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Editorial

Living Without Fear

Stateless persons, those without permission to stay in a country and even those with temporary permission to stay have restricted access to services that directly affect their health, livelihood and security.

Also, stateless persons and those without permission to stay in a country hide from authorities for fear of getting arrested and deported. This situation prevents them from availing of services that the government might offer to them.

On 25 March 2022, Catholic Bishops petitioned the Japanese government not to deport children who were born and/or raised in Japan and whose non-Japanese parents did not have residence status. As their petition states in part:

As many as 300 such children are at risk of deportation. Sending children born or raised in Japan to another country where they have no foundation to make a living or separating parents and children would violate the Convention on the Rights of the Child which Japan has ratified. Why must people born and raised in Japan suffer in this way? Is our country so inhumane?

People who lack permission to reside in a country or have temporary permission to stay deserve to have access to services that support their welfare and permit them to lead normal lives. Their reason for staying in a country deserves serious attention. In some countries, "regularizing" their stay brought benefit to society rather than the feared adverse consequences.

Segregation and the Health of the Non-Japanese

Rieko Aoki

Mai, a non-Japanese woman living in Japan gave birth to a boy in January 2023 at home. She was not expecting such an early delivery. It was her first experience of giving birth to a child. Nobody was around. When the baby was born, she was troubled. She did not know what to do. She wrapped the baby with a towel. Gradually, the baby was getting cold. His lips turned purple. She immediately called an ambulance.

The ambulance took her and the baby to a hospital with Neonatal Intensive Care Unit (NICU). According to the hospital staff, the baby was in an asphyxia state, but recovered through treatment. The baby was discharged in early February after a month of treatment with the warm and loving care of the medical staff. It should have been the happy ending of the story. But the story did not end there.

Mai was discharged about a week after giving birth to her baby. She often visited the hospital to see her baby thereafter. Every time she came to the hospital, the hospital management asked her how she was going to pay the cost of hospitalization. Mai did not know how to respond since she did not have the money to pay the cost of hospitalization. The hospital social worker called CHARM for information on

delivery fee support for people who do not have medical insurance. I went to the hospital with an interpreter to meet with Mai. I found out that Mai's baby was born pre-mature.

Support for Pre-mature Babies

Babies born pre-mature are covered by the Infant Medical Care for pre-mature babies, or *Yo-iku iryo* in Japanese. The hospital social worker had been contacting the city office for this medical service, but the city hall official said that the application could not be made, since the child's mother was not a registered resident in the city.

Infant Medical Care is provided for in Article 20 of the Maternal and Child Health Act.¹ The law applies to anyone, regardless of their nationality. The government has also made it clear that it applies to every child regardless of the visa status of the mother.² The city office staff had no knowledge of this. After showing the legal basis, the city office admitted that Infant Medical Care for pre-matured babies applied to Mai's baby. The payment for the cost of hospitalization was settled between the hospital and the city office.

The baby was discharged but he was not covered by health insurance because the mother was holding a temporary visa. We accompanied Mai to the

city office to register the baby as a resident. A new-born baby can be registered temporarily sixty days before the actual formal registration (this is known as *Keika Taizai* in Japanese). The Citizen's Department in the city hall, which supervises medical services throughout the city, confirmed that this system applied in the case of Mai's baby. The city office agreed that Mai's baby could be registered as a resident and be covered by health insurance. It was a happy ending, but only after many negotiations between CHARM staff and hospital Medical Social Worker (MSW). If Mai had not had any support from an NGO and MSW, her request for birth registration would have certainly been rejected at her first visit to the city office. The majority of non-Japanese residents have no access to supporters or interpreters since NGOs supporting non-Japanese residents are not many and cannot reach out to all their communities.

Reason for Coming to Japan

Mai came to Japan to study hoping to get a professional license to work in Japan. With a student visa, she studied in a Japanese language school for two years and then proceeded to a vocational school for a year. During these years, she was never given information about the health insurance system. She

knew she could not go to hospitals or clinics since she did not have a health insurance. She decided to leave the vocational school when she could not cope with her study, and could not pay her tuition. She lost her residence status when she left the school according to the immigration office and therefore she could not renew it. But the situation was different in 2020. Due to COVID-19 pandemic, international flights were cancelled and people could not go home. She was given a temporary visa for ninety days with a permission to work for twenty-eight hours.

Mai stayed in Japan for two years with temporary visa, which neither allowed her to register as a resident nor become a member of the health insurance system. She was able to work for twenty-eight hours per week, but her income was so small that it barely covered rent and daily necessities.

Despite this difficult situation, Mai overcame the pitfalls of the system and the lack of information from the city office staff with the help of NGO workers, interpreters, MSW and others who all supported her. Mai was able to bring her son out of the hospital after treatment. But for others who are in a similar situation with Mai, their isolation can lead to tragedy.

The Case of a Trainee

Le Thi Twi Lin worked as a Technical Intern Trainee at a farm in Kumamoto prefecture. Trainees are covered by health insurance, thus she could go to a hospital if she wanted to.

But in reality, she and her fellow trainees could not take a leave of absence to go to the hospital during work hours. She also signed a document with a provision that she agreed to go home if she got pregnant. Thus, when she got pregnant she could not have pre-natal check-up or talk about her pregnancy with anyone. She gave birth to twin boys alone at home, but they were still-born. She must have been shocked by the death of her babies. She prepared for their funeral alone. She wrapped the babies with towels and placed them in cardboard boxes along with a note about their names. She placed the boxes on a shelf for a day. However, she was arrested for doing this and was prosecuted for abandonment of the still-born babies. Both the “Kumamoto District Court and the Fukuoka High Court found her guilty, with the latter sentencing her to three months in prison, suspended for two years, in 2022.” However, on appeal, the Supreme Court overturned her conviction in its decision on 23 March 2023.³ The only difference between the cases of Lin and Mai is that Lin’s babies were still-born and she was not able to call for help immediately.

The Case of Wishma

Rathnayake Liyanage Wishma Sandamali, or Wishma, was a Japanese language school student in Nagoya. She came to Japan with a dream of teaching English to children. She started with a Japanese language school but had to leave school because she could not afford to pay her tuition. After she left the language school, she could

neither change nor renew her temporary visa. She sought help from a man, a fellow national. Unfortunately, he abused her until she could not bear it any more. She ran away from his home to seek help from the police.

In cases of domestic violence, under the law, the police should provide protection to victims and refer them to domestic violence shelters. In Wishma’s case, the police did not do so. The police checked her residence card and found that her visa had expired. The police reported her case to the Immigration Bureau. She was detained in August 2020 at a regional detention center of the Immigration Bureau. Immigration officials tried to convince her to go back to her country since she did not have a proper permission to stay in Japan. Wishma refused to go back to her country because the man who abused her threatened to wait for her in Sri Lanka and kill her. But the Immigration Bureau considered her case as “deportation evasion” case or *Sokan-kihi-sya* in Japanese.

About six months later, in February 2021, she became ill and asked for help. The Nagoya Immigration Bureau Detention Center refused to give her medical help. For several days, she asked for drip infusion but her request was ignored. On 6 March 2021, Wisma died while in detention.

Mai and Wishma both started their lives in Japan as students in Japanese language schools as many young non-Japanese do. These young women came to Japan with vision to realize their

dream. They worked within twenty-eight hours per week as allowed for students. But the income from the twenty-eight-hour work was not enough to support their daily needs and tuition. They had to leave school. Under the immigration law, students who leave school would no longer have a reason to stay in Japan. They have to leave Japan right away.

In the case of Wishma, she was abused not only by her fellow national but also by the police and officials at the Immigration Bureau.

People have different reasons for quitting school and, in the case of non-Japanese, for asking to continue to stay in Japan. Each person should be given a chance to consult and seek help if needed. The Japanese who cannot continue with schooling because of financial or other reasons look for a job or seek other means of support, and have family or friends to help them. However, the non-Japanese who quit school are subject to deportation for lack of permission to stay.

The Ministry of Justice proposed in 2021 an amendment to the Immigration Law. The proposed amendment included forced deportation of people who do not obey the order of deportation. This was the "deportation evasion" (*Sokan-kihi-sya* in Japanese) proposal. The proposed amendment would cover the case of Wisma as well as those of people who are applying for refugee status and whose application has been denied three times.

Bar associations as well as organizations all over Japan supporting the non-Japanese went out on the street to demonstrate against the proposed amendment of the law. The bill was turned down due to strong opposition from the citizens.

A proposal to amend the law has been submitted again to the Diet. The Liberal Democratic Party Justice Committee approved the submission on 24 February 2023. The committee discussion has not been disclosed to the public. The Minister of Justice did not make any comment on the matter at a press conference. If the new proposal is the same as the 2021 proposal, a person like Wishma will be subject to deportation and not protection.

Conclusion

Residence status determines access to medical and welfare services. Mai had a temporary visa after she left vocational school. She had no access to health insurance because of her residence status. Her presence in Japan shows that holders of temporary visa are not only temporary visitors like tourists.

People similar to Mai, Lin and Wishma have temporary visa and have different reasons and needs for medical and welfare services. But because of their residence status, they were not properly cared for.

When Mai went to the city office to seek help, she was denied service twice. The city office admitted that she was eligible for medical services only when she went with NGO

supporters who had legal knowledge and documents. The city office staff felt no guilt in not providing protection to a person in need. The staff prioritized rules instead of attending to the needs of the person seeking help. If these cries for help were listened and attended to, a person like Wishma did not have to go through the traumatic experience of continued abuses which led her to death.

Non-Japanese who are holders of temporary visa and those who do not have any visa are not regarded as residents and not subject to local government service and protection. The attitude of outright denial of request for service represents structural segregation.

Deporting non-Japanese who refuse to leave Japan under the proposed amendment of the Immigration Law is a very violent act of inhumanity. People have reasons why they cannot go back to their country and these voices need to be listened to in order to prevent any further problems.

Structural segregation puts non-Japanese who have temporary visa at risk of failing to stay safe and healthy. NGOs face limitation in countering the wall of structural segregation. We in the NGO sector advocate for change at the macro level and do what we can at grassroots level by providing information, accompanying non-Japanese to government offices and dispatching interpreters to medical institutions and staying with them in their time of need.

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Sabah's Stateless Issue: Navigating a Complex Legal Landscape for Basic Rights

Aime Marisa Chong, Stephe Joseph Benedict and Mary Anne K. Baltazar

Sabah, Malaysia, with its geographic location between Indonesia and the Philippines has contributed to the inflow of migrants into the country since its independence in 1957. Hence, the issue of statelessness in Sabah is unique and complex due to its migration history. In the 1970s, the state administration allowed Filipino refugees from Mindanao to seek refuge in Sabah,¹ when civil war broke out in southern Philippines.² The Sabah state administration sought the support of the federal government of Malaysia and the United Nations High Commissioner for Refugees (UNHCR) on the issue.³ The federal government issued a special pass, currently known as "IMM13," an identification document that is also extended to the families of the refugees.⁴ However, the state election in the mid-1980s led to change of the ruling political party which adopted a rigid and strict stance on the issue. The new government noted an increase of foreigners in the state which was seen as contributing to the rise in crimes and the reduction of employment opportunities for the locals.⁵ Subsequently, when the situation improved in the Philippines, Filipinos who entered Sabah in 1985 were no longer considered refugees but economic migrants.⁶ New

documents were issued to people of Filipino descent in Sabah such as *Kad Burung-Burung*, under by Sabah Chief Minister's Department, and *Sijil Banci* by the Malaysian National Security Council (NSC).⁷ Obtaining these documents is not a straightforward process and there are no clear and transparent guidelines that regulate applications. This can result in a person becoming stateless in Sabah.

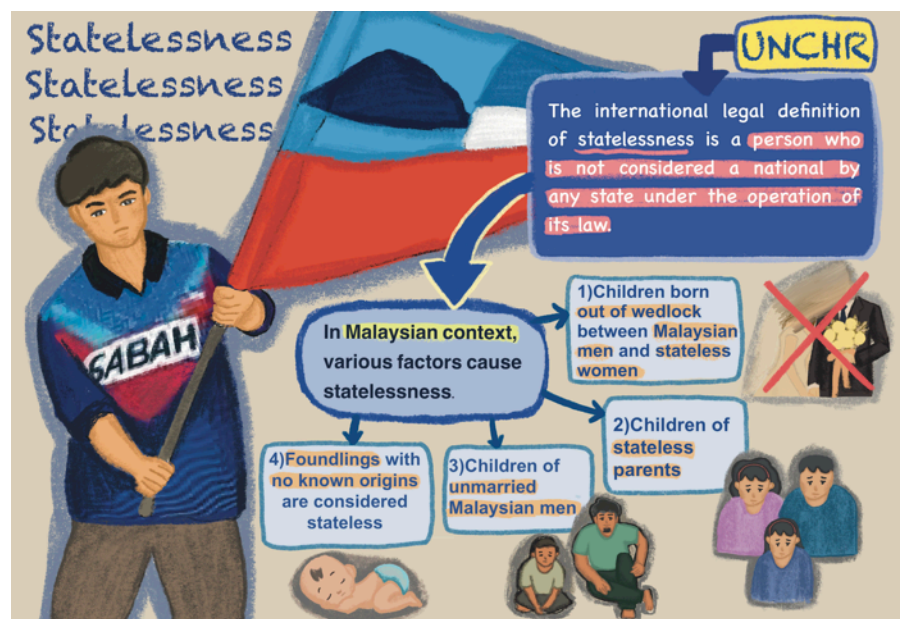
Who Are the Stateless People?

The international legal definition of statelessness is a person who is not considered a national by any state under the operation of its law.⁸ In the Malaysian context, various factors cause statelessness.

Children born out of wedlock between Malaysian men and stateless women, children of stateless parents, children of unmarried Malaysian men,⁹ or foundlings with no known origins are considered stateless. Other stateless people came to Sabah, resided there for over forty years and were assimilated to the local culture and people but remained without any identity documentation.

Legal Questions

The identity documentation issue in Sabah is complex and the stateless communities are largely affected by these laws. Sabah has an extra step for late birth registration (registration of birth after forty-two days passed since birth). Late registration has



to be applied for and needs the endorsement certificate issued under the discretion of the judges of Sabah. This rigid procedure is due to highly controversial issues of citizenship in Sabah.¹⁰ However, this added challenge is not sufficiently justified as it robs children of their legal documents and their fundamental rights. At the same time, this is a policy of Sabah state. Families with generational statelessness are left with no access to legal identity and are punished by the state. There has been no legislative bill to address the issue. The path to naturalization for those who have been residing in Sabah for multiple generations is also unknown.

Current Situation

The stateless community continues to grow in Sabah due to lack of access to proper documentation both at the state and federal levels. Based on the Department of Statistics Malaysia website, the 2020 Population and Housing Census shows that Sabah has a population of 3,398,948.¹² From that, an estimate of more than 810,000 are non-citizens, these include undocumented migrants and stateless persons.¹³ The Home Ministry also reported in 2017 that Sabah had the largest number of stateless children or young adults. The National Registration Department's records reveal that there are 23,154 individuals under the age of 21 in Sabah who are stateless with at least one of their parents a Malaysian citizen.¹⁴ However, these numbers do not seem to reflect the reality on the ground as not

every stateless person has access to documentation application. The numbers are expected to be much higher than stated by the National Registration Department.

Moreover, local media recently have been highlighting the increase in number of children begging and glue-sniffing in the streets of Kota Kinabalu, Tawau, Sandakan and Lahad Datu. They have become prominent due to extreme poverty, as adults are unable to get proper employment, and eventually pushes children as young as six years old out on the street to earn money and fend for themselves. They are also at risk of being arrested by the authorities due to lack of identity documentation. In June 2022, more than one hundred beggars including children were arrested by enforcement agencies,¹⁵ and sent to immigration detention centers. Moreover, human rights violations have reportedly occurred in these detention centers with overcrowded and poor living conditions.¹⁶

Possible Solutions

The Malaysian government has been working on initiatives to provide shelter for these children in order to take them off the street and also to hold their parents accountable.¹⁷ But this is not effective since the core issue is still not being addressed: the communities of these children are stuck in a vicious cycle of poverty with no access to basic necessities. A recommendation has been made on enhancing transparency in the policies such as having clear and precise

processes on the path to citizenship to reduce statelessness in Sabah. Under article 15A of the Federal Constitution, citizenship is granted at the discretion of the Minister of Home Affairs. However, there is no clarity on how these applications are being filtered by the Home Minister. Hence, establishing direct and clear processes will allow children applying under this procedure to fulfill the conditions.

Allowing stateless people to enjoy their basic rights such as rights to healthcare, education, and employment is another issue. In terms of healthcare, the policy in the recent pandemic that no one should be left behind despite their documentation status is a good example. This allowed access to COVID-19 vaccine by everyone, including those not possessing identity documents.¹⁸ This shows that the government's inclusive policy for the stateless communities is crucial at a time of healthcare crisis, and that it is not impossible for ministries to implement policies on reducing discrimination against stateless people.

Additionally, stateless children cannot also be denied the right to education. Children must be educated at all levels including kindergarten, primary and secondary levels. Fortunately, there are multiple communities and alternative learning centers that provide basic education for stateless children. These centers usually teach the three most important skills of reading, writing and counting. However, these classes are limited at the primary level. Those who are

aiming to have a professional career will not have the opportunity to further their studies. In 2018, the education ministry did introduce the Zero Reject Policy to allow students with a Malaysian parent to enter public schools. However, this policy is currently not being enforced for stateless children.¹⁹

Stateless communities face various challenges when it comes to employment because of lack of proper documentation. Immigration Act 1955, Article 55B states that “Employing a person who is not in possession of a valid Pass” is an offense.²⁰ Hence, employers are liable to be fined and/or imprisoned for committing the offense of employing a stateless person. This risk inhibits employers from employing a person without proper documentation. At the same time, this situation deprives stateless people of their right to livelihood and forces them to take odd jobs that expose them to exploitation and abuse by employers.

The negative narrative and stigma around stateless communities perpetuated by the media cause the alienation of these communities,²¹ creating a barrier for the public to empathize with the issue and understand their perspective. At the same time, stateless communities face discrimination. Shifting the behavior and mindset of the public is urgently needed to allow a change of perceptions and hopefully create an empathic community.

ANAK (Advocates for Non-discrimination and Access to



Knowledge), a non-governmental organization (NGO) in Sabah, has been working to address this negative public mindset towards stateless and other disadvantaged children. It undertook various activities over the years, such as the following:

- Assistance in the enrolment of stateless children and facilitating voluntary repatriation of migrants;
- Assistance to undocumented/migrant children in accessing the vaccination program; and
- Successful support to citizenship applications.

ANAK, as an organization aiming to protect child rights regardless of documentation status, has collaborated with United Nations agencies, international organizations,

local NGOs and communities in undertaking these services.

Aime Marisa Chong is a law student who is passionate about the issue of citizenship and migration. Fighting injustice and challenging the norms is what motivates her. This passion is reflected in her work with ANAK Sabah and Project Liber8 where she works on programs to empower migrant workers and advocate for equal citizenship rights. Her work with ANAK includes fighting for the basic rights of every child despite their documentation status and raising awareness of the issue of statelessness in Sabah. The fight for justice and equality will always be a part of Aime's journey, she believes that the right to a nationality should be a right, not a privilege. Depriving one of nationality would mean

taking away her/his rights as a human being. **Stephie Joseph Benedict** is a Malaysian-Filipino who is passionate about the arts, culture and creativity. Her experience as child of a migrant and working with non-profit organization led her to do volunteer work in ANAK, while currently staying at home parenting and managing household. **Mary Anne K. Baltazar** has a Masters in Social Science and has fourteen years of experience in human rights and non-profit work. She is passionate about statelessness, migration and children's rights. She presented her paper for the Symposium of Young People against Slavery at the Pontifical Academy of Sciences, Vatican City in 2014. In 2017, she was awarded a research grant by SHAPE-SEA for her research on Children at-Risk of Statelessness and their Constraints to Citizenship. She is currently a Fellow at the UMS-UNICEF Communications for Development Research Unit. She founded ANAK (Advocates for Non-discrimination and Access to Knowledge) to advocate for the rights of non-citizen children in Sabah.

Alanis Mah, an illustrator as well as a graphic designer, provided the illustration in this article. Since she was a little girl, she had passion for art as a hobby. She feels strongly about issues of citizenship and statelessness that she hopes to contribute in advocacy by using her artistic skills. She hopes that her artwork can serve as a source of inspiration for someone going through tough times. She believes that regardless of how life treats you, you must be

brave. Always take a stand for yourself.

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Facilitating Access to Justice for the Needy and Vulnerable in Singapore

Pro Bono SG

Pro Bono SG (formerly known as Law Society Pro Bono Services) is a Singapore registered charity and Institution of a Public Character, operating as a company limited by guarantee. Initially established as a department within The Law Society of Singapore, it has since been incorporated to scale up its legal initiatives and programs. Over the years, Pro Bono SG has provided legal awareness, guidance, and representation to more than 132,000 people. In the fiscal year 2021-2022, Pro Bono SG helped over 17,000 individuals and community organizations with the support of one thousand registered volunteers from various industries and specialities.

Pro Bono SG collaborates closely with community partners to improve its services. Thanks to the generous support from its partners and supporters, it was renamed Pro Bono SG in 2022 to reflect the commitment of the Singaporean community to its mission of doing good.

Pro Bono SG's vision and mission are to facilitate access to justice for the needy and vulnerable, ensuring that everyone has access to justice in Singapore. To achieve this, Pro Bono SG works towards five objectives:

- (1) To develop and ensure a just and efficient system for the provision of pro bono legal services in Singapore;
- (2) To coordinate the provision of civil, criminal, and community pro bono legal services with various agencies;
- (3) To recruit, train, and manage volunteers from the legal fraternity and beyond for the provision of pro bono services;
- (4) To identify areas of need in the community for pro bono legal services; and
- (5) To protect and assist the public on matters of the law relevant to their lives, particularly through programs to develop public legal literacy.

Pro Bono SG offers pro bono legal assistance to the most disadvantaged in the community, as well as for organizations serving the needy. It also supports lawyers undertaking pro bono work and other organizations engaged in access to justice initiatives. Pro Bono SG's policies focus on facilitating the recruitment and mobilization of volunteers for pro bono services, volunteer networking, the transfer and dissemination of information and ideas among volunteers, and encouraging law practices

to support their lawyers to volunteer for pro bono work.

Pro Bono SG's programs include Law Awareness programs for members of the public to increase their understanding of how the law applies in their daily lives, free basic legal advice for needy individuals through the Community Legal Clinics, criminal legal representation through the Criminal Legal Aid Scheme, legal representation for persons with exceptional circumstances who do not meet the criteria for existing legal aid schemes through the Ad Hoc Pro Bono Scheme, legal representation for litigants facing family law issues through the Family Justice Support Services, and pro bono non-litigation corporate legal assistance for community organizations through the Community Organization Clinic, Project Law Help, and Joint International Pro Bono Committee.

Pro Bono SG provides a range of programs to support its volunteers, including capacity building and training talks, the Assisted High Priority Pro Bono Scheme, the Volunteer Initiative Support Scheme, and the Social Service Agency referral service. It also collaborates with other organizations on access to justice initiatives and provides

resources to organizations initiating or administering pro bono programs.

Pro Bono SG collaborates or has collaborated with a wide range of organizations in Singapore, including the Agency for Integrated Care, Arts Resource Hub, Association of Corporate Counsel, Association of Women for Action and Research, Centre for Domestic Employees, Centre for Non-Profit Leadership, Community Development Councils, Community Justice Centre, Family Justice Courts, Foreign Domestic Worker Association for Social Support and Training, Ground Up Movements, HealthServe, Humanitarian Organization for Migration Economics, Justice Without Borders, Migrant Workers' Centre, Ministry of Law, Ministry of Social and Family Development, National Arts Council, National Council of Social Service, National Trade Union Congress, National Volunteer & Philanthropy Centre, People's Association, Public Interest Law Network, Singapore Academy of Law, Singapore Centre for Social Enterprise.

Law Awareness

As part of our mission to facilitate access to justice, Pro Bono SG places great importance on increasing public knowledge of legal issues that impact the lives of members of the public. By doing so, we aim to dispel misconceptions and misunderstandings about the law in Singapore and promote greater public legal literacy. To achieve this goal, we have various projects, talks, webinars,

seminars, videos, and publications on the law.

Besides general law awareness talks for the public we have strategic collaborations to reach specific segments of the community, e.g., partnership with the National Trades Union Congress NTUC for LawWorks, which aims to educate union members and workers on their legal rights. We also collaborate with various partners such as the National Arts Council, Arts Resource Hub, and the Esplanade for Advocates for the Arts (AfA) to provide legal awareness talks for the creative industry. Project Schools, which promotes law awareness mindedness among youth, reaches thousands of students every year.

Overall, our efforts to increase legal literacy in the community have been successful, with high attendance numbers and positive feedback from attendees. We remain committed to providing relevant and practical legal knowledge to those who need it most.

Legal clinics

Pro Bono SG is committed to serving the community by providing access to justice through legal clinics, both in-person and virtual, to different vulnerable communities in Singapore.

Community Legal Clinic

The Community Legal Clinic (CLC) is an important effort by Pro Bono SG to facilitate access to justice. Individuals who face personal legal problems in Singapore but cannot afford lawyers can register for a free

one-off 20-minute consultation with a volunteer lawyer. These consultations provide basic legal guidance and act as a first port of call for help. Applicants are also directed to available resources, raising awareness among the public on not just legal rights but also other avenues of help.

Virtual Legal Clinics

During the COVID-19 pandemic, Pro Bono SG pivoted from physical to virtual consultations. Before the virtual consultation, Pro Bono SG offers an optional guided trial session to help users with navigating the video-conference platform. As with the physical consultations, Pro Bono SG staff remain present at all times to assist with any queries. Pro Bono SG continues to hold physical consultations alongside virtual ones.

Youth Legal Clinic

Pro Bono SG holds legal clinics for individuals thirty-five years old and younger. This allows young applicants to feel more at ease and better understood in the unique challenges they face. Top five case profiles for Youth Legal Clinics include Employment and Workplace Issues, Divorce/ PPO (Personal Protection Order)/Maintenance/ Custody, General Service and Hire Agreements (Consumer service disputes), Criminal Charges, and Landlord/ Tenant.

Network Clinics

Pro Bono SG supports Network Clinics operated by other organizations. These clinics serve specific sectors of our community, be it through closer

proximity to vulnerable individuals' place of residence or specialized knowledge of the distinct needs of the beneficiaries of the organisations.

Migrant Worker and Cross-Jurisdictional Clinics

Pro Bono SG has introduced several specialized clinics to cater to the unique needs of diverse communities. The Migrant Worker Legal Clinic provides legal assistance with interpretation to meet the diverse language needs of the migrant worker community. Pro Bono SG also started a cross-jurisdictional legal clinic in collaboration with the Paris Bar Association to provide guidance on both Singapore and French law matters for women victims of violence who are part of the French community in Singapore.

Representation

Ad Hoc Pro Bono Scheme

The Ad Hoc Pro Bono Scheme (AHPBS) aims to provide access to justice for all by supporting vulnerable individuals who require legal assistance due to exceptional circumstances. AHPBS is a referral-only scheme that provides free legal representation to individuals who do not qualify for other legal aid schemes but are in dire need of help. Referrers, such as courts, social service agencies, government organizations, other legal aid schemes, and lawyers, act as a filter to ensure that only truly needy individuals who have exhausted all other avenues are matched with volunteer lawyers. The

individuals are then subjected to stringent means and merits testing before being connected with a lawyer.

Criminal Legal Aid Scheme

The Criminal Legal Aid Scheme (CLAS) is a critical component of the Law Society's efforts to provide access to justice. Since its establishment in 1985, CLAS has helped thousands of impecunious accused persons navigate the daunting criminal justice system. CLAS serves all needy accused persons facing non-capital charges, regardless of nationality. The CLAS Committee, which comprises experienced criminal practitioners, oversees the scheme and ensures that it functions optimally. The committee also provides mentorship and guidance to CLAS Fellows, junior lawyers who join the charity to pursue pro bono legal service as a full-time calling. The Fellows represent needy and vulnerable individuals who cannot afford lawyers in court through our criminal legal aid and ad hoc pro bono services. The CLAS Fellows are mentored by CLAS Advocates, former Fellows who have chosen to dedicate their professional careers to pro bono criminal defence and the mentorship of like-minded junior lawyers.

Family Justice Support Scheme

The Family Justice Support Scheme (FJSS) fills service gaps by supporting beneficiaries facing matrimonial matters who fall through the cracks. The scheme assists litigants who marginally fail the Legal Aid Bureau's means test but cannot

afford lawyers at commercial rates by referring them to competent FJSS Panel lawyers who agree to reduce their charges for pre-screened referrals. It also provides pro bono legal representation to foreign spouses with Singaporean children who would qualify for legal aid under the means test but do not due to their non-citizen or non-permanent resident status.

Final Remark

Pro Bono SG is committed to serving the most vulnerable members of society in a comprehensive and accessible manner. In 2023, the organization established its first branch office in the heartlands of Singapore to collaborate with social workers and lead the way in integrated legal care for those who are socially excluded. This approach combines various disciplines to offer holistic legal and social support to those in need. As society becomes increasingly digitized, many assistance programs are accessible primarily online, which may exclude segments of the population, particularly the elderly and non-literate individuals who require personal attention. Pro Bono SG aims to bridge this gap by providing a high-touch approach to help those who are at risk of being left behind.

For further information, please contact: Pro Bono SG, 1 Havelock Square #B1-18 | State Courts | Singapore 059724; ph: +65 6216 1402 |, general: +65 6536 0650, e-mail: help@probono.sg; and www.probono.sg.

Critical Review of the *Unko Human Rights Drill*

Kaori Ushitora and Mariko Akuzawa

The *Unko Human Rights Drill* (Drill)¹ is a human rights education material for children produced by the Human Rights Protection Bureau of the Ministry of Justice of Japan. The Japanese word “Unko” means poop. Why did the Ministry of Justice use poop character for human rights education materials? This paper discusses the problems of the Drill from the perspectives of human rights education.

Background

Unko Drill was originally a children’s workbook series published by a private book publisher. To incorporate fun and humor, every single example in the workbook contains poop, and the poop-shaped characters provide learning guidance. The workbook sold over 9.5 million copies as of November 2022 since its release in 2017.

Capitalizing on its popularity, public bodies including ministries and local governments are now using poop characters to raise public awareness on a variety of issues including disaster prevention, traffic safety, Sustainable Development Goals, and even human rights, as in the case of the Ministry of Justice.

The Ministry of Justice officially released the Drill on its website at the end of March 2021. However, it was only in

December 2022 that many critical comments began to be posted on social media platforms, after some District Legal Affairs Bureaus distributed the Drill at the awareness-raising events held around the 2022 World Human Rights Day celebration. The reason why the drill had not been criticized until then is unclear, but few people might have visited the Ministry’s website to search for educational materials for children.

Teaching Human Rights through Poop?

Among many Central Government Ministries and Agencies that use poop character, the Financial Services Agency explains on its website that it used the character because of its high appeal to children.² The Agency released its *Unko Money Drill*, a financial and economic education material for primary school children.

However, is it necessary to use poop characters or to use the word “poop” in every sentence in the Question and Answer section in the human rights education drill just because it is highly appealing? Is it proper for the Ministry of Justice to explain human rights to children in that way, considering that the state is the primary duty-bearer to respect, protect, and fulfill human rights? Can the Ministry

of Justice publicize with confidence to the world that they are teaching human rights, as universal and international standards, in such a manner?

According to the BuzzFeed News, an official from Human Rights Protection Bureau reportedly explained the intent of the drill, saying, “We collaborated with the popular poop drill in order to provide primary school and kindergarten children with an opportunity to think about human rights in an easy-to-understand and familiar way.”³

The *Third Report on the Teaching Methods of Human Rights Education* released by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) states at the beginning of Chapter 1 that “It is necessary to have students grasp human rights more clearly by relating them to more familiar and concrete matters.”⁴ However, expressions such as “Only one child has a different colored poop,” or “the poop of an Unko Neko (poop-shaped cat) is apparently bigger than a car!” are neither familiar nor concrete, and lack reality for children. Are these unrealistic expressions allowed because the characters are fictional, not human? In any case, please visit the website of the Ministry of Justice to see if the Drill is “easy to understand and familiar” to children or not.⁵ The Drill is

unfortunately available only up to the end of March 2023.

Question on How Adults View Children

On one hand, poop is an object of interest for children, and the relieving and refreshing feeling of defecation can be a good entry point to have an interest in their own body. On the other hand, a survey reported that about 40 percent of children hold back from defecating in school because they do not want their friends to know that they did so or to make fun of them. The survey indicates that while defecation is a physiological phenomenon, there is also a strong sense of negative notion about it.⁶

Children have ambivalent feelings about poop. Therefore, when a child utters the word poop or body-related words, the way adults respond is very important, as has been repeatedly pointed out.⁷ From an educational point of view, in using poop as an educational tool adults need to work with children in a way that would not lead them (children) to become indifferent to or make fun of poop. In childcare and education field, there are materials on learning how food becomes poop, where it comes out, and how to wipe and wash the body after defecation. Learning how the body works and make it comfortable, and practicing ways of making it comfortable, as well as learning how to seek help when facing problems are all important parts of the process of learning one's own dignity and rights. Consequently, when learning about poop with children,

adults are questioned about their view of children.

Human Rights Drill or Morality Drill?

An analysis of the *Unko Human Rights Drill* shows that it is more of a morality drill than a human rights drill. The first question in the Drill asks what to do when "a child is feeling sad, because the child's poop has a different color and is not included in the conversation." The correct answer is "ask the child to join the conversation," while the incorrect answers are "leave the child out of the group" and "paint the poop of the person the same color".

The second question is on what to do with *Unko Neko* (pop-shaped cat) who is holding its stomach and looking distressed. The correct answer is "ask the cat what's wrong," while the incorrect answers are "force the cat to sit on a chair and rest" and "do nothing." The correct answer is so obvious that there is neither a room for thinking nor an encouragement for dialogue among the learners. Each question is followed by explanations such as, "get along well with everyone" and "Your kindness will lead to a smile on the other person's face," emphasizing the moral values rather than explaining human rights.⁸

The words "human rights" are suggestive. In English grammar classes in Japanese junior high schools, students are taught that "s" is added to countable nouns to make them plural. Young students would understand that the "s" makes "human rights" countable, concrete and plural

(multiple rights). Unfortunately, in human rights education in Japan, human rights are often confused with abstract values and attitudes such as "compassion" and "kindness." And this Drill does nothing to correct it and instead reinforces it. Incidentally, Article 1 of the United Nations Declaration on Human Rights Education and Training, adopted by the United Nations General Assembly in 2011, states that "Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training." Knowing one's own human rights, and those of all people, is a right, and human rights education guarantees such learning.

The explanation in the Drill that "human rights mean the right to live happily," is acknowledged. But the Drill also calls for the need to be "compassionate" in order to enjoy this right. Simply calling for good personal attitude such as "being compassionate" will not lead to creating momentum towards public appreciation of human rights issues in society and resolving them through legislation and policy.

Instead, this view would make human rights issues as an "individual problem," as if the inability to solve problems is due to poor personal attitudes or a lack of coordination in personal relationships. In other words, education and awareness-raising that emphasize "compassion" is based on an "individual model," not on a "social model."⁹

The *Unko Human Rights Drill* lists the contact points for children in times of trouble, including “Children's Human Rights Hotline 110” and “Children's Human Rights SOS-e-mail.” However, in a context where problems are personalized, children may even feel hesitant to consult these institutions. How many children who have been taught that they should solve their problems through their own private efforts would turn to the public institutions for help? We are very concerned about this.

Furthermore, it is important to note that “compassion for the weak” is sometimes confused with paternalism. When we use the word “compassion,” we need to be careful not to impose our “self-satisfying” good intentions on those whom we consider “the weak,” and not to deprive them of their rights for self-assertion and self-determination. Human rights education is empowerment through learning one's own rights to be able to fully participate in the decision-making process that affects their lives. Therefore, human rights should not mean forcing those who are placed in a vulnerable position to be “cared for,” or to play the role of the weak.

The Drill Going into Schools

Unko Human Rights Drill is introduced in Chapter 1, Section 2 of the *2021 White Paper on Human Rights Education and Awareness-raising*, under “Efforts to Address Human Rights Issues.” It is introduced as one of the “awareness-raising activities aimed at realizing a society in

which children are respected to the fullest extent as subjects who enjoy human rights.”

The Human Rights Protection Bureau of the Ministry of Justice, with “Protecting Children's Human Rights” as one of its emphases, conducts various human rights awareness programs for children such as human rights classes, human rights flower campaigns, and awareness-raising activities in cooperation with sports organizations. The Ministry of Justice has been strengthening cooperation with MEXT to address children's issues, such as bullying. Although it is generally understood that human rights awareness-raising is under the Ministry of Justice and human rights education is under MEXT, and it is often thought that the Ministry of Justice is not directly involved in school education, copies of its *Unko Human Rights Drills* are sent to the local Legal Affairs Bureaus and used in educational activities at schools through the Human Rights Classroom activities provided by the Human Rights Protection Commissioners.

Final Remarks

The *Unko Human Rights Drill* was available at the MOJ website until 27 March 2023, though it was meant to be available on the website till 31 March 2023.¹⁰ People can examine the contents of this material, or just try to get a feel of the material from the illustrations. Many other ministries and local governments may use “unko drills” for their own awareness-raising program on other issues

which are relevant to human rights education, such as issues regarding SDGs. Further examination of these possible initiatives would be necessary.

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Endnotes

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- 2 Financial Services Agency, “Unko Money Drill” [www.fsa.go.jp/news/r2/sonota/20210318/20210318.html](#), retrieved on 9 February 2023.
- 3 BuzzFeed News, Criticism of the Ministry of Justice's Educational Material for Children: Questioning the Immigration Bureau's recognition of human rights, 15 December 2022, [www.buzzfeed.com/jp/harukayoshida/unko](#), retrieved on 9 February 2023.
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- 5 The authors contacted the Human Rights Protection Bureau of the Ministry of Justice and was informed that no outside experts supervised the preparation of the Drill.
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- 8 The third question in the Drill focuses on harmful contents on the Internet.
- 9 The social model approach proposes that it is a social structure that makes someone disabled, and not the personal or medical condition. Therefore, the social model approach seeks to change society instead of asking individuals to make adjustments.
- 10 An official of the MOJ, upon inquiry of the author (Kaori Ushitora), said that the material was taken offline due to “site management.” The official likewise said that there would be no further extension of the period for its online availability

Segregation and the Health of the Non-Japanese

(Continued from page 4)

Rieko Aoki is the Executive Director of the Center for Health and Rights of Migrants (CHARM) which provides service on the medical needs of non-Japanese residents.

For further information, please contact CHARM through its website: www.charmjapan.com.

Endnotes

- 1 See Maternal and Child Health Act (Law no. 141, 1965), in Japanese language, www.mhlw.go.jp/web/t_doc?datald=82106000&dataType=0&pageNo=1.

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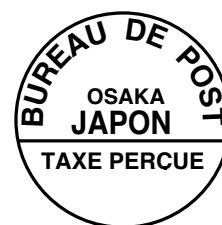
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HURIGHTS OSAKA Calendar

HURIGHTS OSAKA is scheduled to finish its 12th volume of *Human Rights Education in Asia-Pacific* in March 2023. From April 2023 onward, a new set of articles will be collected or received for inclusion in the next volume of the publication.



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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.

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