national and local governments on taking measures to eliminate hate speech;
- c. Maintenance of consultation and development of the "necessary system so as to prevent and resolve disputes in this regard;"
- d. Implementation of educational and awareness-raising activities; and

(Continued on page 15)

Human Rights Events in the Asia-Pacific

Migrant Forum in Asia, the Migration Working Group, Malaysia and ASEAN Services Employees Trade Union Council (ASETUC) organized the workshop entitled “Promoting people-centered and workers-centered ASEAN: A Call for a region-wide advocacy to support workers’ rights in the region,” on 4 August 2016 during the ASEAN Civil Society Conference (ACSC) /ASEAN Peoples’ Forum (APF) 2016 held in Dili. This workshop discussed the status of the ASEAN Framework Instrument for the Protection of the Rights of Migrant Workers as well as the initiatives in the region that are being pushed by civil society and trade unions to ensure the promotion and protection of the rights of all workers including migrant workers in the ASEAN region as they relate to the ASEAN Economic Integration.

For further information contact: Migrant Forum in Asia, 5 Matiyaga Street, Central District, Diliman, Quezon City 1100, Philippines; ph/fax (632) 4333508, 2779484; mobile

number 639215405063; e-mail: mfa@mfasia.org; www.mfasia.org; www.facebook.com/migrantforumasia.

IWRAP Asia Pacific hosted the Inaugural Global South Women's Forum on Sustainable Development on 27 – 30 September 2016 in Phnom Penh. Women representing the different regions of the world discussed priority issues in relation to developing accountability and the form that the Global South Women's Forum on Sustainable Development would take in the next few years.

For further information, please contact: International Women's Rights Action Watch Asia Pacific, 10-2, Jalan Bangsar Utama 9, 59000 Kuala Lumpur, Malaysia; ph (603) 2282 2255; fax (603) 2283 2552; e-mail: iwraw-ap@iwraw-ap.org / iwraw_ap@yahoo.com; www.iwraw-ap.org.

The Amman Center for Human Rights Studies (ACHRS) and the Group of Civilian Volunteers (GVC) in collaboration with Working Women Association/Rusaifa, with support from the European Union organized a workshop on good governance, the role of media and civil society institutions in the rule of good governance, the definition of advocacy, mobilization, and lobbying and the elements of their success, and stages, methods, and management of mobilization and awareness-raising campaigns. The workshop was held on 30-31 July and 1 August 2016. Twenty participants from ten civil society associations at Zarqa Governorate joined the workshop.

Amman Center for Human Rights Studies, Al Abdali, Al Sharaf Building 4th Floor, P.O. Box 212524, Amman 11121, Jordan; ph (962 6) 46 55 043; fax (962 6) 46 55 043; e-mail: maysoon@achrs.org and ir@achrs.org; www.achrs.org.

Japan’s Hate Speech Elimination Law

(Continued from page 14)

- e. Review of measures undertaken against hate speech.

For the full text of the law, please visit the website of the Ministry of Justice of Japan.

Endnotes

- 1 Ministry of Justice: www.moj.go.jp/ENGLISH/m_jinken04_00001.html.

- 2 The text of the law used in this article is based on the English version of the law made available by Japan’s Ministry of Justice. The Ministry explains that this English version is a “provisional translation” and suggests referring to the original text written in Japanese.

HURIGHTS OSAKA Calendar

The printing of the 7th volume of *Human Rights Education in Asia-Pacific* has been moved to October due to delay in compiling the articles from different countries in the region.



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May be opened for inspection by the postal service.

HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

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