

# FOCUS

## Asia-Pacific



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#### **Human Rights Education in Asia-Pacific, Volume 11**

*This is an introduction to the contents of the 11th volume of Human Rights Education in Asia-Pacific.*

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### Editorial

#### Tolerated Abuse

Abuse of children happens with support from family and society. Parents and other elders in society tolerate the suffering of children by allowing them to fight in armed conflicts, marrying them very young, and erasing their ties with their other parents.

Poverty as well as social pressure compel some Yemeni families to allow their children to be recruited as child soldiers. Some families in Mindanao follow traditions that allow old men to marry young girls. Some parents (mothers or fathers) in Japan deliberately hide their children from their other parents.

In these cases, parents largely fail to see the abuse being suffered by their children. They fail to see the long-term adverse impact of their decisions on the children they profess to love.

The challenge lies in making parents and other elders in society see this abuse from the perspective of their children. The challenge also lies in finding ways of protecting their children while satisfying economic needs or respecting socio-cultural traditions.

# Child Soldiers in the Armed Conflict in Yemen\*

Mwatana for Human Rights

Yemen witnesses an internal armed conflict that involves hundreds, and maybe thousands, of child soldiers. Persistent reports and information from the human rights sector indicate that the number of recruited soldiers is continuously rising in Yemen, primarily because this poor and war-torn country presents a fertile ground for the expansion of this phenomenon. They also report the diversified child soldier recruitment methods and mechanisms, and the deepening negative societal effects of this recruitment.

Mwatana for Human Rights conducted a study on child recruitment and the use of child soldiers in the armed conflict in Yemen in September 2019. The study is the first of its kind devoted to the phenomenon of child recruitment, examining its causes, mechanisms, direct effects and possible future directions.

The study covered nineteen governorates in Yemen including Sanaa city: Sanaa, Amran, Sa'adah, Dhamar, Hajjah, Al-Mahweet, Raimah, Al-Jawf, Hodeidah, Taiz, Aden, Ibb, Lahj, Abyan, Marib, Shabwah, Al-Baidha and Hadramout. The sample cases were selected from these governorates taking into account the characteristics of child recruitment, its dimensions and the selected

cases included all the parties involved in child recruitment, namely: Ansar Allah (the Houthi armed group), the Yemeni army affiliated with the internationally recognized government, forces loyal to the internationally-recognized government, forces affiliated with the United Arab Emirates (UAE)-backed Southern Transitional Council, the Joint Forces led by Tariq Saleh (the nephew of the former Yemeni president Ali Abdullah Saleh), Yemeni army brigades affiliated with the Saudi/UAE-led coalition stationed in the southern Saudi borders, and Ansar Al-Sharia.

## Causes of Child Recruitment

Economic conditions are a major cause of child recruitment in the armed conflict in Yemen. Poverty often compels some Yemeni families to allow their children to participate in the conflict to support their minimum, necessary survival needs, or in order to increase the family's utterly limited income. There are also some cases where children themselves join the army because of the hardship of living under poverty and the inability of their families to provide for their personal needs. Economic reasons account for 40.7 percent of the causes for child recruitment based on the study sample.

Social reasons (which account for 37.8 percent) play an important role in driving child recruitment. Yemen is considered a low-educated country with widespread illiteracy. Influence and social pressure, based on widespread social norms that normalize and further child recruitment, also drive many children to join military units of the different parties to the conflict. For example, there exist social norms which advocate that children be viewed as capable of taking responsibility, including carrying arms and fighting. Political and ideological reasons, on the other hand, accounted for 14.1 percent of the interviewees' cited causes of child recruitment. These included ideological allegiance to the recruiting party, as well as political and ideological affiliation to and/or support for a particular political issue. The desire to carry and use weapons and to imitate adults who participate in the war was found to be the least significant cause, only cited by 7.4 percent of the sample.

Although these reasons vary in terms of importance, they all play an influential role.

It would be difficult to ascribe the phenomenon of child recruitment to one single cause—in many cases, multiple causes, or push factors, were at

play. For example, not all poor families allow or encourage their children to fight. In other words, if the poverty factor is not combined with another factor, such as social pressure from relatives and friends, it may not necessarily lead to child recruitment. The co-occurrence of both economic and social push factors was seen in a large percentage of children recruited who cited economic reasons.

Likewise, causes for child recruitment vary by different warring parties. Economic reasons, for instance, played a less important role in recruiting children into Ansar Allah (Houthi) forces than social reasons and the reverse for the national army affiliated with the internationally recognized government, the forces loyal to the government, the UAE-backed forces of the Southern Transitional Council, the forces affiliated with the Saudi/UAE-led coalition and the forces of Tariq Saleh. One potential explanation for this is that economic expectations—in terms of pay and other material benefits—from both the child and his family when recruited by Ansar Allah (Houthi) forces are relatively less than those for other forces. For this reason, the Ansar Allah (Houthi) group depends on its social influence as well as ideological and political factors more than other recruiting parties, with the exception of Ansar Al-Sharia, whose child recruits are mainly influenced by ideological factors.

### **Patterns and Mechanisms of Child Recruitment**

Compulsory child recruitment (i.e., recruiting by force) accounted for 55.8 percent of the sample and can be regarded as the prevailing pattern of child recruitment. This includes recruiting children while threatening the family, abducting children and recruiting them without their family's consent. Voluntary recruitment (i.e., with family authorization) accounted for 44.2 percent of the sample cases, a relatively high percentage compared to compulsory recruitment. "Voluntary" recruitment, however, includes instances where families felt compelled to allow their children to be recruited due to deteriorating economic conditions, social influence or ideological mobilization. Children are not often recruited individually. 80 percent of the sample of the present study involved collective/group recruitment. In other words, recruitment was carried out through collective mobilization in small and large groups, suggesting how important social influence among children is in this phenomenon.

The parties to the conflict assigned people from different social groups to recruit children and to make it more attractive to them, such as mobilizing supervisors, children's relatives and friends and, to lesser degree, parents and brothers. Different parties followed different mechanisms to recruit children. Ansar Allah (Houthi armed group) promoted the idea of 'Jihad' to influence children,

whereas the army of the internationally recognized government and other forces often recruited children by offering financial benefits.

### **Conflict and Recruitment Dynamics**

Child recruitment has taken an upward trend in the conflict, i.e., recruitment increases as the conflict continues. Children play an important role in fighting and providing security for the warring parties. A large percentage of children have been killed (31.6 percent) from the overall sample of those recruited, demonstrating a high level of reliance upon children for fighting and security tasks. This in turn indicates at least part of the reason why parties to the conflict continue recruiting child soldiers – their participation is viewed as considerably important to all parties.

There is an ongoing debate on the phenomenon of child recruitment in Yemeni society. There are some conflicting trends related to this phenomenon during the continuing conflict. Despite the fact that child recruitment has a tendency to rise, 11.6 percent of families which agreed to have their children recruited changed their position and had their children returned back to the family. These families took their children back for several reasons, including fear for their children's lives (especially as fighting escalated) and improvement in household income. 17.19 percent of the recruited children left their units for different reasons which had nothing to do with pressures

experienced by their families. People's posture towards recruitment (such as after being exposed to bad recruiting practices) can change based on changes in social statuses and the dynamics of the conflict. Moreover, economic intervention for families whose children have been recruited also appears able to reduce the magnitude of the phenomenon and impact its course in a positive way.

### **Violations against Recruited Children and Family's Reactions**

Child recruitment is considered a violation of national and international law. It also exposes children to dangers and abuses, including death, injury, rape and sexual violence. Recruited children have also been subjected to harsh conditions, had severe bodily injuries and been maltreated. The study shows that 68.4 percent of children recruited in the sample suffered from different dangers and abuses by parties to the conflict, including being killed during confrontations with the other party, abduction, rape and sexual violence.

The reactions of children's families towards the dangers to which their children were exposed (specifically their deaths) were generally muted due to constraints which neither offer opportunities for them to express their stance openly nor allow them to take legal action in the case of violations due to lack of effective legal mechanism in the midst of the conflict. The majority of families held recruiting parties responsible for dangers or abuses to which their children

were exposed, while 30 percent of the families blamed the party that directly caused the suffering of the recruited child (for example, the opposing party if the child was killed during fighting).

### **Direct Effects of Child Recruitment**

There are many negative effects of recruiting child soldiers. Three major negative effects that came out of the study are highlighted. School dropout is one of the main negative effects of this phenomenon. 90.5 percent of the recruited children were school boys prior to recruitment. These children dropped out of school believing that recruitment would provide them future economic opportunities (such as getting a permanent job in the military) which could not be attained by continuing their education. Moreover, child recruitment results in changes in thought and behavior which impact children's manner of thinking about the future on the one hand and dealing with family and society, on the other, for example, acquiring ideas from the recruiting party and attempting to take on new roles inconsistent with their age. Another major negative effect of child recruitment is the increased number of people carrying weapons in society. 69.5 percent of the recruited children did not carry weapons prior to recruitment. However, they now carry weapons, including in areas where arms proliferation was not common.

### **Child Soldiers Recruitment – A Future Outlook**

According to the study's findings, the majority of recruited children are eager to leave their units in cases of improved living conditions of their family. On the contrary, only 18.9 percent of the recruited children expressed interest in continuing with their units. 15.1 percent of the recruited children answered "I do not know" when asked whether they would leave their units.

Given that the majority of recruited children wanted to leave their units if living conditions of their family improved, the economic factor appears as an essential factor in determining the evolution of the phenomenon. Thus, improvement in the economic sphere is likely to limit the expansion of the child recruitment phenomenon. However, economic improvement of the whole population would not occur in the context of a continuing armed conflict. In other words, the positive impact of improved economic circumstances depends on ending the conflict. If the conflict does not stop, children are likely to continue being recruited, perhaps at increased rates, due to deteriorating living conditions.

In assessing the likelihood of the expansion of child recruitment through scoping interviews with non-recruited children living in an active recruiting environment, it was found that non-recruited children who expressed interest to be recruited accounted for 57.7

percent of those interviewed, whereas those who did not express interest were 42.3 percent, some of whom opposed the idea of child recruitment more broadly. The majority of non-recruited children appeared strongly inclined to be recruited and join the fighting. They believed that recruitment was a way to get money and gain weapons, which was a dream to realize for some of them.

Moreover, exposure to recruitment efforts is high, with the result that families' control of their children, especially those who are inclined to be recruited, has weakened. The study shows that exposure to recruitment among non-recruited children accounted for 53.8 percent of the sample. Likewise, 73.1 percent of the respondent parents revealed that they have concerns that their children might engage in recruitment of other children in the future without their knowledge.

**Key Recommendations**

Below are some key recommendations on how to address the child soldier issue:

1. Strengthen the resilience to recruitment for the child and the family
- Undertake a program of giving immediate assistance to families whose children have left fighting forces to help their (children's) reintegration into society, including by accommodating them in schools and paying special attention to girls who have been recruited and at

risk of suffering from social stigma;

2. Adopt special measures for ending child recruitment in the course of ending the conflict
  - Ensure the collective release of children recruited by all parties to the conflict as a step towards paving the way to reach a political settlement, rather than postponing this step by treating it as a result of an intended settlement;
3. Strengthen the legal and institutional framework
  - Operationalize the action plan signed by the government and the United Nations regarding the release of recruited child soldiers, stopping re-recruitment, seriously following up its implementation and creating mechanisms for the supervisory role of the United Nations;
4. Strengthen the local and international partnership for children
  - Raise the level of cooperation between child rights non-governmental organizations (NGOs) and civil society institutions working in Yemen, to strengthen monitoring and documentation of the phenomenon of child recruitment and to assist in conducting in-depth studies of the phenomenon at the level of the most enlisted governorates.

\*This is a slightly edited version of the Executive Summary of the July 2020 report of Mwatana for

Human Rights entitled *Colored Coffins - Recruitment and Use of Child Soldiers in the Armed Conflict in Yemen, April 2013 - December 2018*. Full report of the study available at <https://mwatana.org/wp-content/uploads/2021/09/Colored-Coffins.pdf>.

*Mwatana for Human Rights (Mwatana) is a human rights organization that documents human rights violations in Yemen.*

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# Enforcing the Law Against Child Marriage

Rufa Cagoco-Guam

A law criminalizing the practice of child, early, and forced marriage took effect in the Philippines in February 2022. This law implements the state policy of abolishing “all traditional and cultural practices and structures that perpetuate discrimination, abuse, and exploitation of children such as the practice of child marriage.”

The law entitled “An Act Prohibiting the Practice of Child Marriage and Imposing Penalties Thereof” (Republic Act No. 11596) was signed on 10 December 2021. It imposes stiff penalties on those who officiate or even cause early or child marriage, like parents and older relatives of both girls and boys.

The law was praised by some sectors in society but opposed by a group of Muslim leaders who were members of the parliament in the Bangsamoro Transition Authority (BTA) in the Muslim region in Mindanao. The opposition to the law was based on the view that child marriage was part of Bangsamoro “tradition” or “culture” and that “it is hard to change.”<sup>1</sup>

The Bangsamoro Transition Authority (BTA), the interim governing body of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), issued a resolution appealing to President Rodrigo Duterte to stop the implementation of the law. In supporting their resolution at

the BTA, the group of members of parliament claimed that the “...Bangsamoro community does not support this law,” as stated by Minister Romeo Sema of the region’s Ministry of Labor and Employment.<sup>2</sup>

The enforcement of the law however has not been suspended.

## Enforcing the Law

Save the Children–South Central Mindanao Office (SCMO) commissioned a research to get evidence-based information for designing interventions addressing the concerns and issues related to the practice of early or child marriage among indigenous peoples. The research adopted a human rights perspective that recognizes an individual’s right to marry and to found a family as based on the requirement of the “free and full consent of the intending parties.”<sup>3</sup> In this sense, the “free and full” consent of the parties who are below 18 years of age can be dubious as they are still considered immature, and usually under the influence of the decisions made by their parents or older relatives.

The research found out that many of the T’boli and Bla’an women who contracted early marriage (at ages ten, twelve, fifteen and sixteen) were not able to finish their basic education (primary and

secondary levels). When they went back to school after being married, they were ridiculed and bullied by their classmates. They also had to deal with various socio-psychological factors that are part and parcel of married life, like having to deal with interfering in-laws, earning a living for their family, and nurturing children, when they themselves were still children. One case stood out as among the most worrisome situation a child bride can get herself into. One team documented the case of a young woman at sixteen, who already had three children—her parents arranged for her to marry the local village chief after she reached puberty. In her case, this happened when she was twelve, so after her first menstruation, she was sent off to the household of the village chieftain, who at that time already had twelve wives. As part of her tragic story, her two elder siblings had become child brides of the chieftain earlier. This was because her parents had to follow the “tradition” of early marriage of their indigenous community. The reckoning of the relationships of the children of each of these three siblings by the same husband can be a huge challenge for any sociologist to handle, making the drawing of the children’s family tree very much a confusing exercise: the children of the three siblings are also siblings themselves (because they were fathered by a common husband) but they are

also first-degree cousins since they are children of three siblings.

Another study by the Save the Children (STC) came up with several insights based on the prevalence of early marriage among both the T'boli of South Cotabato and the Blaan of Sarangani province. Some of the interviewed traditional leaders in that study stressed that it is hard to beat "tradition," yet they also realized that many in their respective communities became out-of-school youth after they got married. One of its research team's recommendations was for STC to conduct a series of consultations among the indigenous peoples' communities within their area of work, in both South Cotabato and Sarangani, to convince the traditional leaderships among the T'boli and Blaan to consider regulating the practice of early marriage in their communities. This was carried out, and toward the end of the series of consultations, traditional leaders themselves agreed on a covenant to ensure that young people, especially girls, would not be pushed to marry early just to keep the tradition.

In Marawi City, after the five-month siege in 2017, a substantial number of child and forced marriages among girls was reported in evacuation sites. Thirty-one percent of the people in these sites responded to a survey conducted by Plan International that child and forced marriage, especially among young girls, is considered the most common form of sexual violence. While early or child marriage is "acceptable" among Meranaws as it is part of their "tradition,"

there is also a growing number of women among them who are advocating the end of this practice. The survey also revealed that child marriage has become a coping mechanism for many families in the temporary or transitory shelter areas due to "economic instability, fear of violence, and a felt need to maintain 'family honor.'" The latter is the consequence of the shame brought about by an act of sexual violence against young girls in the evacuation sites. It is always the violated girls who bear the brunt of being shamed and pilloried by society. When she gets pregnant, she will be forced to marry the older person who sexually abused her to "preserve family honor."

The Panginam (Hope) project in Molundo, a town situated twenty kilometers south of Marawi City, is strongly advocating that girls and boys are given opportunities to study and to enjoy their childhood. In 2019, the United Nations Population Fund, together with the United Nations Development Programme and the International Labour Organization provided both material and capacity-building support to a group of young women who wanted to see the practice of child and forced marriage eliminated in their communities. Sam Guro, a youth development officer in Molundo, initiated this program, together with three friends. Sam herself revealed that her parents were married when they were children, but are now realizing that education can be a weapon to fight against poverty, and both young women and men should be given adequate opportunities to get quality education, learn skills for livelihood, instead of stopping school just because

they are already married in order to work to support their families. Children need to enjoy being children, being able to play and engage in rough and tumble kinds of games while in their primary and secondary school studies. Sam is proud that she and her friends are giving young girls and boys hope for the future, one that is no longer practicing child marriage.

The results of these research projects support the feasibility of enforcing in Mindanao the law that prohibits child marriage.

Like all other aspects of culture, tradition is learned; therefore, it can also be unlearned. Moreover, several traditions among Magindanawan have already been decreed by Muslim Councils of Elders as "un-Islamic"—for example, the belief in fortune-telling, sorcery, traditional forms of healing invoking spirits like the *pag ipat*, celebrating birthdays, among others. These are strongly discouraged among Muslims. But practicing these cultural traditions does not infringe on anybody's human rights, unlike the practice of child marriage.

*Rufa Cagoco-Guiam, after retiring as a Full Professor at the Sociology Department, College of Social Sciences and Humanities, Mindanao State University - General Santos City in 2016, continues to research, write and give presentations on peace issues in Mindanao, as well as participate in special government projects on addressing problems affecting Muslims in Mindanao.*

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# Black Hole of Child Abduction

## Find My Parent

Aside from being known as a developed and tech-savvy country, Japan is also known as the “black hole of child abduction.” The country earned this image years before Hague Convention took effect in Japan in 2014<sup>1</sup> and continues to be brought up by local and international media today. Japan is accused of turning a blind eye to parental abduction for decades and effectively encouraging it through its sole custody and authority law.

### Sole Parental Responsibility

Japan is unusual among developed nations in not recognizing the concept of joint child custody or shared parental responsibility.

When a couple divorces in Japan – regardless of nationality – only one parent can retain sole parental authority and custody unless parents agree on their own to have joint custody. As a result, the non-custodial parent is at the mercy of the custodial parent; the latter can prevent the former from seeing, interacting or even speaking with their children.<sup>2</sup> In addition, once separated, the non-custodial parent has no right to make any decision on the children’s schooling or healthcare issues.

Japanese courts give custody to one parent by applying what is known as the “continuity principle” — which translates to

“if the child is settled in one household, he/she should not be disturbed.”

As observed by a law professor<sup>3</sup>

Japanese family court judges thus have tremendous discretion when it comes to making decisions about children and may do so by, for example, completely reversing a foreign custody, refusing to award any visitation to a non-custodial parent, awarding visitation for only a few hours once a year, or ordering the custodial parent to send a few photographs of the child every year in lieu of visitation.

There are also reports of abuse by lawyers and judges by ensuring that the abducted children would not be able to see their left behind parents. They allegedly benefit financially from this scheme.<sup>4</sup>

### Child Alienation

Single parent custody can have significant effect on the socio-economic and psychological well-being of children. In a survey of children of divorced parents, 40 percent of respondents “felt their lives became more difficult after their parents parted.” This is one of the results of the “first large-scale survey of children in Japan regarding divorce” undertaken by the Ministry of Justice in 2021.<sup>5</sup>

Another government survey in 2021 showed that more than 50 percent of single parent households struggle financially.<sup>6</sup> Japan also has one of the highest child suicide rates in the world, with most children citing family problems as a reason.<sup>7</sup> Recorded child abuse has also hit record highs.<sup>8</sup>

By having joint custody and authority similar to other countries in the world, children in Japan of separated/divorced parents would be less prone to any form of abuse or suffering due to poverty. A second parent and extended family would be able to follow-up on their children’s care and well-being.

### Criminal Liability

Article 224 of the Japanese Penal Code provides that abduction of a minor is a criminal offense.<sup>9</sup> This criminal provision applies to any parent who abducts his/her child.

However, a parent who tries to find his/her abducted children risks being arrested for attempted kidnapping based on Article 224 of the Penal Code. This can happen even though the left behind parent still possesses full parental authority and has no restrictions on seeing his/her children. The threats are real. A 2005 decision of the Supreme Court illustrates the application of Article 224 to a left behind father.<sup>10</sup>



Where the father took away by physical force his two-year-old child who was in the custody of the mother living separately from him, if there were no special circumstances in which it was actually necessary for the father to commit such an act and the act was violent and coercive, the father's act of kidnapping the child cannot be justified even though he has parental authority.

Australian Scott McIntyre spent forty-five days in detention cell in Japan in 2019 trying to check on the well-being of his children his wife had kidnapped a few months before.<sup>11</sup>

In the case of Vincent Fichot, he filed four complaints for child abuse and child abduction with the Japanese police during the last four years. None of his complaints were given due course. Instead, the police threatened to arrest him on kidnapping charges in case he tried to see his children. The irony is that, to this day, he is still married to his estranged Japanese wife and has full parental authority over their children.

### **Not Limited to Non-Japanese Parents**

Parental abduction occurs in every social class, ethnicity, and gender in Japan. Though the international media often focuses attention on the abduction of children of non-Japanese fathers, the reality<sup>12</sup> is that most abducted children have two Japanese parents, and a growing number of abductors are Japanese fathers.

With nearly a quarter of international marriages in Japan

involving a Filipino wife and Japanese husband,<sup>13</sup> it is likely that a significant number of Japanese-Filipino children are being abducted in Japan as well.

### **Change Underway?**

In November 2021, five Japanese news channels reported the issue of child abduction for the first time after France issued an Interpol arrest warrant for Vincent Fichot's Japanese wife on kidnapping and abuse charges. Although the children were kidnapped on Japanese soil, Fichot was able to obtain the Interpol arrest warrant because his children possess dual nationality (French and Japanese). This highlighted the weakness in the operation of Japanese law. To date, the Japanese authorities have failed to act on this arrest warrant despite continuous pressure and follow-up from Fichot.

Months after the news came out, the Head of the National Police Agency of Japan made a surprising announcement. He instructed his departments to facilitate the registration of complaints of abduction of minors (unilateral removal of a child from one parent). The instruction included the conduct of awareness-raising activities for police officers in charge of complaints, and the setting up of a dedicated phone number to respond to any report of abduction of children. For the first-time, dozens of left behind parents in Japan went to the police to complain on the abduction of their children by their spouses.

Will the police and the Ministry of Justice act on these child abduction complaints and file

criminal charges in court in accordance with the law? This is still to be seen. But members of the Japanese parliament including Masahiko Shibayama are closely monitoring the situation in Japan and the implementation of existing laws, including Article 224 of the Japanese Penal Code on abduction of minors.

### **Solutions**

Though the current system and cultural norms can be large barriers towards preventing and resolving parental abduction in Japan, Find My Parent (FMP) is confident that change can be achieved through consistent, coordinated and strategic actions. Supporters of the child's right to both parents advocate for change at the local and international levels. They hold regular demonstrations to raise public awareness and pressure the government for action. Many politicians in Japan are also advocating for an end to parental abduction.

Embassies of different countries in Tokyo (in coordination with their Ministries of Foreign Affairs) can put pressure on Japan to prevent as well as resolve parental abduction of children. Honorable Rahm Emanuel, the new U.S. Ambassador to Japan, expressed his plan to raise the issue of implementation of the Hague Convention with the Japanese government during the confirmation hearing at the U.S. Senate of his nomination as ambassador to Japan and in his response (5 April 2022) to the letter of Find My Parent (FMP) regarding child abduction in Japan.<sup>14</sup> Consistent pressure must be put on the U.S.

Embassy as well as other embassies in Japan to ensure that the abducted children are not forgotten.

Technology can play an important role in supporting families during the divorce process by providing them with the right tools for a positive, child-centered co-parenting relationship. FMP is currently developing a mobile application created and designed for Japanese families for this purpose. The mobile application is expected to be launched in the second half of 2022. Also, left behind parents who want to raise their voices to the decision-makers can do so by visiting the FMP website - <https://findmyparent.org/>.

For children who have already been abducted, restoring their link with the left-behind parent as soon as possible is key. The bond between a parent and child is necessary to the children's development and success. Since the current mechanisms for child-parent reunification are largely failing children around the world, FMP has developed a mobile application that empowers children and parents to reunite using the latest artificial intelligence (AI) technology. Learn more on YouTube<sup>15</sup> about this app, which can be downloaded from the FMP website (<https://findmyparent.org/app/>).

FMP is using the same powerful technology to help reunite families<sup>16</sup> separated during the current war in Ukraine.

Reuniting families after parental abduction is not enough, though. The relationship

between a child and his/her parent and between a child and extended family cannot just be put back together like a puzzle. It is a complex relationship that may take years to mend and sometimes it never does. That is why efforts must be focused on the prevention of parental abduction and the promotion of co-parenting. Supporters can contribute by spreading awareness through social media and word of mouth. Most will be surprised to see how many affected people respond once they start talking about the issue. FMP's podcast *You're Double*<sup>17</sup> is a great place to start hearing real stories and expert advice on the issue.

Lastly, it is important that those most affected by parental abduction – innocent, vulnerable children who are often scarred for life - are not forgotten. We should take time out of our day to check-in on the children in our lives, especially those who have divorced parents. Governments, schools and non-profit organizations need to play their part in making sure these children get the support they need, by providing a safe space for children to express their concerns and by providing access to quality, child-centered mental health services.

*Find My Parent is a U.S. registered, international non-profit organization that is committed to empowering and advocating on behalf of abducted children around the world.*

*For further information about child abduction in Japan or supporting efforts that advocate*

*for the children of Japan, please visit [findmyparent.org](https://findmyparent.org) or download the Find My Parent mobile app in the Google Play Store or Apple Store to start searching for your missing loved ones.*

#### Endnotes

- 1 See Ministry of Foreign Affairs, [www.mofa.go.jp/fp/hr\\_ha/page22e\\_000249.html](http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html).
- 2 Story of Japanese mother Emi presented in Find My Parent You're Double podcast <https://findmyparent.org/japanese-government-politicians-judges-and-lawyers-dont-care-about-children-emi-left-behind-parent-from-japan/>.
- 3 Colin P.A. Jones, Divorce and Child Custody Issues in the Japanese Legal System, Official Magazine, U.S. Embassy Japan, <https://amview.japan.usembassy.gov/en/divorce-law-in-japan/>.
- 4 See Nozomi Makino, The Darkness of the Real Child Kidnapping Business: Human rights lawyers' crazy tricks, <https://hanada-plus.jp/articles/323>, and Yoshiko Ikeda, Darkness of child abduction business continued - Here are the "Villains" who killed the Hague Convention, <https://hanada-plus.jp/articles/328>. See also *Current Situation of Child Abduction in Japan*, written statement submitted by the International Career Support Association, a non-governmental organization to the United Nations, UNGA, A/HRC/39/NGO/86, 31 August 2018, available at <https://findmyparent.org/knowledge-base/19752/>.
- 5 "1,000 people in their 20s and 30s" participated in this survey via the Ministry of Justice website. "Over 40% polled in Japan say parents' divorce,

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# “Ushiku” – Documenting Human Rights Violations in Japan

Jefferson R. Plantilla

The website of the documentary film “Ushiku” describes what it is all about:<sup>1</sup>

Ushiku takes viewers deep into the psychological and physical environment inhabited by foreign detainees in one of the largest immigration centres in Japan. On the eve of Japan’s recent – and highly contentious – immigration reform efforts, the media blackout the government has imposed on its immigration centres is bypassed, bringing viewers into immediate contact with the detainees, many of whom are refugees seeking asylum. Detainees are held indefinitely and subject to violent deportation attempts by Japanese authorities against a background of the ensuing COVID-19 pandemic and with the spectacle of the Tokyo Olympics looming on the immediate horizon.

The interview of detainees was video-recorded in secret (without permission from the detention center officials) in order to report what the detainees say as human rights violations in the center.

The film presents the testimonies of nine people on their condition inside the Immigration Center in Ushiku City, Ibaraki Prefecture. The detainees have pending

applications to stay in Japan. In most cases, the detainees are deported from detention. When they refuse deportation, they are “re-detained.” Some have been detained for several years.

The detainees, interviewed several times over several months, express their worsening physical and mental conditions. Some appeared on wheelchairs due to illness or weakness due to hunger strike. The interviewed detainees seem to suffer from depression and other mental health problems. The film includes an official video from the detention center showing physical abuse in the way a detainee was restrained.

The film raises serious questions on why such human rights violations have remained in Japan’s detention centers until the present. This issue has long been the subject of appeals by Japanese organizations supporting those in the immigration detention centers.<sup>2</sup>

Some of the detainees were given temporary freedom (known as “Provisional Release”) but were not given legal permission to work to support their needs. One of the interviewed detainees contemplated suicide for being alone and without money, while staying out of the detention center.

## Motivation in Making the Film

The Director, Thomas Ash, made an official statement about the documentary:<sup>3</sup>

My motivation was not to make a film, but rather as a witness to human rights violations, I felt morally compelled to document evidence in the form of filming the detainees’ testimonies; to document their truth.

He noted the need to address the violation of human rights of detainees in Japan’s immigration centers illustrated by the<sup>4</sup>

death of Wishma Sandamali Rathnayake in March 2021, who had been detained for 7 months at an immigration centre in Nagoya, and the deaths of 16 others over the past 15 years, [that] demonstrate[...] why so many supporters are concerned about the health and wellbeing of people suffering in indefinite detention [in] Japan.

The issue of indefinite detention and the abusive treatment of the detainees are the main focuses of “Ushiku.”

## The Director and Film Festivals

Thomas Ash was a former English language teacher under the *Japan Exchange and*

Teaching Programme (JET) in Tochigi prefecture from 2000 to 2003.<sup>5</sup> He subsequently made films mostly about social issues in Japan. As described by an international film festival, Ash is<sup>6</sup>

a director, editor, producer and writer based in Japan. His documentaries on health and medicine in the country have covered topics such as children living in areas of Fukushima impacted by the nuclear meltdown, end-of-life care, and male sex workers.

“Ushiku” earned awards in film festivals in several countries including Nippon Docs Award (Audience Award) at the 2021 Nippon Connection Film Festival (Germany), First Prize in Asian Competition at the 2021 DMZ Docs FF (Korea) and Camera Japan Award (Audience Award) at the 2021 Camera Japan Festival (Holland).<sup>7</sup> It was shown in the online Yamagata International Documentary Film Festival 2021,<sup>8</sup> Singapore International Film Festival (SGIFF) in 2021, Japan Square – Filmfestival 2022 (Belgium),<sup>9</sup> among others.<sup>10</sup>

“Ushiku” started to be shown in theaters in different parts of Japan from February 2022 and is slated to be shown in thirty-five cities, but that number is still increasing.

### Documenting Human Rights Violations

The value of “Ushiku” as a documentation of human rights violations in Japan is not affected by the lack of permission from the detention center to video-record the interviews. The interviewed

detainees agreed to reveal to the general public in Japan and other countries the problems they face in the detention center. On the supposed lack of consent of one of the interviewed detainees, the detained person made an online statement about his full agreement to the inclusion of his interview in the film.<sup>11</sup> The interviewed detainees took the risk of speaking out about their situation despite the fear of possible abuse later on inside the detention center.

The film shows the problem of inadequate scrutiny of the immigration detention system in Japan. It challenges the Japanese government to prove that its detention system protects the human rights of the non-Japanese detainees, and to hold its officers properly accountable for violations whenever they occur.<sup>12</sup>

“Ushiku” is not about the application of the detainees for permission to stay in Japan or to obtain refugee status, or the Japanese refugee acceptance system. It simply aims to raise public awareness on the situation of detainees and the need for the detention centers to protect their human rights.

Ash expresses his hope about the documentary film:<sup>13</sup>

“My hope is that people who see the film will want to know more about the issues and will investigate it further. I’ve gotten involved by making the film, but everyone has a different role to play. I hope it will lead to a range of actions. Even just talking to someone else is something. If more people learn about the issues, it could lead to a solution.

What I fear the most is indifference.”

*Jefferson R. Plantilla is a Researcher at HURIGHTS OSAKA. The author thanks Thomas Ash for providing additional information in this article.*

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### Endnotes

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# Human Rights Education in Asia-Pacific, Volume 11\*

HURIGHTS OSAKA finished its 11th volume of *Human Rights Education in Asia-Pacific* (2021) with articles from nine countries and three international/regional institutions (Hedayah based in United Arab Emirates, Search for Common Ground Sri Lanka office, and Asia Justice and Rights and the ASEAN Intergovernmental Commission on Human Rights both based in Indonesia).

## Programs

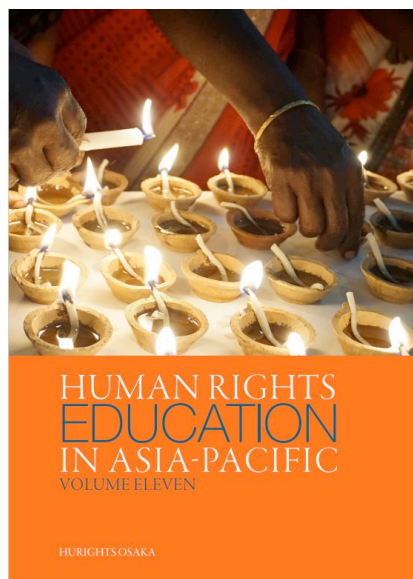
The articles cover educational programs for migrant workers in Singapore, Indonesia, the Philippines and Hong Kong; non-governmental organization workers in the Philippines; youth from rural communities in Pakistan and Sri Lanka; community leaders from Timor Leste, Indonesia and the Philippines; school teachers in Japan; education and government officials in Australia and other countries.

The peace-related articles focus on how to manage trauma from armed conflict, and how to avoid violent conflict or prevent the rise of violent extremism.

## Learnings

Several articles provide significant lessons learned in the implementation of educational programs related to human rights. The article on memorialization in Sri Lanka discusses the importance of personal encounter among people belonging to different

ethnic groups in minimizing prejudice and discrimination that constituted the root cause of the armed conflict. Personal encounters take the form of home and community visits. Home visits lead to better appreciation and acceptance of differences in culture and thinking of ethnic groups, and a more nuanced understanding of the suffering endured during the period of armed conflict.



Community visits, on the other hand, “helped the participants to debunk cultural stereotypes, see the plight of Hindu minority, understand the feudal system and experience interaction with people of different ethnic and cultural backgrounds.” Stories and views expressed by members of the communities provide essential understanding of issues that beset people in rural areas.

Educational efforts at preventing extreme violence require

measures such as “mitigating feelings of isolation or exclusion by establishing positive connections between students’ own worlds and the worlds of others,” and providing “alternatives to violence and violent extremism by cultivating attitudes and values that encourage students to participate as active citizens in their communities.” Educational efforts for those who suffered from conflict and violence, on the other hand, provide the “opportunity to learn about how non-formal education influences healing for victims of trauma and how to help those individuals become empowered to assert their rights for transitional justice and accountability for human rights violations.” Hedayah points to practical measures of changing thinking and behavior in this regard.

In training people on how to properly react to situations of abuse or violation of human rights, that is, raising a voice to stop the acts of abuse or violation or to change practice and system, the VEOHRC pilot project suggests the need for a “more iterative implementation of the program [that would enable] participants to further practice [...] skills and troubleshoot some of these challenges in a supportive environment.”

The same project also stresses the need to tailor training program or module to the specific situations of the

participants to make them more effective. Similarly, the experience of the Asia Justice and Rights (AJAR) in training field workers shows the need to create “training modules for individuals working with AJAR to better understand how to work with survivors of trauma, including key skills and principles for working with them effectively.” The Education for Shared Societies (E4SS) headed by Hedayah echoes the same rule regarding its educational recommendations: “A guiding principle in the implementation of these recommendations is that they should not be considered universal, but rather guidelines that should be tailored to fit local needs and contexts.” Knowledge and skills have to be appropriate to the context of the participants to ensure their application after the training.

Raising awareness of the general public is a big challenge. Human rights messages have to compete against a multitude of messages in mainstream and digital media. However, specific human rights issues that relate to daily life of people or to an important player in the national economy may attract considerable attention. The issues regarding domestic help who work in private homes and the migrant workers who are a key resource in construction, service and manufacturing industries in Singapore attract public attention through appropriate educational activities. This public attention is useful in pressuring the government to change policy. As experienced by Transit Workers Count Too (TWC2), “[P]ublic engagement to broaden popular

awareness of migrant workers and their rights and encourage support has played a role in bringing about such changes as have occurred, and we think that it has been laying a good foundation for further advances in years to come.” The changes refer to government policies regarding “better securing workers’ pay, days off for domestic workers, and improving accommodation, transport and safety standards.”

In the case of the Association for Toyonaka Multicultural Symbiosis (ATOMS), engaging the public has at least two major objectives: a) to make the Japanese public in the city understand the situation of the non-Japanese residents; and b) to gain public support for the protection and realization of their (non-Japanese residents’) rights. In line with these objectives, ATOMS sees the necessity of focusing on specific issues of non-Japanese residents and offers services beyond “mere provision of information... [but]... are meant to empower [them] ... in engaging the Japanese residents towards “Creating a fair and sustainable, multicultural symbiotic society.”

#### *Practical Suggestions on Educational Programs*

Several articles provide concrete recommendations on how to effectively implement educational programs.

The evaluation of the Sri Lanka project of Search for Common Ground recommends that “[O]verall, skills building should be more practical, more hands-on, and draw more from real life

examples so that the youth can see their applicability to their own lived circumstances better.” It also recommends that “[M]ore needs to be done after workshops end, to promote networking and developing structures of mutual support between participating youth.”

Regarding the use of the “Champions model,” the evaluation of Community Memorialization Project in Sri Lanka recommends “[S]upport [for] the champions to build their knowledge and conflict resolution skills by engaging with small-scale conflicts in their own communities, before engaging with large-scale conflict at the national level.” VEORHC recommends more training to be provided to “Champions on how to be effective facilitators.” And “ongoing opportunity to debrief/get support from the Commission staff” could make the Champions model “an even more effective approach to [project] implementation.”

\* This article is based on the Introduction in volume 11 of *Human Rights Education in Asia-Pacific* (2021) prepared by Jefferson R. Plantilla.

*Volume 11 of Human Rights Education in Asia-Pacific* (2021) is available at the website of HURIGHTS OSAKA: [www.hurights.or.jp/archives/asia-pacific/](http://www.hurights.or.jp/archives/asia-pacific/).

**Enforcing the Law Against Child Marriage**

(Continued from page 7)

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**Black Hole of Child Abduction**

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**"Ushiku" – Documenting Human Rights Violations in Japan**

(Continued from page 12)

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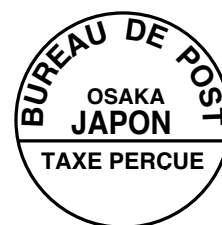
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# HURIGHTS OSAKA Calendar

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