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Editorial

Cycle of Abuse

Labor intensive economic activities such as logging create opportunities for labor exploitation. In informal logging activities, where government oversight is weak, labor exploitation is bound to exist as shown in a study in Burma/Myanmar. The workers suffer from dangerous working conditions. Children are also hired and deployed to undertake dangerous tasks in the logging activities. Those injured or killed fail to be compensated.

The study notes the cyclic nature of the problem. In some areas in Burma/Myanmar, people impoverished by the loss of the forests they previously relied on for their livelihood had no choice but to get hired as workers in informal logging activities. This work sustains the deforestation problem that ironically contributed to their poverty.

Breaking the cycle of abuse requires a multitude of measures from stopping deforestation in order to protect the environment to giving people the chance to rebuild their livelihood in or near the forest to ensuring compliance by companies and their wood suppliers of the requirements of laws on labor, human rights and the environment.

Labor, Social, and Environmental Risks in Small-scale Informal Logging in Northern Burma/Myanmar*

Verité

Previous research in the field of human rights and development has examined how the use of exploited labor – including labor as the result of human trafficking – can contribute to deforestation. There is a parallel field of literature that documents the impact that environmental degradation and deforestation can have on human populations. What both of these spheres lack, however, is documentation of the specific patterns of labor exploitation, human trafficking, and child labor experienced by workers directly involved in forestry and/or adjacent sectors, as well as the means by which deforestation can create vulnerabilities to human trafficking.

In the “Informal Logging in Northern Burma” case study, Verité conducted field research during the 2018-2019 period to assess labor conditions in small-scale informal logging occurring within government-controlled areas of Sagaing Region, Shan State, and Kachin State.

Worker Demographics

The formal forestry sector employs approximately 34,000 people, but this estimate does not include those working in the informal forestry sector or in companies subcontracted by the Myanmar Timber Enterprise

(MTE).¹ Due to the scale of informal logging, its wide geographic variance across multiple states and regions within Burma/Myanmar (especially in ethnic minority states), and a lack of available data,² there is no comprehensive analysis of demographic information related to gender, age, ethnic group, or state/region of origin of workers in the informal logging sector.

Workers in the informal logging sector appeared to be primarily adult men, although Verité interviews indicated that women and children under eighteen also sometimes participated in the sector, which

is further supported by media reports that have described both men and women as involved in illegal logging in villages in Sagaing Region and Mandalay Region.³ Women and children also reportedly participated in forest product collection for fuelwood and charcoal.⁴

All interviewees reported that they worked in teams of between three-five members. A team leader was responsible for supervising the team. Agents or brokers would liaise with the logging team, usually the team leader, and make a request for the amount (in tons) and type of logs they want to buy and agree on a set price. Outside of providing payment to the team



Wood market in Irrawaddy river bank in Mandalay. (Photo: Elena Diego)

leader and information on the volume needed, the agents provided little to no additional management/oversight.

All but one informant reported working with agents or brokers who represented the interests of Chinese businessmen. According to a forest governance expert, selective logging in Sagaing Region (where the majority of interviews took place) is particularly associated with Chinese businesses.⁵

Summary of Findings

The field research identified a number of serious labor rights abuses in the informal logging of teak and rosewood varieties. Most significantly, the research identified high incidences of labor done by children under eighteen years of age, including worst forms of child labor. All workers interviewed by Verité reported having witnessed children under eighteen years of age employed in informal logging on at least two occasions. Verité believes this type of employment constitutes the worst forms of child labor as it meets the International Labor Organization (ILO) definition for “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”⁶

Verité field research identified the following concerns related to labor conditions:

- Children under eighteen years of age participating in hazardous tasks such as using chainsaws to fell trees – Multiple worker interviewees reported witnessing children under eighteen years of age

- operating chainsaws, as well as children involved in hazardous tasks such as carrying heavy loads and working in extreme weather;
- Children under eighteen years of age using “yaba” (methamphetamine) and/or heroin while present at logging camp sites – Several interviewees noted that drug use is so severe that it can shorten life expectancy of children involved in the logging sector;
- High incidences of injuries and occasional fatalities while working in the informal logging sector – The majority of informants witnessed accidents which resulted in severe injuries, such as those requiring the amputation of limbs, or death. Interviewees reported that they conducted logging activities without any protective equipment such as helmets, utility uniforms, safety glasses, or work boots;
- Workers and their families are unlikely to receive

financial compensation if the worker is injured or killed – Among workers interviewed who had witnessed accidents, the majority reported that victims or their families received no compensation. The illicit nature of the work leaves workers and their families with few avenues for recourse.

Verité field research found that workers were driven to logging by a variety of economic factors including lack of viable livelihood options, and in part contribute to environmental degradation and associated impacts, which limits the ability of surrounding communities to access forest products and benefit from protective functions of the forests. Workers interviewed by Verité stated that they relied on forests for their daily income and for additional food for their families. In Katha (Sagaing) and Htigyaing (Sagaing) Townships, where the majority of Verité interviews took place, overlogging (particularly in the 1990s and



Huge teak logs stacked beside the Chindwin River, Monywa, Burma/Myanmar (Photo: Ron Emmons, 2014)

2000s) has played a strong role in rapid deforestation, which has had effects on the livelihoods of communities.⁷

Environmental activists interviewed by Verité from Htigyaing, Kawlinn, and Katha (all in Sagaing Region) noted productive uses of the forests for firewood, bamboo, bamboo shoots, orchids (plants), and small-scale hunting, among others. In the past, communities in and around these areas could acquire forest products more easily without significant investment.

Now, however, it is difficult to access these products without traveling far distances. According to the stakeholders interviewed, there is a general sentiment among communities that life is more difficult than in the past due to lost access to productive forest products and extreme heat and dryness, making it more difficult to farm.⁸

Environmental activists contend that environmental factors play at least a role in the migration of community members to other forest areas, as well as domestically and abroad for work opportunities.

Some logger interviewees also noted instances of community members migrating abroad for work.

Informants noted that other domestic sectors with labor issues were jade mining in Hpakant, Kachin State and agricultural plantations in Kachin State, including banana plantations in Waingmaw Township.⁹ Both sectors have been associated with forced labor and general labor exploitation.

Conclusions and Recommendations

Verité's field research has identified several labor risks related to small-scale informal logging of teak and rosewood varieties. Most significantly, the research identified high incidences of child labor, including incidents of worst forms of child labor. Additionally, worker interviews indicated that workers in informal logging experience high rates of injuries and occasional fatalities, but the illicit nature of their work leaves them and their families with few avenues for recourse. Labor and human rights abuses, including child labor, can persist deep in supply chains, hidden even from social compliance and government enforcement programs. It is vital that the government of Burma/Myanmar, countries importing timber from Burma/Myanmar, and civil society organizations take urgent action to combat these risks.

As outlined in the Government Oversight of Logging and Timber, the complex nature of Burma/Myanmar's legal timber supply chain and a lack of transparency is a major challenge for ensuring legality,¹⁰ meaning that these labor risks could extend into Burma/Myanmar timber's legal supply chain. Additionally, significant gaps in information exist as to the labor conditions of workers employed by the Myanmar Timber Enterprises (MTE) and companies subcontracted by the MTE (known as "service providers"). It is possible that labor conditions identified in Verité field research are present in the legal Burma/Myanmar timber sector, and more

research needs to be conducted to assess labor conditions among government-sanctioned logging operations, especially when considering efforts to bring timber in compliance with forest certification standards. To address labor risks in the forestry sector, Verité presents the following recommendations to the government of Burma/Myanmar and the MTE and subcontracted companies:¹¹

Recommendations for the Government

- Legislate and implement the inclusion of trafficking in persons, forced labor, child labor, and labor law compliance in timber legality definitions and certification schemes (including the Myanmar Timber Legality Assurance System, or MTLAS), as well as robust monitoring systems for labor law compliance in the forestry sector;
- Uphold International Labor Organization (ILO) conventions which Burma/Myanmar has ratified, including Convention 29 (Forced Labor), Convention 182 (Worst Forms of Child Labor), and Convention 138 (Minimum Age), as well as national laws related to trafficking in persons, forced labor, and child labor in the forestry sector;
- Support the prioritization of social risk assessments and human rights in both the formal and informal forestry sector and in the supply chains of timber and wood-based products. This should include a risk assessment on labor conditions associated with the MTE and subcontracted companies;

- Clarify which Ministries are responsible for the monitoring of labor conditions in both the formal and informal forestry sectors and what systems are in place to assess and address violations of labor law in these sectors;
- Support strategies which encourage workers and communities in the informal sector to transition to and benefit from the formal forestry sector;
- Advocate for new funding to encourage the creation of decent work opportunities and improved access to education in areas which employ large numbers of informal logging workers.

Recommendations to the MTE and Subcontracted Companies

- Develop codes of conduct that include provisions on forced labor, trafficking in persons, child labor, and other labor rights abuses, and that include policies and procedures for assessing and addressing these issues;
- Provide information which is publicly available on where logging operations take place, the number of workers employed, and information relating to working conditions.

* This article is based on one of the case studies in the Verité report entitled *Exploring Intersections of Trafficking in Persons Vulnerability and Environmental Degradation in Forestry and Adjacent Sectors - Case Studies on Banana Cultivation and Informal Logging in Northern Burma - Summary of Findings and Recommendations*, August 2020, and available at

www.verite.org/wp-content/uploads/2020/08/Burma-Case-Studies-Full-Report-%E2%80%93-Verite%20-%E2%80%93-Verite.pdf.

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Endnotes

- 1 Third EITI Report for the Fiscal Year 2016/17, Myanmar Extractive Industries Transparency Initiative (MEITI), April 2020, page 33, https://myanmareiti.org/sites/myanmareiti.org/files/publication_docs/myanmar_forestry_eiti_final_report_2016-17_final_-_signed.pdf. Accessed on 28 January 2020.
- 2 Although the 2014 Burma/Myanmar government census revealed that 54.2 percent of all employment in Burma/Myanmar is in the “agriculture, forestry, and fishing sectors,” this information is not further disaggregated to reveal information specific to the forestry sector. Similarly, the 2019 EITI report reveals approximately 886,000 workers employed in the forestry sector, but does not disaggregate data based on gender, age, ethnic group, or state/region of origin.
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- 4 Ibid.
- 5 Interview with Forest Governance Expert, November 2018, Yangon.
- 6 R190 - Worst Forms of Child Labour Recommendation, 1999 (No.190), NORMLEX, ILO, 1999, www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_ILO_CODE:R190. Accessed on 25 February 2020.
- 7 Interviews with environmental activists from Katha, Kawlin, and Htigyaing Townships. November 2018. Interview Location: Htigyaing and Katha.
- 8 Ibid.
- 9 Ibid.
- 10 Myanmar Forest Sector Legality Study, NEPCo, September 2013, <https://preferredbynature.org/library/report/myanmar-forest-legality-study>. Accessed 25 February 2020.
- 11 There are also recommendations for countries importing timber and wood-products from Burma/Myanmar and the civil society organizations. See page 118 of the report, *Exploring Intersections of Trafficking in Persons Vulnerability and Environmental Degradation in Forestry and Adjacent Sectors - Case Studies on Banana Cultivation and Informal Logging in Northern Burma - Summary of Findings and Recommendations*.

Rapid Assessment: COVID-19 Impact on Persons With Disabilities*

Jaringan DPO Respon COVID Inklusif

Since the Indonesian government announced the first case of COVID-19 infection on 2 March 2020, Disabled People Organizations (DPOs) started to gather information on how persons with disabilities have been coping with the pandemic, in particular with the prevention and precautionary measures that involved physical distancing. This culminated in an online discussion, held on 27 March 2020, in which one of the consensus decisions was to conduct a joint rapid assessment to study the impact of the COVID-19 pandemic on persons with disabilities.

The assessment aimed to know the impact of COVID-19 on persons with disabilities regarding their daily life (social, economic and educational) as well as whether or not the social assistance scheme has been inclusive, and has addressed the challenges of persons with disabilities during the pandemic.

The DPOs communicated this initiative to the Presidential Staff Office and Assistant of Minister for National Development Planning for Poverty and Social Welfare. The DPOs received positive responses during a consultation with officials from these offices and it was agreed that the result of the assessment would be used to improve

policy on disability inclusion during pandemic response and recovery.

A network of DPOs COVID Response was formed to jointly organize and implement this assessment, starting from the design of a data collection instrument, organizing the survey, analysis of data, and development of recommendations based on the key findings. Later, a number of development partners joined the initiative through the contribution of experts for analysis and various forms of other support.

Profile of Respondents

The assessment involved 1,683 respondents, coming from thirty-two provinces except Bangka Belitung and Gorontalo. They consisted of 56 percent male and 44 percent female, and represented all types of disability. Age ranges are dominated by those in productive age, followed by children under eighteen years of age and older people (sixty years and above).

During the 10-24 April 2020 period, national and local DPOs endorsed and disseminated the survey forms to gather as many respondents as possible. The survey was conducted online (through

google survey form), and offline (face-to-face interview in green areas and phone interview in other places). For those with no internet access and wanted to participate in the survey, a number of local DPOs initiated telephone interviews and entered their answers in the online form.

The majority of respondents come from rural areas (48 percent), followed by those who live in urban areas (29 percent), and suburban areas (23 percent). The assessment revealed that 23.3 percent of respondents (three hundred ninety-three) answered that they lived in the red zone¹ of COVID-19. 11.92 percent answered that they have existing high risk co-morbidity and 8.6 percent answered having low risk co-morbidity, and their interaction with the red zone area may create a greater risk of infection.

Key Findings:

Information on COVID-19

- This study found that persons with disabilities faced serious challenges in accessing COVID-19-related information. 39.7 percent of the respondents did not receive enough information on COVID-19 such as how to prevent infection, available

services, available contact centers, and various government programs in response to COVID-19 pandemic. Accessibility issues were experienced by a majority of people who are totally visually impaired, have low vision, and deaf/hard of hearing in various digital and television media such as the absence of sign language interpreter and closed captions, as well as websites that are not accessible using a screen reader or by meeting clear contrast needs of users, and therefore respondents could not fully understand messages made by public officials in TV broadcasts and other platforms.

- They rely on the family, community and local authorities such as village government for information, particularly for those who are living in rural areas.

Public services

- The enforcement of massive social restrictions disconnected the intensive services such as therapy from those who need them.

Social Assistance and Economic Recovery

- After the pandemic started, income fall of up to 80 percent was experienced by 86 percent of respondents who work in the informal sector, which resulted in difficulties in affording basic needs and meeting monthly bills. Moreover, only a small percentage of respondents received support under the government social assistance programs (electricity subsidy - 35.40 percent, water subsidy

- 5.16 percent, cash transfer - 4.53 percent, food/non-cash assistance - 11.36 percent, and program *keluarga harapan*/conditional cash transfer - 13.03 percent). Exclusion of disability as a criterion in the social welfare integrated data was found to be the key cause. Given the preexisting characteristic of financial literacy, where less than 5 percent of respondents allocate savings from their income, the fall of income with little social welfare assistance will lead to significant need for assistance in economic recovery.

Education

- Only 72.66 percent of the respondents who are enrolled in educational program are still actively studying during the pandemic, either through an online learning platform, or through various types of social media such as WhatsApp group. The remaining 27.34 percent studied independently or stopped studying at all.
- Those who still actively study online (72.66 percent) reported various challenges including:
 - Difficulty of accessing online platforms due to lack of facility for screen readers;
 - No reasonable accommodation such as sign language and captions during online lectures;
 - Difficulty of internet connection and data costs;
 - Teaching methods that are not adaptive and inclusive for students with disabilities.

Potential Contribution

The study found high interest among persons with disabilities as well as their organizations in contributing to the COVID-19 response and recovery. More than 66 percent of the respondents reported that they were willing to contribute in any way they could, including giving donation, gathering data of persons with disabilities who were impacted by COVID-19, providing education for the community, and making masks and other self-protective tools. The study also found a number of local DPOs taking emergency actions in the COVID-19 response.

In addition to the above findings, the study offers an analysis chapter on the need for concrete and clear inclusion of disability as an item in the operation plan of the COVID-19 Task Force. Different from natural disasters, the impact of the COVID-19 pandemic in various sectors spread beyond the primary impact (people getting sick due to infection, which may cause death) and have secondary impact (inability of people to undertake activities including work) with persons with disabilities and various vulnerabilities suffering more.

Persons with disabilities who get infected by COVID-19 suffer from primary impact due to delayed health intervention and limited information on where to receive help in areas where they live. Services are also not necessarily accessible for them.

Many persons with disabilities are engaged in precarious work or short-term work without stable income. Without work, as

secondary impact, they do not get paid and their well-being and those who rely on them are affected as well. This is a vicious circle as the secondary impact tends to be more complex and related to their social relations, economic situation and well-being. It is also difficult to recover from secondary impact as it goes beyond physical or health recovery.

There is also tertiary impact in the form of dropping out of school, especially if they are from economically disadvantaged background since they cannot afford the equipment needed in online learning. Existing online learning platforms are not accessible for students with disabilities.

Data about the effect of COVID-19 (and disasters in general) should cover information on these interconnected issues. Among disaster risk circle, there is tendency to highlight Human Recovery Needs Assessment (HRNA), and physical and infrastructure recovery while the long-term effects of disasters are overlooked.

Recommendations

The above findings lead this study to propose the following recommendations.

General Recommendations:

1. The Task Force on COVID-19, government, and other institutions from national to village levels should ensure participation of persons with disabilities during planning, implementation, monitoring and evaluation of COVID-19

response and recovery actions to ensure that voices and interests of persons with disabilities and other vulnerable groups are heard and accommodated;

2. There should be collection and presentation of disaggregated data in relation to COVID-19 impact, as the availability of such data will inform the services needed and necessary reasonable accommodation.

Specific Recommendations:

3. Information, education and social support:

a. Information on the existing support programs for COVID-19, including education materials, should be made accessible to persons with disabilities, particularly those who live in rural areas. Therefore, collaboration with DPOs is essential up to the village and local community levels, as well as the active role of local government;

b. The COVID-19 Task Force and government, at the district level, should ensure that COVID-19 contact centers at the local level are operating, accessible, and are equipped with the network and skill to handle cases of, and provide support needed by, persons with disabilities affected by COVID-19;

c. The Ministry of Health, and health service providers, should pay specific attention to persons with disabilities living with high risk co-morbidities because they are most vulnerable to infection without proper

knowledge of the COVID-19 pandemic;

d. The Ministry of Health should facilitate the creation of peer groups of people with co-morbidities to share knowledge and experience on managing co-morbidities and practicing healthy life;

e. Public service providers and shopping facilities should provide affirmative support for persons with disabilities, particularly during the pandemic, such as:

- Special line-up or priority assistance,
- Special opening/service hours targeting persons with disabilities and other vulnerable people such as the elderly,
- Online, assistance/courier service;

4. Expansion of social assistance and economic recovery:

a. The government, in collaboration with the business sector, should take serious actions to build resilience and economic recovery of persons with disabilities, particularly those who work in informal sectors. The business activities of persons with disabilities before the COVID-19 pandemic may have lost a market or require adaptation in order to continue. Therefore, below are the recommended actions:

- Conduct a study to identify challenges and opportunities for economic empowerment and recovery of persons with

- disabilities during the pandemic;
- Make an economic ecosystem that is inclusive for persons with disabilities, through active engagement of private and business sectors, creative economy, financial services and other relevant stakeholders;
 - Provide capacity-building and assistance to persons with disabilities running their own small business;
- b. The government, at national and sub-national levels, should expand the social assistance program, targeting specifically persons with disabilities, through:
- Inclusion of disability as a criterion of social protection program, including any form of cash/non-cash transfer program;
 - Adoption by the Financial Services Authority (*Otoritas Jasa Keuangan*) of an affirmative policy on credit relaxation, particularly to those who work in the informal sector with up to two years of credit relaxation after the pandemic;
 - Expansion of subsidy such as supply of electricity for households that use 1,300 watt;
5. The government, especially the Ministry of Social Affairs, Ministry of Health, Ministry of Villages, and Ministry of External Affairs, should ensure the provision of necessary assistive devices that support the independence of persons with disabilities;
6. To ensure that during the pandemic, and in the new “normal,” education for persons with disabilities is accessible and considers reasonable accommodations:
- The Ministry of Education, Ministry of Research and Higher Education, together with education providers, should develop a practical guidance to ensure education is properly organized;
 - Education providers and creators of apps for learning should collaborate, in consultation with persons with disabilities, to ensure learning apps to be used are accessible;
 - Education providers should collaborate and engage DPOs in ensuring digital literacy of persons with disabilities in relation to online learning;
 - The Ministry of Education should provide support scheme such as data access support, to ensure online learning is affordable for students with disabilities;
7. Active participation and contribution of persons with disabilities and their organizations;
8. National Disaster Management Authority (*Badan Nasional Penanggulangan Bencana*), Task Force on COVID-19 Response, and other relevant institutions should develop an “operation plan” for the COVID-19 emergency response and recovery that is inclusive of persons with disabilities, and ensure that risk analyses of disability are taken into account.
- * This is the edited Executive Summary of the survey report with the same title, released in June 2020 in Jakarta. Jaringan DPO Respon COVID Inklusif received support from several development partner organizations to carry out the second round of the survey that will reach 1,700 respondents with a wider area coverage. This survey started from February 2021.
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Endnote

- 1 Red Zone refers to one or more clusters reporting high number of locally transmitted COVID-19 cases which necessitate serious health protocols such as closing schools, places of worship and businesses. Travel is limited to essential purposes only. Furthermore, a Red Zone is an area where the government imposed a lockdown or quarantine for the communities that have been confirmed to be infected by COVID-19; people are asked to remain in their homes and their needs are supplied without any physical contact.

Violence Against Women in Cambodia

Johanna Higgs

“My father never wanted a girl,” said Sarak (not her real name).

“He told me I had to stop school in fifth grade, he said that girls just work in the kitchen. I had to do everything at home, everything for my brothers. They would always eat first and then I would eat the scraps that they left.”

Sarak’s story is just one of many in Cambodia, a country where gender inequality runs rife and women are disproportionately affected by violence and discrimination. Gender-based violence is largely rooted in inequality, abuse of power and harmful cultural norms that include domestic abuse, sexual assault and human trafficking.

As in much of the world, sexual violence is widespread throughout the small Southeast Asian nation which according to one of the few human rights organizations based in the country, LICHADO, includes violent rape, murder-rapes, gang rape and the rape of children as young as two or three years old.

The severity of violence against women is often not acknowledged and instead beliefs such as men are not responsible for their actions are common. Furthermore, the perception that women are guilty of the crimes perpetrated against them and are to be blamed for the violence they suffer all perpetuate a culture that permits sexual violence and harassment. Far too often,

perpetrators face little punishment for their crimes and violence against women is trivialized.

These attitudes towards violence and discrimination against women and girls can be attributed to the patriarchal nature of society in Cambodia and the low status given to women which is compounded by cultural traditions of inferiority and subservience of women. This is reflected for example, in traditional codes of conduct such as the *Chbab Srey* (Women’s Law) that teach women to be subservient to men.

Girls and boys learn at a very young age that there are differing societal expectations for men and women and that value is attributed differently. This can be reflected in the common expression for example, “men are gold, women are cloth” which is interpreted as meaning a man can have as many sexual encounters as he pleases while remaining untarnished, as gold still shines when cleaned but, once a woman loses her virginity, she is like a white cloth that is dirtied and can never be cleaned again.

Traditionally, women are expected to remain virgins until marriage, and a girl who loses her virginity beforehand, even in the case of rape, is often considered to be “unmarriageable.” In cases of sexual assault, more concern is placed on the victim’s loss of virginity and the effect on the family’s reputation

as opposed to the violent actions of the perpetrator and the suffering of the victim. As a result, many victims are deterred from reporting violence and are instead left to suffer in silence.

However, despite the silence on the issue, the violence against women is a serious problem in Cambodia.

A survey undertaken of 2,000 Cambodian men, by four United Nations (UN) agencies for example, found that as many as one in five of the respondents have attempted or committed violence against women, including rape. Almost half of those who admitted to being violent said that they never faced any kind of punishment.¹

Sexual harassment is also a serious problem. Care Australia reports that in Cambodia’s garment industry, that is largely reliant on female labor, sexual harassment is a major human rights concern, with nearly one in three women reporting experiencing sexual harassment in the workplace.²

Human trafficking is another serious concern in Cambodia. According to UN Women, in many cases, the lack of employment leads many women and girls to look for opportunities in tourist destination cities where they become vulnerable to human trafficking and being sold into brothels or being sent abroad. Women are also commonly coerced or tricked into working in massage parlors, karaoke

bars, and beer gardens, where local and foreign men look for sexual services.³

Poverty in some cases, may lead families to sell their daughters to traffickers or to pay off a family member's debt. Once trafficked, the victim is forced to work in order to pay off her family member's debt.

It is estimated that in 2016, around 1.5 million people in the Greater Mekong subregion were victims of human trafficking, with approximately 256,000 of those being in Cambodia. This is three times the estimated number of victims from 2006, showing a dramatic increase in the problem.⁴

Many men do not accept that women have the right to be free from violence of any form, and in many cases many women are not confident to stand up for their rights and do not understand that it is their right to be free from violence.

However, in the case that a victim does wish to seek justice for a sexual assault, the victim's parents may not want to report the crime to authorities because of the potential damage to the family's reputation. The family will often encourage the victim to "settle," by accepting money from the family of the perpetrator or by marrying the rapist. There have also been cases of women being sent away to other villages or being forced into prostitution by her family since it is believed she is "already spoiled" and she has no other options.

In cases where a victim does decide to pursue criminal action against a perpetrator, she will likely face the cultural and social attitudes described above, even in the courthouse. A lack of understanding of the rape legislation and a failure to apply

the law consistently also exacerbates the problem.

Positively, there have been some good efforts made by the Cambodian government to address gender-based violence against women. The Law on the Prevention of Domestic Violence and the Protection of Victims was passed in 2005, demonstrating that there is some recognition of a woman's right to be free from violence. However, there are many law enforcement officials and the general public who are not aware of the existence of this law. The Cambodian government also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1992, however, implementation of the provisions has not been evident in Cambodian courts.

The Women's Affairs and Information ministries launched a media code of conduct for reporting violence against women and the health sector has also adopted guidelines and practices to improve the treatment of female victims of violence.

Despite these attempts by the Cambodian government to combat violence and discrimination, many changes still need to be made, particularly in the area of legislation and social attitudes in order to improve the lives of women and girls in Cambodia. However, where the most significant change is needed is making perpetrators of violence and discrimination become aware that they are responsible for their actions and that they will be subject to punishment.

Only a tough response, political will and stronger government investment can make real progress in the fight against misogynistic violence in

Cambodia. So now is the time for everyone to stand-up as remaining silent or disengaged is not an option. No country can achieve its full social and economic potential while women are at risk of gender-based violence, and only few male perpetrators are held accountable.

Johanna Higgs has a PhD in Anthropology about the child combatants of the Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia. She founded the organization Project Monma which advocates for women's rights around the world. She is now based in Cambodia.

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Endnotes

- 1 *What is needed to end violence against women in Cambodia?*, UNDP Cambodia, 30 November 2017, www.kh.undp.org/content/cambodia/en/home/presscenter/articles/2017/11/30/what-is-needed-to-end-violence-against-women-in-cambodia.html.
- 2 *Women in Cambodia's Garment Industry: Their Work, Their Safety*, CARE Australia, www.care.org.au/wp-content/uploads/2017/04/SHCS_Brief-Women-Cambodia-Garment-Industry-March-2017_CA.pdf.
- 3 *A fresh look and a fresh start for survivors of human trafficking in Cambodia*, UN Women, 14 January 2019, www.unwomen.org/en/news/stories/2019/1/feature-fresh-start-for-survivors-of-human-trafficking-in-cambodia
- 4 UN Women, *ibid.*

Japan Platform for Migrant Workers towards Responsible and Inclusive Society

Nobuya Takai

The Japan Platform for Migrant Workers towards Responsible and Inclusive Society (Platform) was launched on 16 November 2020, with the Japan International Cooperation Agency (JICA) and the Global Alliance for Sustainable Supply Chain (ASSC) jointly working as the Secretariat.¹

The members of the Platform include companies and industrial associations which employ a large number of foreign workers such as Ajinomoto Co., Aeon Co., ASICS Corporation, Teijin Ltd., Toyota Motor Corporation, and Miki House Co., as well as researchers and lawyers.

The Platform aims to cooperate with companies and organizations that subscribe to and practice the Platform's Code of Conduct, based on international standards, for the improvement of the working and living conditions of foreign workers by having receiving companies engage in responsible and stable reception of these workers including compliance with the laws. By doing so, the Platform aims to achieve a prosperous and sustainable society and make Japan a chosen destination for foreign workers. The Platform sets forth the following Code of Conduct:²



Launching ceremonies of the Platform, 16 November 2020. (Photo: JICA)

We, the members of this Platform, will cooperate with all stakeholders including ministries, local governments, related organizations, civil societies, academics and international organizations and act as follows toward the attainment of the "Society We Aim For."

1. We will comply with relevant laws and regulations when accepting foreign workers.
2. We will strive to resolve issues by respecting [the] human rights of foreign workers and improving [their] working and living conditions.

3. We will deepen mutual understanding and foster relationships of trust with foreign workers, both in the workplace and real life setting.

4. We will develop human resources who are able to contribute to the development and stability of Japan as well as international community.

5. We will disseminate the Platform initiatives across Japan and throughout the world.

The Platform will actively ask not only its member-companies and organizations, but also those in the supply chain and

related companies and organizations to undertake these actions.

Background of the Creation of the Platform – Human Rights Violations against Foreign Technical Intern Trainees

Behind the creation of the Platform is the rising international criticism against the poor treatment of foreign workers including forced labor, discrimination and harassment in Japan. In particular, the human rights abuses against foreign technical intern trainees remain serious.

The 1989 amendment of the Immigration Control Act introduced the residence status of “training.” In 1993, the technical intern training program (with the residence status of designated activities) was created. In 1997, the period of residence of technical interns was set at two years (or a maximum of three years with one-year residence for “training”), and the program continued in this form until the end of June 2010.

In July 2010, the residence status of “technical intern training” was created, and labor laws and regulations were made applicable to the trainees from the start of their work.

In November 2017, the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (Technical Intern Training Act) was enacted and the period of residence was increased to a maximum of five years.

The technical intern training program, with an almost thirty-

year history, has not changed its original “purpose” of international cooperation through transfer of skills to developing countries even after the enactment of the Technical Intern Training Act. In reality, from the beginning, the purpose of the program has been a mere formality, and many of the providers of training (namely, the employers) receive the trainees as cheap labor.

Currently, the technical intern trainees come mainly from Vietnam, China, the Philippines and Indonesia. According to the Ministry of Health, Labor and Welfare, there were 1.66 million foreign workers in Japan as of end of October 2019, the largest number ever, with 380,000 technical intern trainees that comprise 23.1 percent of this labor force.³ The Ministry of Justice reports that the total number of technical intern trainees has increased to 410,972 by the end of 2019.⁴

The technical intern trainees often take out loans to pay fees to the sending organizations (the brokers in their home countries) that may amount to several times larger than their annual income in their home countries. When they return home before completing their contracts, aside from the confiscation of guarantee fees paid before leaving home, their contracts may also stipulate that they will have to pay other penalties. In Japan, their residence status requires that they remain with the places of training (their employers) and, as a general rule, are unable to change their employers for better working conditions.

That is why many technical intern trainees do not change jobs or do not opt to go home, even when they are forced to work long hours, have high accommodation fees deducted from their pay, receive low overtime pay (amounting to only 300 Yen per hour, far lower than the legal minimum wage), or even when they suffer sexual harassment. When they can no longer put up with all these abuses and claim unpaid wages, they are forcefully brought to the airport and placed on a plane home. Such “forced repatriation” has been happening frequently. “Forced repatriation” after requesting paid leave or becoming pregnant has also been reported. Unfortunately, such cases continue to be reported even after the enactment of the Technical Intern Training Act in 2017.

This led the US State Department to cite the Japanese government’s efforts to address the problems in the technical intern training program as insufficient, and downgraded its evaluation of the country’s efforts for the first time in three years from the top Tier 1 to Tier 2 in its annual *Trafficking in Persons Report* published in June 2020.

Also, according to the “status of inspection cases and cases sent to the Public Prosecutor’s Office with regard to ensuring appropriate working conditions for foreign technical interns (2019)” published by the Ministry of Health, Labor and Welfare on 9 October 2020, inspections carried out by the Labor Bureaus and Labor Standards Inspection Offices

around the country in places where the technical intern trainees work found violations of labor standards-related laws and regulations in 71.9 percent of the workplaces (6,769 workplaces), which were issued guidance notices.

The situation has worsened with the COVID-19 pandemic as companies faced economic downturns and bankruptcies. There are numerous reports in the media of many technical intern trainees remaining in difficulties without being able to work or go home.

Aim to Achieve through the Platform

Faced with the international criticism for the abuses of the human rights of foreign workers, companies in Japan are increasingly scrutinizing whether or not the foreign workers they received or in their supply-chains are facing poor conditions. Due to this criticism of the technical intern training program from abroad, leaving the abuses of human rights of the technical intern trainees unaddressed would damage the reputation of the companies, as public concern for human rights abuses by businesses increases. This is especially true for global companies.

With this background in mind, it seems that the companies have accelerated their move to establish and participate in the Platform that would create the conditions for Japan to become the “trusted and chosen destination for foreign workers.” Meanwhile, the members of the Platform also include those who have been active in protecting

the rights of foreign workers including technical intern trainees, such as Attorney Shoichi Ibusuki and this author.

The Platform provides information using smartphone applications to help foreign workers get better working conditions as well as offer recommendations on how to solve issues to government organs both in Japan and abroad based on study of complaints received through smartphone.

It hopes to create a mechanism for collecting the “real voices” of the foreign workers in order to formulate recommendations based on the actual working conditions of these workers, and thereby identify the problems in the current system of receiving foreign workers including the technical intern training program and create a system in which the rights of foreign workers are protected.

Through its activities, the Platform hopes that the cooperation among the government, workers and employers will bring an end to the exploitation by recruiters and sending organizations and slave-like working conditions of foreign workers, and in the future, abolish the technical intern training program that is systematically prone to human rights abuses. It aims to put in place a system for receiving workers that protects the rights of foreign workers, including the abolition of brokers and recognition of the freedom to change jobs.

Nobuya Takai, since becoming a lawyer in 2007, has been working on labor and human

rights issues of Foreign Technical Intern Trainees. At present, he is the Secretary-General of the Lawyers' Network for Foreign Technical Interns.

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Endnotes

- 1 See Japan Platform for Migrant Workers towards Responsible and Inclusive Society, <https://jp-mirai.org/en/>.
- 2 Code of Conduct, <https://jp-mirai.org/en/code-of-conduct/>.
- 3 See the website of the Ministry of Health, Labour and Welfare (in Japanese), www.mhlw.go.jp/stf/newpage_09109.html.
- 4 See the website of the Ministry of Justice (in Japanese), www.e-stat.go.jp/stat-search/files?page=1&layout=datalist&toukei=00250012&tstat=000001018034&cycle=1&year=20190&month=24101212&tclass1=000001060399.

Seminar on “Participation of the Civil Society in UN Human Rights Mechanisms”

The Research Center for Sustainable Peace of the University of Tokyo and the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA) jointly held an online seminar on 27 January 2021 entitled “Participation of the Civil Society in UN Human Rights Mechanisms - on the occasion of the publication of the book *The United Nations Commission on Human Rights – ‘A Very Great Enterprise,’* with Mr. John P. Pace.”

Mr. John P. Pace, the author of the book, was the main speaker in the seminar. Mr. Pace, in his long professional career at the United Nations from 1966 to 1999, assumed various executive and operational responsibilities in the area of human rights at the United Nations, including Secretary of the Commission on Human Rights and Coordinator for the World Conference on Human Rights held in 1993.

The book thoroughly details what happened in the field of human rights since the start of the United Nations Organization in 1945 and also gives a wide and long perspective of international human rights in their historical development. The book, based on the many years of invaluable experience and in-depth knowledge of the author, presents an orderly and clear picture to the disorderly and often controversial realities of human rights and the United Nations actions thereon.

The book covers every session of the Commission on Human Rights and the Human Rights Council since 1947 to 2019. All topics addressed and actions taken by the United Nations human rights organs were streamlined and referenced with more than nine thousand official documents. According to the author, “The book describes the facts and refrains from evaluating those facts to enable the reader to assess the work accomplished thus far and therefore to define what needs to be done in the future.”

In his speech, Mr. Pace emphasized the crucial role played by civil society in the work of the Commission on Human Rights. He pointed out that since the transition from the Commission on Human Rights to the Human Rights Council in 2006, civil society was no longer a participant but a part of a group referred to by the Council as “other stakeholders.” But in the Universal Periodic Review (UPR), civil society was not allowed to take part in the main phase of the review. Mr. Pace expressed his concern that civil society contribution to the Council was in serious jeopardy, in contrast to the reality that in the international community civil society had gained momentum in advocating for human rights protection and promotion. In this context, Mr. Pace proposed that a Permanent Human Rights Council with a Chamber of Norms and Standards composed of the main Treaty Bodies and a

Chamber for Civil Society be seriously considered.

A panel discussion followed Mr. Pace’s speech with Ms. Atsuko Miwa, Director of HURIGHTS OSAKA and Professor Saul Takahashi of Osaka Jogakuin University.

Ms. Miwa stressed that human rights must be upheld during the pandemic and that the pandemic could reconfirm the importance of the Sustainable Development Goals (SDGs). Professor Takahashi stated that the so-called “new normal” might be unsustainable considering, for example, that many people do not have good access to internet and the required technology for online seminars.

The panelists agreed that better engagement between civil society and the United Nations human rights mechanisms, such as UPR and the human rights treaty bodies, could be achieved.

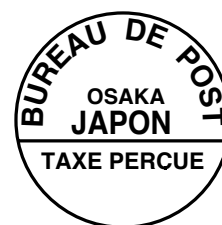
Finally, concerning the universality and better understanding of human rights, Mr. Pace gave a reminder that human rights principles and norms are firmly based on the conviction that all humans are equal in dignity and rights. Professor Takahashi and Ms. Miwa concurred that in Japan human rights were trivialized as “kindness” or “sympathy” which made proper understanding of human rights more difficult.

For more information, please contact HURIGHTS OSAKA.

HURIGHTS OSAKA Calendar

The 10th volume of *Human Rights Education in Asia-Pacific* is finally in print. The volume includes articles on community-based educational initiatives alongside film festivals and formal education programs.

The English section of the HURIGHTS OSAKA website now has information for the non-Japanese residents in Japan. Information on COVID-19 pandemic (available services from the national and local governments), government and non-governmental institutions that provide legal and other services to non-Japanese residents, and activities in Kansai region for the benefit of the non-Japanese residents can be found in the website (see main page).



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

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

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