

# Focus

## Asia-Pacific



Newsletter of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA)

June 2021 Vol. 104

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### Editorial

#### **Exacerbated Misery**

COVID-19 can infect anyone - rich or poor, man or woman, young or old, regardless of skin color, country, religious belief or political opinion. Some are infected more seriously than others.

In the midst of COVID-19 pandemic, the poor and the vulnerable suffer from larger social and economic impacts. Lockdowns and other restrictions on movement prevent them from earning their livelihood. Limited medical facilities and services become scarce either due to need to accommodate COVID-19 patients or as safety measure to avoid COVID-19 infections. The poor, especially those with disabilities and serious illnesses, are particularly affected by this situation.

Migrant workers lose jobs and get stranded in their places of work, unable to return home due to closed borders, including those of their own countries. Women and girls suffer more domestic violence and other forms of abuse while forced to stay home during lockdowns or any other restrictions of movement.

The COVID-19 pandemic exacerbated existing inequalities and hardships. The pre-pandemic misery of the poor and the vulnerable became more acute. The pandemic also led to the rise of new vulnerable groups.

How to address the exacerbated misery of the poor and the vulnerable in the midst of the pandemic is an urgent matter that has to be dealt with.

# COVID-19 in North and Central Asia: Impacts, Responses & Strategies to Build Back\*

UNESCAP, Subregional Office for North and Central Asia

Countries in the North and Central Asian subregion were relatively quick to implement strict measures to curtail the spread of COVID-19, including border closures, additional health screening and other requirements at border-crossings, as well as other containment measures. These measures often implied additional costs and delays in cross-border transport and trade, which adversely affected national and regional supply chains. The increase in costs, delays and disruptions amplified pre-existing connectivity challenges in Asia and the Pacific. Countries in the subregion also introduced lockdowns, curfews, closures of businesses and schools, and restrictions on gatherings.

## Social Impact

The COVID-19 pandemic is exacerbating pre-existing inequalities and vulnerabilities in the subregion, and it is creating new vulnerabilities as levels of poverty have increased. To understand important aspects of preparedness or resilience to the current crisis, a good starting point is the UNDP Human Development Index (HDI) that combines a country's average achievements in health, education and income.

HDI values in the subregion are higher than the world average of 0.731. However, the inequality adjusted HDI value (which discounts for the human development cost of inequality) shows a less positive picture, especially for Turkmenistan, Tajikistan and Kyrgyzstan.

While access to basic services, such as drinking water and electricity, is on par with world averages, healthcare systems show a larger degree of stress, echoing the above-mentioned impacts of underinvestment in the health sector. The relatively low (i.e., negative) scores for vulnerable employment (defined as the total percentage of own-account workers and contributing family workers<sup>1</sup>) in the subregion are noteworthy as this represents a large part of the workforce that is most likely to be negatively affected by the crisis. The low number of broadband subscriptions shows a large gap in the ability to make use of digital services which have become such an important component of successfully coping with the impacts of the pandemic.

## Vulnerable Population Groups

The COVID-19 pandemic and its wider socioeconomic impacts affect different population groups in different ways. Vulnerable population

groups often live in the margins of their societies and economies and they experience poorer working and living conditions, barriers to social protection and healthcare services, weaker safety nets and stigma.<sup>2</sup> In the context of the COVID-19 crisis, vulnerabilities show themselves in several dimensions or spheres.

First, there are vulnerabilities in the health sphere. People are exposed to infection, and other health issues have been aggravated by the shift in focus of healthcare capacities to pandemic response.

Next, there are vulnerabilities in the social sphere which result from government measures to restrict contact and mobility to stop the spread of the disease. Further vulnerabilities arise from diminished incomes of households and fiscal space of governments and civil society organizations. Additionally, there are vulnerabilities in the economic sphere. The COVID-19 pandemic has created economic and labour shocks that disproportionately affect vulnerable groups – including women and girls, older people, migrants and people with disabilities – who are more likely to work in insecure, informal employment.

One major indicator of vulnerability is age, with older people and youth having higher levels of vulnerability, though for different reasons. Older people are considered as a high-risk group for COVID-19 infections as they are much more likely to suffer a severe case of the disease, and globally, 75 per cent of COVID-19 related deaths are among those 65 years and older.<sup>3</sup> Older people are also more vulnerable to secondary effects, such as social isolation, neglect and abuse, and limited access to services. Such vulnerabilities already existed before the pandemic but they were magnified under lockdowns or other restrictions of movement when more and more services shifted into the digital sphere.

Youth are less likely to be affected by the direct health impacts of COVID-19, but they face negative impacts on educational outcomes by school closures or in their school-to-work transition. Inequalities in accessing quality education that existed before the pandemic were intensified during lockdowns, when access to learning was available only through electronic devices and required a stable Internet signal. For older youth, the school-to-work transition may be interrupted as fewer employers are hiring. As the pandemic continues, young people are more likely to suffer from stress and anxiety as their employment prospects and financial security are less certain than those of older age groups.

Greater health risks and socioeconomic vulnerability

interact with differentiated structural conditions in the subregion, such as age distribution, labour force participation and unemployment. There are some countries in the subregion with a relatively high proportion of older people (ageing societies), such as the Russian Federation or Georgia, and some with relatively young populations, such as Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Among the older population groups, labour participation varies greatly. It is highest in Georgia, which could be an indicator of insufficient social protection, such as pension. Similarly, Kyrgyzstan has a large proportion of young people, and 20.5 per cent of youth were not in education, employment, or training even before the COVID-19 pandemic. This is an ominous indication of levels of vulnerable youth during the pandemic, especially if one takes into account youth staying at home who otherwise would have opted for international labour migration or who depend on relatives' remittances to meet their basic needs. When juxtaposed with the health risk from COVID-19, a differentiated picture of vulnerability emerges.

Experience has also shown that women are often disproportionately affected because they are more likely to be in vulnerable employment and are typically employed in sectors particularly hard-hit by the pandemic, such as the services industry and informal sectors. Women also make up a large proportion of frontline responders, such as health professionals.

A rapid gender assessment in countries of Europe and Central Asia revealed that in Kazakhstan, during the first wave of the pandemic, salaries of women who were part of the assessment had decreased by 50 per cent. Further, among all groups of employed women, self-employed women suffered the worst economic consequences, with 25 per cent losing their jobs (compared to 21 per cent of self-employed men) and another 49 per cent having reduced working hours. More than 14 per cent of women respondents lost their jobs and 41 per cent had a reduction in paid working hours.<sup>4</sup>

Moreover, due to prevailing gender roles in the subregion, women bear the double burden of exposure to the pandemic and a heavy workload, as many caregivers at home and in communities are women. Child care, care for people with disabilities, care for older people, care for those who are sick, including from COVID-19, and increased caregiving functions due to lockdowns and a reduction in services fall disproportionately on women. The above-mentioned assessment found that on average, 70 per cent of women spent more time on at least one unpaid domestic work activity, such as cleaning, cooking, laundry and looking after children (especially during school closures), which is significantly higher than for men (59 per cent).

This has also affected their time and, therefore, the employment or livelihood activities they would otherwise take on.

Furthermore, the enforced confinement of families and the increased stress levels caused by the uncertainty and concerns over income have had severe implications for women's safety at home, with recent months seeing a surge in domestic violence across the subregion.

A particularly vulnerable group during the COVID-19 pandemic are people with disabilities. The World Health Organization estimates that 15 per cent of the world's population have some form of disability. Barriers to the full and effective participation and inclusion of people with disabilities in society are structural and pre-date COVID-19. Moreover, many people with disabilities experience intersecting disadvantages when disabilities interact with other characteristics including gender, age, ethnicity, income or place of residence.

Many people with disabilities are poor and in vulnerable employment without adequate social protection. ESCAP research indicates that the difference in poverty rates between people with disabilities and the general population can be as high as 20.6 per cent, and people with disabilities are two to six times less likely to be employed than those without disabilities. During the pandemic, these disadvantaged circumstances make people with disabilities more vulnerable, especially those with existing health conditions.

For example, due to social distancing rules, people providing support services had to temporarily pause their work

to protect themselves and people with disabilities against additional infection risks. Many other essential support services are no longer available.

Migrants have also been severely affected by COVID-19 containment measures. Internal migrants are usually drawn to capital cities or to other educational and industrial centres. Experience from former crises has shown that migrants are among the first to be dismissed when companies face economic downturns. In destination countries, many migrants are dependent on food and basic supplies donated by international organizations, charities and embassies. Consequently, families of migrants stay without income and social safety nets back home.

Besides the consequences of financial hardship (due to overreliance on remittances), migrants often work under hazardous conditions with limited or no access to health services and social protection. Living in overcrowded accommodations and travelling via crowded transportation routes increase migrants' exposure to infection.

Furthermore, migrants are likely to face significant challenges in accessing a COVID-19 vaccine. For legal labour migrants, the expiration of their residency and working permits in some destinations is a concern. In the Russian Federation, the president signed a decree that allows migrant workers to stay and work in the country until 15 December 2020 without providing the necessary

documents,<sup>5</sup> which was a welcomed measure. Further support needs to be targeted towards migrant communities to help them retain a legal status and prevent the exacerbation of socioeconomic conditions. Other vulnerable groups that faced disadvantages, exclusion and discrimination even before the pandemic include ethnic minorities, prisoners and the lesbian, gay, bisexual and transgender (LGBT) community. This brief does not analyse all vulnerable groups comprehensively, however, it is important to highlight a group called the "missing middle" that emerged during the COVID-19 pandemic.

While the middle and upper-middle income groups are employed in the formal economy and are covered by social security, and many of society's poorest are covered by targeted social assistance transfers, the missing middle is a newly vulnerable population group consisting of formerly non-poor informal workers, occasional or "gig" and part-time workers, long-term unemployed people, and labour migrants who have lost their source of livelihood, but do not meet criteria for State support. The missing middle is now more apparent, and people in this group are in a situation of vulnerability, living on less than \$3.20 per day or at the poverty line of \$5.50 per day. Government strategies must focus on adequately supporting them.

### Poverty and Inequality

As already mentioned, the COVID-19 pandemic increased



vulnerability to job loss and loss of livelihoods. Many working-age men and women across the subregion are self-employed, work informally, or are labour migrants. As such, they are poorly covered by social protection schemes, and are particularly vulnerable to falling into poverty. The percentage of people living in extreme poverty (defined by the World Bank at \$1.90 per day), had been declining steadily in the subregion over the past few decades and was relatively small before the onset of the COVID-19 crisis. Uzbekistan had the highest number of individuals living in extreme poverty, with Tajikistan and Georgia each at about 5 per cent.

The COVID-19 induced crisis is increasing the number of extremely poor people across the subregion. The latest World Bank estimates of one million additional people living in extreme poverty for the Europe and Central Asia region. The number of people living on less than \$3.20 per day will increase by two–three million and the number of people living on less than \$5.50 per day will increase by an even larger margin (six–eight million). On a positive note, the World Bank revised its estimates downward to some extent between June and September. Future developments will depend both on the severity and length of the pandemic in the subregion and on continued and well-targeted support measures of Governments. During the first few months of the pandemic, many people could rely on short-term coping mechanisms, such as depleting existent

savings and taking on debt. However, these options were exhausted as the pandemic continued, of course, with negative longer-term impacts on multidimensional poverty, which goes beyond income and access to assets, such as remittances, and expresses itself through the lack of access to core social services, such as health and education, and also services such as heating or electricity.

Unequal access and unmet needs are particularly being magnified by the COVID-19 crisis. Inequalities across multiple dimensions, including income, access to basic infrastructure and services or power (and “having a voice”), were already on the rise in the subregion before COVID-19. Of particular note for North and Central Asia are gender gaps in the workplace, education and access to services, with women being at a disadvantage relative to men.

This policy brief recommends the following for subregional cooperation:

Protect people and facilitate inclusivity in social services – The pandemic highlights the vulnerabilities in social systems across the subregion. Emphasis needs to be placed on public healthcare funding, targeting vulnerable population groups and ensuring access to quality education.

\*This is an excerpt of the policy brief entitled *COVID-19 in North and Central Asia: Impacts, Responses & Strategies to Build Back Better* issued in February 2021 by the Economic

and Social Commission for Asia and the Pacific (ESCAP) as part of the Framework on Socioeconomic Response to COVID-19.

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## Endnotes

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# Migrant Workers in Singapore: An Update\*

HOME and TWC2

From April 2020, COVID-19 began to affect large numbers of migrant workers residing in worker dormitories in Singapore. Dormitories were progressively placed under lockdowns from the beginning of April, affecting all dormitories by the end of the same month. Lockdowns were only partially lifted to enable workers to return to work in late August 2020, and as of October 2020, have not been fully lifted even though new positive cases of COVID-19 among migrant workers have been below twenty a day for weeks.

Despite a clear provision in legislation that regardless of whether there is actual work for the foreign employee, the entitlement to salary remains,<sup>1</sup> the Singapore government issued obfuscating advisories through April and May 2020 that signaled official blessing for the reduction of salaries.<sup>2</sup>

While the statements hint at getting consent from employees before implementing salary reductions, in light of the much lower bargaining power of migrant workers, claims of having obtained consent should be seen as highly questionable.

In any case, Transient Workers Count Too (TWC2) and Humanitarian Organisation for Migration Economics (HOME) have received many reports from workers that their



employers have unilaterally reduced their salaries or have not paid anything at all during the lockdown.

Some advisories issued by the government have further confused the issue of salary entitlements by linking them to levy rebates given by the government,<sup>3</sup> even when legislation provides no such linkage. Yet, at other times, government statements continue to aver that salaries must be paid to workers,<sup>4</sup> which add to the confusion.

Advisories from the government also indicated that employers should pay wages on the basis that the lockdown period be treated as consumption of the workers' medical leave entitlement, thus leaving

workers without medical leave should they later fall ill and need it.

By contradicting legislation, these statements suggest a reluctance on the part of the government to enforce legislation when it comes to salary entitlements and represent a regression of protections for migrant workers.

## Freedom of Movement and Social Rights Decimated in the Wake of COVID-19

Migrant workers' freedom of movement and social rights were decimated when migrant worker dormitories were locked down because of high infection rates of migrant workers starting April 2020. Workers were largely confined to their rooms

shared typically by twelve to twenty men with consequently high risk of cross-infection.

More recently, dorm residents were allowed to return to work, albeit under tightly controlled transport arrangements, but they remain largely barred from leaving their dormitories for social activities and leisure. The only exceptions are for medical treatment and, in theory, a narrow window of only three hours per weekly rest day for going to “designated recreation centers” purpose-built for low wage workers, though it is envisaged that the hours will increase as COVID-19 recedes.

TWC2 found through a telephone survey that, in reality, very few workers have even enjoyed the three-hour rest day window.<sup>5</sup> Rest days are assigned by employers and dorm residents may not leave their accommodation even in the hours after work (e.g., evenings) if it is not their assigned rest day. This ban on access to leisure and social activities outside of dorms has been in effect for six months and is still largely in effect as of October 2020.

The power to confine workers inside dormitories was formalized when, on 2 June 2020, the government amended legislation<sup>6</sup> to require employers to confine dorm residents in their accommodation. Further amended in September 2020, the regulations still give the government the power to control when dorm residents may leave their accommodation, and this is being done through a phone-based digital application for “exit passes”.

The resulting effect is that much of workers’ freedom of movement, even to seek medical help where no prior appointment has been scheduled, has been placed in the hands of the government, their employers or dormitory operators. It can be very difficult for workers to reach the authorities or civil society organizations for help when they are physically confined.

It could be argued that such draconian measures are a necessary public health measure; the scientific or epidemiological necessity of this cannot be assessed by HOME or TWC2. But the reason for resorting to sweeping intervention affecting hundreds of thousands of people on the basis of their migration pass status, rather than on individual health risks, was the failure of the government to take effective action to control the contagion in migrant workers’ accommodation in the first place. The prior policies of promoting worker dormitories that house migrant workers in high density accommodation – often twenty men to a room in double decker bunks – likely created infection vulnerability. The workers have paid the price in terms of their health; and continue to pay a price extracted out of their freedom of movement, even as the rest of Singapore began resuming near normalcy in early June 2020 after only eight weeks of lock-down.

### **Employment Claims Tribunal: Multiple Barriers to Migrant Workers**

Employment disputes, unresolved at the mediation stage, are escalated to the

Employment Claims Tribunal (ECT) which adjudicates claims. The filing procedure at the ECT is formal and labyrinthine, requiring a high level of legal literacy. Because filing can only be done online and in English, digital literacy, suitable hardware and fluency in English are needed to accomplish the task -- none of which would generally be the case for low-wage migrant workers.

Most workers become completely dependent on the instructions of court or ministry officers; or, if available, the help of civil society organizations. Yet, some workers have reported that government officials discourage them for seeking help from civil society organizations.

Workers have been stripped of agency, autonomy and empowerment to take the case forward themselves, to choose their options and to decide exactly how to proceed. This is completely at odds with the systemic and structural assumptions of an adversarial adjudication model.

Not only are proceedings in English – which disempowers and disadvantages workers -- as the ECT has become more formalized and the procedures more “document-ized” over the few years of its operation, the process has tilted towards written submissions. At oral hearings, interpretation, however imperfect and inadequate, had been mostly available, but more and more, the ECT has been asking for “Hearing statements” in written form, thus emasculating the



migrant worker and compromising access to justice.

Decisions of the ECT can only be appealed to the High Court on two narrow grounds, namely: if there is a question of law, or that the claim is outside the jurisdiction of the ECT.<sup>7</sup> The former means that where the law on an issue is settled law (and therefore there is no question of law), even if the ECT has misapplied the law, no avenue of appeal is available. TWC2 and HOME have handled several cases that were stymied by this barrier.<sup>8</sup>

### Poor Enforcement of Court Orders and Settlement Agreements

HOME and TWC2 have encountered many cases where a migrant worker, even when he or she has in hand a court order or court-registered settlement agreement, is unable to obtain payment of the stated amount.<sup>9</sup>

The Singapore government takes the view that enforcement of court orders is a private civil matter. When workers bring to officials' attention that court orders or settlement agreements remain outstanding, the most common advice given to workers is to take out a Writ of Seizure and Sale, a process that incurs upfront costs with a poor success rate. For workers who have been owed salaries and are therefore short of money, this is an unrealistic course of action.

Even when TWC2 has tried, with the aid of pro-bono lawyers, to enforce a judgement, we have more often been met with failure rather than success.<sup>10</sup>

A potentially useful provision in the Employment Act is insufficiently used. Section 113A of the Act lifts the corporate veil and makes any director, partner, chief executive or any member of the management of a corporate body who is responsible for salaries and payments, personally liable under the law for offences committed under the Act. Penalties include fines and imprisonment.

Whilst making responsible persons in a company personally liable does not directly promote the payment of court orders and agreed settlements, a credible threat of criminal prosecution should motivate accused persons to honor court orders.

Unfortunately, the vast majority of salary claims, even when proved in the ECT, do not attract prosecution. For example, there were 1,301 claims heard at the ECT in 2019<sup>11</sup> (both migrant workers and locals) -- with the great majority being salary claims -- and about 40 percent of cases resulted in money orders issued against employers,<sup>12</sup> yet in 2019, there were only nine directors convicted for failing to pay salaries.<sup>13</sup>

The low rate of prosecution produces a sense of impunity among delinquent employers and is likely related to a poor success rate for workers collecting on their court orders and agreed settlements.

On 28 February 2020, the government told Parliament that they were "studying recommendations to streamline and simplify the enforcement of judgments and orders." No

details have yet been announced.

\*The texts of this article are taken from the Joint submission HOME-TWC2 for UPR Singapore 3rd cycle, [http://twc2.org.sg/wp-content/uploads/2020/10/Joint\\_UPR\\_shadow\\_report\\_HOME-TWC2\\_2020\\_v3.pdf](http://twc2.org.sg/wp-content/uploads/2020/10/Joint_UPR_shadow_report_HOME-TWC2_2020_v3.pdf), accessed on 29 September 2020.

*The Humanitarian Organisation for Migration Economics (HOME) was established in 2004 and runs programs to uphold the rights of migrant workers in Singapore. Transient Workers Count Too (TWC2) is a non-profit organization registered in 2004 with a twofold mission: to assist migrant workers in difficulty and to advocate for better policies.*

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### Endnotes

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# Kalash Community Under Threat

Sayed Gul Kalash

The Kalashas comprise an indigenous community living in the three small valleys of Biriu (Birir), Rukmo (Rambor) and Mumorete (Bumbrate) in the District Lower Chitral, Khyber Pakhtunkhwa Province of Pakistan.

The Kalashas have a unique culture of their own, and are considered to have one of the oldest living cultures in the world. They speak an ancient form of Indo-European Dardic language. They have a rich tradition of folklore, epics, love songs, and idioms demonstrating a high standard of indigenous experience.

## Theories on Origin

There are two main theories regarding the origin of the Kalash community. Some historians consider them to be the descendants of troops of Alexander the Great who came to an area that is now part of Afghanistan and Pakistan in 327 B.C. They say that some Greek cultural elements can partly be identified in Kalash culture; the sports and games in Nuristan (wrestling and shot-put, etc.) for example were supposedly practiced in the ancient Olympics. It is believed that the Greeks influenced their music. But there is no conclusive evidence to support the Alexander the Great theory.



Archaeological investigation of ancient graves in Parwak (Upper Chitral) as well as in Gankoriniotek Singoor (Lower Chitral) revealed remains of Indo-Aryans. The radiocarbon dating of the bone samples collected from these sites ranges from 1,000 BCE to 1,000 CE. With the burial traditions of the Indo-Aryans being practiced by the Kalashas, some of the archaeologists consider the Kalashas to be Indo-Aryan descendants.

Both theories are promoted by the nonlocal writers and are based on archaeological and ethnological remains. None of these writers have ever tried to know the perception of the local community about its origin.

Although the early history of the Kalashas is covered in mystery, the oral traditions and archaeological excavations carried out in the region are helping to shed light on the origin of these unique people.

## Kalash Culture and Traditions

The Kalashas have no daily prayers like those in Islam and other religions. But they pray and perform rituals through their festivals. The frequency in holding these festivals made the Kalashas become known as the happiest people in the world. They celebrate each and every occasion in their daily life. There are more than thirty community festivals throughout the year. In addition, there are more than a dozen annual clan and family feasts and ritual

celebrations (for birth, death, marriage) and other family celebrations. The annual calendar is always full; an activity is held every few days. The most famous major festivals are Chowmos, winter festival (8 to 22 December each year), Joshi Spring Festival (13 to 17 May), Uchao Summer Festival (20 to 22 August) and Phoo Festival in mid-autumn.

There are also other customs and traditions that are no longer existing due to rising cost of living (preventing the poor Kalashas from practicing them) and lack of keen interest of the new generation of Kalashas in them. *Gandao* (celebrated to remember the death of a member of the family) disappeared since 1993, *Dur Neweshi* (celebrating a new house), and *Sariyak* (giving honor to the marriage of a daughter and niece) are no longer celebrated.

The following customs, traditions and rituals are no longer practiced due to lack of interest: *Dewaka* (sacrifice to the fairies); *Basun Marat* (spring sacrifice); *Kish saraz* (purification for cultivation); *Istom saraz* (purification for goat milk) and *Kirik pushik* (first flower celebration).

### Government Support

The Pakistani government has been supporting the Kalash community and is very concerned about the protection and preservation of Kalash culture. Since 2018, the provincial government of Khyber Pakhtunkhwa allotted 600,000 Rupees (around 4,000 US dollars) for the preservation

of Kalash culture in collaboration with the Directorate of Archaeology and Museums of the Government of Khyber Pakhtunkhwa. The acquisition of land for Kalash festivals and graveyards has already been processed.

### Kalash Economy and Governance

The Kalash community mainly depends on forest resources, raising animals and farming for livelihood. Modernization has become part of the Kalash economy and the Kalashas are now engaged in tourism, managing hotels, doing small businesses, employed in government offices, etc.

The traditional Kalash community leadership is somehow effective. Recently, more than sixty male and female *Qazis* (community

Judges) have been performing their part though they use the governance structure under the Pakistan local government system.

### Kalash Women

Kalash women still exercise their traditional freedom of choosing and divorcing their husbands. They also freely discuss issues in the community such as the *bashali* system (segregating women who have menstrual period), marriage and tourism activities (including behavior of tourists that intrude into their privacy). In case they have a business, the women take part in its operations. They also play leading roles in religious activities.

These, however, are the only freedoms that they enjoy. Kalash women have restrictions, similar to those in other societies. In



education, if the parents could afford to educate only one child, they would educate their son not their girl child. In the family, girls are always being discouraged, never appreciated for their work. The home is the workplace of the girls. They are always judged by the community on what they wear and what they do. In case something wrong happens, the girls are blamed. People say that the girls might have done something wrong that caused the problem.

### Threats to Kalash Community

One threat to the existence of the Kalash community comes in the form of “development” brought by people outside the community.

As aptly expressed by Maureen Lines, well-known conservationist and adopted member of the Kalash community (known as Bibi Dow in the community): “it’s not the Taliban that are going to ‘kill off’ the Kalasha, rather development in the ‘name of progress.’”<sup>1</sup>

A report in *Dawn* newspaper explains

In other words, ‘tourism not terrorism’ is the biggest threat to the Kalasha.

The fascination around the tribe has often centered around their rumoured ancestral links to Alexander the Great, their pagan lifestyle and the fact that they produce their own wine in the deeply conservative frontier regions. Their vibrant dress, Indo-Aryan features and hypnotic ritual dances have also added to the pull of

tourists to Chitral and the Kalash valley.

Thus, when militants threatened this somewhat mysterious tribe, there was much media hype. Yet, amongst the ‘save the Kalasha’ clamour that followed, a vital aspect was missing from [the] discourse – the land rights of the Kalasha and the issue of their displacement due to increased deforestation which is robbing them of their sustenance.

“All this worry of the Taliban, the real threat is the land problem,” says Lines. She goes on to add that hotels are taking up scenic land and illegal logging is leaving the area susceptible to flooding.

The Kalash community suffered from flooding in 2015 that destroyed many houses and infrastructures including the school building.

Non-Kalasha people have started constructing infrastructures such as modern buildings in the region that slowly change the beauty and structure of the Kalash environment. There are also incursions by non-Kalasha people on the land and forests in the Bomborate valley. The Kalashas have long been fighting the elite Royal Family to protect their forests. Loss of the forests would mean loss of everything.

The Kalashas number around 4,000 at present. In a region with a total population of 10,000, the Kalashas constitute a minority **in their own place**. Though there is no single reason for the declining of population of the Kalash community, three

major reasons have been identified: conversion to other religion; death; and birth control (which has just started and not that much prominent in some ways).

Poor Kalashas may convert to another religion because they cannot afford holding cultural and traditional activities.

Modernization is also a threat to the Kalash culture. Electronic, print, and social media and the insensitivity of tourism affect the Kalash culture. The education system is also silently killing the Kalash culture.

### Survival of the Kalash Community

Preserving Kalash culture is very difficult. We can preserve the tangible culture somehow but not intangible culture. Preserving one’s way of thinking is not easy.

Anyhow, in my view, education is more important and Kalash language and culture must be taught in schools. In this way, Kalash children can understand their own cultural values and feel proud of themselves as Kalashas.

I also think that a profound lack of education has kept my community “backward” and the people unaware of their rights.<sup>2</sup>

There are challenges, however. There is a lack of Kalasha teachers and not all Kalasha children are in school. Many Kalasha children leave school after the 7th or 8th grade. There are many reasons for this including marriage at a young age. There is currently no marriage law or rules and



regulations for the community regarding marriage. And the minimum age for marriage is not set.

Secondly, making the Kalashas economically strong is necessary. Sustainable tourism is most important to the Kalashas to generate income for the area. In this case, tourism should be run by Kalashas and supportive of their culture.

In 2013, when the Taliban threat was exposed in the *Dawn* newspaper, there were Muslims who stepped forward to support the Kalash community.

In my observation, interfaith education in the region is very important. I must say that we are living in peace because of interfaith harmony. Hate speech can never be erased by counter-hate speech, only love and

compassion make a peaceful environment. Peace and harmony among the Kalashas and the Muslims in the region remain exemplary, a model for the world.

It is necessary to mention how the 3,000 year-old ancient Kalasha culture has survived. And much of the history of this culture is still to be discovered. Kalashas lived an isolated life for a long time until tourism and global networking highlighted them. The Kalashas need to find a way to minimize the effect of tourism and global attention on their culture.

I am really concerned and alarmed at the situation. I am not sure about Kalashas' future. Many Kalashas think the same way. May God bless us while hoping for the best.

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### Endnotes

- 1 "Embrace of the Kalasha," *Dawn*, 20 May 2014, <https://www.dawn.com/in-depth/kalash/>.
- 2 See also "Embrace of the Kalasha," *ibid*.

### Migrant Workers in Singapore: An Update

(Continued from page 8)

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- 12 Parliamentary reply by the Minister for Manpower Josephine Teo to Member of Parliament Walter Theseira on 18 February 2020, as reported in the Hansard, <https://sprs.parl.gov.sg/search/spr-s3topic?reportid=writtenanswer-5732>, accessed on 10 October 2020.
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# *Chosen-seki* as Stateless Residents: Is Their Social Integration in Japan Possible?

Soo im Lee

Old-timer Koreans in Japan are descendants of colonial-era migrants who moved from Korea to Japan<sup>1</sup> during the first half of the twentieth century. They constitute one of the largest postcolonial populations whose civic rights and direct participation in the society have been blocked due to the “nationality clause” and their status as foreign residents.

Of the total number of foreigners living in Japan (almost three million as of June 2019), Korean residents in Japan (commonly termed the *Zainichi* Koreans) constitute the second largest foreigner group after the Chinese. Of the total number (309,282) of special permanent residents (the former colonial subjects and their descendants), 278,465 have South Korean nationality and 27,150 are called *Chosen-seki* residents. *Chosen* is their geographical origin as a substitute for nationality, and *Chosen-seki* is a legal status assigned by the Japanese government to ethnic Koreans in Japan who neither have Japanese nor Korean nationality.

*Zainichi* Koreans in Japan are divided into two distinct ethnic organizations. Those who are pro-Pyongyang and those who do not want to take either side of the divided nation (North or

South Korea) belong to the General Association of Korean Residents Union in Japan (Japanese: *Chosen-Soren*; Korean: *Chongryun*). Those with South Korean nationality and those who are naturalized Japanese citizens belong to the Korean Residents Union in Japan (Japanese: *Mindan*). These organizations have provided indispensable support to ethnic Koreans living and working in Japan who lacked legal protection. They were especially important for first-generation Koreans who were not eligible to receive social welfare benefits from the Japanese government.

## Revocation of Japanese Nationality

Few Japanese know or understand that these old-timers were once forced to take up Japanese nationality during the period when the Japanese imperial government ruled Korea as a colony from 1911 to 1945. But just before Japan ratified the San Francisco Peace Treaty with the US and the Allied Powers, the former colonial subjects were deprived of suffrage rights, and then the revocation of their Japanese nationality followed. Since then, Koreans in Japan were placed under the Alien Registration Law. In summary, Koreans were treated as second class citizens

during the colonial period and even the basic rights they had as Japanese nationals were withdrawn in 1952.

## Discrimination

The plight of *Zainichi* Koreans has been described as “Japan’s hidden apartheid” by Hicks (1998). During the period of U.S. occupation of Japan, General Douglas MacArthur received instructions from the U.S. government to designate Koreans as either “liberated nationals” or “enemy nationals.” The Alien Registration Law (enacted on 2 May 1947, Edict No. 207) had Clause 11 that provided for “Koreans designated by the Ministry of Justice, as well as Taiwanese, to be considered foreigners for the time being.” As a result, former colonial subjects with limited Japanese citizenship were registered as foreigners and were obligated to carry at all times an alien registration document; which had the word “Korean/Chosen/朝鮮” without stating it officially as nationality. This resulted in a vague legal status for the former colonial subjects and their descendants.

Foreigners suffered numerous discriminatory measures under the Alien Registration Law. When this law was repealed in 2012, the new Basic Resident Registration Act was supposed

to treat foreign residents equal to the Japanese nationals. In reality, foreign residents are still the target of discrimination.

### **Zainichi Koreans as Special Permanent Residents**

The 1965 Treaty on Basic Relations between Japan and the Republic of Korea led to the Japan-Korea Legal Status Agreement of the same year. Under this agreement, Koreans who chose the Republic of Korea as their country were granted “permanent residence” status. The grounds for deportation have been considerably eased compared with those for other foreign nationals. The qualification to permanently reside in Japan can be inherited until the second generation, while the status of the third generation and beyond was scheduled for discussion after twenty-five years. Those who did not choose the Republic of Korea as their country remained stateless since relations between Japan and the Democratic People's Republic of Korea (DPRK) had not been formally established.

On 1 November 1991, the Japanese government granted the “former colonial subjects and their descendants” with “special permanent resident/特別永住者” status. This is based on the Special Act on Immigration Control for those who have relinquished Japanese Nationality pursuant to the San Francisco Peace Treaty with Japan (1991, Act No. 71) / 日本国との平和条約に基づき日本の国籍を離脱した者<sup>2</sup>等の出入国管理に関する特例法（平成3年法律第71号）.” The Japanese provision “離脱したもの/

*Ridatsu shitamono*” that means “relinquished their nationality voluntarily,” does not reflect the reality that the nationality of the colonial subjects was revoked by the Japanese. This law lumped together the pro-South Korea Koreans, pro-Pyongyang Koreans, and Taiwanese who were once Japanese nationals and granted them special permanent residence permits.

The *Zainichi* community is rapidly aging, like the rest of Japanese society and it might disappear before the status of *Zainichi* Koreans becomes legally stable. Moreover, about 9,000 Koreans apply for Japanese citizenship through naturalization annually. The number of marriages between Koreans and Japanese has increased as well, with more than 80 percent of Korean youth marrying Japanese. Under the current nationality law based on *jus sanguinis* principle, children obtain the citizenship of their Japanese parent(s). See the author's discussion of this issue in her book *Deprived of Japanese Nationality Zainichi Koreans; the Dawn of Japan's Immigration Policy* (2021, in Japanese).

### **Are Children Political Tools?**

Despite the Koreans' high degree of social and cultural assimilation into the Japanese society, the *Chosen-seki* Koreans try to maintain their own culture and language by maintaining their own ethnic schools called Korean ethnic schools.

Several well-publicized examples of hate speech targeting these Korean ethnic schools have been recorded. In



**Deprived of Japanese Nationality Zainichi Koreans; the Dawn of Japan's Immigration Policy**  
– Soo im Lee (2021)

December 2009, January 2010, and March 2010, anti-Korean activists staged three demonstrations chanting abusive slogans, such as “children of spies,” via loudspeakers against a Korean primary school in Kyoto. They claimed that the school illegally used a nearby park as a playground for more than fifty years. The school did in fact use the park, but with permission from Kyoto City and the local residents' association. After the rallies, the ultra-rightists uploaded videos of the demonstrations online. Since the demonstrations and the social media posting of the incidents severely traumatized the students, teachers, and parents, the school filed a lawsuit in 2010. The lower court ruled in its favor.

On appeal, the Supreme Court upheld the lower court decision in December 2014, and

dismissed the appeal of the ultra-rightist activists. The Supreme Court ordered the latter to pay some twelve million Yen in damages to the school and banned them from demonstrating in the vicinity again. It was an epoch-making ruling since the Supreme Court determined that the ultra-rightist group's activities constituted "racial discrimination" as defined by the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>3</sup>

Korean ethnic schools, which are defined as private miscellaneous (*kakushu*) schools, are legally entitled to state and local government subsidies. In fact, a number of local governments provide subsidies, albeit in small amounts, to Korean schools. But the national government does not offer subsidy of any kind.

In April 2010, the "Tuition support for high school students" system was launched under the administration of the Democratic Party of Japan. In addition to the "Ichijo School/1条校" stipulated in Article 1 of the School Education Law, it was an epoch-making system that also covered specialized training colleges and miscellaneous schools for foreigners. On 24 November 2010, however, Prime Minister Naoto Kan ordered the "freezing" of the processing of the application for subsidy by a Korean ethnic school, Chosun High School, following North Korea's shelling of Yeonpyeong Island in South Korea. In September 2011, the freeze was lifted, but the Democratic Party of Japan administration

postponed the continuation of application processing until the second Shinzo Abe administration (December 2012) excluded the Korean ethnic high schools from getting tuition support for high school students.

The Minister of Education, Culture, Sports, Science and Technology, Hakubun Shimomura, remarked at a press conference on 28 December 2020 that "the lack of progress on the abduction issue, the close relationship between *Chongryon* (Korean) and *Chosen Soren* (Japanese: 朝鮮総連) and its impact on the content of education, personnel, and finances ... led us to repeal the legal provisions that form the basis for the [processing of subsidy application] of Korean schools." Citation of "lack of progress on the abduction issue" as one reason for the exclusion of Korean ethnic schools symbolizes the reality in Japan. In other words, the core of the problem is that Japan's political and diplomatic policies infringe on students' right to learn. In Japan, Korea bashing seems to cover everything.

*Chosen-seki* children study together with South Koreans and Japanese nationals in Korean ethnic schools. These children are the fourth generation or even the fifth generation of former Japanese colonial subjects. Very little progress has been made and it is still unclear when these Korean communities will be treated equally in Japanese society.

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## Endnotes

- 1 Koreans in Japan are referred to as oldcomer foreigners in contrast to newcomer immigrants who came to Japan in post-1980.
- 2 The underlined emphasis is added by the author.
- 3 Kyodo, "Top court finalizes ruling against anti-Korean group's hate speech," *The Japan Times*, 11 December 2014, www.japantimes.co.jp/news/2014/12/11/national/social-issues/top-court-finalizes-ruling-anti-korean-groups-hate-speech/.

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# HURIGHTS OSAKA Calendar

The preparation of the 11th volume of *Human Rights Education in Asia-Pacific* has started. HURIGHTS OSAKA is now searching for articles on any type of human rights education experiences in Asia and the Pacific. Articles discussing concrete experiences on promoting human rights can be sent to HURIGHTS OSAKA via e-mail ([webmail@hurights.or.jp](mailto:webmail@hurights.or.jp)).

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