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Editorial

Celebrating the 100th Issue of FOCUS Asia-Pacific and Acting on SDGs

A celebration ...

HURIGHTS OSAKA is celebrating the 100th issue of this newsletter. We sincerely acknowledge and appreciate the individuals and institutions in Asia and the Pacific whose articles for more than two decades shed light on emerging issues and concerns on human rights of their peoples and project the diversity of views and invaluable experiences that sustain the protection, promotion and realization of human rights in the region. The article of Mr Osamu Shiraishi, the President of HURIGHTS OSAKA, provides the context of this celebration.

On SDGs ...

Are the Social Development Goals (SDGs) achievable? Are our SDG achievements so far significant? Hard questions. There are answers, but some are not pleasant to hear.

Sixteen global problems have to be solved, at least substantially, by 2030 with the help of international cooperation (Goal 17). These global problems are well-entrenched in our systems that they remain a huge challenge to all. Yet we still have to do what is needed. We still have to act to address them.

Problems ranging from abusive behavior of people in public places that compromise women's security such as in Okayama prefecture, abuse of foreign migrant workers who serve the economy in Southeast Asia, and deep-seated discrimination against sections of society such as Islamophobia in India are problems in our communities as much as global problems that we have to face.

If we have to act on these problems, we have to take concrete steps no matter how small. If our governments have to solve the problems they have to have the political will to implement the practical measures that have long been laid before them.

HURIGHTS OSAKA in the Midst of the COVID-19 Pandemic

Osamu Shiraishi

Since the beginning of 2020, the new coronavirus (COVID-19) started to spread in many parts of the world at an incredible speed and the number of infected persons exponentially increased. On 11 March 2020, the World Health Organization (WHO) recognized COVID-19 as a pandemic. The entire world has been seriously affected by the pandemic. No country and society have been spared.

Responses to the pandemic and measures to contain the spread of COVID-19 have been drastic in many countries, including lockdowns and quarantines. In Japan, the government declared on 16 April 2020 a state of emergency for the entire country that restricted people's movement and business activities.

Under the emergency measures, people have experienced various difficulties, not only being exposed to the risk of virus infection but also loss of jobs and income, suspension or restriction of civil, political, economic, social and cultural activities. Damages are widely inflicted on people in general, but particularly and seriously on the vulnerable and socially marginalized people.

From the beginning of the pandemic, the United Nations

High Commissioner for Human Rights stressed that "human dignity and rights need to be front and centre" in the governments' effort to mitigate the negative impact on people and their lives provoked by the anti-pandemic measures. Other United Nations agencies issued similar statements and guidelines to deal with the pandemic. International, national and local non-governmental organizations (NGOs) also take this crisis caused by the pandemic as a serious human rights concern and have appealed to the governments to protect and respect human rights especially at this time of pandemic.

In this situation of the pandemic, civil society organizations including NGOs have important roles to play. Acutely aware of this, the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) has taken up its role as a human rights information center. It has been accumulating and posting as much information as possible on human rights and the new coronavirus pandemic on its Japanese-language website. It aims to focus on the human rights perspective of the information collected and disseminated and to draw attention of the national government, local authorities,

those working in the frontlines and the general public in Japan to the difficulties experienced by the affected people and also to their appeals directed to the authorities.

HURIGHTS OSAKA seriously takes up this role as a human rights information center.

HURIGHTS OSAKA - Inception and Transformation

HURIGHTS OSAKA was not what it is now. It has come through a few substantial changes since its establishment.

HURIGHTS OSAKA was established in 1994 by the initiative of a group of civil society organizations in Osaka, joined by an association of labor unions, a business association, and the association of mayors of cities and townships of Osaka Prefecture. The governments of the Prefecture and the City of Osaka supported its establishment as a public foundation with substantive financial, administrative and logistical contribution. At the time of its establishment, HURIGHTS OSAKA was conceived as a human rights information center aiming at actively developing international cooperation with human rights organizations in the Asia Pacific region as well

as cultivating awareness of human rights among the local general public in Japan, with a certain degree of official involvement of the Osaka Prefecture and the City of Osaka. In a way, HURIGHTS OSAKA acted as a close partner of the Osaka prefectural and city governments in implementing human rights-related policies and projects.

The original aims of HURIGHTS OSAKA were set as wide and far reaching as follows: 1. to promote human rights in the Asia Pacific region; 2. to contribute to the advancement of international human rights protection and promotion with Asia Pacific specific inputs; 3. to ensure inclusion of human rights perspectives in the Japanese official international cooperation and contribution in the Asia Pacific region; and 4. to build awareness among the general public of the international standards of human rights.

The situation surrounding HURIGHTS OSAKA changed drastically with the election of a new Governor of Osaka Prefecture in February 2008. The Governor considered support to a large number of organizations incorporated and registered in the Prefecture for social, cultural and human rights purposes and activities as a “waste of public funds” and vowed to discontinue it. HURIGHTS OSAKA was one of these organizations. Stating that no justifiable reason was found to continue substantial support to HURIGHTS OSAKA, the Prefecture decided to discontinue completely its financial, administrative and

logistic support to HURIGHTS OSAKA from the fiscal year of 2009. Without hesitation, Osaka City also withdrew support to HURIGHTS OSAKA. The sudden loss of substantial support from both local governments left HURIGHTS OSAKA with no choice but to reconsider its role and to work out its operational strategy. Downsizing the organizational setup and budget, it had to prioritize projects and operations. It reached a conclusion that HURIGHTS OSAKA should focus more on the needs of people, become more actively responsive to the local human rights situations and issues and reorganize its information management using the information and communication technology. Consequently, it had to reduce its international engagements such as organizing international human rights conferences and seminars as well as participating in human rights events outside Japan. It came to concentrate more on information management and awareness building on human rights issues and activities. Relying on its own funds, HURIGHTS OSAKA was reborn as a civil society organization, no more dependent on the support from the Osaka Prefecture and the City of Osaka. It was a new start as an independent “human rights information center.”

In 2011, HURIGHTS OSAKA experienced another organizational reform following the revision of the law governing public interest corporations. As an organization incorporated and registered in Osaka Prefecture, HURIGHTS OSAKA put more emphasis on

staying close to local human rights issues and contributing to the local needs. This included responding to the needs of the business sector in Osaka in building human rights awareness and incorporating respect for human rights in the business practice.

HURIGHTS OSAKA’s Role and the COVID-19 Pandemic

HURIGHTS OSAKA is expected to remain attentive to the needs of people.

In the crisis of the COVID-19 pandemic, the vulnerable and socially neglected people have been suffering most. This is certainly the case in Japan. These people are, just to name a few: people with underlying health conditions; people in poverty, including single mothers and children; children without adequate schooling; the aged; people with disabilities; homeless people; those with unstable employment and the jobless; migrants and their families; irregular immigrants and applicants for refugee status who are confined indefinitely in the detention centers; women facing widespread gender discrimination; those exposed to domestic violence. Their precarious conditions require the serious attention of the national government, the local authorities and the society in general.

HURIGHTS OSAKA definitely is in a position to accumulate information in cooperation with those organizations wishing to share their first-hand information on people who face

(Continued on page 15)

Achieving SDGs through Local Ordinances

Eiji Hamanishi

With ten more years to go before the deadline for achieving the Sustainable Development Goals (SDGs) in 2030, local ordinances are extremely important in achieving those goals in the local community.

For several years, men in suit or casual clothing would approach young women to recruit them to work in the sex industry at the train stations in Okayama and Kurashiki cities in Okayama Prefecture. Many women have been targeted day and night in an organized manner. Without any ordinance in Okayama Prefecture prohibiting these acts, the police could not take any action against these men.

Many students of a women's university pass through the Okayama station on their way to school. Since I teach in this university, I conducted a simple survey among students in my class on this problem and found out that approximately two-thirds of the students had experienced aggressive acts of recruitment.

Their experiences included escaping through the station ticket gates because they were persistently followed, being closely followed all the way from the West Exit to the East Exit, being offered to work for a hostess bar once a week, being called out five times by the same person, being followed

around and persistently told that she could make 500,000 Yen (if she worked in the sex industry).

Conflict with Goals 4, 5 and 11

The Okayama Prefecture is often considered as having advanced programs on SDGs. Yet the daily persistent aggressive acts of recruitment by men around the train stations is nothing but "violence" against the targeted female students. This situation goes against Goal 5 of the SDGs (gender equality), especially Target 5.2 on elimination of "all forms of violence against all women and girls in public and private spheres."

Also, the female students face aggressive acts of recruitment around the Okayama station on their way to school every day. This results in (1) feeling uncomfortable when they go to school, (2) having bad feeling about this problem while studying at the university, (3) and fearing the recruiters while taking the train to go home. This situation also contravenes Target (4a) of providing "safe, non-violent, inclusive and effective learning environments for all" of Goal 4 (education) of the SDGs.

Furthermore, the situation around the stations of Okayama and Kurashiki, where blatant and pernicious aggressive acts of recruitment happen

continuously day and night seven days a week, is against Target 11.7 of providing "universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities" of Goal 11 (sustainable cities and human settlements).

If Okayama Prefecture values its image as a place with advanced programs on SDGs, it should improve this situation.

It can be argued that in a democratic country such as Japan these acts cannot be restricted because they are economic activities. But the nature of these activities should be sufficient basis for their prohibition. Indeed, this terrible situation around the two stations, which are gateways to Okayama Prefecture for many visitors for business and tourism, is damaging the image of the prefecture as a whole that leads to considerable economic loss.

The harm caused by these aggressive acts of recruitment, seen in urban commercial areas in the country, cannot be addressed by a uniform national law. Local ordinances are needed to regulate or prohibit these acts in a manner appropriate to the area.

Amending an Ordinance

The move to amend the Anti- nuisance Ordinance of Okayama Prefecture by adding a prohibition on aggressive acts of recruitment in the prefecture began in 2018.

People in communities around Kurashiki and Okayama stations petitioned the Prefectural Council and its members and the prefectural government to prohibit the increasingly aggravating “solicitations” related to the sex industry. As the harms of aggressive acts of recruitment targeting students became apparent, the Prefectural Police prepared a draft amendment of the prefectural Ordinance.

In May 2018, a Member of the Prefectural Council raised the issue at the plenary session in a formal question to the Governor and the Chief of the Prefectural Police, with students watching from the public gallery. The issue was repeated in further questions. The Prefectural Police reacted positively, and for almost a year since then, the police focused on patrolling areas around Kurashiki Station. The Chief of the Prefectural Police himself inspected the area.

As a result, in November 2018, the Prefectural Police submitted an outline of the draft amendment of the Anti- nuisance Ordinance to the Prefectural Council Committee on Industry, Labor and Police. The draft amendment included an expansion of the scope of prohibition of surreptitious photographing, expansion of businesses covered under the

prohibition of solicitation and recruitment, prohibition of recruiting and standing by to recruit, as well as sanctions for employers of persons engaging in these acts.

The public was invited to submit comments on the draft amendment from 22 November to 21 December 2018 resulting in two hundred forty-six comments, all supporting the proposed amendment and no single opposition. This was the largest number of responses received among the more than three hundred invitations for public comment on prefectural policy plans including draft ordinances. It seems that many students at the university voluntarily sent comments through the prefectural website.

Finally, on 3 July 2019, as the students watched from the public gallery, the draft amendment of the Anti- nuisance Ordinance was adopted in full.

The Experience of “Changing” the Ordinance

While the draft amendment was being prepared and discussed, the students participated in surveys, voluntarily observed the Council sessions, and submitted comments. These experiences seem to have enabled them to gain political empowerment, and a sense of being politically effective. Majority of the students who responded to a questionnaire conducted soon after the adoption of the amendment expressed this view. Below are some of their responses in the questionnaire:

I was able to reaffirm that when each of us raised our voice, it would reach the government, as it did in this case of the Anti-nuisance Ordinance. So, I thought that when more students vote, there may be more policies for students.

xxx xxx xxx

A year ago, when I was asked to respond to the survey, I had misgivings about whether it was meaningful. But now that the Anti-nuisance Ordinance was adopted, I learned firsthand that my views could be reflected in public policy, and so I thought I should go to vote.

Now students are more interested and actively studying local Councils and ordinances. One student wrote in her response, “There is an area around the shopping arcade in Takamatsu where I often go that is dangerous ... so I am thinking of looking into the ordinances in the place.”

Continuing Harm and Uncertainties Ahead

The Ordinance will enter into force on 1 October 2020. Until then, the aggressive acts of recruitment continue. This was expressed in the questionnaire:

Two men came up to me and asked whether I would like to work in Tokyo and Osaka. They said they will contact me through Line and Instagram.

xxx xxx xxx

A girl was approached at Okayama Station, and was being followed until she went

through the ticket gate. The act was blatant, even though it was daytime. I really hoped the Ordinance would be enforced soon.

Many students were also worried whether or not the police would seriously control these acts after the Ordinance came into force. Some wrote in the questionnaire:

I am unsure whether the police will enforce the Ordinance after it is enacted. I hope that it will not be just at the beginning, when it would have public attention.

xxx xxx xxx

I am concerned, whether the police will come and patrol each time the recruitment occurs.

It is therefore necessary to continue monitoring the activities of these men and follow-up on the issue.

After 1 October 2020, the Prefectural Police will be responsible for addressing the issue, and the harms and burdens on the individual will no doubt decrease significantly. If the police are found to be negligent, a complaint may be filed (under Article 79 of the Police Act) to the Okayama Prefectural Public Safety Commission (consisting of academics and lawyers) which oversees the Prefectural Police. The Commission also has a high regard for the draft amendment of the Ordinance, calling it "groundbreaking."¹

Creating /changing Rules to Achieve SDGs

In order to achieve the SDGs, it is certainly important to make various efforts under existing ordinances. But in cases where existing ordinances are causing harm, or when SDGs could be achieved by changing ordinances, there should definitely be attempts at enacting and/or amending the ordinances themselves. Calling for the enactment/amendment of ordinances would not require a budget or subsidy. All that is needed is to bring together the general public's dissatisfaction and the voices of the victims and appeal to the Council or their Members to act on the issue, and Members and government officials who have the expertise on the matter would prepare the draft ordinance. This will also certainly lead to political empowerment of the people.

With local ordinances, the size of the support does not have to be as large as when enacting national laws or their amendments. They involve concerns that are closely related to daily life (including going to and from work, school and marketplace), and with a little effort, they can attract the attention of the residents and students. The outcome can also be more easily felt. By enacting and/or amending ordinances, we can change the local community for the better and make progress in achieving the SDGs in the local areas more efficiently as we near the achievement date.

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Endnote

- 1 Based on minutes of the regular meeting of the Public Safety Commission, 25 April 2019.

SDGs and Southeast Asian Migrant Workers

Jefferson R. Plantilla

Migrant workers, who toil in settings that make them vulnerable to abuse and exploitation, are entitled to decent work and fair migration. The fair migration principle “takes into account labour market needs while placing the rights of all workers, including migrants, at its core.”¹ The International Labour Organization (ILO) stresses two targets of Sustainable Development Goals (SDGs)—8.8 (Decent work and economic growth - Protect labour rights and promote safe and secure working environments for all workers) and 10.7 (Reduced inequalities - orderly, safe, regular and responsible migration and mobility of people)—that specifically mention migrant workers and migration.²

The recent COVID-19 infection of significant number of migrant workers in Singapore and the reported loss of job or non-payment of salary in Thailand and Malaysia³ illustrate the vulnerability of migrant workers not only to exploitation but also to spread of communicable diseases. The migrant workers should definitely be covered in pursuing other SDGs such as SDG 3 on ensuring healthy lives and promoting the “well-being for all at all ages.”

Southeast Asian Workers

The ILO reports that migrant workers from Myanmar, Cambodia and Laos

“experience exploitation and abuse because of inadequate protection of their labour rights during recruitment and employment,” “regardless of the documents they hold.”⁴

Also, “[w]omen face additional challenges in accessing safe and legal migration opportunities, with the type of work available to them often paying less and affording fewer legal protections due to lack of formalization.”⁵

These migrant workers are mostly “employed in low-skilled, labour-intensive jobs in agriculture, fisheries, domestic work, manufacturing, construction, hospitality, and food services.”⁶

At the recruitment stage,⁷

[l]ow-skilled workers are particularly vulnerable to falling prey to unscrupulous actors in the recruitment process. Research show that recruitment-related abuses include: deception about the nature and conditions of work; retention of passports; illegal wage deductions; debt bondage linked to repayment of recruitment fees; and, very commonly, charging of exorbitant recruitment-related costs and fees.

Resort to irregular means of crossing borders for work is also prevalent. In Thailand, which hosts “some 2,877,000 documented migrant workers”

as of 2018 from Myanmar, Cambodia and Laos and has memorandums of understanding (MOUs) with these countries governing labor migration,⁸

38 per cent of the surveyed migrant workers [from the three countries] entered Thailand through the official channels, i.e., the MOU mechanism (36 per cent) [and] the border employment regulation (2 per cent). The rest entered the country irregularly.

The ILO has pointed out that the “costs and fees related to the recruitment of migrant workers should not be paid by the worker” in line with SDGs Indicator 10.7.1 on recruitment cost.⁹

An ILO survey of workers from Myanmar, Cambodia and Laos done in 2018 and published in early 2020 provides some details on the employment situation:¹⁰

Survey respondents reported benefiting from a very limited number of labour rights. None or almost none reported having the ability to join a union, have severance pay, or have (for women) paid maternity leave. Only a small share, about one in ten, have paid annual leave, paid holidays, and paid sick leave. Only 36 per cent kept their ID documents, and slightly less than one in four reported being paid at least the minimum wage.

ASEAN Problem

In 2017, the United Nations estimated that out of a total of “9.7 million” “international migrants” working in Southeast Asia, “nearly 6.9 million” are Southeast Asian workers.¹¹ 2015 data show that “Malaysia, Singapore, and Thailand [were] destinations for 91 per cent” of the Southeast Asian migrant workers.¹² On the other hand, “the Philippines, Indonesia, Viet Nam, Myanmar, Cambodia, and Lao PDR are net-sending countries.”¹³

Member-states of ASEAN have commitments to address the labor migration issue under the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007 (Cebu Declaration) and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, 2017.

Additionally, the ASEAN Human Rights Declaration (2012)¹⁴ provides that the “rights of ... migrant workers ... are an inalienable, integral and indivisible part of human rights and fundamental freedoms.” (Article 4)

Two other ASEAN documents (ASEAN Convention Against Trafficking in Persons, Especially Women and Children and ASEAN Guidelines for Corporate Social Responsibilities on Labour) alongside “global frameworks especially Sustainable Development Goals and the ... Global Compact on Safe, Orderly and Regular Migration”¹⁵ are part of the ASEAN framework on labor migration.

Migrant Workers Rights and the ASEAN Consensus

The ASEAN Consensus is set against the general non-ratification by ASEAN member-states of three ILO conventions¹⁶ related to migrant workers (No. 97, Migration for Employment Convention [Revised], 1949; No. 143, the Migrant Workers [Supplementary Provisions] Convention, 1975; and No. 181, the Private Employment Agencies Convention, 1997) with only the Philippines ratifying two of them, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [1990] that only the Philippines and Indonesia ratified.

These international conventions provide more rights and obligations than those provided in the ASEAN Consensus (see Annex A).

A meaningful implementation of the ASEAN Consensus at the national level requires support from existing domestic laws, regulations, and policies that affect the migrant workers. A civil society baseline study of the existing laws, regulations, and policies is a good start in this direction.¹⁷

Finally, concern about compliance by ASEAN member-states with their commitment under the ASEAN Consensus arises since it is not a treaty and has no sanction against member-states that fail to respect and protect the rights it provides.¹⁸

Implementing the ASEAN Consensus

The key ASEAN body leading the implementation of these

instruments is the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). A range of regional partners are involved in migration governance, including the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), and the Task Force on ASEAN Migrant Workers (TFAMW).¹⁹

To implement the 2007 Cebu Declaration, ASEAN established in 2009 the ASEAN Forum on Migrant Labour (AFML) which “brings together key stakeholders in labour migration... [namely,] ... government, employers’ and workers’ organizations – as well as the ASEAN Secretariat, civil society and international organizations.”²⁰ AFML holds its annual forum as part of the ACMW Work Plan.²¹

Concrete measures that would protect the migrant workers from exploitation and abuse have been recommended by AFML since 2010, including the following:²²

1. Promote effective recruitment practices and regulation;
2. Enhance policy on and protection of migrant workers through data sharing, and adequate access to the legal and judicial system during employment, including effective complaint mechanism;
3. Improve awareness and information services to protect the rights of migrant workers and to promote understanding, rights and

dignity of migrant workers in countries of destination;

4. Strengthen return and reintegration programs and develop sustainable alternatives in countries of origin;
5. Strengthen social protection for migrant workers;
6. Work towards achieving decent work for domestic workers; and
7. Use digitalization to promote decent work for migrant workers.

On the other hand, Southeast Asian non-governmental organizations came up in 2018 with a detailed set of recommendations on the implementation of the ASEAN

Consensus. The civil society organizations can use their recommendations in lobbying the ASEAN member-states on implementing the ASEAN Consensus.²³

Achieving SDGs and ASEAN

A study by the United Nations ESCAP reveals that the realization of SDG 8 in Southeast Asia in 2018 had regressed since 2000, while that of SDG 10 was unclear due to insufficient data. Additionally, the realization of SDG 16 (Peace, justice and strong institutions) was also unclear due to insufficient data.²⁴ In this context, the faithful implementation of the ASEAN instruments related to migrant

workers, despite their limitations, would have a significant impact on the achievement of the SDGs in the subregion.

The existing AFML-proposed concrete measures, and those of other stakeholders,²⁵ should push the ASEAN member-states to seriously fulfil their SDGs commitment by protecting the rights of migrant workers.

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For further information, please contact HURIGHTS OSAKA.

Annex A: Rights of Migrant Workers and Obligations of States ASEAN Consensus (2017)

Fundamental rights to	Sending state obligations	Receiving state obligations
1. Visit by family members (8)		
2. Hold passports and original government or personal documents (9)		Take action against employers who willfully destroy, mutilate or confiscate a migrant worker's passport and work permit (32c)
3. Enjoy rights equal to those of nationals of Receiving state in case of imprisonment or detention (10)		
4. File grievances with relevant authorities (11)		a. Take actions against employers who <ul style="list-style-type: none"> - illegally detain migrant workers - willfully destroy, mutilate or confiscate a migrant worker's passport and work permit (32) b. Make employers liable for illegal employment of migrant workers (32) c. Facilitate migrant workers' access to legal recourse and assistance, including language interpretation if necessary (42a) d. Facilitate the exercise of consular functions by consular or diplomatic authorities (42b)
5. Freedom of movement (12)		

Specific rights to	Sending state obligations	Receiving state obligations
1. Access information on matters pertaining to employment and employment-related conditions (13)	<ul style="list-style-type: none"> a. Organise a pre- departure orientation/education programme (21) b. Ensure migrant workers meet the health requirements of the Receiving State before departure (25) 	Provide adequate information within reasonable timeframe among others of their rights and responsibilities, occupational safety and health measures, avenues of assistance after their arrival (34)
2. Employment contract or proper documentation (14)	<ul style="list-style-type: none"> a. Ensure workers are informed and aware of terms and conditions of contract (22) b. Set reasonable, transparent, and standardised fees for passport issuance and other relevant documents (23a) c. Prohibit overcharging of placement or recruitment fees by any parties (23b) 	<ul style="list-style-type: none"> a. Prohibit overcharging of placement or recruitment fees by any parties (33) b. Issue guidelines prescribing the terms and conditions of employment that must be included in employment contracts or proper documentation (36) and (37) c. Ensure migrant worker has a copy of employment contract or proper documentation for their work (37b)
3. Fair treatment in the workplace (15)		Ensure fair treatment in the workplace (30a) regarding <ul style="list-style-type: none"> a. Working condition and remuneration; b. Occupational safety and health protection; c. Protection from violence and sexual harassment; and d. Gender and nationality (40)
4. Adequate or reasonable accommodation (16)		Ensure adequate or reasonable accommodation (39)
5. Fair and appropriate remuneration and benefits (17a)		<ul style="list-style-type: none"> a. Ensure fair and appropriate remuneration and other benefits (37) b. Regulate the employment of migrant workers by ensuring clear employment terms and conditions, such as wages, employment benefits, working conditions, health and safety, employment dispute mechanisms and repatriation (36c)
6. Benefits after leaving Receiving state (17b)	Develop a comprehensive reintegration and also employment programme (26)	Ensure fair and appropriate remuneration and benefits (37)
7. Transfer earnings and savings in any modes of transfer (18)		
8. File a complaint or make a representation under the law and allowed to stay pending complaint resolution (19a)	Provide information on accessing legal recourse and assistance in Receiving state (21)	<ul style="list-style-type: none"> a. Provide information on accessing legal recourse and assistance (34) b. Facilitate migrant workers with access to legal recourse and assistance, including language interpretation if necessary) (42a)
9. Obtain relief for loss of rights arising from employment contract (19b)		
10. Join trade unions and associations (20)	Ensure right of returned migrant workers to establish associations (28)	Recognize the right of migrant workers to join trade unions and associations (38)

Endnotes

- 1 For the components of fair migration principle, see "Box 1. Fair migration agenda" in International Labour Organization (ILO), *Promoting Decent Work for Migrant Workers, Thirteenth Coordination Meeting On International Migration*, Population Division, Department of Economic and Social Affairs, United Nations Secretariat, New York, 12-13 February 2015, page 4, www.un.org/en/development/desa/population/migration/events/coordination/13/documents/backgrounddocs/GFMD_ILO_Discussion%20Paper_Promoting%20Decent%20Work%20for%20MWs.pdf.
- 2 "Relevant SDG Targets related to Labour Migration," ILO, www.ilo.org/global/topics/dw4sd/themes/migration/WCMS_558577/lang-en/index.htm:
 - 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment, and
 - 10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.
- 3 For more information, see "Issue briefs," ILO, April 2020, www.ilo.org/asia/publications/issue-briefs/lang-en/index.htm.
- 4 TRIANGLE in ASEAN, International Labour Organization, www.ilo.org/asia/projects/WCMS_428584/lang-en/index.htm.
- 5 Ibid.
- 6 *The future of work and migration, Thematic background paper for the 12th ASEAN Forum on Migrant Labour (AFML)*, International Labour Organization 2019, page 7. Full report available at www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_733923.pdf.
- 7 *The future of work and migration*, *ibid.*, page 19.
- 8 *Recruitment fees and related costs: What migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar pay to work in Thailand*, International Labour Organization 2020, pages xiii and 81, www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_740400.pdf.
- 9 *Recruitment fees and related costs*, International Labour Organization, *ibid.*, page xiii.
- 10 *Ibid.*, page xvi.
- 11 *The future of work and migration*, *op. cit.*, page 6.
- 12 Marius Olivier, *Social protection for migrant workers in ASEAN: Developments, challenges, and prospects*, International Labour Organization, 2018, page 23. Full report available at www.social-protection.org/gimi/RessourcePDF.action?id=55654.
- 13 TRIANGLE in ASEAN Quarterly Briefing Note (October–December 2019), www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735103.pdf.
- 14 ASEAN Human Rights Declaration, full text available at <https://asean.org/asean-human-rights-declaration/>.
- 15 "ASEAN moves forward on migrant workers' safety and well-being," ASEAN, <https://asean.org/asean-moves-forward-migrant-workers-safety-well/>.
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- 18 See PROJECT REPORT - "Regional CSOs Consultation Meeting on the Implementation of ASEAN Consensus on the Rights of Migrant Workers," pages 14-19. Full text of the document available at www.spf.org/global-image/units/upfiles/51281-1-20181115134539_b5becf9f38f491.pdf.
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- 20 See "Participants to the AFML," *The ASEAN Forum on Migrant Labour (AFML), Background information booklet* (4th edition), International Labour Organization 2019, pages 3-4, www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_733912.pdf.
- 21 *The ASEAN Forum on Migrant Labour (AFML), Background information booklet*, *ibid.*, page 1.
- 22 *Ibid.*, pages 13-49.
- 23 See recommendations of the Southeast Asian civil society on adoption of a legally binding treaty on the rights of migrant workers, "Regional Civil Society Recommendations on the Implementation of the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers," Annex 3, PROJECT REPORT - "Regional CSOs Consultation Meeting on the Implementation of ASEAN Consensus on the Rights of Migrant Workers," *ibid.*, pages 14-19.
- 24 See ANNEX 1 – FIGURES ON SDG PROGRESS ACROSS ASIA-PACIFIC BY SUBREGION, Asia and the Pacific *SDG Progress Report 2019*, United Nations ESCAP, 24 May 2019, page 35, www.unescap.org/sites/default/files/Annex1_Asia-Pacific_SDG_Progress_Report2019.pdf.
- 25 "Regional Civil Society Recommendations on the Implementation of the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers," *op. cit.*

Countering Islamophobia in India

Aditya Menon

Even as India continues to grapple with rapidly rising number of COVID-19 infections, the Muslim minority in the country is facing an additional threat—increasing Islamophobia.

Instead of forging unity against a common threat, the pandemic ended up deepening the existing religious divisions in the country and adding to the marginalization of religious minorities.

Muslim Congregation

The narrative of blaming Muslims for the pandemic can be traced to March 2020, when a number of people associated with the Islamic proselytizing organization Tablighi Jamaat were found to be COVID-19 positive.

It was found that they contracted the infection at an international congregation of the organization held in New Delhi in the second week of March. As Tablighi Jamaat is a transnational organization, the congregation was attended by representatives from across the world.

This meet took place before the Indian government placed a lockdown and before it began actively screening people at airports. The government had also given permission for this congregation to be held.

So instead of questioning the government on why international travelers—that too from countries with a high number of COVID-19 cases—

were allowed to enter India, much of the media narrative focused on blaming Muslims. Terms like "Corona Jihad" were frequently used in television media, in effect, projecting patients as terrorists.

This led to an unprecedented stigmatization of Indian Muslims across the country. There were numerous incidents of Muslims being targeted in this period - from Muslim fisherfolk being attacked in the southern province of Karnataka to a Muslim dairy owner committing suicide in the northern province of Himachal Pradesh, after being subjected to a social boycott by local Hindus.

Citizenship Amendment Act

The COVID-19 lockdown also witnessed another disturbing trend—the arrest of several Muslim civil society activists by the law enforcement agencies. One of the activists, a young student from Jamia Millia Islamia University named Safoora Zargar, was put in prison despite being four months pregnant. Another activist, Khalid Saifi, founder of the organization United Against Hate, was beaten up by the police in custody.

All these activists have been leading the protests against what is known as the Citizenship Amendment Act, a legislation passed by the ruling government led by Prime Minister Narendra Modi.

The Act seeks to provide citizenship to persecuted

minorities from India's neighboring countries, except Muslims.

Naturally, the Act is seen as discriminatory by Indian Muslims and sparked protests in different parts of the country. The protests began in December 2019 and protesters had to face attacks from the police as well as from rightwing goons.

However, on 24 February 2020, the attacks on the protesters snowballed into full-fledged sectarian violence in the Northeast District of India's capital Delhi, barely a few miles from where US President Donald Trump was meeting Indian leaders during his visit to India.

The violence continued for two days, killing over fifty people and displacing hundreds. Over two-thirds of those killed and nearly 90 percent of those who were displaced happened to be Indian Muslims.

However in its probe into the Delhi riots, the police pushed the narrative that the violence was a "pre-planned conspiracy" by people protesting against the Citizenship Amendment Act and several people leading the protests—like Zargar and Saifi mentioned earlier—had been arrested under the draconian anti-terror law, Unlawful Activities Prevention Act. In effect, peaceful protests by Indian Muslims have been criminalized.

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FOCUS Asia-Pacific: 100th Issue

Jefferson R. Plantilla

The Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) celebrates the publication of the 100th issue of its newsletter.

The first issue of the newsletter came out in February 1995. It featured the proceedings of the formal inauguration of HURIGHTS OSAKA on 7 December 1994. The newsletter was named *HURIGHTS OSAKA Newsletter*.

Speeches made during the inauguration ceremonies stressed issues in the Asia-Pacific region as much as challenges that HURIGHTS OSAKA had to deal with in fulfilling its role in the region. Professor Kinhide Mushakoji, then Chairperson of the Board of HURIGHTS OSAKA, stressed the universality of human rights “not because of the formal legal style they are written in, but because the idea ... of human rights itself is universal.” He emphasized the need to take into serious account the histories and traditions of the peoples in the region in promoting the universality of human rights. Mr Thomas McCarthy, Senior Adviser for United Nations High Commissioner for Human Rights, stressed the importance of regional and subregional mechanisms that would facilitate “broader regional cooperation and information exchange” within the region as

well as with the United Nations. He cited the role of the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) in this regard. Finally, Ms Aurora de Dios, Associate Professor in Miriam College in the Philippines, proposed that HURIGHTS OSAKA establish a collection of materials on the “social, economic and political condition of Asian peoples.” She also suggested the collection of human rights education materials. Mr Jose Ayala-Lasso, the first United Nations High Commissioner for Human Rights, sent a message that stressed the importance of human rights education and that HURIGHTS OSAKA “will undoubtedly have an important impact on the promotion and protection of human rights nationally, regionally and internationally.”

These ideas would subsequently be reflected in the contents of the newsletter in the years to come.

Widening Reach and Issues

The name of the newsletter was changed to *FOCUS Asia-Pacific* in its third issue (March 1996). The new name indicates the character of the publication – a medium that examines Asia-Pacific issues, brings out the different voices of peoples in the region on human rights

concerns, and promote the international human rights standards. The name is also meant to emphasize information exchange among peoples and institutions *within* the wide Asia-Pacific region.

Printed copies of the *FOCUS Asia-Pacific* newsletter are sent mainly to non-governmental organizations, human rights institutions, government offices/libraries and human rights centers in Asia and the Pacific.

The newsletter strives to cover issues from different subregions of Asia (West, Central Northeast, Southeast and South Asia) and the Pacific.

Aside from issues, the articles cover almost the whole range of human rights (civil, cultural, economic, political and social rights), human rights practice (local, national and regional work) and human rights institutions (non-governmental organizations, museums, human rights centers and national/subregional human rights institutions).

The newsletter features articles grouped under specific themes. The articles from Jordan, Kyrgyzstan and Fiji on local community human rights work in the December 2019 issue of the newsletter illustrate this approach.¹ These articles provide a variety of experiences on local community human

rights work in West and Central Asia and the Pacific.

There are articles that highlight the histories of communities. This is the case of articles on displaced communities such as the Urdu-speaking people in Bangladesh, the Vietnamese community in Cambodia, Indonesians in the Philippines and Vietnamese refugees in Japan.

Series of articles on particular topics such as the cultures in Asia and the human rights concept, human rights education, Asia-Pacific inter-governmental human rights workshops, national and regional human rights mechanisms, access to justice, the International Criminal Court, human rights cities and business and human rights are featured.

There are several articles about refugees and asylum seekers, indigenous peoples, children, persons with disabilities, women, minorities (social, cultural, religious and sexual), trafficking in person, migration, discrimination and minorities, health and human rights, and globalization.

Common-themed articles from different subregions or networks are published together in one or more issues of the newsletter to stress diversity of perspectives and richness of experiences in Asia-Pacific. This approach also facilitates the dissemination of articles/information outside the subregion or organizational network where they come from.

Citations

Random online search of materials that cite articles of the newsletter provides information on the type of literature involved as well as issues and rights being discussed.

Articles have been cited in different types of print and online literature including doctoral and masteral theses, books, journals, reports, training manuals, websites (databases, libraries) and also blogs. There are university syllabuses that list articles as reading materials.

The cited articles discuss different human rights and human rights-related issues. Many books and journals cite articles on human rights mechanisms including national human rights institutions (in Thailand, Malaysia, Timor Leste, Korea, and Fiji) and a subregional human rights mechanism (ASEAN Inter-governmental Commission on Human Rights). Some cite articles on the lobby for the establishment of a national human rights institution in Japan. Books and journals also cite articles on indigenous peoples, trafficking in persons, culture and human rights, child rights, human rights education, violence against women, domestic violence, Rome Statute/International Criminal Court, and business and human rights.

On the other hand, reports and training manuals (produced by United Nations agencies, non-governmental organizations and other institutions) cite articles on economic, social and cultural rights (housing rights, rights of farmers, rights of

migrant workers, right to health), development and human rights, access to justice/legal assistance along with those on minorities and specific sectors (women, children, persons with disabilities, urban poor, migrant workers, refugees, indigenous peoples and sexual minorities).

Many blogs cite articles on minorities (non-nationals, and religious, social groups), indigenous peoples, children, trafficking and human rights mechanisms (national and subregional). A few blogs cite articles on human rights and culture, housing rights and sexual minorities.

Contributors

FOCUS Asia-Pacific thrives on widely disseminating information on the efforts and experiences of individuals and institutions toward achievement of human rights in Asia and the Pacific. Most of them established their first contact with HURIGHTS OSAKA because of our request for articles. Some of them have been recommended by individuals and institutions known to HURIGHTS OSAKA.

Ultimate Goal

One of the aims of HURIGHTS OSAKA is to contribute to the promotion of human rights in the Asia-Pacific region. This is mainly done through its information/material gathering and dissemination system. The publications in English,² its English website³ and occasional activities such as research projects and workshops

constitute the dissemination system.

The *FOCUS Asia-Pacific* newsletter plays a big role in achieving this aim. It has shown its capacity to cover human rights issues from the subregions of Asia and the Pacific, to engage individuals and institutions from many countries in preparing articles, and to facilitate the “crossing of borders” that network and subregional peculiarities have somehow hindered.

The different contexts of Asia and the Pacific define the

articles that illustrate how the international human rights standards are protected, promoted and realized at the local and national levels.

Twenty-five years after the first issue came out, the *FOCUS Asia-Pacific* newsletter continues to promote human rights in Asia and the Pacific.

Jefferson R. Plantilla is the Chief Researcher of HURIGHTS OSAKA

For further information, please contact HURIGHTS OSAKA.

Endnotes

- 1 See this issue of *FOCUS Asia-Pacific*, March 2020, Volume 99 in www.hurights.or.jp/archives/focus/.
- 2 The list of English publications is available at the website of HURIGHTS OSAKA.
- 3 The website of HURIGHTS OSAKA organizes the articles of the newsletter in terms of region, country, issue, sector and special concerns.

HURIGHTS OSAKA in the Midst of the COVID-19 Pandemic

(Continued from page 3)

extraordinary difficulty and disseminate it widely so that the society is informed of their plight and what needs to be done with an emphasis on the primary consideration of their human dignity and rights.

Furthermore, together with other civil society organizations, HURIGHTS OSAKA is able to send out human rights alert messages that emergency

measures taken by the government and local authorities may infringe the human rights of people through unchecked utilization of surveillance methods and overwhelming control of people’s behavior and their personal data. The guarantee of access to information, transparency and accountability in the imposition of emergency measures to deal with the pandemic must be emphasized in such messages addressed to the government.

HURIGHTS OSAKA is expected to actively assume the role of a

human rights information center, even if it sometimes has to disseminate information and messages inconvenient to the government and the local authorities. After all, HURIGHTS OSAKA has committed itself to protecting and promoting human dignity and human rights of all.

Osamu Shiraishi is the President of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA).

For further information, please contact HURIGHTS OSAKA.

Countering Islamophobia in India

(Continued from page 12)

The crackdown on protesters as well as the rising Islamophobia during the COVID-19 pandemic present new obstacles for Indian Muslims. It is clear that the space for articulation of Muslim grievances and legitimate

political demands has shrunk considerably.

Now, any mobilization by Indian Muslims will be seen with much more hostility by law enforcement agencies as well as sections of the majority Hindu community.

Therefore, the main challenge for Indian Muslims would be how to find their voice in these difficult

circumstances and counter rising Islamophobia in the country.

Aditya Menon is an Indian journalist.

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HURIGHTS OSAKA Calendar

For the 10th volume of *Human Rights Education in Asia-Pacific*, minority issues will be highlighted through articles from Cambodia, India and Malaysia. Articles on other issues and human rights education initiatives would come from Jordan, Timor Leste, Myanmar, Bangladesh, Papua New Guinea, Nepal and hopefully a few other countries.



PRINTED MATTER

AIR MAIL

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 aims: 1) to engender popular understanding in Osaka of the international human rights standards; 2) to support international exchange between Osaka and countries in Asia-Pacific through collection and dissemination of information and materials on human rights; and 3) to promote human rights in Asia-Pacific in cooperation with national and regional institutions and civil society organizations as well as the United Nations. 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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