

Joint Press Release for Immediate Release

Japan Respects Human Rights?:

Joint NGO press conference on the situation of refugees and migrants in Japan - Facing the danger of DEPORTATION

May 18, 2023, Tokyo, Japan

Four NGOs working for the rights of migrants and refugees at global and regional levels as well as in Japan expect Japan, as the G7 host country, to proactively emphasize a stance in upholding universal values such as human rights, freedom, and the rule of law in the discussion on the revision of its Immigration Control and Refugee Recognition Act (hereinafter referred to as the Immigration Control Act).

On the occasion of the G7 Hiroshima Summit scheduled for May 19-21, we will hold a joint press conference on the amendment of the Immigration Control Act at the NGO space in the Hiroshima City Youth Center on May 21 11 am JST.

Joint Press Conference by Japanese and international NGOs

"Urgent call for Japan's choice to uphold fundamental rights of refugees and migrants in Japan"

Date and Time: Sunday, May 21, 2023 11 am to 12 pm JST

Location: At the venue and online (Zoom)

- Venue: Lecture Room 2, NGO Space, Hiroshima City Youth Center
(5-61 Motomachi, Naka-ku, Hiroshima City, Hiroshima 730-0011, Japan)

Language: English (We will receive a question in Japanese too)

Co-hosted by: Asia Pacific Refugee Rights Network, Japan Lawyers Network for Refugees, Human Rights Now, RAFIQ JAPAN.

In-cooperation with: Amnesty International Japan, Forum for Refugees Japan, Human Rights Watch.

How to participate online: Please register in advance from the link below.

<https://us06web.zoom.us/meeting/register/tZ0ud-2sqjwjGdUBbGaggj1zgaB-bk158CTc>

How to participate on-site: Limited to media representatives. We would kindly ask you to apply in advance from the form as possible. If you would like to participate on the day, please come directly to the venue with your business card. Please note that registration may close when all seats are filled. Registration Form: <https://forms.gle/gyYCzCkJFjhnTMqf8>

[Purpose of this press conference]

Migrants and refugees are susceptible to prejudice, incomprehension, discrimination in society, and the risk of exploitation and often face tremendous external factors that can justify or overlook the diminishment of their rights. It is no exaggeration to say that the guarantee of rights to those who are least able to receive such protection and assistance, and who are most marginalized, represents the core value of fundamental human rights in a country.

Regardless of origin or destination, and whether cross-border movement is forced or voluntary, every human being deserves the fundamental human rights, including the right to life, to be free from inhumane treatment, to seek asylum, to social security, and to enjoy freedom and security. While schemes to guarantee those rights are unique in each country, region, and its own legal system, the principle of non-discrimination and equality with respect to fundamental human rights remains the keystone of international human rights standards. This also applies to the governance of migration.

This press conference is intended to raise an alarm regarding the revision of the Immigration Control Act currently under deliberation in the country's legislative body, from the perspective of Japan's role in the international community and the pursuit of universal value of human rights which Japan has been appealing.

Proposed Amendment to the Immigration Control Act by the Government of Japan

On March 7, 2023, Japan's Cabinet approved a bill to partially amend the Immigration Control Act (hereafter referred to as the "2023 Bill") and submitted it to the 211th session of the Diet (regular session) as a government bill, the first time in nearly two years after the bill to partially amend the act in 2021 (hereinafter referred as the "2021 Bill") was withdrawn. The 2021 Bill was criticized for its failure to meet international human rights standards and its lack of respect for human rights, and the United Nations High Commissioner for Refugees (UNHCR) extraordinarily expressed its "very serious concerns" over the bill. That year, the Government of Japan decided not to seek the adaptation of the bill.

The newly proposed 2023 Bill includes the following points:

- Introduction of exceptions to the suspension of deportation for some refugee applicants
- Abolishment of the grant of humanitarian status in the refugee status determination procedure and establishment of complementary protection
- Stipulation of the consideration points and procedural rules for regularization of undocumented migrant's stay
- Establishment of a new alternative measures to detention and downsizes the current system
- Stipulation of the rules for treatment of detainees
- Establishment of an order to apply for a passport, which can be implemented for refugee applicants and impose penalties on those who do not comply with such order.

While some provisions were modified from the 2021 Bill in response to the concerns stakeholders have raised, no fundamental revisions have been made, and therefore, the framework of the 2021 Bill has been maintained. Even after the Cabinet decision, serious concerns from various domestic and international stakeholders, including lawyers, migrant and refugee support groups, human rights NGOs, as well as organizations that support the people in poverty, medical professionals, welfare professionals, and academia, have been continuing to voice their strong concerns. As of 13 May 2023, there have been around 650 reports by the domestic media since January 2023, approximately double the number during the same period as of 13 May 2021.

Deliberations on the Bill 2023 began in the plenary session of the Lower House on 13 April 2023, and on May 9, the bill was passed by a majority vote of the ruling party and some opposition parties and sent to the Upper House. On April 18 (Geneva time), while the Lower House was deliberating the bill, a joint letter was sent to the Government of Japan by the Special Rapporteurs and the Working Group on Arbitrary Detention from the UN Human Rights Council. This indeed is a second correspondence which is following to the letter sent on the 2021 Bill, and the UN experts pointed out that the 2023 Bill is basically unchanged from the 2021 Bill and may still violate international law, especially the International Covenant on Civil and Political Rights, and called on the Government of Japan to provide further information⁶. In response to the letter, Immigration Service Agency published a reaction on its official website on May 3, expressing protest against the unilateral publication of the letter. It also explained that taking into sincere consideration of the suggestions to the 2021 Bill, the 2023 Bill reflected the concerns which have been pointed out⁷. However, as of May 18, the Government's response in detail to the letter has not been made available⁸. The bill is currently deliberated in the Upper House, along with a counterproposal submitted to the House by some opposition parties.

Perspectives from the G7 Core Values and Commitment to Pledges

The Leaders' Declaration⁹ at the G7 Elmau Summit held in Germany at the end of June 2022 reaffirmed the core values of the G7: "As open democracies adhering to the rule of law, we are driven by shared values and bound by our commitment to the rules-based multilateral order and to universal human rights".

The G7 pledged under the section on "Foreign and Security Policy," as follows:

"The Russian war against Ukraine and other conflicts have pushed the number of people worldwide forced to flee war, violence, human rights violations and persecution to a record high of 100 million, evidencing the urgent need to address the root causes of refugee movements and internal displacement, as well as to provide safe, dignified, and sustainable solutions. We reaffirm our commitment to protecting refugees, supporting forcibly displaced persons and supporting host countries and communities, ensuring the full respect for human rights and fundamental freedoms of refugees, and addressing the particular needs of women and children in conflict, crisis, and displacement. Recalling the commitment of the Global Compact on Refugees to share responsibility more equitably, we will continue to promote international solidarity with refugees and host countries, including by expanding resettlement programmes. We also call upon the international community to follow suit and increase their protection of refugees and support to forcibly displaced persons and for host countries, in an effort towards global responsibility-sharing. We affirm the importance of combating human trafficking and related illicit financial flows, smuggling of migrants, and countering related disinformation."

Setting good models for the protection of refugees in their countries and ensuring full respect for the human rights and fundamental freedoms of refugees by G7 member countries will also help to lead efforts at the global and regional levels, including the development of good practices and their dissemination to other

⁶ See for more details, NGO Joint Press Release on 24 April 2023 available at https://www.amnesty.or.jp/news/pdf/JointPressRelease_ENG_20230426.pdf

⁷ Immigration Services Agency of Japan, Regarding the Government of Japan's Response to the Open Letter by the Special Rapporteur of the United Nations Human Rights Council and the Working Group on Arbitrary Detention, 3 May 2023: available at https://www.moj.go.jp/isa/publications/others/05_00034.html?hl=en

⁸ See for up-to-date information on the OHCHR's website available at <https://spcommreports.ohchr.org/TmSearch/Mandates?m=33>

⁹ G7 Leaders' Communiqué in 28 June 2022: available at <https://www.g7germany.de/resource/blob/974430/2062292/fbdb2c7e996205aee402386aae057c5e/2022-07-14-leaders-communication-data.pdf?download=1>

countries. Considering the expectation of synergistic effects, the development of policies in Japan is by no means irrelevant in supporting other refugee host countries and communities as well as in sharing the responsibility of hosting refugees. We have a responsibility to question our own leadership from a more comprehensive perspective.

The G7 has also pledged its commitment to the Global Compact on Refugees(GCR). This December, the quadrennial Global Refugee Forum (GRF) will be held under the GCR. The GRF is a global platform initiated by the UNHCR to mobilize and energize support for refugees, and a meaningful opportunity to share good practices around the world and to introduce various pledges and commitments in accordance with the core objective upheld on the GCR. Not only for government representatives, it is a significant chance for diverse stakeholders from all over the world to gather, exchange ideas, and coordinate efforts that truly address the needs and challenges of forcibly displaced people, host countries and communities.

In addition, Japan takes the role of co-convenor at the second GRF scheduled this December. The co-convenors, including Japan, have pledged to “go beyond the implementation of the existing pledges and initiatives – to truly bring the comprehensive approach to refugee situations to life¹⁰.” In other words, they are in a position to respond well to a series of expectations, including new initiatives, encouragement and influence to other countries, and consensus building in the international community.

What is expected to Japan

Unfortunately, concerns from domestic and international stakeholders about the 2023 Bill, from the perspective of refugee protection and full respect for human rights and fundamental freedoms, have yet to be dispelled. Based upon the role Japan has taken in the international community, this could be a loss for a series of Japan's diplomatic efforts to date.

We call for a fundamental review of the 2023 Bill in light of Japan's responsibility to protect and promote fundamental human rights, making clear that Japan will continue to pursue universal values, including human rights, as well as in its domestic policies, and we pledge our fullest commitment to constructive dialogue.

Related articles

- “Japan pulls controversial asylum seeker bill after criticism”, BBC, 19 May 2021
<https://www.bbc.com/news/world-asia-57167004>
- “Japan has always been refugee-averse. Then Ukraine happened”, Washington Post, 21 June 2021
<https://www.washingtonpost.com/world/2022/06/21/japan-ukraine-refugees-immigration/>
- “Refugee bill takes key step after OK from committee in Japan's Lower House”, Japan Times, 28 April 2023
<https://www.japantimes.co.jp/news/2023/04/28/national/refugee-bill-panel-ok/>

Statements published by UN or various NGOs on the Bill

- UNHCR, Partial Summary of UNHCR's Comments dated 9 April 2021 on the bill to amend ICRR, 24 February 2021
<https://www.unhcr.org/jp/wp-content/uploads/sites/34/2022/06/Partial-Summary-ICRR-Bill-English-20220224.pdf>

¹⁰ See for more details, UNHCR's release on 8 December 2022, A year from 2023 Global Refugee Forum, UNHCR announces co-convenors: available at
<https://www.unhcr.org/news/year-2023-global-refugee-forum-unhcr-announces-co-convenors>

- Japan Association for Refugees, Comment on the Cabinet Approval of the “Proposed Bill for the Partial Revision of the Immigration Control and Refugee Recognition Act”, 7 March 2023
https://www.refugee.or.jp/for_refugees/info/2023/04/imlaw23comment_en/
 - Amnesty International, Japan: ‘Endless detention’: Migrants speak out as government proposes harsh immigration bill, 14 March 2023
<https://www.amnesty.org/en/latest/news/2023/03/japan-endless-detention-migrants-speak-out-as-government-proposes-harsh-immigration-bill/>
 - Asia Pacific Refugee Rights Network, URGENT STATEMENT: APRRN urges Japan to withdraw the Amendment bill to the Immigration Control and Refugee Recognition Act showing their leadership in international refugee protection, 4 April 2023 <https://aprrn.org/newsroom-detail/29/>
 - Joint letter to the Government of Japan sent by mandate holders of the UN Human Rights Council on 18 April 2023
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27995>
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Media Contacs:

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- Japanese Lawyers Network for Refugees Email: jlnr@izumibashi-law.net | www.jlnr.jp
- Human Rights Now Email: info@hrn.or.jp | www.hrn.or.jp/eng
- RAFIQ JAPAN Email: rafiqtomodati@yahoo.co.jp | www.rafiq.jp/english/