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Editorial

Regional Human Rights Work

Work at the level of a region such as Asia and/or the Pacific is an essential component of the structure of human rights protection, promotion and realization. Complementarity of work at the international, regional, subregional, national and local levels defines this structure.

For a non-governmental organization (the Asian Coalition on Housing Rights), regional work facilitates networking among "communities, cities and countries" that makes all its member-groups "in the region [become] part of a movement, work with full support and full access to a region-wide pool of community experts and support professionals, and part of an international network that provides inspiration and a powerful political leverage that proves what people can do by themselves."

For a subregional inter-governmental institution (ASEAN Intergovernmental Commission on Human Rights), "not only the ASEAN member-states' political will to take the necessary measures is needed but also the participation of all stakeholders" for its work to become meaningful.

Regional work is effective when it involves, and has impact on, people, their institutions and communities.

ACHR and Housing Rights in Asia

Somsook Boonyabancha, Thomas Kerr and Brenda Pérez-Castro

Of the 2.3 billion people now living in Asia's towns and cities, almost a quarter still reside in slums. Despite the undeniable increase in average incomes and consumption and the fast transformation of Asian cityscapes, supplying enough affordable, accessible and decent housing remains one of the biggest challenges of the region. The local, national and transnational real estate markets have been a key driver of overall economic growth but have also fostered speculation around land and housing, produced oversupply in high-end segments and shortage in the most deprived sectors, deepening the already critical socio-spatial inequalities of the region.

In parallel, the systematic retreat of the state from direct housing provision has resulted in feeble budgets and subsidies, and the deregulation of land and housing markets fitting the needs and interests of private sector developers. National housing authorities that were originally set up with a mandate to house the poor, focus now on those "market segments" that can afford formal credits and mass-produced housing products, defeating the purpose of the public resources invested. The human right to housing has become a commodity unaffordable for the poor and most vulnerable inhabitants.

Due to the lack of any legal, accessible and affordable housing, millions of ordinary, hard-working urban families continue to make their own shelter as best they can on dangerous, leftover land, without access to clean water supply, electricity, sanitation, drainage or other urban amenities. Most of the resulting informal settlements will eventually face eviction, whether it is by demolition squads, or by the powerful market forces that determine how urban land is used. Half a billion people will eventually be pushed out, likely with no compensation and no alternative housing.

The Asian Coalition for Housing Rights

Issues of eviction, access to land, environmental risk, shelter

quality and affordability have been at the core of the work of the Asian Coalition for Housing Rights (ACHR) from its beginnings in 1988. In the past thirty-one years, more than one hundred groups in nineteen countries in Asia have been active in the coalition, accumulating a wide range of experiences, knowledge, lessons learned, and achievements. From fighting evictions to developing a regional model of community-driven, city-wide slum upgrading, ACHR's work aims at realizing the right to adequate housing using Asia's greatest resource: its people.

Fighting evictions

ACHR first came together as a regional coalition of people and groups in Seoul at a time when



Founding members of ACHR at the Asian People's Dialogue, Seoul, Korea, June 1989

huge evictions were taking place as the city prepared to host the 1988 Winter Olympics. ACHR's activities in this period included organizing fact-finding missions, anti-eviction campaigns, eviction monitoring, advocacy, meetings to link activists and urban poor groups, organizing poor community groups and advising them about the laws which relate to their housing rights. All the groups that came together for the first time in this new coalition were deeply concerned by the evictions taking place around Asia, and by the huge numbers of poor people being excluded from their cities.

Exploring solutions to eviction before they actually take place

During evictions, communities have few options but to resist and confront. By then, it is too late to explore alternative options or to facilitate a more reasoned dialogue. As activists, we quickly began to see that no matter how much we denounced and fought evictions; we never won the larger war. For every single eviction case we helped to stop or slow down, there were a thousand other slums and squatter settlements whose date with the demolition squad was coming, a thousand other city development plans and government slum clearance policies being drafted that would cause new waves of evictions and housing rights confrontations.

In this stage of ACHR's work, we began to look at a variety of ways in which housing rights conflicts could be addressed before any eviction took place.



The Model House Exhibition, Phnom Penh, Cambodia, May 1997

As the groups in the coalition faced evictions, they also found proactive ways to deal with them. The numerous experiences in slum upgrading, accessing housing finance, collaborating with other stakeholders, collecting information about informal settlements, developing community networks and starting community savings and credit, among others, created a common pool of alternative solutions, which could be borrowed and transferred. This stage of the ACHR's work strengthened and multiplied the links between ACHR members, and furthered the sharing of knowledge, mutual assistance and joint advocacy among all the groups. This approach materialized in the *Training and Advisory Program (TAP)*¹ and became one of the coalition's key tools for facilitating mutual learning and support.

Showing how poor communities themselves can deliver solutions

Year after year, communities kept hearing the same excuses

from governments: there is no available land for housing or resources for subsidies or loans to the poor. Due to lack of imagination or blatant economic interest, in their aspiration to become the local Singapore, most governments in Asia saw only the alternative of building new tall blocks of flats for everyone. However, those formal systems of housing delivery have been unable to keep up with the demand for secure, affordable and accessible housing.

At the same time, the poor communities on their own manage to find land, make some kind of shelter, earn enough to survive and bring up their families - even though all that miraculous survival often takes place in inhuman conditions. For most groups in the ACHR coalition, this is the most interesting aspect of our work - the tremendous creativity, energy and capacity to survive among the urban poor is an enormous development force which can

be channeled into solving housing problems at the real scale.

In this third stage of ACHR's work, we decided to develop the regional support systems that poor communities required to deliver their own solutions and propose them to their governments and broader societies. Many activities had to do with building the capacity to develop such solutions collaboratively, including community savings and credit (as a tool to develop people's own funds and their abilities to manage finance collectively), building networks which link poor communities within cities and within countries (to strengthen their mutual learning and collective bargaining power) and supporting some of the first community-driven housing and settlement upgrading activities. A number of ground-breaking housing and

community upgrading projects were implemented by poor communities in different countries, and these projects began to show new kinds of people's solutions. The increasing linkages between groups and countries, which ACHR continued to facilitate, made the learning from these scattered projects zoom around the region quickly and powerfully.

Slum upgrading: from scattered pilot projects to city-wide and community-driven development

Those scattered people-driven pilot projects started to scale up through the regional promotion and support of a citywide and people-driven slum upgrading movement in Asia. Under this approach — which we refer to as *the people's process* — organized networks of poor communities at the city scale survey all the settlements in the

city, manage their savings and revolving city funds, develop plans for upgrading all the settlements, negotiate for land and infrastructure, develop their layout planning and design their affordable housing types at citywide scale. Since 2008, with support from ACHR's ACCA Program (Asian Coalition for Community Action),² this approach reached groups in two hundred fifteen cities in nineteen countries. In only five years, the local groups and networks developed their own citywide and people-driven upgrading process, in collaboration with their local governments. 2,021 communities implemented small upgrading projects and one hundred forty-six housing projects for about 10,280 families were built by those same communities.

Reflecting on scale: from communities' action to structural change

After the impressive growth of our coalition during the ACCA program (finalized in 2014), a time for reflection has been necessary. As a network, we continue to support the strengthening of local community networks and partnerships and keep our regional learning and mutual inspiration active. We have also undertaken a significant amount of research and documentation initiatives, aiming at valuing and disseminating the existing knowledge of communities and groups in our network on critical issues for their own development such as the definition and measurement of poverty lines and food security, the status and impact of



Chawanad Luansang, a young Thai community architect, facilitating a community housing layout design workshop at the Poo Poh Community in Pattani, Thailand, March 2007. Note the coffee cup that represents the planned mosque of the community.

community finance systems in five countries and innovations on housing policies.³ We have also joined global initiatives seeking to find pathways to urban equality⁴ and promoting collective housing⁵ around the world.

Realizing Housing Rights through City-wide, Community-led Development

ACHR's learnings from the last three decades of direct work with poor communities contribute optimistically to realizing the right to housing for all in Asia. While the formal recognition of a right is a useful legal tool, it does not necessarily translate into its full realization, nor does it challenge the structural conditions of power disbalance and poverty. ACHR's approach has proven its potential to successfully realize the right to housing at the scale of the need, due to some essential characteristics of its *modus operandi*:

- a. It is based on a proactive, pragmatic relationship with state actors

In a context of shrinking civil society space, community-led development is a highly pragmatic, solutions-oriented approach that recognizes the need for negotiation and fair partnerships with all stakeholders in the city, particularly the local governments. The community process builds a strong sense of self-reliance but recognizes that state actors still remain the key-holders to legality, access to secure land tenure and finance.



The ACHR/KNOW research-action team, Nakhon Sawan, Thailand, January 2019

- b. It is cost-effective and socially appropriate

Community-led design, construction and management of housing projects and finance systems ensure the affordability and adequacy of the product of the housing process.

- c. It breaks the isolation

Because of the links between communities, cities and countries which ACHR has built and continues to build, all the groups in the region are part of a movement, work with full support and full access to a region-wide pool of community experts and support professionals, and part of an international network that provides inspiration and a powerful political leverage that proves what people can do by themselves.

- d. It is truly empowering and builds democracy from below

When poor communities work together as networks, understand, discuss and prioritize their problems, develop plans and bring solutions and resources to the negotiation table, they are taking ownership of an issue which has been taken up by others (governments, development organizations, human rights groups or activists) on their behalf. The very people whose housing rights are at stake become the solution-makers. They create a profound shift in social perception and political power, from being passive receptors or constituencies, to active agents of their development. In the process of housing development, communities exercise their citizenship.

Challenges and Future Work

The ongoing people's processes in different cities of the region have lived through periods of great accomplishments, as well

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AIHR: Ten Years of Promoting and Protecting Human Rights in ASEAN

Yuyun Wahyuningrum

When the Association of Southeast Asian Nations (ASEAN) was formed in 1967 by five founding states (Indonesia, Malaysia, the Philippines, Singapore and Thailand) through the ASEAN Declaration, later known as the Bangkok Declaration, human rights were not mentioned as one of its *raison d'être*. In fact, the focus of the Bangkok Declaration was to agree among member-states—in response to the post-cold war context—to prevent disputes from developing into violent conflicts and to find common solution to them.

Twenty six years later, during the Twenty-Sixth ASEAN Ministerial Meeting in Singapore (23-24 July 1993), the ASEAN Foreign Ministers welcomed the international consensus achieved during the World Conference on Human Rights held in Vienna in June 1993 and "reaffirmed ASEAN's commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration."¹ They also "emphasized that the promotion and protection of human rights should not be politicized." The ASEAN Foreign Ministers "agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights."²

However, ASEAN had been slow in fulfilling its commitment to develop a regional mechanism on human rights. The 1997 Asian financial crisis provided an avenue for ASEAN member-states to revisit their strategy for regional integration. Some of ASEAN's founding members—Indonesia, Thailand and the Philippines—proposed a new strategy to restore the confidence of the foreign investors by incorporating some values such as human rights, democracy and the rule of law as a promise toward the path to prosperity under the ASEAN regionalism project.

By agreeing to embrace human rights, ASEAN introduced a new face of the grouping that promised to be more predictable, participatory and accountable, among others. Accordingly, the period of 2007 to 2017 witnessed the proliferation of human rights institutions and instruments, such as the establishment of the ASEAN Intergovernmental Commission on Human Rights (AIHR) in 2009 and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) in 2010, and the adoption of the ASEAN Human Rights Declaration (AHRD) in 2012, the Declaration on Violence against Women and Violence against Children in

ASEAN (DEVAWC) in 2013, the ASEAN Convention against Trafficking in Persons, especially Women and Children (ACTIP) in 2015, and the ASEAN Consensus on the Promotion and Protection of the Rights of Migrant Workers in 2017.³

This chronological account shows that in the course of forty years since its establishment, ASEAN has shifted from non-discussion on human rights to engagement with human rights in its own term and pace.

It is interesting that ASEAN's changing position on human rights occurs in the context of differing perceptions on human rights of its member-states. Some still view human rights as instrument of powerful countries in obtaining favorable trade and international cooperation arrangements, while others perceive human rights as a threat to national sovereignty.

Not only perception about human rights, the record of ratifications of international human rights instruments is also varied among ASEAN member-states, as shown in Table 1.

AIHR

The AIHR was established in 2009 with the primary objective

Table 1. Ratified international human rights instruments

Country	ICCPR ⁴	ICESR	CAT	CERD	CEDAW	CRC	CED	CRPD
Brunei					x	x		x
Cambodia	x	x	x	x	x	x	x	x
Indonesia	x	x	x	x	x	x	signed	x
Lao PDR	x	x	x	x	x	x	signed	x
Malaysia					x	x		x
Myanmar					x	x		x
Philippines	x	x	x	x	x	x		x
Singapore					x	x		x
Thailand	x	x	x	x	x	x	signed	x
Vietnam	x	x	x	x	x	x		x

to promote and protect human rights. AICHR has been criticized for having too much promotion of human rights and less on their protection.

AICHR has the mandate, to mention a few, (a) to encourage ASEAN member-states to consider acceding to and ratifying international instruments related to human rights, (b) to develop an ASEAN Cooperation Framework for human rights, (c) to prepare studies on thematic issues of human rights, (d) to obtain information from ASEAN member-states on the promotion and protection of human rights, (e) to develop common strategies, approaches and positions on human rights, (f) to promote capacity-building for government officials and public awareness of human rights among the peoples of ASEAN and, (g) to engage in dialogue and consultation with other ASEAN stakeholders.

2019 marks the tenth anniversary of the AICHR in promoting and protecting human rights in the region. It has completed fifty-three study reports containing important information on human rights situations and recommendations. In 2018, under the broad theme of access to justice, thematic studies were made on legal aid, right to life (which examined the treatment of persons who are convicted with the death penalty), and juvenile justice (which explored the interrogation practices of children in conflict with the law).⁵

AICHR has also covered issues related to civil-political rights, such as the right to nationality, migration and human rights, trafficking in persons, prevention of torture, freedom of opinion and expression, freedom of religion and belief, right to life, and access to justice. In the area of economic, social and cultural rights,

AICHR has generated discourses related to right to development, Millennium Development Goals (MDGs) and human rights, right to environment, right to water and sanitation, right to education and right to health. AICHR conducted activities in relation to the right to peace.

AICHR has also become a learning and information-sharing platform for the ASEAN member-states on human rights issues, which was not imaginable ten years ago. In terms of engaging stakeholders, AICHR has dealt with different groups in society, such as women, children, youth, persons with disabilities, journalists, Chief Justices of the courts, scholars, members of the private sectors, commissioners of national human rights institutions, officials of ASEAN governments as well as members of ASEAN Ministerial Sectoral Bodies on political and security, economic, and socio-cultural matters.⁶



AICHR Representatives



AICHR Special Meeting

In over a decade, AICHR has implemented its mandates, except on obtaining information from ASEAN member-states on the promotion and protection of human rights (Paragraph 4.10, AHRD) and providing advisory services and technical assistance to member-states, upon request (Paragraph 4.7). Responding to this gap, AICHR has been focusing its work on providing advice, guidance or recommendation to the ASEAN Sectoral Bodies on the implementation of the AHRD.

The recommendations serve as the language of human rights for cooperation and action as they elaborate the state obligations, the indivisibility and interrelated characters of human rights and their operationalization. Accordingly, on 11-12 November 2019 in Jakarta, AICHR held a consultation on the realization of Article 37 of the AHRD on the right to development. On 8-10 December 2019, AICHR also organized a consultation on the implementation of Article 23 of the AHRD related to freedom of opinion and expression, and on 11-13 December 2019 on the

implementation of Article 22 on the AHRD on freedom of religion and belief. The latter two activities were held in Bali.

While AICHR is moving forward, it should be noted that the inability of the AICHR to conduct fact-finding, monitoring and investigation of human rights violations cases remains the challenge in performing its role on human rights protection in the subregion. AICHR also suffers from the lack of independence of its country representatives.

Despite the limitations, AICHR can undertake activities such as “hearing” the stories of victims and developing a referral system to address cross-border human rights issues. Referral is a process by which the immediate needs of a victim are assessed to help gain access to comprehensive and supportive services provided by various agencies or organizations which are not provided by the referring agency (AICHR).

It is worthwhile to mention that AICHR was launched in 2009 at the time of the adoption of a

roadmap for the ASEAN Community (see Cha-Am Hua Hin Declaration⁷), and was envisioned to evolve into an overarching institution that is responsible for both protection and promotion of human rights and guided by the forward-looking human rights strategies and regular review of terms of reference (TOR) every five years.

In July 2019, the ASEAN Foreign Ministers assigned the review of the TOR of AICHR to the Senior Officials’ Meeting (SOM). In November 2019, the SOM reached a consensus to form a Panel of Experts consisting of representatives from the ten ASEAN member-states. The Panel of Experts is expected to start working in 2020.

AICHR has a long way to go to become a credible human rights mechanism in Southeast Asia. To realize this, not only the ASEAN member-states’ political will to take the necessary measures is needed but also the participation of all stakeholders in monitoring the work of AICHR to inform it of its performance.

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Nepalese Children in Japan: Facing a Great Opportunity or an Uncertain Future?

Dinesh Prasad Joshi Ratala

Japan has emerged as a new popular destination for Nepalese migrants, who now constitute the largest South Asian community in the country.¹ In a span of a decade, the number of Nepalese migrants in Japan has increased by over seven folds from 12,286 in 2008 to 88,951 in 2018.²

While Nepalese migrants are found to reside in all forty-seven prefectures of the country, they are heavily concentrated in the Kanto region (about 60 percent) and mostly in the four prefectures: Tokyo, Chiba, Kanagawa and Saitama of the Greater Tokyo metropolitan area (about 53 percent).³ Based on visa categories, 43.3 percent have either a dependent (29.2 percent) or a skilled labor (14.1 percent) visa.

The Nepali restaurant trade grew rapidly during the 2004-2012 period that increased the number of Nepalese chefs or cooks⁴ under

the skilled labor visa; which proportionately increased the number of spouses as well as children under the dependent visa category. From 1,436 in 2008,⁵ the number of Nepalese children increased by about six folds to 8,347⁶ in 2018.⁷

It has been observed⁸ that the Nepalese community in Japan has created a so-called “parallel society” that is isolated from and/or has difficulty integrating with the host community. In this situation, a serious question arises: what is happening to the children in the “mini-Nepal” of Japan?

Education of Nepalese Children - a Great Concern

Immigration data on the number of registered or documented Nepalese from the age of 0 to 18 as of 2018⁹ yield the following results: Table 1

One of the key concerns for Nepalese parents living

currently in Japan is related to the education of their children. A report¹⁰ states that Nepalese children born and raised in Japan may speak Japanese but often are unable to speak or write in their native tongue. The following cases highlight the educational trajectories of the Nepalese migrant children in Japan.

Case I:

M. S.,¹¹ now sixteen years old, was brought to Japan when she was six months old. While her father is currently enrolled in a post-graduate program, her mother completed her undergraduate in Management from a Nepalese college long before. Her family has a good source of income from investments in restaurants, remittance service and agriculture in Japan. M. S. stayed for four years in a Japanese nursery school (*hoikuen*), and completed her primary school education at the Global Indian International School (GIIS) in Edogawa, Tokyo (under the International Baccalaureate Primary Years Program [IB-PYP]). She was then sent back to Nepal where she spent two years in two renowned private boarding schools in Kathmandu. For the third year in lower secondary school, she came back to Japan and was admitted at the Indian

Table 1. Education of Nepalese children (2018)

Age (Years)	Grade level	Number of children
0-5	Early childhood	3,927
6-12	Primary school	1,859
13-15	Lower secondary school	927
16-18	Upper secondary school	1,634
Total		8,347

International School in Japan (IISJ) in Nishi Ojima, Tokyo, which has Indian government authorized curriculum. She is currently studying in Grade 11 at the International School of the Sacred Heart (ISSH) in Hiro, Tokyo, whose curriculum is accredited by the Japan Council of International Schools (JCIS) and the Western Association of Schools and Colleges (WASC). She plans to continue her further studies in the United States of America in the future.

Case II:

B. K., now twenty years old, was brought to Japan in May 2016. His father, a cook, and his mother, not employed, have no tertiary education. He studied at the Futaba Junior High School (*yakan chugakko*) in Katsushika ward of Tokyo from April 2018 till September 2019. When he was preparing for secondary school entrance examination for Japanese high school, his teachers praised him for his good Japanese reading and writing abilities. However, due to visa problem, he had to go back to Nepal in September 2019. His lawyer in Japan is working for his return.

Case III:

R. G., now sixteen years old, was brought to Japan when she was three years old. Both her parents have secondary school education. While her father works as a cook in an Indian restaurant, her mother works part-time for a Japanese company. She joined the 6th grade at Toshima Ward Ikebukuro Elementary School, a public school in Toshima ward in Tokyo in 2015. She spent

three years at Nishi Ikebukuro Junior High School, a public lower secondary school. Upon her graduation, she entered the Dai Yon Syougyou High School, a public business secondary school located in the same ward. She attends an evening study-group (*benkyoukai*) organized by the Non-profit Organization (NPO) "Toshima Kodomo Wakuwaku Network" every Tuesday with other Nepalese friends pursuing their studies at Tokyo Metropolitan Asuka and Tagara High Schools. She does not have a clear plan about what she wants to do in the future.

Case IV:

S. K.C. was born in Nepal and brought to Kobe city when he was six months old. While his father is a lower secondary school graduate, his mother has completed her secondary school education in Nepal. When he was three years old, his family moved from Kobe to Arakawa in Tokyo. His parents have two restaurants in Tokyo.

Because the public nursery schools were full, his parents resorted to using a more expensive privately-run child care facility (recommended by the city government) while waiting for public nursery school slot.

In a span of a year, he was first taken cared of by a Nepalese woman before subsequently entering two nursery schools. In addition, he went to Minerva's International Course for six months where he was taught English for two hours a week. He was later admitted to the upper kindergarten of IISJ where

he studied until the second grade. In 2013, he entered the Everest International School in Japan (EISJ), which followed the Nepalese government authorized curriculum, and is now an eighth grader there. His parents are not sure about his higher education.

Case V:

S.U. was brought to Japan in 2006 when she was three years old. Her father has completed technical college education (*senmon gakko*) in Japan while her mother has an Assistant Engineer/Overseer degree from Nepal. She spent four years at a nursery school where she felt discriminated due to her dark skin color and lack of fluent Japanese language ability. Thinking that S.U. might be isolated in a Japanese school, her parents decided to enroll her in the newly established EISJ where she studied from Grade 1 until the middle of Grade 7. She left Japan with her parents in November 2019 and is continuing her studies in a private school in Kathmandu. In the future, her parents want her to pursue further studies in Nepal.

What can be Inferred from these Case Studies?

There are eight important lessons that can be drawn from these case studies. First, Nepalese parents who have a good source of income and educational background are heavily investing in the education of their kids. Their hope is to secure a better education and thus better future for their children. However, they represent a small fraction

of the Nepalese parents in Japan. Second, most Nepalese parents have the tendency to send their children to Nepal during their early childhood to help them retain the Nepalese identity. However, the extent to which children have well adapted to the Nepalese society and culture during their short stays there in the absence of their parents is arguable. Third, early entrance in local schools leads to better adaptation to the Japanese education system of the Nepalese children. However, the extent of adaptation depends upon individual ability as well as on conducive environment in the school. Fourth, the children who come to Japan at school age have to overcome a number of socio-cultural obstacles to fit into the Japanese education system. This hampers the continuous study of many Nepalese children, and often results in bad performance at school. Fifth, some parents spend limited time with their family, including the children, owing to their busy work schedule. Such situation deprives many children of parental attention and monitoring on a regular basis. Sixth, some parents are still not sure about their future plans in Japan. They keep on transferring their kids to different schools based on information obtained from social network. This situation can possibly ignore child psychology and delay the learning process as the children frequently adjust and adapt to new environments. Seventh, the few parents who think that education in Japan does not match their expectations rarely return their children to Nepal. In the process, they risk many

uncertainties in Japan. Eighth, NGOs may play a vital role in facilitating the learning process of migrant children but their number as well as educational focus is limited.

The kind of education Nepalese children in Japan obtain depends on their parents' social network, level of education and income, expectation and future goals, and degree of familiarity about the educational system in the country. These children would benefit much from the existing educational resources provided the family has a clear future plan in sending them to school. Lack of such a long-term plan has the potential of pushing these children into the web of an uncertain and volatile future.

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Endnotes

- 1 See Shakya, P., Tanaka, M., Shibamura A., and Jimba, M., "Nepalese migrants in Japan: What is holding them back in getting access to healthcare?" *PLoS ONE* 13(9), 2018. Retrieved from <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0203645> on 22 November 2019.
- 2 The Ministry of Justice, Japan (2018). These figures exclude those who have short-stay visas for less than 3 months (such as visitors, diplomats, etc.) and the

undocumented residents. See E-Stat, www.e-stat.go.jp/stat-search/files?page=1&layout=datalist&toukei=00250012&tstat=000001018034&cycle=1&year=20180&month=12040606&tclass1=000001060399.

- 3 Ibid.
- 4 Kharel D., "From Lahures to Global Cooks: Network Migration from the Western Hills of Nepal to Japan," *Social Science Japan Journal*, Vol. 19, No. 2, 2016, pages 173-192; Takeshi and Munenori, "日本におけるネパール人移民の動向 (Trends of Nepalese Migrants in Japan)," *Journal of Immigration Studies*, Vol 13, 2017, University of the Ryukyus, pages 23-48.
- 5 According to the Ministry of Justice, there were a total of 1,436 Nepalese children (0-4 years: 358, 5-9 years: 304, 10-14 years: 255, and 15-19 years: 519) in Japan in 2008.
- 6 Aged 0-18, *ibid*.
- 7 Ibid.
- 8 Thapa, S., "Diplomatic Practices in Nepal-Japan Relations: A comparative Study Based on Regime Change," *Bulletin paper of the department of Asian and African Area Studies*, vol. 18, no. 1, 2018, pages 100-106. Cited in a presentation entitled "Extension of Nepalese Society in Japan? A recent trend of migration from Nepal to Japan" by Tanaka Masako on 23 May 2019 at the Embassy of Japan in Kathmandu.
- 9 Ministry of Justice, *op cit*.
- 10 Dave Hueston, "Welcome to Tokyo's 'Little Nepal': A microcosm of Japan's evolving identity," *The Japan Times*, 30 June 2019, www.japantimes.co.jp/community/2019/06/30/issues/welcome-tokyos-little-nepal-microcosm-japans-evolving-identity/#.XesvEegzY2w.
- 11 The names of the Nepalese children are in abbreviated form to protect their privacy.

Time to act: Governments as catalysts for business respect for human rights

Remarks by UNDP Assistant Administrator and Director of the Crisis Bureau, Asako Okai, at the 2019 UN Forum on Business and Human Rights

Madame High Commissioner, distinguished fellow panelists, representatives of member states, ladies and gentlemen,

It is a great privilege to be here representing the United Nations Development Programme on this important topic.

The 2030 Agenda for Sustainable Development and human rights are interwoven and inextricably tied together. Private sector engagement is key to reaching the ambitions of the 2030 Agenda. This role must go far beyond its traditional contributions to development such as jobs, and taxes. Clearly, we are unlikely to make progress unless businesses act responsibly towards people and the planet.

Sustainable development is put in reverse when human rights abuses—including forced labor, sexual harassment, land grabs, and environmental degradation—go unaddressed.

When businesses decide to drive human rights considerations through their operations, they can empower women, enhance child health and well-being, ensure decent work, and strengthen the foundations for sustaining peace. This is why the UN Guiding Principles have been expressly recognized in the 2030 Agenda as a means of implementation of the SDGs.

The UN Guiding Principles on Business and Human Rights (UNGPs) provide us with a principled and practical means by which the private sector can address human rights risks and impacts, in furtherance of the objectives of the 2030 Agenda.

UNDP's work

This year UN Working Group on Business and Human Rights submitted to the General Assembly a report on policy coherence in government action. To ensure concerted action and policy coherence, a national action plan on business and human rights will be a platform to ensure coordination between government functions. These national action plans are a necessary step to create an agreed agenda at the national, provincial and community levels.

We understand that 22 national action plans have already been adopted and twenty-three more states have committed to developing one. In the last 3 years, UNDP has been engaged in supporting 6 such processes through our Business and Human Rights in Asia initiative.

Allow me here to congratulate the Royal Thai Government for being the first country in Asia to adopt a national action plan on business and human rights. Our partnership with the Government has provided deep learning opportunities for UNDP and we are now sharing our lessons learned with other countries in the region. I would like to share five Lessons Learned with you today:

1. **Establish the facts:** Human rights risks and frequencies vary in different parts of a country. In order to build a national plan, countries must conduct detailed baseline assessments, including at the local level, to fully understand the situation on the ground and to plan responses.

2. **Empower national human rights institutions:** National human rights institutions are an essential player in accountability systems and upholding business commitments to human rights. In many cases, NHRIs have actually been the prime movers in National Action Plans as well as in shoring up protections of human rights defenders. They are also the custodians of data and records on human rights issues related to business operations as seen through the excellent work of the National Human Rights Commission of Bangladesh.
3. **Participation works:** Multi-stakeholder consultation processes result in better quality plans which are more credible to the public. Plans which invite wider participation engender more buy-in from stakeholders, as we are seeing in Indonesia.
4. **Recognize business leaders as champions of change:** Business leaders can advocate for strong national action plans – they can demand changes in government policy which reflect their own internal human rights standards - as we saw in Thailand where a large food export firm advocated strongly for government action on business and human rights.
5. **Be prepared for politics:** National action plan processes are inherently political. Sometimes the plans are hotly contested. Commitment from the highest levels of government is thus required for follow-through and to ensure coherent approaches across ministries and departments. It is important for us to recognize that national action plan processes are not a sprint, but a marathon.

To sum up, in this regard, we wish to express gratitude to the Government of Sweden for having accompanied UNDP during the last 2 years and supporting our work on the business and human rights, rule of law, resilience, and prevention. In particular, it has been excellent to have dedicated support to this work in South and Southeast Asia. I will also have the pleasure to announce later in this session a new and complementary partnership with the European Union.

With the strong support of these partners, we look forward to continued engagement with the efforts of ILO, UNICEF, OECD, OHCHR, UNEP, IOM, and UN WOMEN. Working cohesively on the ground across agencies and civil societies in partnership with governments and business concerned will be critical in making a difference.

Lastly, I would like to recognize the importance of our partnership with the UN Working Group, which has been instrumental in guiding us as we develop regional initiatives. On behalf of the Working Group and UNDP, I would like to invite you to attend the South Asia Regional Forum on Business and Human Rights which will take place in Kathmandu in 2020.

Thank you for the opportunity to talk to you today.

(Source: www.asia-pacific.undp.org/content/rbap/en/home/presscenter/speeches/2019/remarksbyasakookaiUNforumBHR.html.)

UNDP Business and Human Rights: Promoting Responsible Business Practices in Asia

UNDP's Business and Human Rights (B+HR) regional program works to advance business and human rights agenda in Asia. The program focuses on technical advisory, awareness-raising, and capacity building support to governments, businesses, civil society

organizations, and independent national human rights institutions. Partnering with an array of stakeholders including media professionals, technical experts, and human rights defenders, B+HR Asia strives to ensure an effective implementation of the UN Guiding Principles on Business and Human Rights, with a particular focus on

development of national action plans and remedy provisions. The ongoing engagements include advising to the governments of India, Indonesia, Malaysia and Thailand. Among other priority areas are environmental and land rights, sustaining peace, gender equality, working with human rights defenders, and trade and investment.

UNDP B+HR Asia works closely with the UN Working Group on Business and Human Rights, and with other partners, to organize regional forums, such as the UN South Asia Forum on Business and Human Rights and the Responsible Business and Human Rights Forum. UNDP is also piloting their first grant

program for civil society organizations in the region to support human rights defenders. UNDP's work with businesses includes developing due diligence tools, conducting training for staff, and supporting human rights and environmental impact assessments.

Read more about B+HR Asia:
www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/business-and-human-rights.html
 Follow B+HR Asia on Twitter: @BizHRAsia_UNDP

Key priority areas for UNDP B+HR Asia

Advisory on National Action Plans	Gender Equality	Sustaining Peace
<p>UNDP convenes leveraging initiatives and provides advisory to governments on the development of National Action Plans on Business and Human Rights. UNDP facilitates forums during which civil society organizations and human rights defenders encourage governments to act on the business and human rights agenda.</p>	<p>UNDP guides States and businesses on how to integrate gender perspectives into UNGPs implementation and to ensure the realization of the rights of women. UNDP also supports businesses in conducting human rights impact assessments to prevent gender-based discrimination. UNDP together with the UN Working Group on Business and Human Rights published <i>Gender Dimensions to the UN Guiding Principles on Business and Human Rights</i> (2019).</p>	<p>UNDP works with businesses to set up grievance mechanisms and complaint systems leading to greater access to justice and effective remedies. It advocates that businesses apply a do-no-harm approach when engaging with conflict-affected communities. UNDP has co-convened a consultation on the Role of Business in Delivering Peace, Justice and Reconciliation.</p>

ACHR and Housing Rights in Asia

(Continued from page 5)

of moments of stagnation and even regression. Data collection and the strengthening of city-level community and savings network continue to be key activities in building and renovating the political capital and legitimacy of the communities' work. In some cities, the community networks and their local support groups have reached a stage in which they are involved in local and national policymaking and contributing to the design and

implementation of housing and poverty reduction programs (Thailand and the Philippines), or in big-scale financial mechanisms for the poor (Sri Lanka) or innovative collective micro-loans schemes (Myanmar). The renovated links of ACHR with global movements are also not casual: the forces behind the local and national housing crises are global, and so the need for the efforts of social movements fighting through different means for the realization of the right to housing.

Soomsook Boonyabancha is a Thai architect and planner who

worked with Thailand's National Housing Authority (NHA) from 1977 to 1989, with the Urban Community Development Office (UCDO) from 1992 to 2000 and with the Community Organizations Development Institute (CODI) where she was Director for two terms (eight years). She is currently advisor to CODI and the Secretary-General of ACHR.

Thomas Kerr is an American architect who has worked in Asia since 1989, first in India and from 1996 in Bangkok with ACHR, where he helps coordinate their English-language publications. This

"conversation" would have not been possible without Tom's admirable documentation discipline and his valuable inputs throughout the conceptualization and writing of this article.

Brenda Perez-Castro is a Colombian sociologist, urbanist and development practitioner who has worked for non-governmental organizations and international cooperation agencies on housing and slum upgrading in Latin America and Asia. She is currently supporting research initiatives at the ACHR Secretariat in Bangkok.

For more information, please contact: Asian Coalition for Housing Rights, 73 Soi Sonthiwattana 4, Ladprao 110, Bangkok 10310, Thailand; ph 662 538 0919; fax 662 539 9950; e-mail: achr@achr.net; www.achr.net.

Endnotes

- 1 For more information on TAP, please visit www.achr.net/upload/downloads/file_10112019122402.pdf.
- 2 For more information on ACCA, please visit www.achr.net/activities-de.php?id=1.

- 3 For academic articles on these subjects, visit www.achr.net/download.php?ic=1.
- 4 See www.urban-know.com for our ongoing research-action on the links between community-led development and urban equality.
- 5 For more information on the Co-Habitat Network visit www.urbamonde.org/en/projects/cohabitat-network and read our first report on "why do we need collective housing in Asia" http://achr.net/upload/downloads/file_12122019141022.pdf.

AICHR: Ten Years of Promoting and Protecting Human Rights in ASEAN

(Continued from page 8)

Yuyun Wahyuningrum is the Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights (AICHR), 2019-2021.

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Endnotes

- 1 Paragraph 16, Joint Communique of the Twenty-Sixth ASEAN Ministerial Meeting Singapore, 23-24 July 1993. Full text available at https://asean.org/?static_post=joint-communique-of-the-twenty-sixth-asean-ministerial-meeting-singapore-23-24-july-1993.
- 2 Ibid., paragraph 18.
- 3 These documents are available at the ASEAN website:
 1. ASEAN Human Rights Declaration -

- <https://asean.org/asean-human-rights-declaration/>
2. Declaration on Violence against Women and Violence against Children in ASEAN - https://asean.org/?static_post=declaration-on-the-elimination-of-violence-against-women-in-the-asean-region-4
3. ASEAN Convention against Trafficking in Persons, especially Women and Children - <https://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/>
4. ASEAN Consensus on the Promotion and Protection of the Rights of Migrant Workers - https://asean.org/?static_post=asean-consensus-protection-promotion-rights-migrant-workers.
- 4 The acronyms have the following full names:
 - ICCPR - International Covenant on Civil and Political Rights
 - ICESR - International Covenant on Economic, Social and Cultural Rights
 - CAT - Convention against Torture and Other Cruel, In-

- human or Degrading Treatment or Punishment
- CERD - Convention on the Elimination of All Forms of Racial Discrimination
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
- CRC - Convention on the Rights of the Child
- CED - International Convention for the Protection of all Persons from Enforced Disappearance
- CRPD - Convention on the Rights of Persons with Disabilities.
- 5 See ASEAN human rights body holds forum on access to justice, <https://asean.org/asean-human-rights-body-holds-forum-access-justice/>.
- 6 See ASEAN Sectoral Ministerial Bodies, <https://asean.org/asean-structure/asean-sectoral-ministerial-bodies/>.
- 7 Cha-am Hua Hin Declaration on the ASEAN Intergovernmental Commission on Human Rights, www.asean.org/wp-content/uploads/images/archive/15thsummit/Declaration-AICHR.pdf.

HURIGHTS OSAKA Calendar

The 9th volume of *Human Rights Education in Asia-Pacific* has finally been printed.



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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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