



Refugee Protection in Japan and Role of UNHCR

**United Nations High Commissioner for Refugees (UNHCR) Tokyo
11 December 2009**



Refugee Definition

- Outside Country of Nationality / Former Habitual Residence
- Well-Founded Fear of Persecution
- Grounds; race, religion, nationality, membership of a particular social group, political opinion
- Failure or Absence of Effective State Protection



What is Refugee “Protection”?

- **Refugees** : Persons who are not protected by their own country, while they are (or they may become) victims of serious human rights violations
- **What is refugee “protection”?**
 - To reinstate and protect human rights of refugees by country of asylum as a surrogate for the country of origin
 - The Principle of *Non-Refoulement* (Article 33, 1951 Convention)
 - Protection covers the whole spectrum of a refugee’s life in Japan, including entry to integration.



Who Protects Refugees?

- Government has primary responsibility to protect refugees
- Citizens and the civil society also play an important role
- UNHCR cooperates with government and civil society to ensure refugee protection



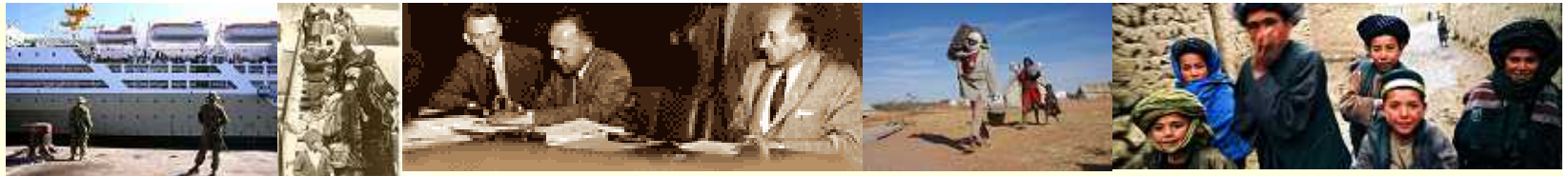
UNHCR

■ History

- The League of Nations had named Norwegian, Fridtjof Nansen, to the post of High Commissioner in 1921.
- UNHCR succeeded the earlier United Nations Relief and Rehabilitation Administration.
- At first, UNHCR mandate was limited and extended by every five year.

■ Purpose

- UNHCR has two basic and closely related aims – to protect refugees and to seek ways to help them restart their lives in a normal environment.
- UNHCR promotes international refugee agreements and monitors government compliance with international refugee law.
- UNHCR seeks long-term or so-called 'durable' solutions, repatriation, local integration and resettlement.



UNHCR

- Established by UN General Assembly in 1950
- Simultaneously UNHCR Statute was adopted by UN GA
- Specialized agency mandated by the General Assembly to protect refugees worldwide
- Staff in the world: 6,689 (2007)
- Offices in 120 countries (2007)
- Japan is the Second largest donor in the world
- UNHCR Japan established in 1979



UNHCR in Non-Member States

- UNHCR Conducts RSD (Refugee Status Determination) and provide assistance to persons of concern. Advocates for *non-refoulement* and freedoms (movement, thought, etc...).
- Find durable solutions for persons of concern, including resettlement to third countries.
- Promote accession to the Convention.

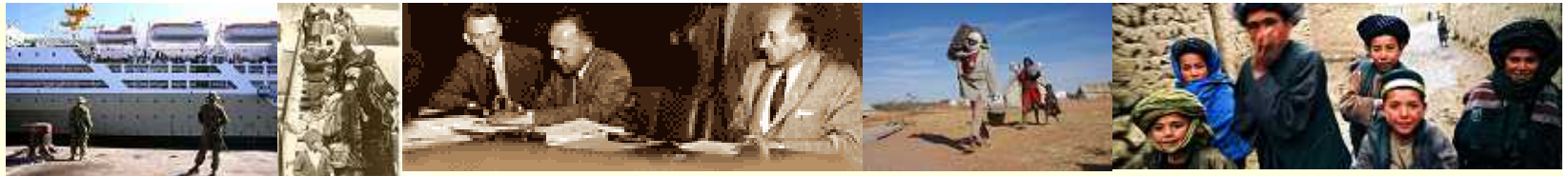


UNHCR in Japan

- Japan = State Party + whole asylum system (including RSD Procedure)
- Immigration Bureau of Ministry of Justice conducts refugee status determination
- UNHCR Role: Supervision of implementation of 1951 Convention

Article 35:

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees (...)and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.



UNHCR in Japan

■ Supervision of the implementation of 1951 Convention:

- To support the main actors, i.e. the government of Japan and the **civil society**, in order to achieve the common objective of **protecting refugees**
- To carry out **macro** and micro level activities under the division of labour and **cooperation** with various **partners**, including the government, NGOs, lawyers and scholars.

■ What is the role of UNHCR?

- For government :
Adviser, consultant, partner
- For NGOs :
Coordinator, resource person, partner
- For refugees and asylum seekers :
Supporter, advocates



UNHCR in Japan

- **Providing legal/policy advice and Country of Information**
 - Immigration Bureau, Minister of Justice
 - Courts
- **Training and capacity building activities**
 - Training for the Immigration Bureau Officers (RSD officers etc)
 - Provision of lectures on refugee law
- **Assistance to individual asylum-seekers/refugees**
 - Provision of legal/social counseling (Outsourced to NGOs)
 - Integration assistance in cooperation with universities and enterprises.
- **Public information activities**
 - Enhancing understanding of Japanese public regarding admission of refugees in Japanese Society

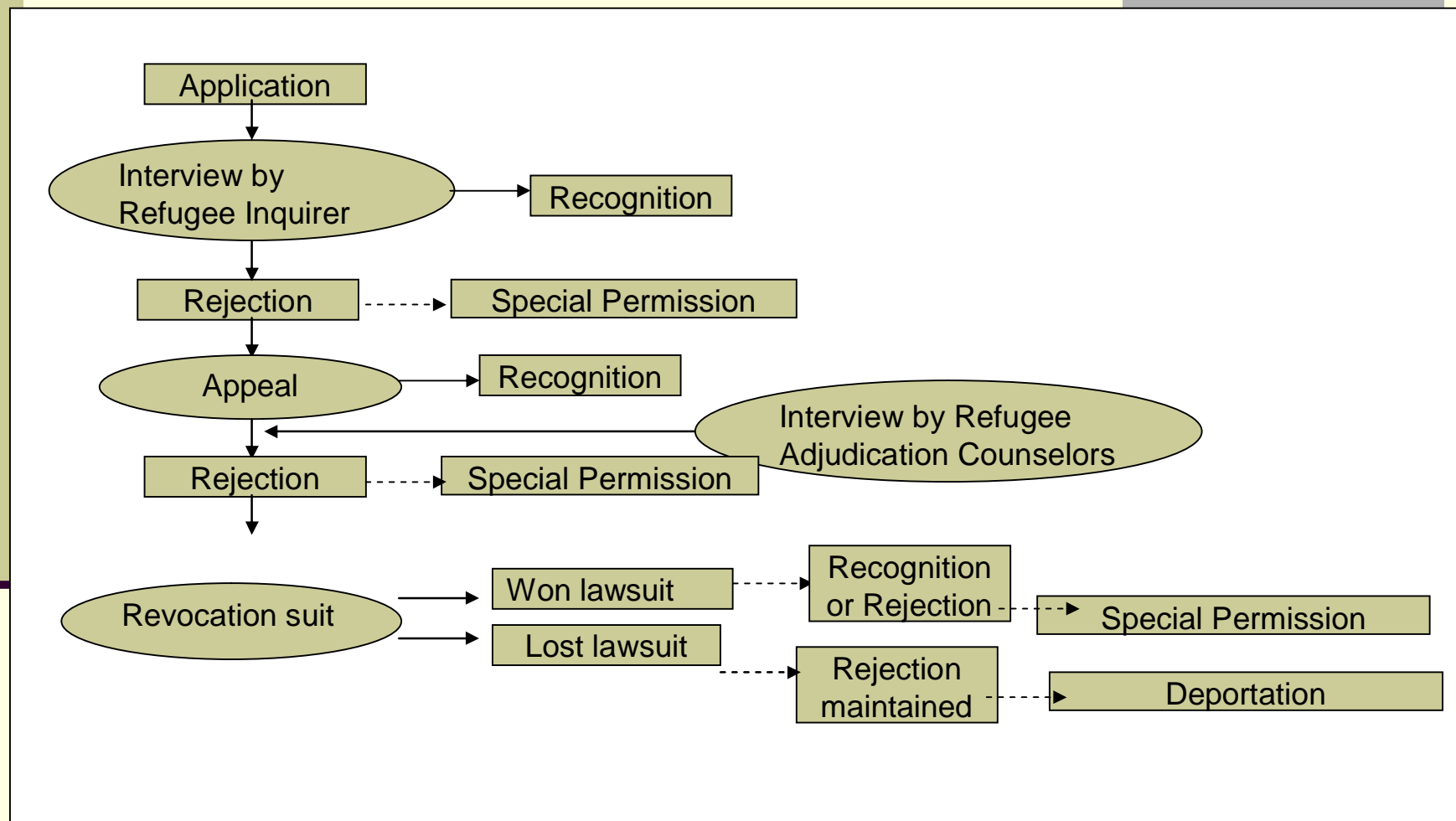


UNHCR and NGOs

- Assistance to individual refugees by UNHCR : through funding/cooperating with implementing partners
 - **Japan Association for Refugees (JAR)** : provides legal/social Counseling
 - Protection of refugees' rights by providing comprehensive support including legal/social counseling (rights-based approach)
 - Registration on behalf of UNHCR : identify needs and gaps, which UNHCR makes use of in its advice to relevant counterparts.
 - **Japan Federation of Bar Associations (JFBA)** : Legal Counseling/Representation
 - **International Social Services, Japan** : Counseling mainly for persons in detention centers/persons with illness
 - **Support 21: Japanese language classes**
 - **Forum for Refugees Japan (FRJ): NGO Mechanism**



Refugee Status Determination (RSD) in Japan





What is “Implementation of the Convention”?

- Implementation of the convention covers the whole process, not only “RSD”
 - Fair and efficient asylum procedure
 - Reception conditions during RSD procedure
 - RSD criteria
 - Integration of refugees (solutions)



Fair and Efficient Asylum Procedure

a) Respect for the principle of *non-Refoulement*

Prohibition of expulsion to the country of origin or another country

Article 33 (1), 1951 Convention

No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

b) Access to asylum

- Access to procedure
- Access to due process
- Access to information (e.g. How to apply for the refugee states)
- Access to UNHCR



Fair and Efficient Asylum Procedure

c) Access to legal counseling

Objective of Legal Counseling :

to help asylum seekers and refugees understand their own role in the asylum process and to enhance the possibility for refugees to be recognized

In many States, legal counseling is provided with government funding.

There is no such programme in Japan funded by the government. UNHCR's implementing partners provide legal counseling.

d) Independent appeal

- Due process requires an independent body to examine and decide at the appeal level
- Introduction of Refugee Examination Counsellors by Revision of the law in 2004
- Will Refugee Examination Counsellor System function as an independent appeal?



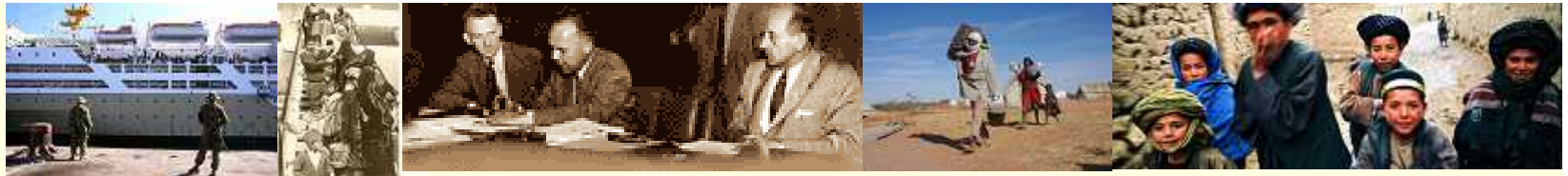
Reception Conditions for Asylum-Seekers

- **Access to means of livelihood, housing and medical care**
 - Asylum-seekers should be given with opportunities to work during RSD procedure
 - Housing and basic medical assistance should be provided to asylum seekers
 - Assistance should be extended to those in judicial review
- **Alternatives to detention**
 - Government should seek alternatives to detention.



The RSD Criteria

- Do immigration officers properly determine refugee status in accordance with the international standards?
 - Work of immigration officers: registration, interview, providing interpreters
 - Immigration bureau staff receive trainings on RSD. It would be useful to expand such training opportunities.
 - Issues relating to interpretation of definition of persecution, standard/burden of proof, credibility assessment (use of benefit of the doubt)
- Complementary forms of protection
 - Japan has granted the humanitarian status to individuals
 - What is the criteria of granting such a status?



Integration of Refugees (solutions)

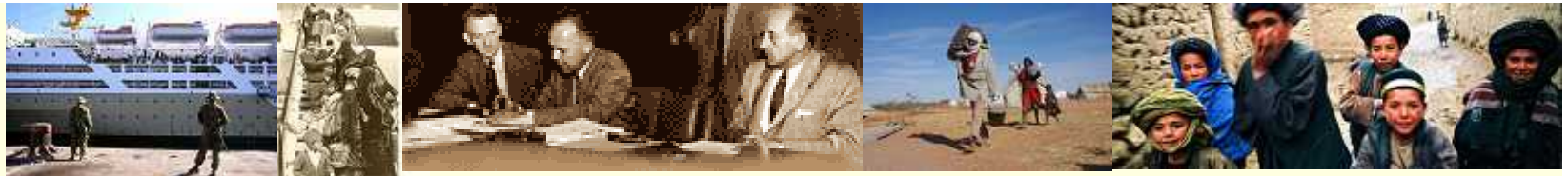
Is it possible for refugees to integrate into the host society?

- Local Integration is one of the durable solutions to refugee problem.
- Civil society plays an important role to integrate refugees into local society, not only government and UNHCR.
- Other solutions
 - Voluntary repatriation
 - Resettlement



Conclusion

- The responsibility of states: to provide security and solutions
- The role of UNHCR: to cooperate with the government and NGOs in Japan for the common objective to protect refugees
- The role of civil society: to support, facilitate, advocate and assist



What Can You Do to Help Refugees?

- Join UNHCR Youth!
- Research further on refugee issues and write a paper!
- Come to UNHCR events!
- Come help and learn: Become an intern/volunteer at UNHCR Tokyo!
- For more information... <http://www.unhcr.or.jp>