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Contents

Government of Japan's Responses to Fukushima "Evacuees" under International Scrutiny

This is a short discussion of the report on the visit to Japan by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons in September-October 2022.

- Cecilia Jimenez-Damary

Page 2

Culture on Internal Displacement in Indonesia: Responding to Disasters

This is a discussion of the issues affecting efforts by the government and the community in time of disasters that give rise to human rights issues.

- Ahmad Rizky M. Umar and Andika Putra

Page 6

Youth Empowerment and the Human Rights Agenda in Contemporary Japan and Asia

This is a review of the different youth-related human rights concerns in Japan and Asia that should be addressed to secure youth participation in shaping the future of these countries.

- Helix Lo, Marin Ekstrom, Eriko Yamada, Rachel Morgan

Page 10

Zainichi Korean Human Rights Forum 2023 - The Rights of Ethnic Minorities

This is a short report on the forum that discussed the 2022 observations of the Human Rights Committee on the human rights report of Japan.

- Rimyong Park

Page 14

Editorial

Disaster, Displacement, Discrimination

Serious damage caused by disasters extends to post-disaster situation. Disaster-caused displacement may turn into a long period of deprivation exacerbated by discrimination.

Disaster-prone countries may have policies, programs, facilities and goods that are meant to protect people from the debilitating effects of disasters. They may have preventive measures such as relocation to temporary shelters. They may have post-disaster measures that ensure support for the internally displaced persons.

But restrictions in availing such governmental disaster-response resources may amount to discrimination. This can happen when support for the internally-displaced persons is practically meant for those who return to the area of the disaster and thus exclude those who stay in other places on their own.

Restrictions in availing such governmental disaster-response resources may also be in the form of lack of proper coordination at the field level between national and local governments that eventually gives rise to discrimination against internally displaced persons.

This situation becomes more oppressive when displaced disadvantaged groups are left out of the disaster-response measures in one form or another.

Government of Japan's Responses to Fukushima "Evacuees" under International Scrutiny

Cecilia Jimenez-Damary

The Fukushima Daiichi nuclear disaster March 2011 was a devastating and unprecedented event in Japan's history. More than 470,000 people were displaced at the height of the triple disaster. While the majority of these displaced persons have since returned home or settled elsewhere, thousands of people displaced by the nuclear disaster continue to face uncertain future due to fears over radiation and its uncertain long-term impacts on health, and concerns over access to basic services.

As the United Nations Special Rapporteur on the human rights of internally displaced persons (IDPs), the author visited the country from 26 September to 7 October 2022 with the agreement of the government of Japan. During the visit, she held meetings in Tokyo and travelled to the prefectures of Fukushima, Hiroshima and Kyoto. The objective of the visit was to assess the human rights situation of IDPs – also known as "evacuees" in Japan – of the Fukushima Daichii nuclear disaster that followed the Great East Japan Earthquake and tsunami in 2011. She met current government officials at different levels, former officials in charge of the response to the triple disaster, as well as IDPs,

lawyers and members of the civil society. Her report is being presented at the Human Rights Council session in June in Geneva, Switzerland.

General Conclusions

The following are edited excerpts of the conclusions and recommendations of the author as UN Special Rapporteur.¹

In the face of an unprecedented disaster, Japan is to be commended for the rapidity and scale of its emergency response, establishment of multiple channels for IDPs to claim compensation, and support to IDPs in the aftermath of the disaster provided by national and prefectural authorities. However, protection and assistance measures – notably housing assistance and compensation for emotional distress – have diminished over time as the authorities shift focus to reconstruction and reopening the prefecture, despite associated human rights challenges. Evacuees who prefer to remain in displacement, particularly "voluntary" evacuees who received less support, feel under financial and social pressure to return.

All evacuees from Fukushima prefecture, whether displaced by evacuation order or fear of the nuclear disaster's effects, are

IDPs with the same rights. All IDPs have the right to an informed and voluntary decision on what durable solution to pursue, which emanates from the right to freedom of movement and residence. The Guiding Principles establish the rights of all IDPs to seek safety in another part of the country and to be protected against forcible return to any place where their life or health would be at risk, and that governments bear the primary duty and responsibility of ensuring conditions that allow IDPs to return *voluntarily, safely, and in dignity*, or to resettle voluntarily elsewhere. The safety and equal protection of all Japanese citizens is guaranteed under the Constitution.

The IASC [Inter-Agency Standing Committee] Framework on Durable Solutions for Internally Displaced Persons obliges authorities to ensure that IDPs can exercise this choice without coercion, including *inter alia* tacit forms of coercion such as the *provision of erroneous and deliberately misleading information, making assistance conditional on specific choices, and setting arbitrary time limits to end assistance* before the minimum conditions conducive for durable solutions are established.³ In this light, providing only reassuring

information on radiation, disbursing more generous assistance to returnees than those in displacement, and ending assistance to displaced IDPs before conditions are fully conducive to return run contrary to international law standards and infringe upon IDPs' rights to evacuation and to a durable solution of their choice.

In the context of the Fukushima disaster, many IDPs remain reluctant to return given levels of radiation with uncertain long-term impacts, the lack of livelihood, education, health, and essential services in areas of return, and the limited extent of decontamination, which are challenges that also impact the human rights of IDPs who do return. Addressing these issues rather than papering over them is critical to ensure the durability of return of the IDPs. At the same time, it is important to recognize that many IDPs may exercise their right to settle permanently elsewhere in Japan. These IDPs should not face discrimination for this choice and should receive support and compensation – on equal terms, regardless of whether their displacement was “voluntary” or “mandatory” – to enable their settlement.

As an overall recommendation, the Special Rapporteur urges the government of Japan to categorically adopt a human-rights-based approach to protection, humanitarian assistance, and durable solutions for all persons internally displaced by the Fukushima disaster, with a particular focus on those who remain in evacuation.

Underlying this, the Special Rapporteur strongly recommends that the discriminatory distinction between so-called “mandatory” and “voluntary” IDPs be completely eliminated in all administrative and legal policies and their actual implementation.

In line with Japan's international human rights commitments, the Guiding Principles on Internal Displacement and the IASC Framework on Durable Solutions for Internally Displaced Persons, the Special Rapporteur reiterates other recommendations to address the specific human rights challenges faced by displaced persons from Fukushima, notably on the right to health, the right to family life, the right to housing, the right to information, and the like. The Special Rapporteur also expresses grave concerns concerning the human rights of specific groups among the IDPs, especially children, women, persons with disabilities and older persons.

Moving Beyond Reconstruction

Lastly, the Special Rapporteur recommends a policy of moving beyond reconstruction, specifically the need for a rights-based approach:

Since 2014, the government has begun lifting evacuation orders based on the following three criteria: i. the annual cumulative radiation dose estimated based on the air dose rate should not exceed 20 millisieverts (mSv); ii. infrastructure and essential services should be re-established in the area concerned; and iii.

consultations are held between the Government of Japan, prefecture, municipalities, and residents.⁴ These criteria and their implementation are problematic in several aspects.

Under the guidelines of the International Commission on Radiological Protection (ICRP), in “normal, planned exposure situations”, the 20 mSv standard is only applicable to adults with occupational exposure to radiation – for example, nuclear power plant workers – while the recommended maximum radiation dose for the general public is 1 mSv per year,⁵ which is also the civilian limit under Japanese law but only applied to areas not affected by the disaster.⁶ Many oppose using the 20 mSv standard for civilians, especially children who are more susceptible to radiation.

The government maintains that the situation in Fukushima still constitutes an “emergency exposure situation,” which under ICRP guidelines from 2007 would allow a reference level of 20-100mSv.⁷ The government informed the Special Rapporteur that out of an abundance of caution, the lowest level within the emergency exposure range was selected as the maximum exposure threshold for areas where evacuation orders are lifted. However, per the ICRP's latest guidance on radiological protection in the event of a large nuclear accident, during the “long-term phase,”⁸ the updated reference level for exposure is “20 mSv per year or below” only in “a **restricted area not open to the public.**”⁹ For public areas where protective actions are implemented, the reference

level is “the **lower half of the 1-20mSv** per year band.”¹⁰

On the second criteria, the Special Rapporteur was informed in Futaba town, where evacuation orders have been partially lifted since 2020, that no school or hospital exists, although the resumption of such essential services is meant to precede the lifting of evacuation orders. It is conceivable that other evacuation orders have been lifted without these services in place. Finally, many IDPs reported that “consultations” related to the lifting of evacuation orders consisted largely of the authorities’ informing stakeholders of their preconceived plans to lift the evacuation order, rather than seeking consent or allowing them to shape the process.

The lifting of evacuation orders is problematically tied to the cessation of assistance to IDPs remaining in evacuation. The Interim Guidelines outline that no further compensation will be provided for mental anguish or evacuation-related expenses after a “reasonable period following the lifting, etc. of an evacuation instruction;”¹¹ the Fourth Supplement clarifies that this “reasonable period” is set at one year as a benchmark.¹² “Mandatory” evacuees thus lose housing assistance from Fukushima Prefecture one year after the lifting of evacuation orders on their area of origin. “Voluntary” evacuees have lost this assistance since March 2017. Meanwhile, there are financial incentives for those who return. Fukushima Prefecture informed the Special Rapporteur that returnees

receive between JPY 50,000-100,000 for residential fees. **The Guiding Principles on Internal Displacement specify that IDPs must be able to voluntarily choose whether to return to their areas of origin or settle elsewhere, and the IASC Framework on Durable Solutions for IDPs specifies that this choice must be made without coercion, including tacit coercion such as “making assistance conditional on specific choices” or “setting arbitrary time limits to end assistance.”**¹³ **The Special Rapporteur believes that policies that end assistance to those in displacement while continuing assistance to returnees may amount to such coercion.**

Reconstruction efforts appear to be funded at the expense of support to IDPs who do not wish to return. Fukushima Prefecture informed the Special Rapporteur that the cessation of housing support to evacuees outside the prefecture was financially necessary as the cost was no longer tenable. However, significant investments continue to be made in projects of unclear relevance to IDPs and Fukushima residents. The Fukushima Innovation Coast Framework has been estimated to cost billions of Japanese Yen annually,¹⁴ yet many IDPs and experts expressed scepticism that IDPs and Fukushima residents would benefit from this knowledge-economy project, given that the primary economic sectors pre-disaster were agriculture and fisheries, though the government notes that the project may benefit those who were previously in Fukushima’s nuclear industry. Some

municipal authorities had not heard of the project when asked, and one survey found that 83.4 per cent of the prefecture’s residents were not aware of what it was.¹⁵

Reconstruction policies appear have expanded from primarily targeting IDP returnees and disaster-affected residents of Fukushima Prefecture and towards attracting new residents. “Promotion of migration and settlement of new residents” is now an explicit goal for the Reconstruction Agency.¹⁶ The 2019 revision of the Basic Guidelines for Reconstruction from the Great East Japan Earthquake acknowledges that “considering the intentions of residents, it is difficult to achieve the reconstruction and revitalization of the area simply by promoting the return of residents” and that “for this reason, actions shall be taken... such as promoting relocation... in addition to development of an environment that allows residents to return home.”¹⁷ The 2021 revision of this policy echoes the need to “promote the migration and settlement of new residents and expand the non-resident population in addition to continuing efforts to rebuild and dispel rumours.”¹⁸

Hereby, the government rightly acknowledges that a significant number of displaced residents of Fukushima Prefecture do not wish to return. **Instead of focusing on the prefecture’s repopulation, the Special Rapporteur recommends prioritizing measures to ensure IDPs who do not wish to return can achieve a durable solution outside the Prefecture while residents of and returnees to**

Fukushima Prefecture can enjoy the full spectrum of their human rights. Once the restitution of disaster victims is achieved, measures to attract new residents to the prefecture may be appropriate. This requires a rights-based approach to recovery, including positive measures to address the ongoing human rights challenges confronting IDPs.

Cecilia Jimenez-Damary was appointed for two terms as the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs) covering the 2016-2022 period.

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Culture on Internal Displacement in Indonesia: Responding to Disasters

Ahmad Rizky M. Umar and Andika Putra

Disaster-induced displacement in Indonesia is a complex issue. As an archipelagic country with multiple vulnerabilities to disaster, Indonesia has had a long history of dealing with various forms of disaster. The country faced the 2004 tsunami in Aceh, and several volcanic eruptions in many parts of the country, including in Mt. Sinabung in North Sumatera and Mt. Merapi in Central Java. These multiple vulnerabilities to disaster raise a question as to how the Indonesian society and government deal with the inevitable disaster-induced internal displacement.

The authors undertook field research on the aftermath of Mt. Sinabung eruption in North Sumatera in 2018-2019. We found two important issues that shape the practices of internal displacement in Indonesia. The first issue relates to the institutional complexity of disaster responses in Indonesia. The decentralized disaster management system in Indonesia has led to difficulties in implementing national regulations regarding disaster management. Under this system, disaster management is led by the District Government rather than centralized at the national level.

The cultural context also shapes evacuation and post-disaster resettlement. We found that the local community and faith-based organizations played a role by offering assistance that otherwise would not be provided by the government. The situation in the post-eruption of Mt. Sinabung provides a good example of how cultural aspects play important roles in disaster-induced internal displacement in Indonesia.

Internal Displacement and Disasters in Indonesia

Since 2004, Indonesia has adopted a decentralized mode of governance that supports the autonomy of local governments in managing local affairs, including disaster response measures. There are three levels of disaster management agencies involved in the disaster management process: the national-level disaster management agency (National Disaster Management Agency, BNPB), provincial-level disaster management agency (Regional Disaster Management Agency, BPBD Provinsi), and district-level disaster management agency (BPBD Kabupaten/Kota). The military at each level similarly implements disaster evacuation measures. Unfortunately, this

decentralized approach has resulted in fragmented coordination between the BPBD operating under local governments and the BNPB operating under the national government.

The central government has been pointing out the difficulties of the current coordination framework and the potential advantages of a unified approach.

The National Disaster Management Agency has classified three levels of disaster-prone areas in the context of volcanic eruption – also renowned as “red zones.”² In addition, the central government has laid out policies to evacuate people – especially people with certain vulnerabilities such as women, children, elderly, and persons with disabilities—if they live in the vicinity of disaster area. The Indonesian government has policies on protecting vulnerable groups during evacuation and post-disaster responses. For example, the guideline for post-disaster rehabilitation and reconstruction of the Disaster Management Agency mentions the importance of socio-psychological recovery as part of rehabilitation process as well as sustainable reconstruction process.³

Eruption of Mt. Sinabung, North Sumatera

Mt. Sinabung is one of the active volcanoes in Indonesia, and part of the active “ring of fire” in the archipelago.⁴ It is located in Tanah Karo, a district in North Sumatera Province. When the first eruption occurred in 2010, one person was reportedly killed.⁵ Between 2013 and 2014, successive waves of eruptions occurred, triggering further displacement. The 2013 eruption killed fourteen people and three others were injured due to pyroclastic flows while visiting the exclusion zone established by the authorities. The eruption led to the displacement of 18,166 people, who were returned home after the disaster.⁶

Moreover, eruptions recurred in 2016 and 2017 that displaced at least 7,266 people. The latest eruption on 6 April 2018 caused an earthquake and pyroclastic flows in the disaster-prone areas. The disaster status has been raised to the highest alert Level IV since 2015 but lowered back to Level II in May 2019. This level has since been updated reflecting further development of the volcanic activities, with the current report (as of February 2023) showing the area of the mountain with Level II.⁷

After the first eruption in 2010, Karo District government responded by establishing an emergency response task force, coordinated directly under the District Head's office.⁸ A new District Head's decree was enacted to establish an emergency response team in 2013 following the increasing activity of Mt. Sinabung, with the command function of

emergency response and operation directed under the Commander of District Military Unit. The military was responsible for coordinating emergency response and process of evacuation, while Karo District's Department of Social Affairs is responsible for logistics preparation.⁹

Culture of Internal Displacement in Post-Eruption Mt. Sinabung

Our research identified two internal displacement practices in Sinabung have been identified, namely, the persistence of independent evacuation in which persons affected by the disaster voluntarily relocate through community organizations, rather than under the strictly commanded measures by the government, and the important assistance after the disaster by faith-based organizations.

After the 2018 eruption, two schemes of evacuation and relocation process were established. The first was government-led evacuation—through the Local Military District—for residents within the “red zone area.” This evacuation process targeted people with direct vulnerabilities in the disaster area. The second was independent evacuation activities by the residents themselves prior to the disaster or the village-led collective activities. The government acknowledged this practice and put “independent relocation scheme” as part of post-disaster response.

The practice of “independent evacuation” in Sinabung is

entangled with social-cultural practices that make the village community and family as the central actors in the everyday social practice. Even though the government has attempted to lead the evacuation process, particularly during the “big” eruption, families and the local community in the villages would take the responsibility of managing their own evacuation and relocation.

As a consequence of this “independent evacuation,” local governments faced difficulties in prioritizing the needs of vulnerable groups, including persons with disabilities. Our research found a lack of attention given to the families with disabled members in the relocation area. Informants recalled that the government did not provide any special care or treatment for persons with disabilities. Instead, the special care was provided by a pastor from the local church. The church plays a role after the evacuation in delivering aid and giving assistance to internally displaced persons in the temporary relocation sites.

Our research points out the important role of faith-based organizations in Mt. Sinabung area, including Caritas PSE Foundation, Alpha Omega Foundation and the Muhammadiyah Disaster Management Centre. Caritas PSE Foundation is a faith-based Catholic organization under the Archdiocese of Medan – North Sumatera. Caritas PSE distributed materials directly through several programs, namely, risk reduction, emergency response and post-disaster recovery. During the Mt.

Sinabung eruption, Caritas PSE and the Catholic Church actively distributed aid and provided space in their church in nearby villages and towns (such as Kabanjahe). They also offered free medical services to address health and sanitation issues relating to displacement in collaboration with three Catholic hospitals (Harapan Hospital in Pematang Siantar, Elizabeth Hospital and Sari Mutiara Hospital in Medan).

Another faith-based organization, Alpha Omega Foundation - a social wing of *Gereja Batak Karo Protestan*, has provided support to the people affected by the Mt. Sinabung eruption. Alpha Omega Foundation runs a special school and organizes activities including rehabilitation and habilitation for both persons with disabilities and their family members. The Department of Social Affairs in Karo has endorsed the role of Alpha Omega in educational and social empowerment activities in the local community. More specifically, it offered several programs (including a rehabilitation program called *Rehabilitasi Berbasis Masyarakat*), a community-based rehabilitation program that organizes life skills trainings to persons with the disabilities in Karo.¹⁰

As the second largest Muslim organization in Indonesia, Muhammadiyah established the Muhammadiyah Disaster Management Center (MDMC) which plays a significant role in coping with disaster management and mitigation in Indonesia. MDMC operates at all levels and across Indonesia

including in Karo District. MDMC was actively involved in mitigation, preparedness, emergency response and rehabilitation during the Mt. Sinabung eruption. MDMC sent their volunteers to participate in evacuation and post-disaster activities including psychosocial assistance to children and the elderly in the temporary shelter. Since 2014, MDMC has also cooperated with several international organizations in managing post-disaster recovery programs, such as training to support the recovery of livelihood, including restoring agriculture-based livelihood and improving the capacity of micro and small enterprises in Siosar (permanent shelter).¹¹

Faith-based, non-state organizations provide an essential complement to the work of the state in ensuring the fulfilment of at least the minimum core of economic, social and cultural rights. But a critical point remains: although the fulfilment of economic, social and cultural rights is supported by faith-based, non-state organizations it remains to be the primary obligation of the state. The state has the obligation to oversee the activities of all actors in disaster situations to ensure that principles of non-discrimination and protection of vulnerable groups are adhered to.

Conclusion

The decentralized disaster response system of Indonesia has affected the protection of members of vulnerable groups, such as persons with disabilities. The central government's (through National Disaster

Management Agency) guideline on protecting vulnerable groups during disasters are separate from the different operational guidelines of the main actors (local governments, disaster management agencies at the provincial and district levels and the district military units). Field interviews show that these local actors are not aware of the complex regulations on the full protection of vulnerable groups. In this context, the protection of vulnerable groups depends on the capacity of local actors as well as assistance from the community.

Responding to disaster displacement in Sinabung—as well as in many places around the country—is a social and cultural practice, in which the displaced people play an active role in engaging with, and sometimes resisting, government's policies related to disaster displacement. There is a need to acknowledge that the response to disaster displacement—including evacuation process—is not only a government-led practice, but also a social-cultural practice involving families and community groups and known as “independent evacuation.” Therefore, regulatory and policy improvement is required in order to fill the missing gap between government's policies and the social practices. While this social-cultural practice is important in the context of post-disaster responses, there is still a need for strong government efforts that ensure the fulfilment of human rights in the context of internal displacement and for all members of affected communities to enjoy just and equal treatment during disasters.

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Youth Empowerment and the Human Rights Agenda in Contemporary Japan and Asia

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Modeling the future of any community requires a pointed emphasis on engaging future norm-shapers. Social media has raised the capacity of young people all over the world to engage on matters of public interest in virtual spaces. Nevertheless, empowering young people to enter or create spaces in which to actively participate in national, regional, and local decision-making processes remains a key area of focus. In the developed democracy of Japan, for example, young people are underrepresented in political and social institutions,¹ are less likely to vote,² and are increasingly disengaged from identifying with certain social groups and communities.³ Even so, the young Japanese use accessible tools such as social media and various avenues for social participation to discuss matters of interest such as LGBTQ+ issues, gender discrimination, education issues, social mobility, and censorship. This combination of high interest in social issues and low engagement with institutions is by no means unique to Japan, and speaks to the challenge of youth empowerment, especially in the broader Asia-Pacific. The task of empowering young people requires giving opportunities for this underrepresented group to learn and exchange ideas about

the issues that matter most to them.⁴ In particular, by giving attention to three broad areas of social issues—education, gender issues, and political repression—youth in Japan and the Asia-Pacific may be more empowered to engage in public affairs and shape society in and beyond their own communities.

Education

Many migrate internationally for quality education and career opportunities, and Japan is one of the East Asian countries that is considered an attractive destination for those seeking better education and life. According to the Japanese government, there is an increasing number of foreign nationals residing in the country,⁵ reaching 2.4 percent of its total population in June 2022. Out of this 2.4 percent, at least 9.3 percent are in Japan for reasons related to education.

Quality and access to education as well as important issues in global migration can have a lifelong and generational impact on migrants' lives. Some of these concerns are addressed in the 2018 Global Compact for Safe, Orderly and Regular Migration (GCM),⁶ a set of non-legally binding international cooperation frameworks for United Nations member-states. Its objectives relating to

education include ensuring continued education for migrants, fully including migrants in host societies, and emphasizing the need for education in times of emergencies, especially for girls and women.⁷

An ethnographic study by Kyi Min Khant and David Slater⁸ collecting the narratives of five female Burmese students studying in Japan provides a vivid case study on the importance of continued education for migrant youth in times of crisis. Studying abroad has increasingly become a way for the Burmese youth to seek a safer and better future given the recent military coup d'état and humanitarian crisis in Myanmar. However, those who were studying or working in Japan before the coup now find themselves caught in a dilemma of whether to stay in Japan or return to a military-ruled Myanmar.

Another ethnographic study by Eriko Yamada⁹ gathered the narratives of four *Zainichi* (resident) Korean university students and how their school choices shaped their identities and perceptions of their right to continued ethnic education in Japan. This research echoes the importance of realizing the full inclusion of people with migrant backgrounds in the host society

while maintaining their diasporic identities.

These studies not only highlight the necessity of education for newly arrived migrants and refugees and also for migrant students and diasporic communities. Without quality, inclusive and equitable education, migrant youth would not have the capacities to meaningfully participate in the host society. Meeting the educational needs of migrant and diasporic youth also promotes diversity, inclusion and democracy around the world.

Gender Equality

Discrimination based on gender, including discrimination in women's sexual assault legislation and against LGBTQ+, is one of the most pressing human rights concerns in Japan and the Asia-Pacific. Youth activists and organizations have worked tirelessly to alleviate gender inequality as a means of promoting equal rights for social empowerment.

Japan has a notoriously poor track record in terms of legal protection for victims of sexual assault, especially female victims. Legal scholar Larisa Truchan documents how Japan's Sex Crimes Penal Code essentially requires sexual assault and rape victims to prove that they actively tried to "resist" an attack by physically fighting back or crying out for help, rather than focusing on the context of a case and how it influenced the victim's ability to express her lack of consent.¹⁰ Japanese youth organizations such as Spring and Mimosas have been advocating for the expansion of the definition of

lack of consent in the Japanese legal system.¹¹ In response, the Japanese parliament (Diet) amended the law to raise the age of consent from 13 to 16 years old, and to broaden the definition of rape as "non-consensual sexual intercourse."¹² This law amendment follows the example set by China in its recent change of major women's rights law to provide stronger protection of victims of sexual harassment as well as regional precedents that provide greater recognition of all survivors of sexual assault and destigmatize speaking out against such crimes.¹³

As for sexual minority rights in Japan, LGBTQ+-focused youth organizations have grown increasingly vocal through grassroots campaigning. In the lead-up to the G-7 summit in Hiroshima in May 2023, Pride7 discussed the need to advance LGBTQ+ rights in Japan, including state recognition of same-sex relationships, in the G-7 LGBTQ+ focus group.¹⁴ Movements like Pride7 demonstrate civic participation in action, as their visible criticism of the Japanese government's policies draws public attention and support for LGBTQ+ rights in Japan. In contrast, the LGBTQ+ community in Indonesia faces state-sanctioned pressure to remain silent. Researcher Pradnya Wicaksana has detailed how state-driven pressure has heavily intimidated LGBTQ+ activism in Indonesian academia, including bans on pro-LGBTQ+ conferences, groups, and activities.¹⁵ Japan's vibrant youth organizations can serve as a regional model in

protesting against discriminatory state policies and advocating for widespread recognition of LGBTQ+ rights.

In conclusion, the case studies highlight how youth organizations can play a leading role in implementing justice for all people, regardless of their gender identity.

Political and Civic Spaces

The improvement of human rights situation is unattainable if there is no room for discussion. Bosco Hung,¹⁶ for example, argued that the notorious National Security Law in Hong Kong has greatly curtailed the civil liberties of Hong Kong citizens by imposing harsh punishments through arbitrary use of ambiguous legal provisions. This affront to the exercise of the freedom of expression in the name of safeguarding national interests has led to a crackdown on human rights and (self-)silencing of civil society.

Whereas the civil/political ground for human rights are more solidly secured and well-established in Japan than in Hong Kong, a different set of issues arrives: only 30 percent of people in Japan in 2018 identified freedom of expression as a right guaranteed by the Constitution (49 percent in 1973).¹⁷ Moreover, only 16.7 percent were concerned about the rights of foreigners, and less than 10 percent about the rights of Ainu.¹⁸ These data illustrate a situation where a soccer playing field is ready but the players are not.

The effectiveness of political institutions for promoting

political and civil freedom depends on the political culture of a country. Emerging efforts of prefectural/municipal governments in Japan try to improve the human rights awareness of the youth. For example, the Department of Compulsory Education of the Education Committee of the Tochigi prefecture recently released a document including information and instructions about improving human rights education with three core focuses: Rich Humanity, Human Rights Awareness, and An Environment and Atmosphere of Respecting Human Rights.¹⁹

However, the Tochigi policy focuses on “respect” [Attitude] instead of “express” [Practice] is problematic. Although giving respect can be regarded as a form of expression, the latter covers a broader category of practices such as demanding changes or discussion. In other words, while respect supports human rights, the exercise of freedom of expression seeks changes and/or improvement in the situation.

Therefore, the empowerment of youth in promoting and practicing human rights requires efforts to not only secure the political and civil spaces for discussion, but also to protect the political culture that allows discussion and autonomous participation.

Final Remarks

Education increases the capacities for engagement, gender equality ensures equal opportunity, and political and civil freedom secures the grounds for meaningful participation. A flaw in any of

these elements will impede the empowerment of youth and others, and their engagement with and enhancement of the human rights agenda in society. While the institutional arena can be well-constructed, empowerment is not realized until thoughts are expressed and acted upon, though the complexity of society is always a source of discouragement. Non-governmental organizations (NGOs) have a vital role in providing alternative gateways for the youth to address issues. For example, engaging with country-specific NGOs such as the Taiwan Association for Human Rights and Hong Kong Watch provides further knowledge as well as opportunities for participation. Existing human rights networks and NGOs greatly facilitate the involvement of the youth in addressing human rights issues.

A number of youth-led NGOs are emerging in Japan in recent years, too. One fresh attempt at empowering youth to become involved in scholarly discussions of human rights issues is the 2023 International Conference on Human Rights: Youth in Asia, organized by the Young Professionals in Foreign Policy (Tokyo) and co-convened by the Graduate Program on Human Security and the Research Centre for Sustainable Peace at The University of Tokyo. With a professionally organized academic conference, held free of charge, more than twenty young speakers presented their work on multifaceted human rights issues in and outside Japan. Two key aspects were highlighted by the conference manager at the opening of the

conference. Firstly, he believed that low confidence was commonly found in young scholars who were uncertain about the quality of their work, especially when they compared themselves to senior scholars. Secondly, the monetary cost of attending conferences, which should not be a barrier to expressing their ideas and work and hold back their participation. The Conference, therefore, empowers the youth by recognizing them as professionals, elevating their confidence, facilitating their exchanges of ideas and discussions of solutions, and, ultimately, encouraging them to continue working on human rights issues in the future.

To conclude, the empowerment of youth in promoting human rights should contain at least three essential components. First, governments should secure the institutional grounds for effective participation. Second, NGOs should help the youth work on human rights issues by providing support (i.e., lower cost of information and participation) for their engagement. Third, empowerment should motivate the youth towards actionable outcomes. Given that young people are the future of society, adequate support for youth engagement on societal issues would make the realization of human rights in the future much more secure.

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Endnotes

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Zainichi Korean Human Rights Forum 2023 - The Rights of Ethnic Minorities

Rimyong Park

On 3 November 2022, the United Nations (UN) Human Rights Committee issued the “Concluding observations on the seventh periodic report of Japan for the International Covenant on Civil and Political Rights (ICCPR).”¹ The Zainichi Korean Human Rights Forum was held on 27 May 2023 in Osaka City to reflect on the contents of this UN document. The forum gathered representatives of non-governmental organizations (NGOs) that submitted reports on human rights issues affecting Zainichi Koreans² in Japan to the Human Rights Committee for its examination. One hundred twenty participants and thirty online participants attended the forum. The first part of the forum consisted of reports from six organizations, while the second part consisted of a panel discussion.

Highlights of the Reports

Jinung Kwak (Korea NGO Center) presented a report on educational rights of ethnic minorities. He emphasized right to education as a human right protected under Article 27 of the ICCPR and stressed the significant role of the ethnic classes held mainly in Osaka Prefecture where the largest number of Zainichi Koreans live. Ethnic classes have provided

Zainichi Korean children opportunities to learn Korean language and enjoy Korean culture. Although there were some questions raised at the Osaka Prefectural Assembly that deny and distort the significance of ethnic classes, Kwak stated that their role as a place for all children is becoming even more important amid the rapid increase in the number of children with foreign origins.

Seung-hyeon Lee (Osaka Human Rights Association for Korean Residents in Japan) discussed the predicament faced by Korean schools in Japan. He criticized institutional oppressions such as exclusion from national subsidy for secondary schools to support free education for Zainichi Korean children attending Korean schools as well as exclusion from local government subsidies. He also discussed the underlying social exclusion manifested in prejudice and hostile language and behavior toward Korean schools and their students, often labeling them as “spies from North Korea.”

Fumio Oishi (Kanagawa MINTOREN) revealed that less than 30 percent of local governments have no restrictions on appointing foreign nationals including Zainichi Koreans as public

officials. Oishi also mentioned the payment gap, such as in the teaching profession in public schools, where foreign nationals are subject to restrictions on promotion and lesser pay. A lifetime earning of foreign nationals is around twenty million Japanese Yen less compared to that of Japanese nationals.

Myong-ae Chong (National Network for the Total Abolition of the Pension Citizenship Clause) spoke on the exclusion of disabled and elderly foreign nationals from the pension system. When the Japanese government abolished the nationality clause of the National Pension Plan in 1982, it failed to provide any relief to those who had already reached the age at which they could no longer meet the coverage requirements for pension benefits, leaving them without pension to this day.

As for hate speech against Zainichi Koreans, Sang-gyun Kim (Association for Effective Hate Speech Countermeasures in Kyoto Prefecture and Kyoto City) acknowledged some progress since the enactment of the Hate Speech Elimination Law (2016), as shown in decrease in the number of hate speech demonstrations, even though the societal context that had been breeding hate remained strong. He also noted

that hate speech acts that took place in election campaigning had become more serious in recent years. As for hate crimes against Zainichi Koreans, he recalled the 2021 arson case in the Utoro district, a Korean residential area in Kyoto. It was a hate crime committed by a young man who was driven by feelings of victimization and righteous indignation aroused by online fake news. At first, however, the investigative authorities did not consider the possibility of arson and assumed that the fire was caused by electric leakage, blaming a resident, the victim. Considering the hate speech situation, Kim emphasized the essential need for a) the government to issue an appropriate statement against hate crimes immediately after the incident or final court decision, b) the court to consider the discriminatory motive in sentencing responsibility, and c) the adoption of a comprehensive anti-discrimination law.

Regarding suffrage, Gyu-seop Lee (former President of Hyogo Prefectural Headquarters, Korean Residents Union in Japan) argued that granting local suffrage to Zainichi Koreans was in line with the recommendations of the UN Committee on the Elimination of Racial Discrimination and the UN Human Rights Committee, and that sending the social message that Zainichi Koreans were a part of the community was important.

Panel Discussion

In the second part of the Forum, five panelists discussed several themes including judicial



Panel discussion

decisions on human rights violations against Zainichi Koreans and their limitations, Japanese xenophobia and racism from historical and structural perspectives.

One of the five panelists, Koonae Park (Asia-Pacific Human Rights Information Center [HURIGHTS OSAKA]), a third generation Korean in Japan, discussed ethnic and gender-based compounding/intersectional discrimination experienced by Zainichi Korean women. She, together with small group of Zainichi Korean women, needed to do the research from scratch on their own because they could not find any prior research or proper survey conducted on the issue. She also touched on the gender norms oppressive to women in Zainichi Korean society, citing the example of *Jesa*, a Korean traditional ceremony as a memorial to the ancestors where in some families only men were given ritualistic roles while the women were still expected to prepare and serve the dishes.

The Forum concluded with a report and call for action against

the revision of the Immigration Control and Refugee Recognition Act that would constitute a major setback for the human rights situation of migrants especially asylum seekers and persons without legal status.

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Endnotes

- 1 Concluding observations on the seventh periodic report of Japan, Human Rights Committee, CCPR/C/JPN/CO/7, 30 November 2022, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FJPN%2FCO%2F7&Lang=en.
- 2 Zainichi Koreans are ethnic Koreans who permanently reside in Japan and who came from Korea when it was under Japanese rule (1910-1945).
- 3 The Immigration Control and Refugee Recognition Act was revised on 9 June 2023.

HURIGHTS OSAKA Calendar

The preparation of the 13th volume of *Human Rights Education in Asia-Pacific* has started, while the 12th volume is now completed. Search for articles involving or for the youth from Asian and Pacific organizations has started. Contributions on any program on human rights promotion and education are most welcomed.



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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.

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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