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Editorial

Accountability and Protection

Whenever human rights are violated, the question of accountability arises. Is the State a violator in these cases? Has the State undertaken sufficient steps to bring the perpetrators to justice? What measures are being put in place to prevent such violations from occurring again in the future?

For the victims of the violations, are they given protection from further harm? Are these protection measures respectful of the victims' human rights? Will they get appropriate remedies for the harm or injury sustained?

In cases of trafficking, there are reports of victims being victimized again by State measures (such as when they are treated as criminals and subjected to deportation, or in the name of protecting them, their movement is severely restricted). Even non-governmental institutions, aiming to help victims, may unnecessarily expose them to the public or give them undue pressure to act on their cases.

It is indeed necessary to ask: Are governments aiming to resolve the problems by focusing on their root causes? In trafficking issues, governments in destination countries ought to look at the structures in place which are used to victimize trafficked people. How far have they acted on the crime syndicates that traffic people and profit from them despite laws and campaigns against trafficking?

Combatting Sex Trafficking in Japan

Christey West

In 2004, the U.S. State Department placed Japan on Tier 2 Watch List¹ for not fully complying with the minimum standards for eliminating trafficking. Its 2004 Trafficking in Persons Report states that “[c]onsidering the resources available, Japan could do much more to protect its thousands of victims of sexual slavery.”² The report strongly advised the Japanese government to increase investigations, prosecutions and convictions of trafficking crimes and to provide better assistance to victims; as well as pursue efforts to prosecute the powerful organized crime figures behind the trade. Japan responded by adopting the 2004 Action Plan to Combat Trafficking in Persons (TIP) which initiated considerable efforts to improve law enforcement policies to prosecute offenders, provide additional resources for victim protection in government-run shelters, no longer treating victims as criminals; and implemented significant reforms to tighten the regulations on the issuance of entertainer visas from the Philippines to Japan,³ which had been ‘a process used by traffickers to enslave thousands of Philippine women in Japan each year’.⁴ The government also began to provide voluntary return and reintegration assistance to victims including psychosocial care, medical and legal assistance, and follow up care

after arriving back in their country of origin.⁵ As a result Japan was taken off the ‘Watch List’ and the number of ‘entertainers’ entering Japan from the Philippines drastically decreased from 82,741 in 2004 to 1,873 in 2009.⁶

However, the 2009 Action Plan to Combat Trafficking in Persons states that⁷

while the number of victims entering the country with the status of residence of “entertainer” has decreased considerably, it has also been suggested that cases of trafficking in persons have become more sophisticated and invisible. For example, there have been cases where brokers and other perpetrators traffic victims into the country by arranging false marriages so that the victims may enter the country with the status of residence of “spouse or child of Japanese national” which has no limitations on their work during their stay.

The number of marriages between Japanese men and Filipino women jumped from 8,397 couples in 2004 to 12,150 couples in 2006.⁸ This new development caused the Japanese government to issue a revised plan, the 2009 Action Plan to Combat Trafficking in Persons.

The 2009 Action Plan incorporated taking stringent actions against the sexual

exploitation of children, and enhancing action to eliminate child pornography; increasing efforts to provide guidance to victims in a foreign language including the possibility of supporting a Multilanguage hotline for victims; examining the total procedure including identification and protection policies for victims (including male victims) to repatriation assistance; examining the necessity of establishing a bureau that handles policy concerning TIP in an integrated manner; and publicizing protection policies to potential victims.⁹

The number of government-identified victims of TIP decreased from one hundred seventeen in 2005 to just seventeen in 2009, but the Committee on the Rights of the Child¹⁰ sees this as a reflection of the inability of the Japanese government to keep up with the new sophisticated methods of trafficking and the inadequacy of its efforts to eliminate the practice. Kaoru Aoyama,¹¹ who has done extensive research on trafficking into Japan, agrees that the legitimacy of these figures is highly debatable stating that they ‘are surely not an accurate reflection of the true number of victims given that out of 100,000 illegal migrants living in Japan in 2009, only 17 victims of TIP were reported’.¹²

With the details of Japan’s sex industry largely hidden

underground, it is clear that more research is required in order to grasp the true scale of the situation. In 2007, the UNODC funded a comprehensive investigation into the trafficking situation in Japan. Aoyama led the research while sex workers gathered data who, with an insider's view of the industry, quickly began uncovering facts that represented a more accurate description of the state of affairs. Controversially, however, as soon as the results started surfacing the Japanese ambassador to the United Nations called on the UNODC to terminate the project as 'Japan has no issue with trafficking so there is no point continuing the investigation'.¹³ The project was subsequently terminated and Japan managed to save face in the international community.

Japan is the only G8 nation not to have ratified the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing the United Nations Convention on Organized Crime,¹⁴ insisting that it could not ratify the Protocol "due to lack of necessary legislation."¹⁵

Defining Issues and Terms

Defining a trafficked person can be problematic considering the existence of cases where some victims of TIP are initially aware of the conditions of debt and at times prostitution when they are recruited. In cases of women being deceived into 'marrying' their 'husbands' and struck with unforeseen burdens upon arrival, there were reported

cases of such women being classified as victims of TIP.¹⁶ These women victims faced criminal trial and most were deported under the immigration law, while the provisions of the Action Plan on protecting trafficking victims were pushed into "background completely." This demonstrates the arbitrariness of Japan's judicial process.¹⁷ In order to effectively provide protection for victims of TIP, it is crucial that the terms used are properly defined.

A 2004 report from the International Labour Organization (ILO) provides an important caveat on the issue of Japan's entertainment industry and sex work. It states¹⁸

Generalizations about the entertainment industry are dangerous. 'Hostessing' is an occupation unfamiliar to many cultures, and many people erroneously presume that hostessing includes the provision of sexual services. Statistical estimates are often sloppy or completely fail to differentiate between hostessing (usually involving conversation, pouring drinks, lighting cigarettes but no physical contact or sexual service) and other sex work (including stripping and prostitution). Given the size of the entertainment industry, it is hardly surprising that clubs range from the highly formalized elite to those which include sexual services additional to normal hostessing services. To be effective, any debate on trafficking must grasp the enormous size and diversity of the Japanese entertainment industry, that it employs an enormous number of Japanese women (as well as

foreign women), and that most women working within the industry are doing so with free agency. There is no evidence to date to suggest that trafficked women make up more than a small proportion of women working in the entertainment industry, and prostitution is only a part of that industry.

On the other hand, conflating 'volunteer sex workers' and victims of trafficking is problematic. A report states that the "ongoing debate on trafficking and prostitution is increasingly driven by different approaches to collecting, critiquing, and analysing data on these phenomena." There is a debate on many questions such as "What counts as trafficking? At what point does smuggling become trafficking? And, what role does consent play in both smuggling and trafficking?"¹⁹

At the same time, Aoyama explains that many rural Chinese women come to Japan via contract marriages (as opposed to 'forced marriages') as it is now the safest way to work in Japan and provide an income for their families in China, and that they are happy with their choice and relatively empowered, considering their lack of alternative options. It is vital that both law enforcers and staff at women's shelters consider the complex dynamics at play and most importantly the viewpoint of the women they are 'protecting' when working to combat trafficking. In any case, there is still the pressing issue of rescuing and rehabilitating those who do not claim to be empowered but are working under duress.

Rescue and Repatriation

Remarkably the Osaka Prefecture Gender Equality and Civic Cooperation Bureau stated that there has never been a recorded instance of sex trafficking in Osaka. They admitted the possibility that some victims may be disguised under false marriages but officially no cases had ever been reported. The 2012 National Police Report,²⁰ however, declared twenty-five victims of TIP in 2011, all of whom, according to Asian People Together (APT)²¹ a shelter for abused women, Ikuno Gakuen²² and Hyogo Women's Consultation Centre (WCC)²³, were repatriated, or deported as they preferred to label it, back to their home countries. The Japanese government's system of almost inevitable repatriation with no option to stay on in Japan poses grave risks for survivors of TIP, and as Yuriko Oka, a case worker from APT explains, makes victims reluctant to seek help from law enforcers. Victims are anxious about the safety of their relatives in their home countries as they are often threatened that their escape would endanger their families; they suffer from isolation having nobody speaking their mother tongue in shelters, severe financial pressure, as well as health issues such as pregnancy and risk of STIs and AIDS.²⁴ The case worker stated that even if they suspect a foreign woman is trafficked during counselling, they usually protect her under the Domestic Violence Law at the request of the victim herself, because if she is seen as a trafficked victim she will almost certainly be sent home. She also

said that considering the majority of women came to Japan to provide remittances to their families in their home countries, they tend to do whatever they can to stay in Japan, even if it means staying in an abusive marriage. Counsellors at all shelters I visited asserted that trafficked victims in forced marriages opt for 'sticking it out' or finding another husband, rather than being repatriated home.

Prosecution

Survivors of TIP usually stay for around two months in a shelter before they are sent home or up to around six months if they are staying on to participate in a trial.²⁵ During this time, however, they are not allowed to work and earn an income, the sole reason they came to Japan in the first place. The counsellor at Hyogo WCC also revealed that the shelter feels like a prison after a month as women are not allowed to leave under any circumstances. This on top of financial concerns leaves the women with little motivation to stay on in Japan to testify against their traffickers, seriously hindering the prosecution process and leaving perpetrators of trafficking largely free to continue their work unabated.

The prosecution of brokers and traffickers in Japan to date has been nominal given the scale of the sex trade, even since the anti-trafficking policy and law reform in 2005. A publicly undisclosed information on a case, obtained by a researcher through an exclusive interview with a prefectural police officer, revealed domestic trafficking

where a Japanese woman with a three year old son was forced by her husband, brother and sister-in-law to have sex with four men each day for five months, in order to fund their gambling habits as they were all unemployed. She was reluctant to run away as they had threatened to harm her son who was in her husband's custody, but one day managed to escape to her mother's house who took her to the police. She is now being cared for in a WCC shelter where she is severely traumatized and her son is in child welfare covered in scars which indicate brutal physical abuse, most likely from his relatives. The perpetrators each received sentences of just three years for their crimes, including the trial period. This, and the famous case of "Sony",²⁶ a Japanese trafficker who brought eighty Columbian girls to Japan over eight months causing immeasurable psychological and physical damage and received less than two years' jail time in 2003, are two examples of the extremely lenient penalties Japan gives out to sex traffickers.

Conclusion

The issue of rescuing victims of TIP is no straight forward task. Identifying victims in the first place is difficult as lines are blurred all along the sex work spectrum when definitions of willing participants, fake marriages or marriage contracts, economic migrants, illegal overstayers and exploited slaves overlap, and even the issue of who actually wants to be rescued is highly disputed. How many women are held in slavery, hidden in the

underground of Japan's sex industry and looking for an opportunity to escape is near impossible to calculate, but this does not mean there is no need to continue initiatives to find and rescue them. The current judicial system in place does provide 'genuine victims' with a way out. The slight relaxation of security by brothel owners can provide women with an opportunity to run to police where they can be treated as a victim and not a criminal, referred to a women's consultation center and repatriated to their home countries.

However, in most cases trafficked women do not want to be labelled as victims and would prefer to continue their work in Japan despite the exploitative circumstances in order to provide a better livelihood for themselves and their families. The current system in place to repatriate survivors of TIP home can therefore be said to be going against the will of the trafficked women, implying that they are not victims of sexual slavery necessarily, but could be classified as reluctant but nevertheless willing participants of the sex trade, acting out of lack of options.

Japanese law enforcement officers should acknowledge the complex dynamics of the sex industry and consider first of all the motives and desires of the women themselves before determining who needs rescuing. While sex work is no little girl's dream and by no means a shining example of women's liberation and empowerment, it provides a

means to a livelihood which many women are willing to undertake and that must be respected. The Japanese government should take measures to increase penalties for traffickers who exploit and abuse women, and provide better protection for those working freely in the industry, while at the same time taking initiatives to change the unequal gender dynamics prevalent in Japanese society which perpetuate male dominance over women. Law enforcers should work closely with sex workers to discover who the true victims of trafficking are and ensure that they do not remain lost and invisible in Japan's illusive entertainment industry, but are safe and free to pursue the meaningful work they desire.

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Endnotes

- 1 The U.S. State Department defines Tier Two Watch List in the following manner: Countries whose governments do not fully comply with the [minimum standards of the Trafficking Victims Protection Act], but are making significant efforts to bring themselves into compliance with those standards AND:
 - a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
 - b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
 - c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Tier Placements, Trafficking in Persons Report 2011, Office To Monitor and Combat Trafficking in Persons, U.S. State Department, in www.state.gov/j/tip/rls/tiprpt/2011/164228.htm
- 2 U.S. Department of State, *Trafficking in Persons Report*. Office to Monitor and Combat Trafficking in Persons, 2004. Retrieved from www.state.gov/j/tip/rls/tiprpt/2004/33191.htm.
- 3 Japan's Action Plan of Measures to Combat Trafficking in Persons, December 2004, in www.mofa.go.jp/policy/i_crime/people/action.html.
- 4 U.S. Department of State, *Trafficking in Persons Report*. Office to Monitor and Combat Trafficking in Persons, 2005. Retrieved from www.state.gov/j/tip/rls/tiprpt/2005/46614.htm.
- 5 Ministry of Foreign Affairs, Japan, 'Japan's 2009 Action Plan to Combat Trafficking in Persons'. Ministerial Meeting Concerning

- Measures Against Crimes, Japan, 2009. Retrieved from www.mofa.go.jp/j_info/visit/visa/topics/pdfs/actionplan0912.pdf.
- 6 See Nobuki Fujimoto, *The Human Trafficking Issue Hidden Behind a False Marriage: Focus on Japanese and Filipino Couples*, unpublished, Osaka, Japan, 2010.
- 7 2009 Action Plan to Combat Trafficking in Persons, op. cit., page 2.
- 8 Nobuki Fujimoto, "Government "Peeping" into Bedrooms of International Couples - Gray Zone of False Marriages," *International Movement Against All Forms of Discrimination and Racism – Japan Committee Newsletter*, 154, 2008, page 203.
- 9 United Nations Committee against Torture (CAT). (2011). 'Consideration of reports submitted by States parties under article 19 of the Convention'. Japan. Retrieved from www2.ohchr.org/english/bodies/cat/docs/CAT.C.JPN.2_en.pdf.
- 10 Committee for NGO Reporting on the CRC (JAPAN), *The Implementation of the Convention in Japan and the Problems of Japan's Third Periodic Report*. Revised Summary: Japan, page 47. Retrieved from www.crin.org/docs/CRC_3rd_Japan_NGO_Report_revised_summary.pdf.
- 11 Kaoru Aoyama, PhD, is an Associate Professor at Graduate School of International Studies at Kobe University, Kobe, Japan; and author of *Thai Migrant Sexworkers: from modernisation to globalisation*. She was interviewed by the author on 18 October 2012.
- 12 Ibid.
- 13 Ibid.
- 14 United Nations Treaty Convention. (2012). Article 12.a: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Retrieved from http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en.
- 15 Committee for NGO Reporting on the CRC (JAPAN), op. cit., page 47.
- 16 Based on interview with staff of Asian People Together (APT) and Hyogo Prefecture Women and Family Consultation Centre (Hyogo WCC). APT Interviewee: Ms Yuriko Oka, case worker and domestic violence counsellor. Hyogo WCC interviewee: requested to not be named, case worker and counsellor for abused women.
- 17 Nobuki Fujimoto, "Government "Peeping" into Bedrooms of International Couples - Gray Zone of False Marriages," op. cit., page 204.
- 18 International Labour Organization. 'Human Trafficking for Sexual Exploitation in Japan'. (Geneva: ILO, 2004), page 39. Retrieved from www.ilo.org/public/english/region/asro/tokyo/downloads/r-japantrafficking.pdf.
- 19 Svati P Shah, *Trafficking and the Conflation with Sex Work: Implications for HIV Prevention and Control*, Working Paper for the Third Meeting of the Technical Advisory Group of the Global Commission on HIV and the Law, 2011, page 9. Retrieved from www.hivlawcommission.org/index.php/working-papers?task=document.viewdoc&id=100.
- 20 See the 2012 National Police Agency Report at www.npa.go.jp/safetylife/hoan/h23_zinshin.pdf
- 21 Asian People Together is a non-governmental shelter and counselling center for women run through the YWCA, Kyoto, Japan.
- 22 Ikuno Gakuen is a non-governmental shelter and counselling center for abused women, Osaka, Japan. Interviewees: Stephan Aaron, case worker, and a Japanese counsellor who requested not to be named.
- 23 Hyogo Prefecture Women and Family Consultation Center is a government-funded shelter for women.
- 24 International Labour Organization, op. cit. pages 68 and 70.
- 25 Interview with APT staff, op. cit.
- 26 International Labour Organization, op. cit., page 50.

Domestic Violence in Japan – Support Services and Psychosocial Impact on Survivors

Miriam Tabin

Domestic violence is an issue worthy of concern worldwide, it affects women and men across countries and cultures and occurs at all ages. Its dimensions make it a severe social and health concern both on individual and national levels. Over the past ten to fifteen years the awareness of domestic violence as a serious issue in Japan is slowly but steadily on the rise, as can be seen in the rising number of cases reported to the police¹ and the higher willingness to seek help from counselors.² The 2001 Act on the Prevention of Spousal Violence and the Protection of Victims (Act No. 31 of 2001) set an essential first step in addressing the issue.

It is striking, that although Japan has one of the highest Human Development Indices in the world, gender equality and empowerment of women are far behind.³ Surely, suppression and violence aimed at women is prolonging gender inequality in a cultural context that teaches a certain value system such as the Japanese traditionally patriarchic society.

The Gender Equality Bureau, under the Cabinet Office, published a summary of various surveys concerning domestic violence in 2006. According to the summary, 17.4 percent of men and 33.2 percent of women who participated in the survey experienced either

physical assault, threats or have been coerced into sexual acts, more than 10 percent of women repeatedly.⁴ In the majority of these cases, violence first occurred after marriage. Dating violence has also been reported by 13.5 percent of women and 5.2 percent of men, with the majority of victims being women in their 20s and 30s.⁵ Also, it is not uncommon for unmarried men or women, and same sex couples to be involved in violence and abuse.⁶

Taking a closer look at the Violence Prevention Law, Act No. 31 targets married as well as divorced couples and aims to protect spouses from a violent partner. Also, it regulates the Counseling and Support Centers within the prefectures that are supposed to provide information and offer counseling and protection in case of emergency. Moreover, the law has provision on protection orders, such as those that prohibit the abusers from approaching their victims for a period of six months or vacate their house for two months. The law was amended for the second time in 2007, where a few critical regulations were added. The justification for protection order was widened to include, in addition to life-threatening violence and bodily harm, cases of serious stalking, threatening phone calls and violence towards the victim's

child or relatives. Additionally important are the definition of domestic violence and the inclusion of psychological and economic violence, raising awareness and provision of information and improving the self-reliance of survivors.

After the case of two killings in Nagasaki prefecture by the end of 2011, the number of survivors in the shelters grew as awareness rose through media coverage.⁷ The case, which had a background of domestic violence, became popular in the mass media as a case of murder in which the police failed to start a criminal investigation early enough. The husband of a woman, who stalked and attacked her violently over a period of time, killed the woman's mother and grandmother. She and her father repeatedly reported the injuries she sustained from her husband to the police, who, although having questioned him, did not take him into custody. Until the police stations of the prefectures of Chiba and Nagasaki decided who should have to deal with the case, he already killed the two women.⁸ This prominent case in Japan is an example for how insufficiently the law has been brought into practice until today.

Mental Health and Psychosocial Impact on Survivors

Most persons concerned are in a devastating psychological state as well as a bad economic situation when they first present themselves to counseling. The situation for abuse victims and survivors is dramatic and in many cases the most vulnerable in society are hit the hardest; such as women, people with low income, foreign immigrants, or victims of trafficking. In addition, they are more vulnerable to mental disorders that result from a variety of reasons, such as the prolonged history of violence, the stress of immigration, and a bad economic and financial situation.⁹

Making matters worse, often children are involved in about one third of cases and women are struggling with parenting or pass on the violent behavior to their children by either being violent themselves or the children copy the behavior they grew up in and adopt it in their own future relationships. In addition, many women have difficulties ending abusive relationships. For the sake of their future and financial situation, going back often seems the easiest way. A high 80 percent of women victims return to their partners or not leave in the first place and the situation often gets worse after returning.¹⁰

Every kind of abuse, but especially emotional abuse, has a significant impact on mental health and symptoms of trauma, such as helplessness, intrusive thoughts, flashbacks and sleeping problems, diminished interest in others, increased arousal and avoidance of

certain situations such as trains or crowded places, are of high occurrence.¹¹ In addition to trauma, depression is a common symptom and in more severe cases personality disorders. In many cases also drugs are involved and the violent husbands have mental or financial problems themselves, such as being members of gangs. Often social factors constitute some of the underlying causes for domestic violence. Low social status of women, a patriarchal society structure and acceptance of violence and harassment devalue women.¹² Gender inequality and economic dependency thus often are both a cause for domestic violence and a result of prolonged violence and suppression.

For counselors, the most important issue and in many cases the most difficult one, is to educate women about their rights and build the awareness that they are not in the wrong and do not have to blame themselves. It is common for women to be ashamed of not being a good wife or mother and blaming themselves for the horrible situation they are in, which creates shame and prevents women from turning to others to seek help.¹³

Actual incident rates of domestic violence might even be much higher as violence against women is still regarded a matter of the family rather than a human rights violation. This is also a reason for not ending the abusive relationship, as living with children without a husband is a shameful situation.¹⁴ Thus, it is essential to provide information and assistance in case women want to separate but feel they

cannot do it by themselves and empower women through education and legal aid.

Support Services in the Kansai Region of Japan

The use of counseling services and shelters provided by the government due to domestic violence and partner abuse has been rising since the enactment of the law from 35,000 in 2002 up to more than 60,000 cases in 2007, about 99 percent of these being women.¹⁵ Japan has listed one hundred eighty Spousal Violence and Support Centers nationwide. The Kansai region which, among others includes the prefectures of Kyoto, Osaka and Hyogo, has various support centers both publicly funded as well as non-governmental institutions.

In Osaka, the prefectural Center for Youth and Gender Equality, popularly known as Dawn Center, was established in 1994 by the Osaka prefectural government as a result of a women's movement back in the 1980s and managed by the Osaka Prefectural Gender Equality Foundation. The Dawn Center is one of the biggest women's centers nationwide and offers a variety services that include an information library specialized on literature related to gender issues, family, education, economic issues and various other kinds of women's literature. Moreover, it offers consultation and counseling services in Japanese and other languages (via telephone as well as in person), venues for activities (seminar rooms and a hall), as well as a child care room for children to play in while their parents use the center.

Ikuno Gakuen is an example for a non-governmental shelter for women that offers various services for victims of domestic violence or other forms of abuse. It was established as a government facility in the late 1940s and now operates as a non-profit organization. It provides a shelter for emergencies and is a stephouse for longer-term care. In addition, it provides telephone and personal counseling on domestic violence, parenting, support for foreign residents and the lesbian, gay, bisexual, transgender and intersex (LGBTI) community; legal assistance; and workshops and education on domestic violence. For domestic violence cases, it provides two-week free stay in a secure and secret shelter facility under the support of the prefectural government, otherwise a stay would cost 1,500 Yen (16 US dollars) per night. Many people use its services regularly over an extended period of time, around 88 percent of which are or were victims of violence from a partner or a parent. Ikuno Gakuen has a long history deeply rooted in the local community and thus has experienced and practiced mutual community support.

Kyoto Asian People Together (APT) is a support service network for foreign residents in Japan. It offers multilingual telephone consultation service that started in 1991 and also provides support for children and families, including language and educational programs and interpretation services. APT belongs to the Kyoto YWCA, a Christian non-profit organization founded in 1923. The main service consists of a telephone consultation hotline on Mondays

and Thursdays. APT has expanded rapidly as a support network in Kyoto, and now has many former clients volunteering for translation services, for instance. In addition, it offers one-on-one counseling, house visits, interpreters, and people who can accompany foreigners in meetings with government officials. Language support, especially for people from China, Korea and the Philippines, and help with legal services are also among commonly used services, as well as support for foreign students, problems with visa and nationality, and daily life problems such as inadequate money and the upbringing of children.

The Hyogo Prefectural Women & Family Consulting Center is a shelter for women and their children in Kobe. The shelter itself has nine nicely furnished rooms for domestic violence survivors or homeless women. A stay for up to two months is supported by the prefectural government, including meals and counseling services. In addition to a secure environment and counseling, the center provides occupational therapy, support for children, and a 24-hour emergency hotline. Also, it is closely connected with other facilities in Hyogo Prefecture, such as legal and interpretation services.

Women's and family centers provide valuable and essential services for battered women and persons with a history of trauma or experience of violence. However, there is a great need in Japan for support centers to expand their services and provide legal and financial support to persons that are most in need and vulnerable groups in society such as involuntary

immigrants, homosexual or transsexual people and those with mental health or financial problems.

Final Note

It is essential not only to treat violence after it happened but to raise awareness and take steps in order to help prevent domestic violence. This could be achieved by amending the law, ensuring punishment in case of non-compliance with legal orders such as restraining order, awareness-raising campaigns in schools and other institutions in order to slowly raise gender-equality and to set a clear sign that domestic violence is a concern of everyone and will not be tolerated.

It is still a long way to go until gender equality can be ensured in Japan, old patriarchal structures are changed, the population becomes aware of extent of domestic violence and abuse, and the Act on the Prevention of Spousal Violence of 2001 is successfully and completely implemented. Nevertheless, the first few of many hard steps on the way to the realization of gender equality and Japan as a place where the human rights of both men and women are respected have been taken in the past twelve years.

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Chinese Residents in Osaka: Facing a Dilemma

Xinyi Li

In 2007, the Chinese residents in Japan became the biggest group of foreign residents in the country, replacing the resident Koreans. By 2010, there were 687,156¹ Chinese residing in Japan.

The Chinese community has the most diverse types of residence status among the major foreign migrant communities in Japan, evenly composed of students, workers (engineers/ professionals/ skilled laborers), trainees/ technical interns, and permanent residents, as well as undocumented immigrants. Table A illustrates this diversity among the Chinese residents in Osaka.²

Table A. Chinese in Osaka by resident status³

Classification	2006	2011
Engineers	711	1,183
Professors	177	132
Investors/Business Managers	139	339
Specialists in Humanities/ International Services	2,199	3,713
Trainees	1,274	83
Technical interns	—	3,011
Students	9,093	11,095
Spouses of Japanese nationals	4,068	4,112
Dependents	2,364	3,423
Long term residents	4,992	4,366
Permanent residents	11,962	17,388

They also come from different parts of China as shown in Graph 1.

Most of the Chinese newcomers in Osaka are young and female. Information from the Ministry of Justice of Japan show that young people (20 to 39 years old) constitute almost sixty-one percent of the whole Chinese group in Osaka.⁵ And the spouses of Japanese nationals are predominantly women.

Chinese Life in Osaka: Integration or Dis-association?

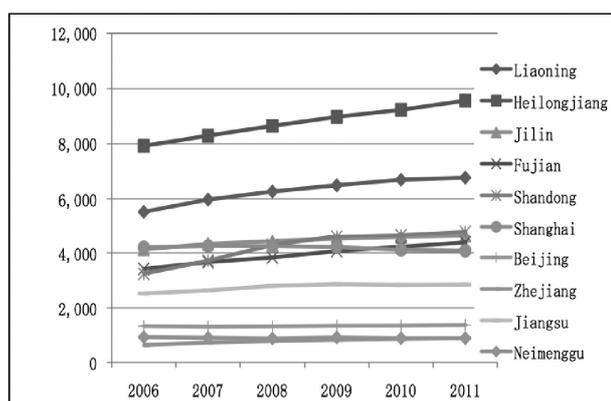
Though an increasing number of Chinese come to Japan for college education and obtain employment in Japanese companies after graduation, they hardly feel having middle-class life in Japanese society. The following cases illustrate this point.

The Wang Family

Ms. Wang worked as a lecturer in a university in Shanghai after graduating from university in 1994. With a shortage of college teachers, she fortunately got appointed as a fulltime Japanese language teacher. At that time, a university job was considered an ideal employment for women. She did not have to worry about anything, and just had to wait for higher officials to make the proper arrangements after several years of work.

Due to her excellent performance, she was given the chance to participate in a professor exchange program between her university and a university in Kobe. She decided to stay in Japan after finishing the program, and thought that “even though I had to live on my own without anyone’s help, I loved this wonderful place and the social distance in Japan.”

Graph 1. Places of origin in China of the Chinese residents⁴



Unfortunately, despite a reasonable pay and a regular job in a language training school in Osaka for the past twelve years, she is still not satisfied with her situation:

I teach Chinese language through the internet to Japanese people who are almost always company men who are interested in the language. And because it is a Chinese language class we have to speak only in Chinese language even though I majored in Japanese language and worked as a Japanese language teacher before. And it is this job that I had to choose instead of another one, for example as company staff.

However, one of her college classmates and former colleague in her former university in Shanghai earns twice or even more than she could, which makes her regret her decision to stay in Japan and depresses her whenever she thinks of her living condition in Osaka.

On the other hand, her Chinese husband who has majored in Chinese literature is currently a Ph.D student in Kyoto without any scholarship or income. She has to support her family all by herself. "I bought a used and small house at the central area of Osaka because of the great importance of ensuring that my five year-old child attends a better school, though it cost almost all of my savings."

What annoys her most is her child's reluctance to learn the Chinese culture or even speak Chinese though he can understand it to a certain degree. To him, there is no need to speak Chinese since he lives

in Osaka. "We try to send him to a bi-lingual school in order to improve his Chinese language, but almost all the nearest Chinese schools are in Kobe and the teachers are always from Taiwan. I would not allow my child to learn such weird alphabet and pronunciation."

She recently expressed her wish to return to China after her husband obtained his doctorate degree, despite her fondness for the social distance in Japan and her strong intimate feelings for Osaka.

Descendants of Returnees

Japan's "Twenty-Year, One Hundred Million-Family Plan to Send Agricultural Migrants to Manchuria" in the 1930s brought many Japanese migrants to China. Toward the end of the second World War, many of these migrants suffered from famine and disease as they sought refuge from the fighting, were separated from their families, and forced to remain in China. Many of the Japanese children left behind were eventually raised by Chinese families. These Japanese, called "war-displaced spouses" or "war-displaced orphans" (collectively called "war-displaced persons"), could not return to Japan without official contact between Japan and China. The official discussions began only in 1981.⁶ Almost all descendants of the returnees grew up in China as Chinese nationals and with Chinese language as mother tongue. Growing up in China helped them endure the hard life in Japan where they subsequently resettled with their families.

Ms. Zhao Renshu, who teaches the Chinese language at Yao Kita Secondary School, said that she and her husband came to Japan in 1994 with her Japanese mother after her Korean father passed away a year before. She narrated her story:

My father was a Korean who was recruited as a soldier of the Japanese military during the war. Considering the near absence of chance to survive the war as a soldier, he ran away from the Japanese military camp to Heilongjiang Province where he married a Japanese woman. I was born there and obtained a Chinese nationality. My father was eager to return to Korea, which was not possible at that time until the restoration of diplomatic relations between Japan and China. Because it was easier to get a Korean visa in Japan than in China, and my father's thousand attempts at persuading her, my mother finally agreed to bring her family to Japan. However, my father became paralyzed that delayed our plan to go to Japan for over seven years until he died in Heilongjiang.

Ms. Renshu used to be a secondary school teacher in China. In Japan, she changed her job several times from temporary staff of a factory to primary school teacher, and finally her ideal job at Yao Kita Secondary School.

Yao Kita Secondary School, located in the southeast part of Osaka Prefecture, has a big population of Chinese students. Some of them are descendants of the returnees from China. Ms. Renshu says that, "We have a special name for our office,

Oasis. In order to help the international students save money, I come to Oasis everyday around 7:20 in the morning to make iced wheat tea for them, which may save them the daily cost (usually one hundred fifty Japanese Yen or almost two US dollars per bottle) of buying bottled water."

In 2012, the school had more than twenty Chinese students ranging from those who came to Japan seven years ago and good at Japanese language to those who arrived a year ago and did not yet have many Japanese friends. Another Chinese teacher, Ms. Yi, who came to Japan at three years old with her parents and Japanese grandmother, said that, "Because I am not proficient in Japanese and I am a Chinese, I sometimes got bullied by my Japanese classmates when I was younger." She added, though that the situation improved after she went into secondary school with better Japanese language capability.

An understanding of both Chinese and English languages give the Chinese students diverse approaches in preparing for the university in Japan, although passing university entrance examinations is still a highly competitive process for them compared to their Japanese peers. The parents of these students at Yao Kita Secondary School seem to be mostly working at factories with minimum but insufficient salary, making it difficult for them to make ends meet. Fortunately, those who worked for several years can afford a second-hand house at suburban areas of Osaka.

There are currently five secondary schools in Osaka that have quota available for the descendants of returnees from China, namely, Nagayoshi Secondary School, Fuse Kita Secondary School, Seibi Secondary School, Kadomanamihaya Secondary School, and Yao Kita Secondary School. However, due to the difference in education systems, poor knowledge of Japanese language, and their special identity, some of them are more willing to find part-time job or even stay at home rather than be enrolled as students. Some of them even quit school after a short period of study. "If these youngsters could not enter into secondary school or university, it may hard for them to integrate into the Japanese society and they may become a potential problem for Japanese society, even if they have Japanese blood," a teacher said.

Other "Middle Class" Chinese Residents

A 2012 mini-survey administered by this author provides a glimpse of the situation of middle-class Chinese residents in Osaka. Eighty Chinese residents consisting of graduate students, company workers, spouses of Japanese nationals, and those with permanent residence status received survey questionnaires. Although the validly completed questionnaires comprised only half of those sent out, some general conclusions can be derived from them.

Among all the respondents, women constitute eighty percent while men comprise twenty percent, with ages

ranging from 21 to 35 years old, and coming from nine provinces in China: Sichuan, Shanghai, Jiangsu, Yunnan, Anhui, Henan, Beijing, Zhejiang, and Hubei. Although three-fourths of the respondents have studied the Japanese language and have at least a bachelor degree or relevant certificate from China, they still have difficulty overcoming the communication barrier with the Japanese.

However, when asked about bringing children to Japan, all respondents answered yes for two main reasons: 1. Relatively advanced education system and standard in Japan than in China; 2. Opportunity to experience using different languages in dealing with different problems that would make them more competitive in the Japanese society, and the great importance of acquiring an international perspective.

Average monthly earnings varies, forty percent of the respondents (graduate students, *kenkyusei* [research students] and language school students who have part-time jobs) earn 40,000 (450 US dollars) to 80,000 Yen (900 US dollars) per month, while thirty percent earn 160,000 Yen (1,800 US dollars) on the average. Another thirty percent, with managerial or similar position in companies, earn twice or more than the second group.

While seventy-six percent of the respondents appreciate their work experience, most respondents do not appear satisfied with their current jobs and think that they might have better prospects in China. This stance arises from two reasons:

1. Lack of trust – with the deeply-rooted sense of exclusiveness (*pai wai*) in Japanese society, foreigners especially Chinese have a hard time getting the trust of Japanese managers, despite several years of work and numerous contributions to the company;

2. Lack of flexibility - Chinese staff inevitably work based on their Chinese way of thinking that helps them do the work more flexibly. But this kind of work is not acceptable to their Japanese colleagues. They sometimes think that their Japanese colleagues are stiff and doctrinaire.

The respondents who are *sarariman* (salary men) in Osaka consider their working condition as severe. A deep and invisible gap between Chinese and Japanese workers causes discomfort among the former. Also, news about economic growth in China that contrasts with the economic decline in Japan keep reminding them about a promising future in China. But going home may mean difficulty in their reintegration into Chinese society with their identity as permanent or long-term residents in Japan. Descendants of returnees from China living in Osaka, on the other hand, face severe problems like discrimination and pressure to assimilate.

More than eighty-three percent of the respondents consider the first six months to three years as a very difficult period. Around sixty percent among them cite high cost of living, fast-pace work style, and communication barrier as reasons. In order to

tackle such problems, sixty-seven percent regularly contact their families and friends in China through the internet while others prefer to participate in the activities of local Chinese or Japanese communities. Moreover, although seventy-eight percent of the respondents who are *sarariman* own a house in Osaka, they own another house or are preparing to buy another one in their hometown in case they come back to China. The main reasons consist of the feeling of living under someone's roof (*ji ren li xia*) and the lack of sense of belonging to the society they live in.

Some parents worry about their children. A mother wrote on the questionnaire, "My eight-year-old kid is not proficient in Japanese language leading to his getting bullied by Japanese classmates, and feels lonely at school. Both me and my husband are considering going back to China and providing him with a better environment as he grows up."

In order to make a better environment for their children, most of them try their best to settle down in Osaka. However, they find serious and unexpected problems, such as children's reluctance to learn Chinese language and culture, their children's embarrassing experiences in school, and the increasing gap between them and their children. All these reinforce a rethinking of their plan for the future, and now consider returning to their hometown in China after a long period of stay in Osaka.

Conclusion

The Chinese policy on reform and opening up to the outside world helped increase the number of Chinese newcomers in Japan. However, as shown in this limited study of Chinese residents in Osaka, they might find the mainstream Japanese society exclusive and would thus need to maintain contact with friends and family in China and even consider returning home instead of continuing to live under another's roof.

Living in Osaka, on the other hand, enhances their linguistic ability and develops their multicultural perspective. In the context of cultural interaction and trade between Japan and China, middle-class Chinese newcomers in Japan can play a more significant role in the long-term. Such a special group will gradually contribute wisdom and capabilities to help Japan become a more open-minded and multicultural society.

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For further information, please contact HURIGHTS OSAKA.

Endnotes

- 1 This figure includes those from Taiwan, Hong Kong and Macao. See table of Registered Foreigners by Nationality, Chapter 2 Population and Households, *Japan Statistical Yearbook 2013*, available at www.stat.go.jp/english/data/nenkan/1431-02.htm.
- 2 See Yichao Jiang, 'Tansuo rensheng [Exploring life],' in Duan Yaozhong, editor, *Fuji Dongying Xie Chunqiu* (Writing History in Japan) (Shanghai: Shanghai Education Press, 1998), pages 121-122.
- 3 Data derived from "Status of residence (purpose of residence) per prefecture (another foreign residents) (China)," table numbers: 11-99-04-01 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001089591); 06-99-04-2 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001029028), Ministry of Justice, Japan.
- 4 See "Foreign residents per prefecture – permanent residents (China)," table numbers: 11-99-07 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001089591); 10-99-07-1 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001074828); 09-99-07-1 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001065021); 08-99-07-1 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001057947); 07-99-07-1 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001031723); 06-99-07-2 (www.e-stat.go.jp/SG1/estat/List.do?lid=000001029028).
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- 6 See Chapter 7: Returnees from China, *Alternative Report to the Third, Fourth, Fifth and Sixth Combined Periodic Report of Japan on the International Convention on the Elimination of All Forms of Racial Discrimination*, July, 2009, Japan Federation of Bar Associations. Document available at www2.ohchr.org/english/bodies/cerd/docs/ngos/JFBA_Japan_76.doc.

Domestic Violence in Japan

(Continued from page 9)

Endnotes

- 1 Adam Westlake, "Domestic violence cases reported in Japan increase by 46% in 2012," *The Japan Daily Press*, 13 July 2012, available at: <http://japandailynews.com/domestic-violence-cases-reported-in-japan-increase-by-46-in-2012-136527>.
- 2 Gender Equality Bureau, Cabinet Office, *Stop the Violence – For individuals tormented by spousal violence*, information pamphlet (Tokyo: Gender Equality Bureau, 2008 revised edition) page 11.
- 3 Osaka Gender Equality Foundation, *Women in Osaka* (Osaka: Dawn, 2010), page 2.
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- 5 Ibid, page 9.
- 6 Interview with Stephan Aaron from Ikuno Gakuen Shelter for Women, NPO (5 October 2012 interview)
- 7 Interview with a representative from The Hyogo Prefectural Women & Family Consulting Center (Hyogo Spousal Violence Counseling and Support Center) (12 October 2012 interview), who requested not to be named for this article.
- 8 "Better stalking measures needed," editorial, *The Japan Times*, 2 March 2012, available at: www.japantimes.co.jp/text/ed20120302a2.html.
- 9 Yoshihama, M., Horrocks, J. & Kamano, S., "Experiences of intimate partner violence and related injuries among women in Yokohama, Japan." *American Journal of Public Health*, 97 (2), 2007, pages 232-234.
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- 13 Interview with Yuriko Oka from Asian People Together (APT) at Kyoto YWCA, NPO (4 October 2012 interview)
- 14 Interview with Ritsuyo Fujitani and Etsuko Nishiyama, representatives of the Gender Equality and Civic Cooperation Section of the Osaka Prefectural Government (12 October 2012 interview).
- 15 Gender Equality Bureau, op. cit.

Human Rights Events in the Asia-Pacific

The 1st Southeast Asia Pro Bono Conference took place on 28 and 29 September 2012 in Vientiane. The Conference examined the various ways leaders and managers could inspire their teams or students to undertake pro bono work, ensuring that participants were able to create sustainable pro bono programs when returning to work or study. The two-day Conference offered a space for local and international law firms, social justice organizations, law schools, academics, government officials and policymakers to network, create partnerships and explore meaningful and effective pro bono opportunities.

The Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE), in cooperation with the National University of Laos Faculty of Law and Political Science, organized the Conference.

For further information, please contact: Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE), 8 Soi 6, Tanon Suandok T. Suthep, A Muang Chiangmai 50200 Thailand; ph 662-1439567; e-mail: probono@babseacle.org; www.babseacle.org.

The member-institutions in Northeast Asia of the Asian Consortium for Human Rights-Based Access to Justice

(HRBA2J-Asia) held a training workshop on the application of the human rights-based approach to access to justice in the context of the subregion. The workshop was an initial training activity of the Northeast Asian member-institutions that involved institutions deemed to have the appropriate program for promoting and applying the human rights-based approach to access to justice. The training workshop was held on 8-9 November 2012 in Ulaanbaatar. Representatives of member-institutions and invited institutions from China, Japan, South Korea and Mongolia joined the workshop.

The training workshop was hosted by the Center for Human Rights and Development (CHRD) in Ulaanbaatar on behalf of the HRBA2J-Asia.

For further information, please contact: Center for Human Rights and Development (CHRD), Building of "Ok" centre, Youth avenue 13, 8th khoroo, Sukhbaatar district, Ulaanbaatar, Mongolia; ph (976-11) 325721; e-mail: chimgee.dashdorg@gmail.com; www.chrd.org.mn.

The 1st Asia-Pacific Forum on Clinical Legal Education: Experience, Achievements and Prospects was held on 24-25 November 2012 in Beijing. The Forum aimed to enhance exchanges and promote further development of clinical legal

education in Asia-Pacific countries and sub-regions, improve access to justice and legal empowerment for the poor and marginalized, and increase professional ethics and culture of legal service provision.

The participants came from various Asia-Pacific countries, including Australia, China (including Hong Kong and Taiwan), India, Indonesia, Japan, Laos, Malaysia, Mongolia, the Philippines, Singapore, South Korea, and Vietnam. The forum set up a platform for exchange of experience, difficulties and issues of common concern among practitioners, academics and policymakers and promote the application and further development of clinical legal education in the region.

The China Committee of Clinical Legal Education (CCCLE) and Law School of Renmin University and the United Nations Development Programme (UNDP) China co-organized the Forum.

For further information, please contact: The Secretary to China Committee of Clinical Legal Education, Law School, Renmin University of China, No.59, Zhongguancun Street, Beijing, China 100872; ph (86-18) 601073461; e-mail_sandy329404@126.com.

HURIGHTS OSAKA Calendar

HURIGHTS OSAKA is now preparing the fourth volume of *Human Rights Education in Asia-Pacific*. A variety of human rights education initiatives will be featured, ranging from use of the performing arts to university courses. Several articles are from the Pacific.



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HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. 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.

FOCUS Asia-Pacific is edited by Osamu Shiraishi, Director of HURIGHTS OSAKA.

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