

# FOCUS

## Asia-Pacific



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### Editorial

## City and the Urban Poor Community

Many cities in Asia and the Pacific have urban poor communities. Their poverty provides a distinct contrast to the bustling city economy.

There are many reasons why cities have people who suffer from poverty. People from small towns and rural areas flock to the cities to improve their economic condition but fail to do so. There are also city dwellers who suffer from social discrimination.

Despite their poor economic and social conditions, the urban poor have important role in addressing the causes of their poverty.

This is seen in the renewal of urban poor communities. The urban poor have as much stake as the city government and the other city residents in any "development" of their communities. What is needed is "development" that does not exclude them, or push them out of their own communities.

The active participation of the urban poor in the development or redevelopment/renewal of their own communities should be upheld. Their exclusion from this process will perpetuate the many human rights violations and abuses arising from their situation of poverty.

# Kamagasaki: Renewing an Urban Poor Community

Jefferson R. Plantilla

Kamagasaki is a well-known yoseba in Japan. A yoseba is “a place where employers and laborers directly meet for possible employment.”<sup>1</sup> These workers are known as “day laborers” because they seek jobs on a daily basis. Other yoseba existed in Japan including “Sanya in Tokyo, Kotobuki in Yokohama, Sasajima in Nagoya, [and] Chikko in Fukuoka.” But Kamagasaki is considered as the biggest yoseba.<sup>2</sup>

Kamagasaki has become known as an old community of day laborers and homeless people in Osaka city.

## Kamagasaki: An Old Slum Area

The Kamagasaki Community Regeneration Forum provides a brief history of Kamagasaki:<sup>3</sup>

Kamagasaki originates in Nago Town (Naga Town) known as a yoseba from the early Edo Era [17th century] and a slum area from pre-modern times; Nago Town moved to Kamagasaki in the occasion of the 5th Domestic Industrial Exhibition in 1903. Kamagasaki once vanished after the air raid on Osaka [during the war]; however, it restarted as a black market and the massive yoseba, as it is today, was formed during the time of intensive economic growth. Kamagasaki functioned as the laborers'

market to support [the] Japanese economy (especially for the construction industry) at least till 1991 when bubble economy ended, even though there were many problems.

Sen Arimura in his illustrated history of Kamagasaki (*The History of Kamagasaki: After 1945*) provides further information on the history of Kamagasaki:<sup>4</sup>

In the 1950s, Kamagasaki was a typical slum, inhabited by many victims of World War II... The main street was lined with doya (cheap lodgings), behind which people built poor, wooden shanties that often extended onto the street. It was like a maze. The rows of shanties below the Nankai train line overpass were dubbed the "Nankai Hotel." People frantically did anything they could to make a living: they delivered packages, bought scraps of clothing, picked up garbage, shined shoes, sold cigarettes, or ran open-air baths. The cheap drinking establishments were likely frequented by local laborers as well as workers from the docks.

## Day Laborer Recruitment Site

The construction boom in Japan that started in the 1960s till the early 1990s had a very significant impact on Kamagasaki.

Arimura explains the 1960s situation:<sup>5</sup>

During [the 1960s], the day laborer recruitment site was on the south side of the Nankai train line... This was a period of rapid economic growth for Japan, and many farm workers and workers from mines that closed down flocked to Kamagasaki. The population of single male day laborers suddenly swelled past 10,000, a great many of them in their 20s and 30s. In addition to construction work, there were also many jobs in transportation (related to dock work) and manufacturing.

The Osaka city government changed the name of the place to Airin District in 1966. The Osaka city government decided to develop Kamagasaki as “supply center for day labor ... to eliminate labor force shortages for the construction of the venue for the 1970 Japan World Exposition, in Osaka, with the effective use of day workers.”<sup>6</sup> This measure changed the character of Kamagasaki:<sup>7</sup>

As a result, the number of day workers drastically increased, and family households moved outside the district. This was how the Airin District, which had been called a slum before, gradually was transformed into a flophouse area for unmarried men.

In the mid-1970s while the percentage of men in the district increased to 70%, the percentage of juveniles decreased to 10%. In the bubble economy period around 1990, men accounted for 85%, and the juvenile population was only 2% (Osaka City University Urban Research Plaza, 2011).

The Osaka city government constructed in 1970 the Airin Center building, where the Nishinari Labor and Welfare Center and the Osaka Socio-Medical Center Hospital that served the day laborers were located.

Arimura writes that the Osaka city government started in the 1970s the “abure techou (unemployment card) system,” which helped the day laborers during periods of unemployment.<sup>8</sup>

In the 1980s,<sup>9</sup>

Airin District experienced an economic boom and the number of day workers drastically increased. Especially in the bubble economy period from the late 1980s to early 1990s, huge public projects in the Kansai region, such as the construction of the Kansai Science City, Kansai International Airport, and the Akashi-Kaikyo Bridge started. Also the number of private projects for buildings and condominiums increased. This is why Airin District became very lively.

Workers from other countries started to come to Kamagasaki from “late 1980s”<sup>10</sup> to work as day laborers.



Partially closed Airin Center

The bursting of the bubble economy in the 1990s led to the unemployment of many day laborers, and further increased the number of homeless people in Kamagasaki. In the 2000s,<sup>11</sup>

due to the increase in the number of people receiving public assistance, the area became a town of welfare (a poor area where unmarried male workers had a place to settle down).

In 2019, Kamagasaki retains a significant number of homeless people and aged workers. The Airin Center has been partially closed, with its medical facility still in operation. Other places in Kamagasaki have hotels with cheap room rates, causing the increasing number of tourists in the area.

### Renewal of Kamagasaki

Civil society organizations have been working with the residents in Kamagasaki to find ideas on

the renewal of the area. One idea calls for the “promotion of community building that makes fresh starts and challenges possible by the creation of a cooperative community focal point (service hub) for providing housing, work, health care, social and other services.” This “Nishinari Service Hub” concept is based on the accumulated experiences of the members of the civil society that have been providing services to the Kamagasaki residents for many years.<sup>12</sup>

On the other hand, the Osaka city government launched its Nishinari Special Zone Project in 2012. The city government sought the support of the civil society (specifically the Haginochaya Community Creation Conference and the Kamagasaki Community Regeneration Forum) in defining the appropriate measures for the renewal of Kamagasaki.<sup>13</sup>

Kamagasaki residents and members of the civil society came together to discuss ideas on the renewal of Kamagasaki. They formed the Airin Machizukuri<sup>14</sup> Kaigi (Airin District Community Development Forum), which started to hold meetings in 2014.<sup>15</sup> They agreed to adopt a vision of creating a “Collective Town” where people treat the place where they live in as their home and where safety and social welfare opportunity are made available mainly through their own efforts.<sup>16</sup>

The Airin Machizukuri Kaigi has thirty-six members consisting of leaders of neighborhood associations, support organizations for different sectors (workers, children, women), association of budget hotels, association of shopping arcade shop owners, as well as university professors and prefectural, city and district authorities. It has five sections that cover public housing, healthcare facilities, vitalization of the train station area, labor facilities, and parks & area management. Each section holds meetings to discuss its own proposals.<sup>17</sup>

The Osaka city government decided to demolish the Airin Center building due to safety concerns. During the 5th Airin Machizukuri Kaigi, held on 26 July 2016,<sup>18</sup> with the attendance of the Governor and the City Mayor of Osaka, the construction of a new Airin Center building was officially decided.<sup>19</sup> A position paper of the panel of experts states the plan:<sup>20</sup>

The unemployment and labor center moved in April 2019 to a temporary site, and was scheduled to move back to the site of the former center in 2025. The medical center was supposed to move in to the new building in 2020. The City housing unit 1 is in the process of moving in and unit 2 is schedule to move in 2021.”

In its 26 July 2017 meeting, the Airin Machizukuri Kaigi came up with several proposals such as constructing a new building for the Airin Center in the same place where it was located, constructing a building for the Osaka Socio-Medical Center Hospital in the former Hagi no Chaya Elementary School ground, and the construction of housing facilities.<sup>21</sup>

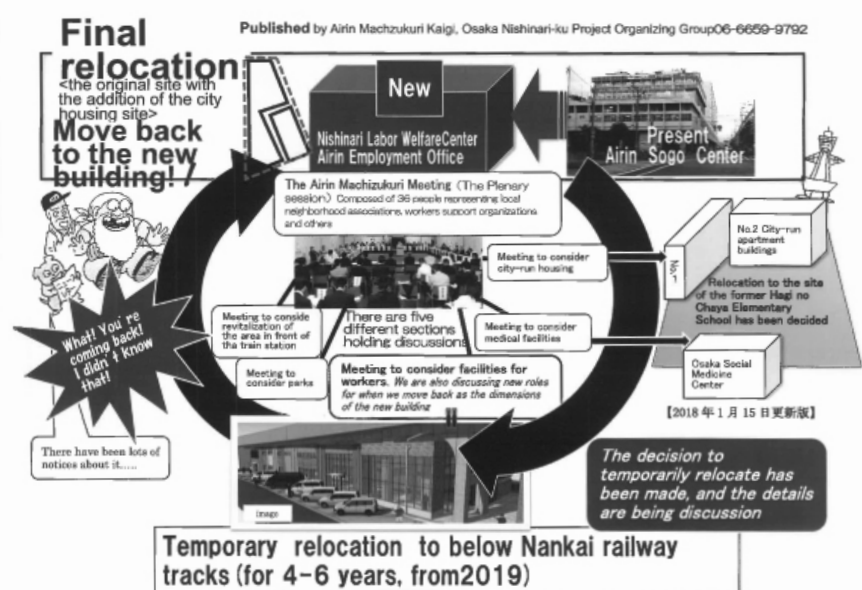
The panel of experts has taken the stand of making the renewal of Kamagasaki as inclusive as possible, it states:<sup>22</sup>

For the past twenty years, we have worked for community

development and [the solution of] the difficult problems of this community with a diverse group of organizations. [After] the government’s proposal for the “Nishinari Special District” [was raised], we have worked together to overcome our differences in order to provide a participatory bottom-up alternative to the top-down plan for slum clearance. Now, in the face of changes brought by the wave of redevelopment in the area around the station, we are working to maintain the inclusivity of the community and use its resources to create a community where starting over is possible.

[The Panel stresses that the] cooperation among the laborers, community organizations, community residents and local government is essential.

Pursuant to this perspective, the Panel of Experts submitted to the Osaka city mayor the “Nishinari Special District Plan -



Machizukuri Conference Poster & Committee



Community Development Vision 2018-2022; Opinion by a Panel of Experts” on 31 October 2018.<sup>23</sup>

The Plan offers six suggestions for the renewal of Kamagasaki:

1. Promoting the development of a diverse cross-cutting town where people can make another try [at improving their lives] by connecting work, housing and welfare via the “service hub;”
2. Aiming to build a “collective town” [by] sharing various things in the town through creating spaces where people can feel they belong (resilient town development);
3. Community where the voices of children can be heard everywhere, and where children can be raised easily and can grow easily;
4. Friendly! Funny! Improving [its] image as a typical town of Osaka (Archives linking town’s history and culture with education);
5. Building a collaborative system [that links] local bottom-up approaches and [supports] cooperation among administrative bureaus (horizontal collaboration) to embody the approaches;
6. Aiming toward a town development utilizing external forces<sup>24</sup> flexibly in order to

prevent adverse effects due to gentrification.<sup>25</sup>

One section of the plan provides for renewal proposals for the different areas of Kamagasaki such as the following:

1. Social Health Center
  - a. Promoting the networking [for] regional healthcare;
  - b. Monitoring service for the elderly;
  - c. Improving pediatric healthcare;
2. Municipal Housing
  - a. Monitoring [of the housing facilities];
  - b. Attracting families with small children;
  - c. Actively utilizing the meeting places of the two housing complexes;
  - d. [ Housing ] management;
3. New Forest Hagi
  - a. “My Place” (base for [interaction among laborers and residents]);
  - b. A d v e n t u r o u s playground;

- c. Community farm;
  - d. “Yatai Mura” (village of food and stalls, etc.);
4. Site of Airin Sogo Center
    - a. [Place for acquiring n]ew work skills + “My Place;”
    - b. Service hub, parking space and open spaces, etc. - considering [their] sharing and revitalizing functions;
    - c. Placement [for work], etc., are being discussed at a committee on labor facilities, etc.

The renewal of Kamagasaki based on the participation of the different residents in the area and for the benefit of them all (specially the day laborers and the homeless) is an idea that has to be realized.

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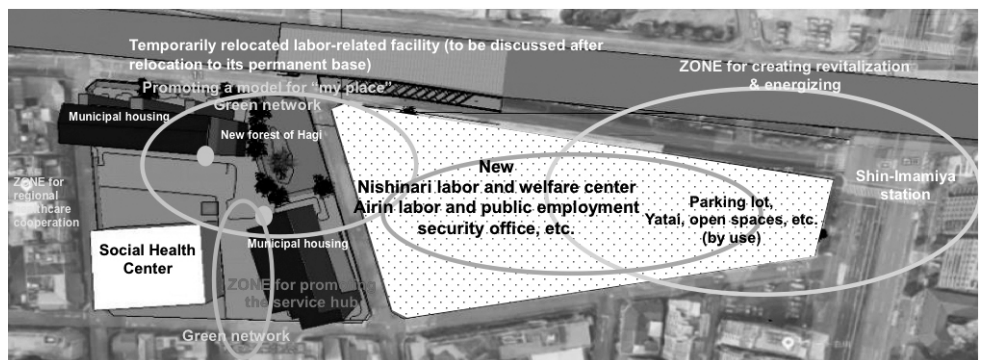


Illustration of the proposals for the renewal of the different areas of Kamagasaki<sup>26</sup>

## Endnotes

- 1 Toshio Mizuuchi, "Changing urban governance for socially discriminated people: A case of Osaka City, Japan," in *Proceedings of 2nd. International Critical Geography Conference*, Korean Association of Spatial Environment Research, 181-188, 2000, available at [www.lit.osaka-cu.ac.jp/geo/mizuuchi/english/e\\_material/mizuuchi\\_in-Taegu.htm](http://www.lit.osaka-cu.ac.jp/geo/mizuuchi/english/e_material/mizuuchi_in-Taegu.htm).
- 2 Mizuuchi, *ibid.*
- 3 Kamagasaki Community Regeneration Forum, [www.kamagasaki-forum.com/en/](http://www.kamagasaki-forum.com/en/).
- 4 Sen Arimura, "The History of Kamagasaki: After 1945," Kamagasaki Community Regeneration Forum, [www.kamagasaki-forum.com/en/index.html](http://www.kamagasaki-forum.com/en/index.html).
- 5 This is a quotation from additional material on "The History of Kamagasaki: After 1945," provided by Sen Arimura by e-mail on 26 August 2019.
- 6 Tatsuya Shirahase, "Dilemma over the Redevelopment of Poor Areas: A Case Study of Airin District," *Human Welfare Studies* 10 (1), 2017. 12.
- 7 Shirahase, *ibid.*
- 8 Arimura Sen, "The History of Kamagasaki: After 1945," *op. cit.*
- 9 Shirahase, *op. cit.*
- 10 Arimura, additional information, *op. cit.*
- 11 Shirahase, *op. cit.*
- 12 Sen Arimura Sen, "What is a service hub? No. 2. ([English translation) Service Hub Theory) Fukushino Hiroba, 2018. Material received via e-mail from Sen Arimura on 26 August 2019.
- 13 Shirahase, *op. cit.*
- 14 Machizukuri is the Japanese word for urban renewal. See Toshio Mizuuchi and Hong Gyu Jeon, "The new mode of urban renewal for the former outcaste minority people and areas in Japan," *Cities*, 2010, doi:10.1016/j.cities.2010.03.008, pages 3 - 4, [www.lit.osaka-cu.ac.jp/geo/mizuuchi/japanese/material/mizuuchi\\_jeon\\_Cities.pdf](http://www.lit.osaka-cu.ac.jp/geo/mizuuchi/japanese/material/mizuuchi_jeon_Cities.pdf).
- 15 Shirahase, *ibid.* Shirahase uses the name "Meeting on Community Creation" instead of Airin District Community Development Forum in his 2017 article.
- 16 Panel of Experts, "Our position on the present situation of the closing (rebuilding) of Airin Sogo Center Clarification of the measures taken and controversial points." (undated) Document received via e-mail from Sen Arimura on 22 August 2019.
- 17 Airin Machizukuri Kaigi, (英語版) まちづくり会議ポスター&委員名簿 ([English version] Machizukuri Conference Poster & Committee). Material received via e-mail from Sen Arimura on 26 August 2019.
- 18 Panel of Experts, *op. cit.*
- 19 Panel of Experts, *ibid.*
- 20 Panel of Experts, *ibid.*
- 21 Airin Machizukuri Kaigi, *op. cit.*, material received via e-mail from Sen Arimura on 26 August 2019.
- 22 Panel of Experts, *op. cit.* Nishinari Special District Panel of Experts:
  1. Sen Arimura (Director, Kamagasaki Regeneration Forum)
  2. Seiji Terakawa (Associate Professor, Department of Architecture, Kindai University)
  3. Hiroyuki Fukuhara (Professor, Osaka City University)
  4. Toshio Mizuuchi (Professor, Osaka City University Urban Research Center)
  5. Tatsuya Shirahase (Associate Professor, Department of Sociology Momoyama Gakuin University)
6. Tanasuke Nagahashi (Professor, Department of Industrial Sociology, Ritsumeikan University)
7. Yoshihisa Matsumura (Professor, Department of International Tourism, Hannan University).
- 23 Panel of experts, *Suggestions from experts about Nishinari Special Zone Initiative: Town Development Vision 2018 - 2022*, document received via e-mail from Sen Arimura on 26 August 2019.
- 24 The external forces may refer to urban development, construction and other companies that build structures in urban areas for housing and commercial purposes.
- 25 One definition of gentrification is this: "the process of repairing and rebuilding homes and businesses in a deteriorating area (such as an urban neighborhood) accompanied by an influx of middle-class or affluent people and that often results in the displacement of earlier, usually poorer residents." Merriam Webster, <https://merriam-webster.com/dictionary/gentrification>.

# Remembering the Past: Henomatsu Community

Jefferson R. Plantilla and Kazuhiro Kawamoto

**H**enomatsu community is the only *Buraku* community in Sakai city in the Osaka prefecture in Japan. Up until the 1960s, the people in Henomatsu community were suffering from poverty, poor housing conditions, and lack of facilities such as water supply. These problems were the result of discrimination against them as *Buraku* people.

The word *Buraku* means a village or a hamlet in Japanese language. Since feudal age, people in some communities in Japan had been classified as outcasts, outside the social hierarchy, which was closely related to the caste system. These communities became known as *Buraku* communities. Even in the modern age, people living in, or from *Buraku* communities, or are descendants of such people may be regarded as *Buraku* people by ordinary people and may suffer from discrimination, exclusion, etc., especially in marriage and employment. Cases of hate speech against *Buraku* people and identifying people as *Buraku* through the internet have arisen in recent years in alarming number that led to the new enactment of a law in 2016 to promote the elimination of *Buraku* discrimination.<sup>1</sup>

The enactment of the 1969 Law for Special Measures for Dowa Projects to alleviate the conditions in the *Buraku*

communities all over Japan brought changes to the Henomatsu community.

The 1969 law provided funds to local governments to redevelop the *Buraku* communities in many urban areas.

This law had a ten-year period and then extended for another three years – 1969 to 1981. This law was followed by other laws that extended the support for the renewal of *Buraku* communities to twenty-seven years. A report explains the laws:<sup>2</sup>

[The 1969 special measures law] was followed by a 5-year term new law called the ‘Special Measures for Area Improvement Projects Law’, which was in force from 1982 to 1986. A minor change in the law’s title followed in 1987, and this renamed ‘Law for Special Fiscal Measures for Area Improvement Projects’, initially enacted for 5 years, was once again extended by another 5 years to 1996. As of March 31, 1997, if the ongoing Dowa projects were not completed, at most another 5 years of financial support was guaranteed.

The local governments played an important role in implementing these laws in their respective areas in collaboration with the national

government. Sakai city actively implemented these laws in the Henomatsu community.

## **Nishiko Sakamoto: Preserving the Past**

Nishiko Sakamoto was a woman leader in the Henomatsu community. She realized that her community had started to change because of the 1969 special measures law in ways that would erase the memory of its past conditions. The law was bringing radical changes in the housing and physical conditions of the Henomatsu community.

Sakamoto advocated for the preservation of the history of Henomatsu community – by recording the situation before the changes occurred in the 1970s in the community.

She saw the need to start collecting materials in the 1980s. She convinced the community organization, the local chapter of the Buraku Liberation League (BLL), to support her idea. She was also able to get the support of other people outside the community including academics to help in the documentation process.

In late 1980s, BLL started a series of publications that present the history of Henomatsu community. This publication is entitled “Shashin ni Miru Kyowa-cho, Kurashi no Monogatari - Kyoiku,



Undo” (Kyowa-cho: Story of Life in Photos - Education and Movement). It is also known as the red book because of its red-colored cover.



**Henomatsu Community Center**

The Sakai city government constructed a seven-floor building in the Henomatsu community in 1974 to serve as the community center for the people in the area. The building had facilities for sports, cultural and social activities. When a room in this building became vacant, Sakamoto was able to get the permission to use it as



Henomatsu Community Center building, 1974

the place where documentation materials (documents, photos, magazines and books) about the Henomatsu community could be stored and processed.

As years passed, the materials collected grew in significant number. This led to the idea of establishing a museum that would present the history of Henomatsu community to the general public.

**Henomatsu Human Rights History Museum**

The Henomatsu Human Rights History Museum was inaugurated in 1998 as the repository of materials on the history of the Henomatsu community. It also displays materials pertaining to the Buraku liberation movement. The text of the 1922 Suiheisha Declaration,<sup>4</sup> which speaks of the human rights of the *Buraku* people, carved in marble slabs, was displayed in the museum.

The Henomatsu Community Center building was demolished in 2014 and a new building was built in 2015 to house the museum and other facilities. The museum currently consists of three parts: Henomatsu community history, Sankinchi Sakata Memorial Hall and human rights library.

The history section displays old photographs of the community as well as replicas of the small one-room houses of the people, the communal toilet, communal water faucet, and models of people inside their



Portrayal of people working in the leather industry in Henomatsu community

house and those working in the leather industry in the community.

Museum guides explain to visitors the stories about the displays such as the spread of an eye disease in the community that led to the establishment of a medical clinic, the impact of the transfer of factories to a nearby area which refused to hire people from the community because of their status as *Buraku* people and the drying up of the traditional community wells because of the water pumps of the factories. When the wells dried up, the people in the Henomatsu community pooled their money to have a communal water faucet because they could not afford to have water supplied to their houses.

The history section likewise presents the story of the local anti-discrimination movement. It provides information on the different historical events of the movement and the people involved.





Henomatsu Human Rights History Museum



Pamphlet showing the different parts of Henomatsu community with historical landmarks

The human rights library has all types of written materials about the Henomatsu community.

The Sakata section exhibits the shogi board and other materials used by the Sankichi Sakata. A Sakai city website describes Sakata in the following manner:<sup>5</sup>

Born in Henomatsu-mura, a village in Otori-gun, Sakata Sankichi memorized the Japanese game of shogi (Japanese chess) while watching it played by adults in the alleyways of his youth. He exhibited an almost miraculous strength in the game, deploying richly imaginative moves whose potential vastly exceeded the more conventionally accepted playbook. He was extremely successful in the achievement-based world of competitive shogi, and he came to typify the times along with Sekine Kinjiro, whom he considered a worthy opponent.

In 1955, he was posthumously awarded the ranks of Master and King by the Japan Shogi Association.

The Henomatmatsu Community Center is being managed by JSA, a group consisting of three non-profit organizations, namely, Sakai City Jinken Kyokai (Human Rights Association), Sakai City Shurou Shien Kyokai (Job Assistance Association) and ALL (Human Rights Advance Sakai). JSA has secured a contract to manage the center from the Sakai city government.

### Henomatsu Community Landmarks

The Henomatsu community also ensured that different places where historical events happened are properly marked for people to remember and learn from. Thus, various places in the community have signs that explain historical information such as an old stone marker that tells people not to make the mistake of using the foot path that leads to the Buraku community, the place of a public bath where members of the community gathered to discuss community issues, another place of a factory

building where members of the community held activities, and the place where the small house of Sankinchi Sakata family stood before. Being a member of the community, Sakata is given honor for his achievement.

The Henomatsu Center promotes a tour of the community to enlighten people on its history.

The renewal of the Henomatsu community was not only a matter of improving its physical conditions but includes measures that ensure that the suffering and the efforts of the people in the community to end their problems are remembered and known to the general public.

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# Single Female Workers in Osaka City: A Survey

Creo Osaka Central

The following report is an edited version of the summary report of the Osaka Municipal Gender Equality Center on its survey of unmarried female workers in Osaka city.<sup>1</sup>

## Online Survey

The Osaka Municipal Gender Equality Center undertook an online survey of four hundred females in their 20s to 50s without children who live in Osaka city and work as non-regular employees. The online survey was undertaken on 21-28 September 2018.

In order to understand the impact of social security and relevant governmental policies, the survey considered as married persons only those who have registered their marriage. Those without children, whether living together or separately, were covered as subjects of the survey.

The 2018 online survey of single female workers in Osaka revealed that a high percentage of female workers were working part-time with no fixed period of employment.

## Background and Objectives of the Survey

Low marriage rate among workers is one of the current trends in the labor market in Japan. Also, there has been no

increase in the number of regular workers for both females and males over the years. This situation results in increased number of non-regular workers. Under these social circumstances, the online survey was undertaken in order to clarify what the single females who are non-regular employees think of their jobs and lives. The online survey was undertaken in order to have a basis for considering measures in pursuit of gender equal society.

## Summary of the Survey Results

The online survey revealed the following major findings:

- 60 percent of the single female respondents are “part-time workers.” And more than 70 percent answered that “their employment has no fixed period set.”<sup>2</sup>
- 60 percent of the single female respondents are working for thirty hours a week or more, whereas about half of the married female respondents work for less than twenty hours a week, which implies that the latter are adjusting their income and work conditions;
- More than 50 percent of the single female respondents receive “less than 2 million Japanese Yen as their personal annual

income,” and even for household income, nearly 30 percent responded that they have “less than 2 million Japanese Yen” annual income. Half of the single female respondents have housemates, and 40 percent responded that this was “because it is financially difficult to live alone.” These results reveal the fact that they rely on the support from “family members” in order to live;

- 30 percent of the single female respondents answered that working as non-regular employee was “the unavoidable choice.” Even among those who answered that “it was a choice they willingly took,” many of them implied in the general comment section of the survey questionnaire that they did not freely want “non-regular employment.”

## Support for Maintaining and Improving “Life Sustainability”

Single females working as non-regular employees face diversified challenges, which make them seriously anxious. However, some of their anxiety or discontent could be cleared, though not by improving every aspect of their conditions all at once, by improving their

*(Continued on page 15)*

# The 8th Asia Pro Bono Conference

Jefferson R. Plantilla

Almost seven hundred participants and volunteers from more than thirty countries attended the 8th Asia Pro Bono Conference held in Kathmandu, Nepal on 13-15 September 2019. They participated in close to fifty conference sessions, in addition to Access to Justice (A2J) Exchange events (including more than ten full-day workshops) before and after the conference.

## Sessions

The issues covered by the conference agenda went beyond the traditional concept of pro bono work (lawyers providing legal aid to the poor) and extended to law school programs, paralegalism and legal empowerment in the communities. Pro Bono was discussed in relation to many issues including Sustainable Development Goals (SDGs), rights of migrant workers and refugees, human trafficking, rights of women, victims of the internal armed conflict in Nepal, enforcement of economic, social and cultural rights, and role of artists in raising awareness on social issues.

The variety of topics taken up in the conference is seen in the following plenary and workshop sessions:

- Launching of the Justice for All: The Task Force on Justice Report in the plenary session facilitated by Hina Jilani, one of the Elders in the Task Force on Justice<sup>1</sup> – the report stresses the continuing need to support access to justice initiatives all over the world;
- Systemic Change Part I: No “Ordinary” Strategic Litigation – discussion of examples on how litigation can be used in order to change the view of the courts on significant legal issues that have impact on human rights (arrest and investigation procedures, death penalty, use of legal aid, etc.);
- Growing Pro Bono and Ensuring A2J [Access to Justice] in the MENA [Middle East and North Africa] Region/Experiences from Jordan – discussion of the challenges to the realization of access to justice by the poor such as insufficient legal service from the lawyers, limitation of legal aid service under the law, language problem for foreign migrants in seeking court action or when facing charges in court;
- Strengthening Community Paralegalism in Asia – Recognition, Support and Public Financing – review of the role of paralegals in accessing justice while ensuring that their work is not compromised by lack of proper knowledge and skills and has appropriate supervision by lawyers;
- Effective Pro Bono Frameworks to Promote and Protect Economic, Social and Cultural Rights (in South Asia) – discussion of the problem caused by misunderstanding of economic, social and cultural rights and the difficulty of enforcing such rights through the courts;
- From Street Lawyering to Human Rights Lawyering to Community Lawyering—All Leading to Rebellious Lawyering – presentation on the law clinic program in Bangladesh that stresses the importance of helping the poor fight for their rights, and requires law students to immerse themselves in poor communities for better understanding of their situation;
- Networking in Asia for Access to Justice for the Marginalized and Vulnerable: In Particular, Refugees, Asylum Seekers and Migrants Crossing the Borders – presentation of initiatives at the regional and national levels that address the need for refugees and asylum seekers to get access to justice;
- Alternative Voices in Social Justice: Informing the Pro

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# Emerging Issues on Business and Human Rights in the Asia-Pacific

Ravi Prakash Vyas

A two-day workshop on emerging issues regarding business and human rights in Asia-Pacific was held in Kathmandu on 16 -17 September 2019. Representatives of non-governmental organizations, bar associations, and law schools from Nepal, Malaysia, Myanmar, Pakistan, the Philippines, Japan, Thailand, India, Laos, Nigeria and United Nations agencies based in Nepal and Thailand attended the workshop.

It was also an access to justice event of the 9th Asia Pro Bono Conference, held in Kathmandu (13-15 September 2019).

## Opening Ceremonies

Jefferson R. Plantilla, Chief Researcher of the Asia-Pacific Human Rights Information Center based in Osaka, explained the initiative taken by the Asian Consortium for Human Rights-Based Access to Justice (HRBA2J-Asia) on business and human rights, particularly by its Northeast Asian members, that led to the holding of the workshop. He also stressed the fact that issues of access to justice and business have long been part of the agenda of the civil society way back in the 1980s in addressing development issues affecting the poor and the marginalized in



Workshop participants

Asia and the Pacific. He expressed the hope that the introduction of the business and human rights framework would help resolve these long-standing issues.

Professor Yubaraj Sangroula, founder and Dean of the Kathmandu School of Law, in his opening remarks emphasized the need for access to justice especially for the poor and the marginalized. He emphasized that denial of access to resources created problems in the livelihood of people. This is illustrated in the disparity of life between those who work for big companies and people in the slum area. He noted that only 10 percent of

the entire population, especially in South Asia, enjoy proper protection of human rights. He therefore observed that the notion of inclusiveness in a democratic government had not contributed to the welfare of the people. Priority should be given to those living in rural villages. More capability-building measures should be undertaken to enable them to enjoy their human rights instead of simply giving them food, for instance. While the corporate sector had provided revenue to the state, its self-interest could not be curtailed and had caused adverse effect on human rights. He further added that economy, development and human rights



should be reconciled and examined as a right of an individual. He ended by saying that access to justice and human rights should go hand-in-hand.

**Presentations**

R. Sudarshan, Dean of Jindal School of Government and Public Policy (JSGP) in O.P. Jindal Global University in India discussed the role of public policy in making corporations serve public interest. He cited the failure of penalty-oriented public policies in preventing corporate abuses that adversely affect communities. He raised the better option of public policy providing corporations the incentives that would allow them to make adjustments in their operations in order to comply with the legal requirements.

Livio Sarandrea, Lead Advisor and Team Leader of Business and Human Rights Asia (B+HR Asia) of the United Nations Develop Programme (UNDP) Asia-Pacific office, gave an overview of the business and human rights situation in Asia. He pointed out the development of national action plans (NAPs) on business and human rights in some countries in Asia. He cited the need to develop NAPs with the involvement of multisectoral stakeholders and with careful scrutiny of relevant issues. He therefore stressed that governments should not rush the adoption of NAPs just to be able to proclaim to the international community that they have NAPs.



Group report on access to remedy cases

He also discussed the important role that national human rights institutions should play in the field of business and human rights.

Harpreet Kaur, Business and Human Rights Specialist at the UNDP Bangkok Regional Hub, started her session with a sensitivity game of making the participants feel the enjoyment or non-enjoyment of privileges according to different statuses and professions. She discussed

the social, cultural and economic factors that should be considered by any business company in its operations. She also mentioned the national and international mechanisms and practices that play an important role in the system of providing remedy. She discussed three major areas on how the gender issues could be addressed in relation to the “Guiding Principles for Business and Human Rights: Implementing the United Nations ‘Protect,



Group report on developing training manual on business and human rights

Respect and Remedy' Framework" (UNGPs) through measures like Gender Sensitive Assessment, Gender Transformative Remedies and Gender Transformative Programs. She concluded by suggesting ways to uplift the condition of women through women empowerment programs with proper allocation of budget for them.

Tek Tamata of UNDP Country Office (Nepal), presented the development of a manual on human rights-based approach to access to justice, discussed the UN normative frameworks based on an analysis of the gross human rights abuses by the business sector, and reviewed the existing grievance mechanisms. He concluded by briefly mentioning the remedial measures, the key actors and the requirements for effective remedial measures.

Surya Deva, Associate Professor of City University of Hong Kong and member of the United Nations Working Group on Business and Human Rights, discussed several issues that affect the implementation of the UNGPs. He cited the work of the Working Group in consulting different stakeholders during its country visits. He said that it wanted to engage the governments in a constructive manner. He also mentioned that the Working Group received complaints that were referred to governments; and the complaints and the governments' responses were made available online.

### Activities

Aside from presentations, the participants discussed and

reported on the issues that affect access to remedy in cases involving corporations. The cases discussed covered mega-projects (dams, etc.) that affect a wide area and projects that affect specific communities. One group showed the important role that communities play. The report stressed that access to remedy should start with the decision of the communities to act on their problems. The group work was facilitated by Marlon Manuel (Senior Advisor, Global Legal Empowerment Network, Philippines), Sudeep Gautam (Programme Manager of the UNDP Nepal Country Office) and Jefferson R. Plantilla.

Another activity focused on the need for training on the business and human rights framework and the development of a training material. After an input on the "Business, Human Rights and Northeast Asia - A Facilitator's Training Manual" developed by the Northeast Asian members of HRBA2J-Asia, the participants reviewed the training manual and proposed possible additional contents of the training manual.

### Closing ceremonies

For the closing ceremonies, the presenters gave their remarks while this author gave the word of thanks. All presenters were presented with plaques of recognition. Bernardo Cocco, Deputy Resident Representative, UNDP Nepal also graced the closing ceremonies.

In his word of thanks, this author thanked each of the resource persons for their time

and commitment. He also thanked Jefferson R. Plantilla and Geeta Pathak especially for their continuous efforts towards the culmination of the workshop. He thanked Yubaraj Sangroula for the institutional support of KSL. He further thanked the UNDP and the Government of Nepal for supporting the event through their Enhancing Access to Justice through Institutional Reform Project (A2J Project).

The workshop was jointly organized by the Asian Consortium for Human Rights-Based Access to Justice (HRBA2J), Business Law and Arbitration Research Center, Kathmandu School of Law, Nepal (KSL) and supported by United Nations Development Programme (UNDP) and Government of Nepal, Enhancing Access to Justice through Institutional Reform Project (A2J Project).

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**Remembering the Past: Henomatsu Community**

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**Endnotes**

1 See HURIGHTS OSAKA, "Law Against Buraku Discrimination," *FOCUS Asia-Pacific*, March 2017,

volume 87, [www.hurights.or.jp/archives/focus/section3/2017/03/law-against-buraku-discrimination.html](http://www.hurights.or.jp/archives/focus/section3/2017/03/law-against-buraku-discrimination.html).

2 Toshio Mizuuchi and Hong Gyu Jeon. "The new mode of urban renewal for the former outcaste minority people and areas in Japan," *Cities*, 2010, doi:10.1016/j.cities.2010.03.008, pages 3 – 4, [www.lit.osaka-cu.ac.jp/geo/mizuuchi/japanese/material/mizuuchi\\_jeon\\_Cities.pdf](http://www.lit.osaka-cu.ac.jp/geo/mizuuchi/japanese/material/mizuuchi_jeon_Cities.pdf).

3 For the full text of the 1922 Suiheisha Declaration, visit Human Rights Declarations, [www.hurights.or.jp/english/declarations-in-the-asia-pacific.html](http://www.hurights.or.jp/english/declarations-in-the-asia-pacific.html).

4 "Sankichi Sakata," [www.city.sakai.lg.jp/english/visitors/whats/notable/sakatasankihi.html](http://www.city.sakai.lg.jp/english/visitors/whats/notable/sakatasankihi.html).

5 See website in Japanese language of the Henomatsu Community Center (managed by the JSA) for more information, <https://jinken-fureai.jp>.

**Single Female Workers in Osaka City: A Survey**

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condition on their own effort, which is what we call "one stage-up." It can be said that starting their own empowerment even in a step-by-step manner is important for the support being extended to them under the public policy on non-regular female employees.

The Osaka Municipal Gender Equality Center collaborated with Utae Mori, a professor at the Faculty of Economics, Osaka University of Economics, in undertaking the online survey.

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**Endnotes**

1 See website of the Osaka Municipal Gender Equality Center.

2 In practice, contract with no fixed period means continuous employment but the company may terminate it for whatever reason.

**The 8th Asia Pro Bono Conference**

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Bono Movement – demonstration of different ways in relaying human rights/access to justice messages such as the use of songs and art; and

- Pro Bono and Transitional Justice – discussion of the problem of addressing the search for justice by families of victims of the internal armed conflict (especially the innocent non-combatant

people who were killed or went missing).

**Participants' Profile**

Local/national, regional and international organizations working on access to justice in Asia and also Australia, U.S.A., United Kingdom and Nigeria had representatives in the 8th Asia Pro Bono Conference.

The participants represented various types of institutions – commercial law firms, non-governmental legal assistance organizations, government law and justice departments, law schools, universities (on

programs other than law course), and United Nations agencies.

The 2020 pro bono conference will be held in Cebu City.

*Jefferson R. Plantilla is the Chief Researcher in HURIGHTS OSAKA.*

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**Endnote**

1 See website of Task Force on Justice, [www.justice.sdg16.plus](http://www.justice.sdg16.plus).

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# HURIGHTS OSAKA Calendar

The printing of the 9th volume of *Human Rights Education in Asia-Pacific* has been delayed but will be out before the year ends.



**PRINTED MATTER**

**AIR MAIL**

May be opened for inspection by the postal service.

**HURIGHTS OSAKA**, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following aims: 1) to engender popular understanding in Osaka of the international human rights standards; 2) to support international exchange between Osaka and countries in Asia-Pacific through collection and dissemination of information and materials on human rights; and 3) to promote human rights in Asia-Pacific in cooperation with national and regional institutions and civil society organizations as well as the United Nations. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.

**FOCUS Asia-Pacific** is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

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