

# FOCUS

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### Editorial

#### Mobilizing Labor

Uzbekistan is one of the major producers of cotton in the world. Through government-imposed forced labor, it maintained a high level of cotton production. While this practice was ended, the new system of labor deployment to the cotton fields indicates a possible return to such system in a different form. Possible questions: Why should a profitable cotton industry continue to exploit its workers? What hinders cotton production companies from giving their workers the right pay and proper working condition? Why force people to work in the cotton fields?

Japan, being an ageing society with low birth rate, serves the needs of the elderly population through an elderly care system. Japan sources workers from abroad to augment personnel for the service under this system due to low interest on the job among the Japanese. Employment of healthcare workers from abroad has become a necessity. An innovative government-supported recruitment system aimed at ensuring sustained supply of such workers from abroad is a good response to the situation.

Government support for mobilization of workers for economic activities, healthcare services or other purposes has to take the form of measures that guarantee the workers' rights within and outside the workplace, especially in relation to vulnerable migrant workers.

# Ending Forced Labor in Uzbekistan's Cotton Fields – Why Only an Enabling Environment for Civil Society Can Ensure Sustainability of Reforms

Lynn Schweisfurth

For decades, forced child and adult labor was the scourge of Uzbekistan's cotton sector. The Uzbek government presided over the world's largest mobilization of forced labor with some two million children and adults forced to go to the fields under harsh conditions, often resulting in death and injury.

State-sponsored forced labor in Uzbekistan's cotton fields did not happen in a vacuum. It was a symptom of a deeply authoritarian regime that controlled every aspect of civic life. This still holds true to a large extent and explains why forced labor persists in other sectors in Uzbekistan, including in the silk sector.

The state-sponsored abuse of children and adult workers in the cotton fields led to an international campaign starting in 2007 that saw Uzbek cotton boycotted by dozens of the world's leading brands and retailers, including H&M, Zara, Walmart and many more.

## Reform in Uzbekistan

The death in 2016 of dictator Islam Karimov, who ruled Uzbekistan with an iron fist for some twenty-five years, ushered in a new era of reforms under his

successor, Shavkat Mirziyoyev. Among the reforms was a commitment to end the use of forced labor in the cotton fields. His ambitious reform program, focused mainly on the economy, transformed the country and ultimately led to the elimination of government-imposed, systematic forced labor in the 2021 cotton harvest.

This was the moment human rights defenders who had campaigned<sup>1</sup> for years to end the system, often at great personal risk and sacrifice, had been waiting for. Much as there was to celebrate, Uzbek Forum's findings of the 2021 harvest<sup>2</sup> warned of remaining risks and challenges that must be addressed to ensure that the progress made to date is sustainable. Until then, brands and retailers who are bound by responsible sourcing commitments are likely to stay away.

## The Campaign to End Forced Labor

In 2009, Uzbek civil society activists launched a petition calling for a boycott of Uzbek cotton to raise awareness of the scale and impact of the abuses. By this time, several brands had already banned forced labor and Uzbek cotton in their

supply chains. Many other brands followed the call by civil society and in 2010,<sup>3</sup> the Cotton Campaign, an international coalition of non-governmental organizations (NGOs), academics, investors, industry representatives and international trade unions, consolidated these efforts by launching the Uzbek Cotton Pledge.<sup>4</sup>

The Pledge attracted more than three hundred and thirty brands and retailers which publicly committed to not use Uzbek cotton in their products as long as it was produced with state-orchestrated forced labor.

The boycott and the Cotton Campaign's accountability actions forced the Uzbek government to stop forcing children to pick cotton in 2014, but the forced labor problem continued, accompanied by arrests and retaliation against human rights defenders.

The Cotton Campaign lifted the Pledge in March 2022 based on Uzbek Forum's monitoring findings that concluded that no government-imposed, systematic forced labor had been used during the 2021 harvest.

The ILO also played an important role in the long road to eradicating forced labor in

the cotton fields. In 2013, in response to a formal complaint<sup>5</sup> to the World Bank's inspection panel, the latter concluded an agreement with the ILO to conduct "third-party monitoring" to monitor child and forced labor in Uzbekistan's cotton sector, which lasted until 2021. The ILO monitoring in the early years, conducted jointly with the state-controlled Federation of Trade Unions of Uzbekistan, could not find signs of "systemic or systematic child and forced labor in Uzbekistan, and even coined the special term "reluctant laborers." This despite the fact that until 2017, most colleges and universities were closed while students were sent to the fields for two months. The ILO subsequently reported improvements in its methodology and engaged independent activists to conduct monitoring.

### Challenges

One of the most important remaining challenges is the question of independent monitoring and reporting on labor rights violations in a country without independent trade unions and a dire lack of civil society organizations. While the media landscape has seen a marked increase in the number of online media outlets and bloggers, civil society remains constrained by a state which is still deeply distrustful of initiatives which are not under the control of the government. Although the country boasts some ten thousand registered civil society groups, the vast majority of these groups are quasi-NGOs or GONGOs (groups that are overseen by or affiliated with the government). Grassroots

activists face enormous bureaucratic hurdles to register as NGOs and in June 2022, the government passed a decree that requires NGOs in receipt of foreign funding to work with government agencies which would be able to oversee and even intervene in their activities.

The Federation of Trade Unions of Uzbekistan (FTUU) is a government-controlled body whose head, although formally elected, is actually appointed by the President. High positions at the FTUU are often filled by government ministers who have been demoted from other posts. This was the case with Zainilobiddin Nizomiddinov who was head of the Presidential Administration until he was recently "elected" as Deputy Chairman of the Council of the FTUU following the political and social unrest in Karakalpakstan in July 2022.

There were no independent trade unions in Uzbekistan until March 2021 when workers at Indorama Agro, a cotton textile producing company in Syrdarya region, organized<sup>6</sup> Uzbekistan's first democratically elected trade union amidst serious labor rights violations and mass redundancies. It was a historic moment and one which tested the limitations of the government's commitments to freedom of association as well as the determination of workers. In order to maintain its independence, the union was required to register with the Ministry of Justice. However, following intimidation<sup>7</sup> of union members by the authorities, union leaders opted to become part of the FTUU in order to address pressing labor rights issues, rather than risk delay

through a lengthy and bureaucratic registration process. The union has thus far managed to resist further attempts to undermine its leadership and has even secured some victories along the way. Despite attempts to subvert legitimate union election procedures, workers were finally able to elect a new leader following high level intervention.

In a country with a population of thirty-four million, there are only a handful of activists with the relevant skills, experience and resources to conduct independent monitoring and reporting on labor rights violations. This raises serious questions for companies wishing to source Uzbek cotton without the risk of violating their own ethical codes of conduct and increasingly stricter supply chain laws.

The media also plays a crucial role in informing society of human rights issues. However, despite the significant increase in media freedom under President Mirziyoyev, there have been serious violations of freedom of speech which call into question the ability of the media to take up this role. Bloggers and journalists have found themselves increasingly under pressure to self-censor and in some cases have been detained, intimidated and imprisoned.<sup>8</sup> There is increasing concern that President Mirziyoyev's much lauded commitments to human rights are back-sliding. Social media has been subject to blocking and disruption, although most recently, the authorities took the step of unblocking Twitter, which, ironically, had long been

the preferred social media platform of Uzbek ministries and government officials. This selective censorship of the media has made it increasingly difficult for journalists and bloggers to gauge what is permitted and what can land them behind bars.

The privatization of the cotton sector was intended to revitalize it with foreign direct investment and eliminate some of the underlying drivers of forced labor, such as the government-imposed quota for cotton production and government involvement in the oversight of the harvest. However, the transition has created a new form of control over farmers who are now at the mercy of so-called cotton “clusters”, privately owned companies which vertically integrate production, processing, and manufacture of cotton textile goods. With usually only one cluster operating in each district, most farmers have no choice over whom they can sell their cotton to.

This lack of choice for farmers deprives them of any bargaining power to secure fair prices and conditions, making them vulnerable to exploitative operators. Farmers report that they are forced to sign blank contracts with no guaranteed prices but with unrealistically high production targets. The state-imposed quota simply changed its mantle. Government officials continue to oversee the harvest, organize pickers and, given their discretionary powers over their communities, can wield disproportionate influence when making requests to the population to “help with the

harvest”. Indeed, Uzbek Forum’s monitoring findings of the 2021 harvest showed that although the vast majority of pickers said they had picked cotton voluntarily, they simultaneously said that they would have “problems” with the neighborhood councils (*mahalla*) if they had not agreed to go to the fields. Threat of penalty is considered by the ILO to be an indicator of forced labor.<sup>9</sup>

In many districts, swathes of farmland have been transferred by government officials to cotton clusters<sup>10</sup> on the condition of investments and job creation. Thousands of farmers, who lease their land from the state, have been left with only empty promises of jobs and are now without the means to sustain themselves. Most of these transfers were carried out by government officials who coerced farmers<sup>11</sup> into signing “voluntary” land-lease agreements which meant they would not be entitled to compensation.

### Key to Sustaining Reforms

Persistent rights violations, both of workers and farmers, pose serious challenges for brands and retailers and yet provide a unique opportunity for the Uzbek government to demonstrate its commitment to human rights and rule of law.

An enabling environment that embraces international labor standards is the essential element that is thus far missing in the reform process. Without a meaningful and legitimate role for civil society, there can be no confidence for buyers of Uzbek cotton that rights have been respected. In fact, until now, western brands and retailers have been conspicuous in their hesitancy to place their orders.

In order to address these remaining accountability gaps, the Cotton Campaign has developed a responsible sourcing framework<sup>12</sup> which offers brands and retailers the assurances they need. This multi-stakeholder approach provides grievance and redress mechanisms, supply chain



Cotton pickers, Tashkent region. © Uzbek Forum for Human Rights



traceability and raises the bar for labor standards in Uzbekistan in line with its own domestic and international obligations. In contrast to typical auditing and certification schemes, which have often failed to identify serious risks such as forced labor in Western China, the framework for responsible sourcing puts workers front and center of monitoring and reporting on labor rights. Buyers thus have the assurance that monitoring is independent of government or corporate influence and workers can access grievance mechanisms without fear of reprisal. It is a bold proposal that has been met with interest by some of the world's leading brands.

Despite all the challenges, the Uzbek government now has the chance to finally show the world it is no longer a pariah on the world's stage. A lucrative cotton textile sector that respects rights and rule of law has the potential to create thousands of new jobs that are so badly needed in rural regions where many have no other option than to join the ranks of Uzbekistan's hundreds of thousands of migrant workers in Russia, Turkey and Kazakhstan. The international business community and investors have an important role to play in communicating the need for an enabling environment to the Uzbek government. After all, it is in everyone's interests.

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# Viral Disruption and Labor Rearrangement: COVID-19 and its Impact on the Procurement of Migrant Healthcare Workers for Japan

Mario Lopez

Since the mid-2000s, Japan has experienced a dynamic demographic shift. In 2008, the nation was officially classified as a “super-aging society” and demographic contraction has become a key focus of public policy. By 2050, the Japanese population is predicted to shrink from one hundred twenty-six to one hundred million and with a low fertility rate, dynamic societal transformations will be inevitable. Neither supplementary migration of pro-fertility policies will be able to halt the demographic changes that Japan will experience over the next fifty years. In 2020, over 65s accounted for just over 28.7 percent of the population. This will rise to 32 percent in 2030 and then 41 percent by 2055. Since 2008, nurses and care workers started to enter Japan under Economic Partnership Agreements (EPAs) signed between Japan, Indonesia, the Philippines, and Vietnam and to date, 7,991 entered Japan and 2,950 candidates have sat and passed the Japanese national licensure examination to work in Japan. However, this small number did not alleviate the chronic shortage of nurses and care workers who were needed for medical and social welfare services. In 2014, the Japanese government announced a

revitalization strategy with consensus on introducing care workers under its technical training system (*tokutei gino seido*). Then in 2016, the Japanese Ministry of Health, Labor and Welfare (MHLW) clarified that by 2025, there would be a shortage of 550,000 nursing care personnel or better put, 60,000 per year. In the following year, revisions were adopted that finally paved the way for the entry of technical intern trainees in the area of care, predominately from Southeast Asia. Nursing care students were offered opportunities to become certified nursing care workers with “specified skills” (*tokutei gino*) and the expectation was that a new floating migration stream (albeit a temporary one) would help alleviate shortages. Then in 2020, the severe acute respiratory syndrome coronavirus (SARS-CoV-2 hereforth COVID-19) worldwide pandemic struck disrupting what was newly emerging care nexus and Japan’s fragile dependency on migrant labor. In what ways did the pandemic disrupt labor flows and how did different actors respond? This article offers a brief overview of the impact of the pandemic taking Fukuoka Prefecture for the period 2020-2022 as a case study.

## COVID-19 and the Reorganization of Migrant Care Worker Streams

In 2020, the COVID-19 pandemic hit Japan. Although the country was able to avoid some of the high levels of mortality, infection rates and hospitalization that were witnessed in other nations, this was partially due to regional and national lockdown restrictions on international and domestic movement including the strengthening of both quarantine and border controls. Since then, the pandemic has reoriented Japanese society, impacting work patterns, forms of social contact and employment opportunities. However, it played out with particular intensity in the care sector and long-term care facilities located in Japan, many were increasingly employing migrant workers. As of October 2021, the total number of non-Japanese workers in Japan was 1,727,221 and among these a new rising proportion were working in medical and social care welfare services. In 2020, figures from the MHLW showed that those working in the care sector numbered 43,446<sup>1</sup> and these shot up to 57,788 for October 2021.<sup>2</sup> These figures suggest that in spite of a restrictive pandemic control regime, the need for migrant

care workers led to a continued increase in the sector to cover the chronic shortfalls in long-term care facilities.

Fukuoka is a long-term research site I have worked in over a period of fifteen years. It is a well-known gateway to East Asia, a vibrant livable city, and a home to numerous migrant communities. However, in line with the national trend, the population is decreasing while the proportion of the elderly 65 years or older is expected to reach 35.3 percent by 2040. As with other cities in Japan, Fukuoka city suffers from a shortage of care labor and the city has employed several approaches to alleviate this. One of the earliest was through inviting certified nurses through the EPA program and since 2008, one hundred and twelve have come to work in the prefecture, but with negligible effect. However, the impact of the COVID-19 pandemic led to a reconfiguration in the types of workers placed at care homes within the prefecture; re-organizing how different actors, institutions and care workers themselves responded under the pandemic. In collaboration with academics, not-for-profit organizations (NPOs) and other stakeholders an idea of circulating knowledge experience and know-how aims to see Fukuoka develop as a model city where workers can come, train, learn and work. Ultimately, this functions as an extended care regime which can circulate Japanese care knowledge and know-how through training and practice within the prefecture and then more broadly within Asia. Civil servant representatives who I have interviewed over the past

few years hope to set a precedent and model through the idea of circulation within the field of care. This has been fostered through instituting a working group of different organizations and stakeholders to promote the appeal of nursing care, increase workers, improve business efficiency and the quality of workers entering the prefecture and raise the profile of the city. The prefecture has also worked alongside companies that has been recruiting and training local non-Japanese residents, mainly Filipinos, many of whom arrived in Japan in the 1990s and early 2000s and are married to Japanese. Since 2006, one company, Interasia, has trained over three hundred Filipinos as certified care workers and is now collaborating to train technical intern trainees from Vietnam, Myanmar and other nations. This in itself is a form of recycling earlier migrant streams and shows the ways in which migrant labor is being reshuffled to meet the needs of the care sector. Prior to and during the pandemic, non-Japanese students and technical interns were also becoming another stream of labor. This suggests a re-configuration as care homes, care giving course providers and other institutions diversified their strategies to procure flexible labor streams that respond to shortages.

### **Impact of COVID-19 on Long-term Care Homes**

A number of care facilities I visited as part of team-led research project presented the challenges they have faced under the pandemic. One facility, part of a social welfare service corporation located just outside Fukuoka city employs

thirty care workers from four different streams from different Asian nations: EPA nurses, graduates from local junior colleges with recognized qualifications, technical trainees, and non-Japanese students. Interviews with the director stressed that the pandemic proved a positive opportunity to reappraise the role of migrants as essential key workers supporting the Japanese health care system during a time when it was tested. At present, the social welfare service corporation has diversified its strategy to secure care workers and through a partnership with a Vietnamese nursing college it started to receive nursing students training under an internship exchange program for one year. Candidates receive training in Japan, return home and then reapply to return under the specified skills visa category. The goal is to train to be certified care workers under specified skills visa category, foster knowledge cultivation and circulate human resources within the group home with a secure supplier (university). Ongoing fieldwork has examined the advantages and disadvantages of hiring non-Japanese workers. One finding showed that there is a higher turnover risk when employing workers with "specified skills." Wage disparities mean that if workers change visas they can move to the Kansai and Kanto regions where salaries can vary by 20-30,000 Japanese Yen. EPA and specified skill caregivers can and do move on.

### **Diversifying Forms of Recruitment and Wage Stability**

One clear pattern observed during the pandemic was the



stability that the care sector offered to a diversifying pool of workers. In 2020, certain sectors temporarily shut down due a collapse in work opportunities in the food, retail and hotel industry, ones which students have often worked in. Students and workers on the TITP program have traditionally acted as part of a buffer workforce in Japan and the pandemic reoriented the flow of their labor. As a result, some vocational colleges that provide caregiver courses started to sell training packages to facilities who would be guarantors for students. One college official interviewed noted how they were being contacted by other companies to see if their workers could shift to the care sector and be retrained. Students who graduated from one program could be guaranteed a monthly salary of 190,000 Japanese Yen (1,738 US dollars) working day and night shifts. Prior to the pandemic, one trend observed was a rise in “migrant students” (*dekasegi ryugakusei*), but the pandemic triggered a rise in what we might call “care migrant students” (*kaigo ryugakusei*). This shuffling around of labor makes clear that the care sector offered some stability, but migrant workers act as a temporary buffer workforce.

### **A Future with Migrant-fed Care Regimes?**

The examples above show that the future of care work in Japan may, to a certain degree, be migrant-driven. We are starting to witness the rise of multicultural care homes that circulate care and knowledge from those from different cultures. The influence non-Japanese care workers wield,

may lead to a more multidimensional workforce feeding into how care will be provisioned. The pandemic provided a positive opportunity for Japanese care workers and managers to acknowledge and appraise migrant workers as valuable and essential key workers. And the experiences facilities had, in tandem with local government initiatives, show us what challenges care homes faced in maintaining and training a diverse pool of workers from different countries and migration streams under testing conditions. These experiences align with the model of knowledge circulation that local government in Fukuoka has been fostering in the hope of creating a system which can be replenished by future migration streams. Migrants, be they long-term sojourners, or those here for five years, should not just be seen as part of a portfolio of strategies to alleviate labor shortages. As we move into a “living with corona” era, shoring up deficits in the care sector will not be alleviated through dependency on a floating buffer workforce. After all, the care sector demands a high level of expertise, language acquisition and attention to the needs of elderly at different stages of aging. Japanese politicians and policy makers need to be more aware of the fragile dependency on migrants who, as “essential workers,” provide care for the elderly. This will require a more open, public, and serious discussion on who will constitute Japanese society and care for it in this age of demographic transition.

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### **Endnotes**

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# Situation of Human Rights in the Democratic People's Republic of Korea

## Report of the United Nations Secretary-General

*The Office of the United Nations High Commissioner for Human Rights (Seoul Office) circulated on 31 August 2022 via e-mail the report of the United Nations Secretary-General dated 29 July 2022 titled "Situation of human rights in the Democratic People's Republic of Korea."<sup>1</sup> The report will be presented to the United Nations General Assembly's Third Committee this October 2022.*

*Below are excerpts of the report on some issues that affect the ordinary North Koreans.*

### Introduction

1. The present report is submitted pursuant to General Assembly resolution 76/177 on the situation of human rights in the Democratic People's Republic of Korea. It provides an update on the human rights situation since August 2021 (see A/76/242), including an overview of the situation of civil, political, economic, social and cultural rights in the country, and an update on cooperation with the United Nations to improve the situation of human rights.

2. On 1 July, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva inviting the Government

to provide factual comments on the draft report. No response had been received at the time of writing.

3. The challenges of gathering independent and credible information on the situation of human rights in the Democratic People's Republic of Korea have increased over the reporting period. The Government's strict coronavirus disease (COVID-19) restrictions imposed in January 2020 meant that no United Nations international staff were present in the country during the reporting period.<sup>2</sup> Another source of information on the human rights situation – people who have escaped from the Democratic People's Republic of Korea and share their experiences, including with OHCHR – has also decreased dramatically following the introduction of COVID-19 restrictions. In 2021, only 63 escapees entered the Republic of Korea (40 male and 23 female), compared with 1,047 in 2019 and 229 in 2020. The vast majority left the Democratic People's Republic of Korea before the COVID-19 restrictions were introduced, having been residing in other countries, including China and the Russian Federation, before arriving in the Republic of Korea. OHCHR continued to conduct interviews with the escapees, which are referred to in the present report, although

most of the violations documented occurred prior to the reporting period. OHCHR also made use of data and analysis provided by relevant United Nations entities, as well as open-source materials from State media, academic institutions and non-governmental organizations.

4. The Secretary-General reiterates the need for constructive engagement by the Democratic People's Republic of Korea with the United Nations and its mechanisms in addressing the human rights challenges outlined in the present report. This engagement can support the Government in fulfilling the obligations to which it has agreed voluntarily under international human rights law and thereby improve the well-being of the people. The Secretary-General makes recommendations to the international community, including on the need to commit to sustained and principled engagement on human rights with the Democratic People's Republic of Korea.

### **Songbun and the right to non-discrimination**

15. Underlying the widespread and systematic repression of human rights in the Democratic People's Republic of Korea is a system of social categorization

and control known as *songbun*. Through this form of categorization, the Workers' Party of Korea assigns all people to one of three classes according to the Party's judgment of their loyalty and acquiescence to its centralized rule. These judgments by the Party include consideration of a person's family history and background together with an ongoing assessment of current behaviour, enabled by the extensive apparatus of State surveillance in place throughout the country. The obligation of States not to discriminate in the exercise of their power, including on grounds of political opinion, national or social origin, property, birth or other status, is a core principle of international human rights law, as reflected in the human rights treaties that the Democratic People's Republic of Korea has signed.

16. The *songbun* social categorization system enables the State to effectively monitor people and marginalize those deemed to challenge the legitimacy of its rule.

It also enables the State to reward an elite whose loyalty is considered essential to the stability of its rule. During the third cycle of the universal periodic review in 2019, the Government rejected recommendations related to *songbun* (A/HRC/42/10, paras. 127.18–127.22). Escapees interviewed by OHCHR during the reporting period continued to attest to the influence of *songbun* in a person's access to a range of human rights, in combination with other forms of discrimination, including gender.<sup>3</sup>

This includes access to higher education, housing, food, employment, participation in public affairs, married and family life and place of residence. Only people who are part of the core/loyal class are able to reside in the capital, Pyongyang, and thereby have access to superior social services relative to other parts of the country.<sup>4</sup> Those of lower *songbun* are assigned residency in isolated parts of the country, where they are often required to perform hard labour in mines and on farms. Escapees have also cited the ongoing role of *songbun* in influencing the outcome of criminal prosecutions, including the length of prison sentences handed down and the likelihood of being sent to a political prison camp. Those who are categorized in the core/loyal class always remain vulnerable to being "demoted" to less privileged classes for "transgressions" adjudged by the Workers' Party of Korea, further institutionalizing incentives not to challenge the legitimacy of State decisions and the processes by which they are made.

### Domestic violence

27. The increased confinement of families in the home during the pandemic has increased exposure to domestic violence globally.<sup>5</sup> In the voluntary national review of its implementation of the Sustainable Development Goals in 2021, the Government of the Democratic People's Republic of Korea stated that "mental and physical violence is not a social issue in the [Democratic People's Republic of Korea] where the people are masters of

everything and everything serves for people".<sup>6</sup>

Nevertheless, the Government has agreed to implement a number of recommendations relevant to the issue of domestic violence during its universal periodic reviews, including the recommendation made in 2019 to "take immediate measures to ensure gender equality and protect women from gender-based violence" (A/HRC/42/10, para. 126.172).<sup>7</sup>

28. Domestic violence has often been raised as a concern by escapees interviewed by OHCHR. One woman who left the Democratic People's Republic of Korea in 2019 said: "The issue of domestic violence is quite severe. The State does not intervene or investigate cases. There is no place to go for victims of domestic violence. The [Ministry of People's Security] does nothing for domestic violence".<sup>8</sup>

It is the obligation of all States parties to the relevant instruments of international human rights law to take steps to prevent, address and eliminate all forms of gender-based violence, including domestic violence. This involves clearly defining concepts of domestic violence and marital rape in the Criminal Code, conducting thorough, effective and impartial investigations and prosecuting offences in accordance with the law. Furthermore, States are obliged to introduce preventive and supportive measures.

### Access to livelihoods

29. Much of the lower-level private market activity in daily

necessities, which is led by women, continues to be unregulated. This leaves the people involved vulnerable to arbitrary arrest and detention, sexual violence, extortion and economic downturns, with no adequate social safety nets in place. Owing to the strict COVID-19 measures in place since 2020 and subsequently increased in response to the first reported outbreak, there remain particular concerns about individuals and their families who have come to rely on private market activity for survival. One man interviewed by OHCHR during the reporting period mentioned the soaring prices of food and additional restrictions on market activity to generate income. He noted that some people had sold personal property such as televisions for money to buy food, but others with no property to sell had starved to death.<sup>9</sup> Highlighting the interconnectedness of the repression of civil and political rights with economic, social and cultural rights, the system allows no possibility for affected populations to organize, provide feedback and make demands on State authorities when material circumstances deteriorate.

Furthermore, there are no accountability mechanisms in place to ensure that the State responds appropriately to the grievances raised by the people.<sup>10</sup>

### **Forced labour and workers' rights**

30. Given the harsh COVID-19 restrictions that remain in place, including the border closure with China, there are reasonable grounds to believe that the State has relied increasingly on the extraction of

unpaid forced labour from the general population. The State has a number of means to extract forced labour, often in hard and hazardous forms of work, including through the prison system and the military, as well as through "shock brigade" deployments, *inminban* and "community" groups and the school system. Those in detention, low-level conscripts and "shock brigade" members on long-term forced labour deployments away from home are particularly vulnerable to malnutrition and starvation.

31. As part of the repression of the right to freedom of association, no independent trade unions are allowed to exist to help to democratize the workplace and ensure the protection of workers' interests.

32. The World Health Organization and the International Labour Organization released a global monitoring report, raising concerns about occupational health and safety in the Democratic People's Republic of Korea.<sup>11</sup> The study calculates a severe regression in workers' safety in the country from an already high starting point, with a rate of 56.2 deaths per 100,000 workers in 2000, 78.1 in 2010 and 79.5 in 2016, which is higher than any of the other 182 countries listed.<sup>12</sup> In the report's calculation of deaths as a result of stroke attributable to exposure to long working hours (more than 55 hours per week), the Democratic People's Republic of Korea was again the highest ranked and regressing, with a rate of 17.5 deaths per 100,000 workers in 2000, 27.5 in 2010 and 28.1 in 2016.<sup>13</sup>

### **Right to adequate food**

33. With strict COVID-19 measures in place, including the closure of borders and restricted mobility within the country, serious concerns remain over the food situation. A male escapee interviewed by OHCHR indicated the seriousness of the situation: "Because of COVID, imports can't come into the [Democratic People's Republic of Korea] and I thought things would only get worse. The prices of goods were multiplying many times over. Because I thought things would get worse, it would be better if my mother had one less mouth to feed".<sup>14</sup> However, there is no clear picture of the current situation owing to the absence of published government statistics, as well as the humanitarian community's inability, following the introduction of COVID-19 restrictions (and the subsequent departure of all international staff), to access vulnerable populations and conduct assessments of the food, nutrition, health and water, sanitation and hygiene situation in the country.

34. In a letter sent to the Ninth Congress of the Union of Agricultural Workers on 27 January 2022, Kim Jong Un described the "food problem" as the "most pressing and critical matter at the moment", and said that "last year everything was in shorter supply than ever before".<sup>15</sup>

There are particular concerns regarding possible food shortages in the more remote parts of the country, including rural areas and northeastern border provinces, where people of lower *songbun* reside.<sup>16</sup>



The Panel of Experts established pursuant to Security Council resolution 1874 (2009) quoted international humanitarian non-governmental organizations, which believe that “North Koreans, already highly vulnerable to food insecurity, may be dying due to the precarious food situation in the [Democratic People’s Republic of Korea]” (S/2022/132, p. 391). The closure of schools for extended periods is likely to have led to food-insecure children missing out on food handouts that are usually provided at school. Other people who can be particularly vulnerable to increased food insecurity include pregnant and breastfeeding women, children under 7 years, older persons, persons with disabilities and persons in detention.

35. The World Food Programme, which has not distributed food aid in the country since March 2021 owing to the COVID-19 restrictions, reported that 5.5 million metric tons of food were harvested in September and October 2020, resulting in an estimated food gap of around 860,000 metric tons. Even before restrictions were introduced in January 2020, the country was suffering from chronic food insecurity and malnutrition, resulting in high rates of undernourishment, stunting and anaemia.<sup>17</sup>

The most recent rapid food security assessment, conducted jointly in 2019 by the Food and Agricultural Organization and the World Food Programme, estimated that 10.1 million people (40 per cent of the population) were food-insecure and in urgent need of food assistance. National food

production remains insufficient to avoid chronic food insecurity, requiring support from international humanitarian organizations that is currently not being provided.

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### Endnotes

- 1 The full document is available at : <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/444/65/pdf/N2244465.pdf?OpenElement>.
- 2 The diplomatic presence has further decreased as well.
- 3 Interviews conducted by OHCHR.
- 4 Interviews conducted by OHCHR. This is not to say that residents of Pyongyang do not also suffer serious human rights violations, including of their economic, social and cultural rights.
- 5 See [www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19#:~:text=Emerging%20data%20shows%20an%20increase,in%20public%20spaces%20and%20online](http://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19#:~:text=Emerging%20data%20shows%20an%20increase,in%20public%20spaces%20and%20online).
- 6 Democratic People’s Republic of Korea, Voluntary National Review on the Implementation of the 2030 Agenda (2021), pp. 23 and 24.
- 7 Other relevant accepted recommendations include paras. 126.173–126.175 and 126.181 of A/HRC/42/10.
- 8 Interviews conducted by OHCHR. See also Database Center for North Korean Human Rights submission to the sixty-eighth session of the Committee on the Elimination of Discrimination against Women, November 2017;

available at [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRK/INT\\_CEDAW\\_NGO\\_PRK\\_29168\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRK/INT_CEDAW_NGO_PRK_29168_E.pdf).

- 9 Interviews conducted by OHCHR.
- 10 For more on the interlinkages of rights violations in the context of the Democratic People’s Republic of Korea, see OHCHR, “Implications of the right to development for the Democratic People’s Republic of Korea and other United Nations Member States”, discussion paper, pp. 5–8.
- 11 World Health Organization and International Labour Organization, Global Monitoring Report: WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000–2016 (Geneva, 2021).
- 12 *Ibid*, p. 60.
- 13 *Ibid*, p. 67.
- 14 Interviews conducted by OHCHR.
- 15 See <https://kcnawatch.org/newsstream/1643520715-235209836/let-the-union-of-agriculturalworkers-of-korea-become-vanguard-in-the-struggle-for-achieving-our-style-of-socialist-ruraldevelopment>.
- 16 See [www.asiapress.org/korean/2022/04/nk-economys/remedy;www.dailyink.com/20220408-5](http://www.asiapress.org/korean/2022/04/nk-economys/remedy;www.dailyink.com/20220408-5); and <http://www.dailyink.com/%EC%8B%9D%EB%9F%89%EB%82%9C-%EC%8B%AC%ED%99%94%ED%95%98%EB%A9%B0-%EC%A0%88%EB%9F%89%EC%84%B8%EB%8C%80-%EC%A6%9D%EA%B0%80%EC%A3%BC%EB%AF%BC%EB%93%A4-%EB%82%A8%EC%A1%B0%EC%84%A0-%EC%8B%9D/>.
- 17 World Food Programme, Democratic People’s Republic of Korea country brief, December 2021.



## Summer SDGs Festival for Youth

Yuyu Hosokawa

On 21 August 2022, HURIGHTS OSAKA participated in the Summer SDGs Festival for Youth organized by the Kansai NGO Council, as one of the non-governmental organization (NGO) members providing information to participating secondary school students.

The Kansai NGO Council has the main objective of promoting a cooperative relationship among NGOs which work on development, human rights, and environment issues in the Kansai area. For the past eight years, the Council has been holding an annual festival, "One World Festival for Youth," which aims at encouraging the younger generations to take action by having secondary school students as festival organizers. Due to the

COVID-19 pandemic, the past few festivals had taken place online, where only limited contents were made possible. This year's "Summer SDGs Festival for Youth" therefore brought back the booth exhibition component that allowed a face-to-face interaction. According to the Council's Secretary General Yoshinori Kurita, the term "SDGs" was put into the title since they found it was something the society had a shared recognition and interest of, which many actors could use as a key-term for discussion.

On the day, five secondary school student groups and seventeen organizations (most of them NGOs) took part to share their own work and researches for both a learning and connecting opportunity.

Unfortunately, only a small part of the total available spaces were filled for the participants, partly due to the rising COVID-19 cases. On the other hand, it was pointed out that this also meant that each student could spend longer periods on each booth, having a more in-depth interaction with each organization or group, and ultimately getting a higher rate of satisfaction.

As one of the participating NGOs, HURIGHTS OSAKA used this opportunity to share human rights information through the theme of the Sustainable Development Goals. One of the important messages it wanted to deliver was the fact that human rights were at the soul of the seventeen goals and the one hundred and sixty nine targets. Based on this, a display panel and two sets of quizzes for the students to take part in were prepared. The quizzes focused on issues which especially related the SDGs to human rights, such as the problem of hate speech (Goal 10 Reduced Inequalities), rights and production of goods (Goal 12 Responsible Consumption and Production), and the appalling ranking of the Japanese global gender gap index (Goal 5 Gender Equality). The quizzes not only made the booth visits interactive, but also added information to the secondary



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# A Tribute to Kinhide Mushakoji

Jefferson R. Plantilla

On 23 May 2022, Professor Kinhide Mushakoji passed away. He lived well his ninety-two-years of life, a significant part of which as a human rights advocate.

In a 2019 interview,<sup>1</sup> Professor Mushakoji explained his personal background that influenced his future involvement in peace, development, human rights and other issues.

Born to a French-Japanese mother, he experienced difficulty when he came to Japan at seven/eight years old from Belgium. He was speaking the French language before he was able to speak the Japanese language well. He was bullied in school for not being pure Japanese. He was a Catholic and became very active in the Catholic student movement in Japan. During a visit to India while he was a university student, he contacted people involved in the Afro-Asian Solidarity Movement. He became involved in the peace movement in Japan but he combined his view of peace with Afro-Asian Solidarity Movement perspective. He worked with different Christian groups on the issue of "development," which was seen as another name for peace.

He also became active in the anti-discrimination movement of the Buraku people in Japan.<sup>2</sup>

He took the stand that he was not "for the West but for the rest" and while he was a Catholic/Christian, he was not in favor of Christians monopolizing religious truth.

## Regional Issues

By 1970s, Asian intellectuals and activists became actively working on several issues, including human rights, at the regional level. Professor Mushakoji became involved in organizations that worked on regional issues. He was involved in the establishment of the Asian Cultural Forum on Development (ACFOD) in early 1970s. He worked with Sulak Sivaraksa of Thailand, Muto Ichiyo of Japan, and likely with Fr Edward John Curnow of New Zealand, Fr Satinlaus Fernando of Sri Lanka, Bishop Julio Labayen of the Philippines, and Abdurrahman Wahid of Indonesia.

He was a fellow of the Asian Regional Exchange for New Alternatives (ARENA), established in Hong Kong in 1983, a "regional network of concerned Asian scholars – academics, intellectuals, activists, researchers, writers, and artists – which aims to contribute to a process of awakening towards meaningful and people-oriented social change."<sup>3</sup>

## HURIGHTS OSAKA

In 1993, in preparation for the establishment of an Asia-Pacific human rights center, Professor Mushakoji visited Bangkok and Hong Kong as part of a group from Osaka to consult with regional organizations. Professor Dong-hoon Kim of Ryukoku University,<sup>4</sup> Kenzo Tomonaga (then Director of the Buraku Liberation Research Institute) and representatives of labor and religious organizations were part of the group. The group met with people in ACFOD, Thai organizations, and UNESCO in Bangkok, and ARENA and other groups in Hong Kong.

After the ACFOD meeting, Professor Mushakoji stayed behind to discuss further with the ACFOD staff on what they thought about such center for human rights. He was as usual very open and appreciative of the views expressed by the ACFOD staff.

Professor Mushakoji was the first Chairperson of HURIGHTS OSAKA. During the opening ceremonies of HURIGHTS OSAKA in December 1994, he spoke about "endogenization of human rights in the Asia Pacific" by valuing endogenous human rights traditions in different cultures and historical contexts.<sup>5</sup>

He also participated in the activities of HURIGHTS OSAKA particularly in its regional





Meeting with ACFOD staff, 1993, Bangkok.

**Endnotes**

- 1 Mushakoji Kinhide - Interview, Global University for Sustainability, YouTube, 26 November 2019, [www.youtube.com/watch?v=m4UAhgMLkK8](http://www.youtube.com/watch?v=m4UAhgMLkK8).
- 2 He became an Adviser of the Buraku Liberation Research Institute (which was renamed Buraku Liberation and Human Rights Research Institute) and Co-Chairperson of the International Movement Against All Forms of Discrimination and Racism which is supported by the Buraku Liberation League.
- 3 Asian Regional Exchange for New Alternatives, <http://arena-council.org/arenac/en/>.
- 4 Professor Kim became the first Director of HURIGHTS OSAKA.
- 5 Kinhide Mushakoji, "The Universality of Human Rights – endogenization of human rights in the Asia-Pacific region," *HURIGHTS OSAKA Newsletter*, volume 1, 28 February 1995, page 5, available at [www.hurights.or.jp/archives/focus/section1/1995/02/](http://www.hurights.or.jp/archives/focus/section1/1995/02/).

human rights education project. He contributed a manuscript entitled "Japan and Cultural Development in East Asia: Possibilities of a Human Rights Culture" included in the book *Human Rights in Asian Cultures: Continuity and Change* (1997).

"Musha," as he was called by some of his colleagues in the regional networks, was known for his sense of humor. But he

was also known for his humility and capacity to interact with people from different groups and countries in Asia and the Pacific.

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**Summer SDGs Festival for Youth**

*(Continued from page 13)*

school students' understanding of both SDGs and human rights. For example, many still assumed that issues such as LGBTQ rights and the abolition of nuclear weapons would be in one of the listed one hundred and sixty nine targets, highlighting the importance of accurate knowledge of concepts that are to be tackled.

In the recent years, the concept of SDGs has become a popular educational topic in Japan, while I feel human rights education is not enough in many instances. Thus, through designing the quizzes, my intent was to have the students bring home some kind of knowledge or awareness by having the SDGs as a trigger. Mr. Kurita had commented a similar observation upon reflecting on the whole session; that since the theme of SDGs had become a way of putting the different goals and issues together in one space, the

student participants had a chance to be exposed to not only the goals they were originally interested in, but also to ones that they were not. Where school education cannot satisfy all the needs of awareness-raising and education, it is hoped that opportunities such as this festival motivate more of the younger generation.

*Yuyu Hosokawa is an intern of HURIGHTS OSAKA.*

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# HURIGHTS OSAKA Calendar

HURIGHTS OSAKA is now preparing volume 12 of *Human Rights Education in Asia-Pacific*. It welcomes contributions on human rights education experiences at the formal, non-formal and informal education levels. Research reports on human rights education programs are also welcomed.



**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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