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Editorial

Accepting Refugees

In the exercise of state sovereignty, governments decide who among non-nationals should be allowed to enter and stay inside their territories. They have the power to determine the requirements for such entry of non-nationals and the permission for them to reside in the country.

Due to the fact that some people suffer from war and other forms of oppression, the community of nations agreed to have a common guideline on how safety could be ensured for such people who had to flee their own country for safety elsewhere.

Thus the refugee recognition system was agreed upon as a response to this humanitarian crisis.

Japan has been criticized for its strict requirements in recognizing asylum seekers as refugees who deserve to be afforded safety within the country. The recent revisions of its immigration and refugee law strengthened the old policy of very limited recognition of refugee applicants and added measures to deport those it refused to give such recognition.

Japan does not see any failure in fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees with its low rate of refugee recognition. United Nations reports explain why this is not so, however.

Miraculous Victory: Reflections on Seeking Refugee Status based on LGBTQ Persecution

Keiko Tanaka

A lesbian Ugandan woman was detained by the Japanese immigration authorities at the Kansai International Airport upon her arrival in Japan at the end of February 2020. She was later detained at the Osaka Regional Immigration Services Bureau. On 4 March 2020, she applied for a refugee status, but her application was denied about a month later (on 2 April 2020). After six days, on 8 April 2020, a Deportation Order was issued to her. She appealed to the Minister of Justice on the same day for an administrative review of the order denying her application for refugee status. On 20 April 2020, based on her request, she was granted provisional release.

On 5 August 2020, she received a notice from the immigration office that it was not holding oral hearings on her petition for review. A notice of termination of the proceedings on her refugee status application was issued on the same day. On 8 October 2020, she filed a petition in court for the revocation of the 8 April 2020 deportation order. On 3 December 2020, her request for administrative review was denied and the decision not to grant her a refugee status was confirmed.

She petitioned the Osaka District Court on 4 June 2021 to revoke the decision of the immigration office denying her petition for grant of refugee status. Two years later, on 15 March 2023, the Osaka District Court ruled in her favor. The government did not appeal the court ruling, making it final on 30 March 2023. She received a certificate of recognition of refugee status from the Minister of Justice on 19 April 2023.

Series of “Miracles”

Her case is characterized by a series of “miracles” that do not usually exist in refugee status applications in Japan.

First Miracle: First Meeting within Two Weeks

A representative of RAFIQ, a Japanese non-governmental organization working on refugee issues, was able to meet her for the first time two weeks after she was detained.

Had this chance been missed, it would have taken another month for this meeting to happen since RAFIQ detainee visit was a monthly activity. RAFIQ knew her case before the meeting based on information from another detainee from Uganda as well as information from the Japan Association for Refugee Assistance (JAR).

During the first meeting, she said that she was placed in isolation. There was no explanation given to her about this treatment but she assumed that it was due to her sexuality. Because of this, she was not able to meet or contact other inmates. Having known a similar treatment of a detainee in the previous year, RAFIQ requested that she be moved to the regular quarters of detainees. At the same time, RAFIQ protested this isolation treatment. Without any reason being given, she was moved to the regular quarters the following week.

Second Miracle: Provisional Release Granted in about Two Months

After several meetings with her, RAFIQ concluded that she was “likely a refugee,” and thus eligible for its assistance program. RAFIQ supported her in obtaining provisional release with the help of the Forum for Refugee Japan (FRJ¹), which has a program with the Ministry of Justice to “secure housing for those seeking asylum at airports.”² Since it was confirmed that she had stated when she arrived at the Kansai International Airport that she was an asylum seeker, she was eligible for the program. I became the guarantor for her provisional release, a deposit

was paid, and she stayed at the RAFIQ shelter.

With provisional release and her availability to provide information, getting documents and information from Uganda to support her application for refugee status ran much more smoothly.

Third Miracle: Two Great Lawyers

The need for a lawyer to assist her was urgent. But the lawyer working with RAFIQ on refugee status cases was too busy with other cases. Fortunately, RAFIQ was able to avail of a consultation service on getting lawyers during the “Immigration and Refugee Legal Counseling Session in Commemoration of June 20, World Refugee Day” (organized by the Kanto Federation of Bar Associations). RAFIQ eventually got two lawyers to handle the case.

While the two lawyers had never worked with RAFIQ before, they were very committed to the case. With them, the support for the application of her refugee status continued.

Fourth Miracle: RAFIQ’s Legal Support Service

As a citizens’ group, RAFIQ began to build a legal assistance system several years ago. Two or three members of RAFIQ would be in charge of one refugee applicant and support his/her refugee application procedures while strengthening trust with one another at the same time. Those members were able to help the two lawyers with interpretation, translation, collecting information from the

country of origin, and during the hearing of her case.

Fifth Miracle: Integrity of the Judge

It is a pity that the court’s ruling on the refugee cases would depend on the judge’s character. Fortunately, the judge assigned to her case seemed to have integrity. Although the court hearings were held during COVID-19 pandemic, many people attended as observers at each hearing. With notable public concern on the case, the judge took more time to explain what was going on during the trial and made it easier for people to follow the hearings. The judge also seemed to be taking proper consideration of the documents submitted by RAFIQ.

Sixth Miracle: She Never Gave Up

In the beginning, she was very emotional and was crying all

the time. She only answered questions when she was asked. We did not know how to console her when she became very depressed on learning the government’s initial decision not to recognize her as a refugee and the dismissal of the administrative review. As the court proceedings continued, however, she came to understand her situation and the Japanese court system.

During this period, RAFIQ provided her with various forms of assistance to support her. As a result, she was able to answer the questions in her own words when she was questioned in court in a hearing that took about four and half hours (from 10:30 am to 3:00 pm). Before the ruling, however, she said she could not sleep for a week out of anxiety. At a press conference after the court decision, she said she was shaking all the time. One can



The plaintiff, lawyers, and RAFIQ members in front of Osaka Regional Immigration Services Bureau on the day the court decision was finalized.

imagine how hard it had been for her for three years.

Japan's Refugee Problems

The denial of her petition seeking refugee status by the immigration office revealed a number of issues regarding Japan's refugee recognition system:

- Though she had stated that she was an asylum seeker upon arrival at the airport, which should have allowed her to apply for refugee status, she was instead detained due to the government's "presumption of detention" policy, which means "suspicious aliens" can be detained according to the immigration officials' arbitrary decision;
- She was unable to apply for refugee status at the airport despite her declaration;
- The interview regarding her refugee declaration was done in English, not in her native tongue, Luganda;
- She was not allowed to have someone who can speak on her behalf to assist her during the interview. The interview also lacked transparency;
- The denial of refugee status, applied for on 4 March 2020 and decided within a month, happened while she was in detention which made it impossible for her to submit supporting documents;
- In the administrative review of her application, oral hearings were not held, and a notice of termination of proceedings was simply issued;
- The lawyers requested a reopening of the

administrative review proceedings with new documents being submitted, but the review was not granted;

- She had no choice but file a second refugee status application because of the persecution she might face in Uganda;
- Although she won the case in court, it took time for her to be recognized as a refugee, as she had to wait for the Minister of Justice to give the approval for the issuance of the Certificate of Refugee Status. Until recognized as a refugee, one has no residence status and is prohibited from working. As in the previous cases, it can take more than two months for such refugee certificate to be issued. Thus RAFIQ started an online signature campaign³ demanding that the Minister of Justice immediately grant her the refugee status;
- In court, she argued both "persecution from the state" and "persecution from the local people." Though she won the case, the judge did not recognize the latter type of persecution. LGBTQ persons are afraid of persecution from local people including their own family members;
- She had to go through all the procedures without a financial source since she was prohibited from working. RAFIQ provided her with relief supplies while the Refugee Assistance Headquarters (RHQ) helped her with living expenses.⁴ But RHQ's financial assistance is provided only to

applicants for refugee status who fulfill one of the conditions below:

- (1) Persons who are on the first refugee recognition application to the Ministry of Justice;
- (2) Persons who objects to the rejection of the first application to the Ministry of Justice;
- (3) Persons who file a case in a court of first instance to contest the denial of the first refugee recognition application.

Because of these conditions, the assistance to her had two periods. One is the period from the time she applied for recognition as refugee (4 March 2020) till denial of the application (3 December 2020). The second period was from filing of a petition in court (4 June 2021) till court decision (15 March 2023) that upheld her petition.

The recognition of her status as a refugee was a miracle because the networks of refugee support groups were able to work well together in support of her case.

The Immigration Control and Refugee Recognition Act was revised on 9 June 2023 after she received the certificate of recognition as refugee on 19 April 2023. What could have happened to her if she had not won the case before this revision of the law? She certainly would have been subjected to deportation under the revised law since she applied for refugee status for the second time on 5 August 2021.

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Japanese Immigration Law in 2023: Changes and Issues

Jefferson R. Plantilla

The Japanese parliament (Diet) revised the Immigration Control and Refugee Recognition Act in June 2023. The Ministry of Justice argues that the revisions address “concerns of system misuse without compromising protection for genuine asylum seekers.” It adds that “some applicants exploit the process to extend their stay in Japan for reasons unrelated to immediate danger or persecution.”

The revisions, originally proposed in 2021, were criticized by Japanese non-governmental organizations, the Japan Federation of Bar Associations, and some Japanese newspapers. United Nations experts have also urged the Japanese government to address issues that were related to the revisions such as detention of refugee status applicants.

The criticisms mainly stress the failure of Japan to adhere to international humanitarian law on asylum and recognition of refugees.¹

Strict Refugee Application Processing

One criticism is about the fairness of the system for processing refugee status applications.

The Japan Association for Refugees has described the refugee status determination system in Japan as “organized in a way that makes it difficult to pursue refugee protection” with such issues involving “lack of independence, expertise and transparency in the determination process and asylum procedure.”²

The Immigration Bureau has counselors who process these applications.³ It has been noted that among the “111 such counselors, [...] just one of them, a nonprofit refugee support group manager, has been involved in handling 1/4 of all appeal cases heard by the counselors last year.”⁴ There are suspicions that the Immigration Bureau arbitrarily gave one panel more cases to handle than the others that resulted in higher rate of denial of refugee status applications in 2022.⁵

According to one newspaper report,⁶

there has been only one case of refugee recognition among Kurds of Turkish nationality who, fearing persecution at home, have fled to Japan. A majority of Myanmar people who cannot return to their country ruled by the oppressive military regime and who remain in Japan have not been granted asylum.

To restrict refugee status applicants without correcting these situations could result in forcing those who should be protected back to high-risk places.

Japan’s “strict requirements” in processing refugee applications led to “only about 1% of applicants being recognized as refugees.” This low recognition rate is justified as resulting from the high number of “fake” refugee applications.⁷ But this low rate of approval of refugee applications has been the norm for decades.⁸

It has been observed that the “important thing is to be able to recognize those in real need of protection on their first application” but this requires a “guarantee that Japan’s screening process will improve.”⁹

Before the law revision was enacted, the Ministry of Justice released in March 2023 new guidelines on processing refugee applications “with the intention of increasing transparency and promoting confidence in the system.”¹⁰ The new guidelines include sexual minorities as “members of particular social groups,” which covers the basis of persecution under the refugee convention.” This includes “LGBTQ individuals in countries with

laws that punish homosexuality, women who are subjected to forced marriages and women who undergo forced female genital mutilation.”

But the “Japan Lawyers Network for Refugees highlighted how these guidelines do not guarantee an increase in refugees being accepted into Japan and said the scope of what counts as ‘persecution’ remains narrow.” And to qualify for¹¹

having a ‘well-founded fear of persecution,’ [the] guidelines necessitate ‘realistic’ forms of persecution, based on the specific circumstances of each case. International standards, however, do not necessarily require the existence of such specific circumstances.

Revisions

The 2023 revisions consist of several provisions affecting non-Japanese residents who lost the permission to stay in Japan and those applying for refugee status.

“Enforced repatriation”

A new provision in the law states that non-Japanese residents who failed to leave Japan, after being ordered to leave the country, would be subject to “enforced deportation.”

This applies to non-Japanese residents who no longer have permission to reside in Japan (or who “overstayed” their visa). It also applies to those whose refugee status applications were denied and were ordered to leave Japan.

This amendment was supposed to “end the extended detention

in immigration facilities of foreign nationals who do not comply with deportation orders issued for overstaying and other reasons.”¹²

Those who applied for refugee status twice and twice denied would be subject to enforced deportation if in their third application they “fail to show why they should be granted refugee status.”¹³ This “effectively limit[s] refugee status applications to two per person.”¹⁴ The Japan Federation of Democratic Medical Institutions considers this new provision “unacceptable from a humanitarian point of view.”¹⁵

In 2021, the United Nations Special Rapporteur on human rights of migrants; the Working Groups on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, commented on the issue of “lifting of automatic suspension of the deportation procedure, including the execution of deportation itself, for individuals who have applied for refugee recognition for a third time or more”:¹⁶

While it is advisable to accelerate the processing of subsequent applications, we are concerned that in the absence of any appropriate procedural safeguards that explicitly require individual assessment on the circumstances and protection needs prior to deportation, lifting automatic suspension of deportation procedures for asylum seekers of the above-mentioned categories may entail high risk of refoulement.

We are concerned that individuals in need of international protection may be forcibly returned or expelled to a country or territories where their lives or rights would be threatened on account of race, religion, nationality, membership of a particular social group, political opinion, etc.

The principle of non-refoulement is found in Article 33 of the 1951 Convention Relating to the Status of Refugees.¹⁷

“Supervisory measures”

The 2023 revisions introduce the system of “supervisory measures” that allow refugee status applicants to “live outside immigration facilities before being deported, on condition that they are supervised by supporters or others approved by the agency.”¹⁸

This system is meant to “prevent individuals from fleeing and committing crimes while under supervision, while also taking into consideration privacy protection issues and human rights-related concerns.”¹⁹

But who would be willing to assume this responsibility? A newspaper report states that “some 90% of refugee and immigrant supporters said they either couldn't or didn't want to assume the supervisory role ... because they will be required to report to the immigration agency and will have to monitor those people.”²⁰

The “supervisory measures” are also meant to “prevent long-term detention,”²¹ which had

been allowed under the law prior to the 2023 amendments.²²

This amendment was viewed as continuing to “presume detention for those without resident status.”²³ The United Nations Working Group on Arbitrary Detention has declared in 2018 that “deprivation of liberty of an asylum-seeking, refugee, stateless or migrant child, including unaccompanied or separated children, is prohibited.”²⁴ It further declared that²⁵

Any form of administrative detention or custody in the context of migration must be applied as an exceptional measure of last resort, for the shortest period and only if justified by a legitimate purpose, such as documenting entry and recording claims or initial verification of identity if in doubt.

The maltreatment of Wishma Sandamali at the detention cell of the Nagoya Regional Immigration Services Bureau, and who died without proper medical treatment on 6 March 2021, is a symbol of the problem of detention of people who were denied permission to stay in Japan. Wishma, who overstayed her visa, sought police protection after she was physically abused by a male companion. The police, instead of addressing the domestic violence complaint, turned her over to the immigration bureau which detained her until she died while in detention.

“Complementary protection”

Another amendment is the new system called “complementary

protection” which would benefit the “war evacuees and others accepted based on a status equivalent to refugees.”²⁶ These “quasi-displaced persons,”²⁷ or “individuals from conflict-affected regions [would have] quasi-refugee status to allow them to remain in Japan even if they do not meet the criteria for refugees.”²⁸ Ukrainians and Syrians who fled their country would benefit from this new system.

However, there is an observation that a strict enforcement of this new system would exclude many people.²⁹

New Penalty

A new penalty is now provided for violation of a deportation order by “an individual, who is deemed likely to obstruct deportation process considering their past behavior.”³⁰ This new penalty would affect “overstaying” non-Japanese who have valid reasons for their “overstay” such as lack of family in home country, age of minority, being born and raised in Japan (and thus would have difficulty adjusting to their “home” country) and escaping from poor working environments [for technical intern trainees].³¹

Improving the Immigration System

There have been proposals on how to improve the Japanese immigration system coming from many institutions in Japan and abroad. The “requests” to amend the law by the Japan Federation of Democratic Medical Institutions largely represent the proposals made:³²

- 1) Include judicial review for immigration detention
- 2) Establish a refugee recognition body independent of the immigration bureaus to properly determine refugee status (The determination process should be in accordance with the principle “a doubtful point should be interpreted in favor of applicants [...]” based on a handbook on refugee status criteria.)
- 3) Change indefinite detention, recognized by the UN as torture, to the minimum necessary duration
- 4) Adhere to the Principle of Non-refoulement and stop deportations that are in violation of international human rights law
- 5) Stop penalizing undocumented immigrants who do not agree with repatriation.

The 2023 revisions of the Immigration Control and Refugee Recognition Act have serious adverse impact on asylum seekers, refugee status applicants and non-Japanese who lost permission to stay in Japan. These proposals deserve serious consideration.

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For further information, please contact HURIGHTS OSAKA.

Endnotes

- 1 Japan acceded to the 1951 Convention Relating to the Status of Refugees on 3 October 1981, and to the 1967 Protocol

- Relating to the Status of Refugees on 1 January 1982. See United Nations High Commissioner for Refugees, www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention. See website page on refugees of the Ministry of Foreign Affairs of Japan for more information on history of policy on refugees, <http://www.mofa.go.jp/policy/refugee/japan.html>.
- 2 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, (Updated: 2023.5.18), www.refugee.or.jp/for_refugees/info/2023/04/imlaw23comment_en/.
 - 3 Known as refugee examination counselor (*nanmin sanyoin seido*) system, established by the 2004 revision of the Immigration Control and Refugee Recognition Law, INTERVIEW OF PROFESSOR SABURO TAKIZAWA, CDR Quarterly, Vol.1, September 2010, page 101, <https://cdr.c.u-tokyo.ac.jp/Interviews/ST.pdf>.
 - 4 Japan's revised immigration law undermines human rights protection principle, Editorial, Mainichi Japan, op. cit.
 - 5 Mainichi Japan, *ibid*.
 - 6 Mainichi Japan, *ibid*.
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 - 9 Sayumi Take, Japan passes immigration reform bill: 4 things to know, *Nikkei Asia*, <https://asia.nikkei.com/Spotlight/Japan-immigration/Japan-passes-immigration-reform-bill-4-things-to-know>.
 - 10 Kathleen Benoza, Japan releases nation's first guidelines for refugee status eligibility, *Japan Times*, 24 March 2023, www.japantimes.co.jp/news/2023/03/24/national/refugee-status-eligibility-guidelines/.
 - 11 Benoza, *ibid*.
 - 12 KYODO NEWS, Japan lower house passes controversial revision of immigration law, 9 May 2023, <https://english.kyodonews.net/news/2023/05/b35afd031388-japan-lower-house-passes-controversial-revision-of-immigration-law.html>.
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 - 14 Mainichi Japan, op. cit.
 - 15 MIN-IREN, April 18, 2023 Prime Minister Fumio Kishida, Justice Minister Ken Saito, Health, Labor, Welfare Minister Katsunobu Kato, www.min-iren.gr.jp/?p=47990.
 - 16 Mandates of the Special Rapporteur on human rights of migrants; the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, OL JPN 3/2021, 31 March 2021, www.ohchr.org/sites/default/files/Documents/Issues/SRMigrants/Comments/OL-JPN31-03-21.pdf.
 - 17 Article 33 Prohibition of Expulsion or Return (“Refoulement”)
 1. 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.
 2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.
 - See U N H C R , www.unhcr.org/media/convention-and-protocol-relating-status-refugees.
 - 18 Shinsuke Uemura and Ryowa Kashiwabara, Japan's Revised Immigration Law Aims to Prevent Abuse of Refugee Application System, *Yomiuri Shimbun, Japan News*, <https://japannews.yomiuri.co.jp/politics/politics-government/20230611-115429/>; KYODO NEWS, op. cit.
 - 19 Uemura and Kashiwabara, *ibid*.
 - 20 Mainichi Japan, op. cit.
 - 21 KYODO NEWS, op. cit.
 - 22 The United Nations has issued an opinion on this detention issue: In its opinion No. 2020/58, the Working Group considered that, “de facto, the Immigration Control and Refugee Recognition Act allows for indefinite immigration detention which is arbitrary as it cannot be reconciled with the obligations of Japan under article 9 (1) of the Covenant (ICCPR)” (A/HRC/WGAD/2020/58). See Mandates of the Special Rapporteur on human rights of migrants; the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, op. cit.
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Being a Human Rights Commissioner in Japan

Henry Seals

In every city across Japan, dedicated individuals volunteer to represent and defend the rights of residents and citizens alike. They are called Human Rights Commissioners. Who are they? What do they do? Why do they matter?

Rights Commissioners

In 1948, the Japanese government set up the Civil Rights Bureau, immediately after adopting the 1946 Constitution of Japan which included a chapter on human rights. The Bureau was tasked with upholding and safeguarding the rights of every person in Japan. As a national body under the Ministry of Justice, the Bureau covered five regions, enveloping all of Japan. In 2000s, the Ministry of Justice changed the name of the Bureau into Human Rights Bureau¹ and changed the name Civil Rights Volunteers into Human Rights Volunteers. These volunteers are “private citizens engaging in human rights counseling and dissemination of the concept of human rights based on the Human Rights Volunteers Act.”² In this article, I refer to these volunteers as Human Rights Commissioners.³

To serve as a Human Rights Commissioner, one must be a Japanese adult. The number of commissioners a city or town can have depends on its population. Interested

individuals can volunteer or be nominated by their local government. This is followed by a review of their application and curriculum vitae by the Ministry of Justice. Once approved, the local city council votes them into the position. Every term lasts three years, with possibilities of renewal based on mutual agreement. For years, because Nagareyama was a relatively small city, it did not have its own Human Rights Commissioners. The activities for Nagareyama were conducted by the Matsudo Branch of the Human Rights Bureau. However, as Nagareyama grew over the last fifteen years, it qualified to have its own branch.

Human Rights Commissioner

I am proud to be Japan’s first foreign-born Human Rights Commissioner. My journey began in 2019 when Nagareyama,⁴ my city of residence, nominated me, and I went through the process I described earlier.

Why was I nominated as a Human Rights Commissioner? I believe it started with my family’s search for a home.

My wife and I came to Nagareyama to start a family. We were interested in living on the then-new train line, the Tsukuba Express, and had looked at several stations along that line.

Based on the demographic data and a survey of the area around Nagareyama Otakanomori Station, my wife and I saw a town on the rise, undergoing a significant transformation. New roads, shops, schools, and infrastructure projects suggested that there was a dedicated organization (in this case, the city hall and city council) investing time and resources to ensure a prosperous future. As the city was emerging, we moved in, hoping to support its growth through neighborhood organizations or local charities.

Shortly after we moved to the city, I became the head of Talent Management of a company. This meant I was also the supervisor of the manager in charge of diversity and inclusion. This manager was tasked with driving projects that would both support diversity and promote American International Group (AIG) into communities. Considering Nagareyama’s focus on fostering a diverse population, we wanted to explore collaboration opportunities.

Our experience was that Nagareyama city hall was always collaborative, open, and ready to provide advice and insight to help us promote themes of diversity to their population.

Through many of these activities, I got to know a few members of the city council,

and I believe they nominated me following the retirement of one of the previous commissioners.

When the city hall called to inform me of their desire to nominate me for the position, I was initially unaware of what a Human Rights Commissioner did. However, upon learning, I realized it was an opportunity for a recently naturalized Japanese citizen like myself to give back to the country I now called home.

Activities

What do Human Rights Commissioners do?

Our primary mission is to enhance awareness about human rights. We organize events, conduct seminars on topics like bullying, abuse, and discrimination, and address concerns raised by children through the SOS Letter program. Additionally, we guide the public via phone consultations, bringing serious issues to the Ministry of Justice when necessary.

The Nagareyama Human Rights Commissioners meet monthly to discuss upcoming events and prepare the annual events calendar. Besides seminars, we also sponsor a Human Rights Essay and Art contest in collaboration with Matsudo Branch of the Human Rights Bureau. Twice a year, we organize special events featuring guest speakers, movie directors, or artists who share their work related to significant human rights issues. These events occur on Human Rights Commissioner Day⁵ in June and

during Human Rights Week in December.

Within the national framework, every Commissioner joins specialized committees. For instance, I am part of the Children's Commission. This means, on certain days, I answer the national children's hotline. So, if you are a parent or a child in Chiba Prefecture needing guidance on rights violations, I might be the one assisting you!

Out of 14,000 Human Rights Commissioners in Japan, most are seasoned individuals, often over 60, who bring immense dedication and commitment to the role. If you ever feel unsafe, unheard, or unimportant in Japan, remember: a group of 14,000 stands ready to support you.

Another point worth noting, which may be unfamiliar to those not involved with the Human Rights Bureau, is that many volunteers are retirees. Some young people might assume that older individuals are set in their ways or less progressive than younger generations. However, this is far from the truth. It is continually inspiring to meet individuals, some nearly twice my age, dedicating so much time to defending the human rights of people they may not even know. Their life experiences provide a wealth of knowledge and, I believe, the courage to advocate for what is right, and the passion to make a positive impact.

Therefore, I urge people in Japan to connect with the local Human Rights Commissioner. Understand your rights. It is an

investment in yourself, and trust me – you won't regret it.

Henry Seals is presently the Chief Operating Officer for Zaiko, a firm which provides ticketing and e-commerce solutions for performing artists. In his free time, he and his wife volunteer in their city and organize events for their community.

For further information, please contact: Henry Seals via e-mail: sealsimprovement@gmail.com.

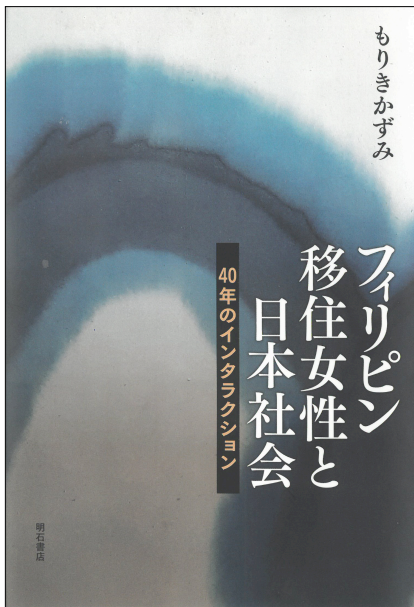
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- 1 See Human Rights Bureau, Ministry of Justice, www.moj.go.jp/ENGLISH/HB/hb.html.
- 2 Human Rights Volunteers, www.moj.go.jp/ENGLISH/HB/about/volunteers.html.
- 3 Jinken Yogo Iin, 人権擁護委員, www.moj.go.jp/JINKEN/jinken21.html.
- 4 Nagarayama city is in Chiba prefecture in Eastern Japan.
- 5 I use the June event title "Human Rights Commissioner Day" since in Japanese the term for Human Rights Commissioner is 委員 that literally translates to "committee member" of the Human Rights Bureau. When describing the annual day, which is called 人権擁護員の日, using the term "volunteer," it would be "Human Rights Volunteer Day" which might imply a day where people should volunteer for human rights. The word "volunteer" does not imply that we are actually registered members of the Ministry of Justice. Therefore we use the term Commissioner when we speak to each other and to the Ministry of Justice officials.

Filipino Migrant Women and Japanese Society - 40 Years of Interaction

Kazumi Moriki

I wrote a Japanese-language book to document the changes in Japanese society brought about by Filipino migrant women over the past forty years, from the time they first arrived in Japan to the present. In English, the title of the book is *Filipino Migrant Women and Japanese Society - 40 Years of Interaction*.



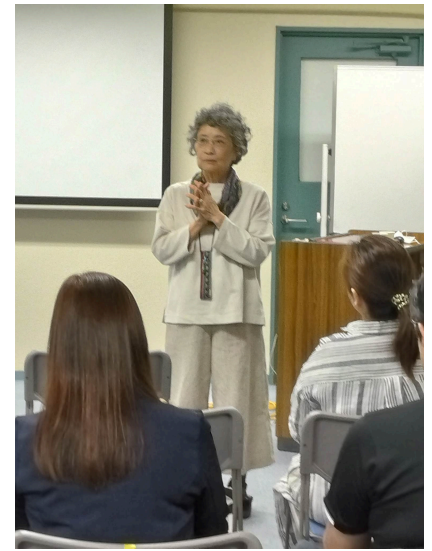
I was involved in the founding of RINK (Rights of Migrant Workers in Kansai), a support group for non-Japanese workers in Osaka, in 1991. Japan did not accept non-Japanese workers at that time, and Filipino women repeatedly came to Japan as entertainers on short-term visa. Many were victims of human trafficking, and I began to receive more and more requests

from them for counseling in Osaka.

In March 1994, I visited Manila for the first time. I visited Batis Center for Women, a non-governmental organization supporting women who had returned to the Philippines from Japan. I listened to their stories.

They complained of mental and financial instability due to abandonment by Japanese men, difficulties in caring for their children, and the search for the Japanese father of their children (Japanese-Filipino Children or JFC). I formed the Asian Women's Empowerment Project in Kobe to help find the Japanese fathers while also selling products made by these Filipino women in the Philippines as a fair trade activity. It was through these non-governmental organizations that I met and began my relationship with Filipino women. Consultations would come at each milestone in their lives: marriage, divorce, children and work. Through my interactions with these women, I was able to experience Japanese society from their side.

At present, Filipino women are indispensable in the field of nursing care; the JFCs have overcome many of the problems their mothers had faced and are beginning their own lives. The



Kazumi Moriki in a meeting

scope of Japanese citizenship has been expanded with the acquisition of Japanese citizenship for “children born out of wedlock.”¹

The struggle of each migrant woman in Japanese society and the social actions made to address the problems brought about changes in Japanese society. The social impact that the migration of Filipino women to Japan has had on Japanese society is not insignificant. New social relationships and frameworks have been created by the forty years of interactions experienced by the migrant women in Japan. I dug up from my memory and wrote down the trajectory of the forty years of Filipino women migrants in Japan.

Chapter I of this book, "Encounters with the Philippines - Background on Migrant Women," identifies the problem I learned from encounters with Filipino mothers and children and interviews with Filipino migrant women, and discusses the activities of Japan-Philippine support groups dealing with the problem. Chapter II, "Asian Women and Children of International Marriages," examines the issue of "nationality," which is a major problem for women who come to Japan, meet Japanese men, give birth to children, and raise them. The author wonders where the "children of international marriages" belong, and whether Japanese society will accept them as Japanese citizens. This section contains three articles: "Asian Women and Children of International Marriages," written in 2001; "The Lawsuit to Confirm the Nationality of Children Born

Out of Wedlock," written in 2004; and "Nationality and Gender: A Consideration of the Scope of Citizenship," written in 2012. The outcome of the court cases brought by the "children" over the acquisition of Japanese nationality ultimately diversified and expanded the scope of Japanese citizenship. Chapter III, discusses the trend of the life of Filipino migrant women who were increasingly settling in Japan for long periods of time and the changes in Japanese society in three phases (1980-1994 [encounters with Filipino migrant women], 1995-2007 [struggle for the human rights of migrant women], 2008-2020 [current situation as seen from the work and life of migrant women]), and considers what impact these changes have had on migrant women and Japanese society. Chapter IV summarizes the framework of new forms of non-Japanese acceptance (categorized under "Training",

"Technical Training," "Specific Skills," "Nursing," "Nursing Care," "Housework Support") that have already begun.

Kazumi Moriki is currently a Coordinator for the Filipino community Masayang Tahanan in Kobe.

For copies of the book, inquire at Masayang Tahanan, 3F, Kobe Center for Overseas Migration and Cultural Interaction Bldg., Yamamoto-dori 3-19-8, Chuo-ku, Kobe-shi; ph (81) 78-862-6519; e-mail: mt4filmoms@gmail.com; www.facebook.com/filmoms.

Endnote

- 1 See 2006 (Gyo-Tsu) 135, Decision of the Supreme Court of Japan, Minshu Vol. 62, No. 6, www.courts.go.jp/app/hanrei_en/detail?id=955.

Miraculous Victory: Reflections on Seeking Refugee Status based on LGBTQ Persecution

(Continued from page 4)

There would be only two choices if she refused to return home in this case. She either get imprisoned for "evading deportation" or be deported to Uganda by force, where the world's harshest anti-LGBT bill was passed by parliament in March 2023, and signed into law by the Ugandan President on 29 May 2023.

We will continue to provide reliable support to each and

every refugee, bearing in mind that we carry such responsibility as we engage them in their lives.

Keiko Tanaka is the Representative Director of RAFIQ JAPAN.

For further information please contact: RAFIQ JAPAN, 9-13, Higashimikuni 4-chome, Yodogawa-ku, Osaka City, 532-0002, Japan; ph/fax: 06-6335-4440, e-mail: rafiqtomodati@yahoo.co.jp; <http://rafiq.jp/>.

Endnotes

- 1 RAFIQ is a member of FRJ, see <http://frj.or.jp/en> [English].
- 2 See news on this, <http://frj.or.jp/news/news-category/form-frj/3788/> [Japanese].
- 3 See signature campaign, www.change.org/uganda_nanmin [in Japanese].
- 4 See Refugee Assistance Headquarters, www.rhq.gr.jp/en/difficulty-lives/ [in English].

UN Working Group on Business and Human Rights Country Visit to Japan, 24 July to 4 August 2023 - End of Mission Statement*

The United Nations Working Group on Business and Human Rights concluded today its twelve-day visit to Japan. We thank the Government of Japan for the invitation to conduct this country visit and its excellent cooperation in country and from its Permanent Mission in Geneva. We are especially grateful for the open and constructive discussions that we have had with officials of the Government, business community, civil society, industry associations, trade unions, workers, academia, lawyers, and other stakeholders who met with us to discuss the progress, opportunities and challenges with the implementation of the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) in Japan.

During the visit, we met with the Special Advisor to the Prime Minister of Japan on Human Rights, and the Ambassador for Human Rights and International Peace and Stability. We also met with representatives of the following Government ministries, agencies and State bodies: Ministry of Foreign Affairs (MOFA); Ministry of Economy, Trade and Industry (METI); Ministry of Justice; IDE-JETRO; Ministry of Health, Labour and Welfare (MHLW); Cabinet Office; Consumer

Affairs Agency; the National Contact Point (NCP); Ministry of Agriculture, Forestry and Fisheries; Financial Services Agency; Japan International Cooperation Agency (JICA); Japan Bank for International Cooperation (JBIC); Ministry of Finance; and Ministry of Environment (MoE). We met with local governments, including Osaka Prefectural Government and the Japan Association for the 2025 World Exposition, the Tokyo Metropolitan Government, and the City of Sapporo. In addition, the Working Group held meetings with members of the National Diet (Parliament).

During our meetings in Tokyo, Osaka, Aichi, Hokkaido, and Fukushima, we met with the following businesses and private sector associations: Ajinomoto; Akao Nenshi K.K; Asahi Group Holdings Ltd.; Fast Retailing/Uniqlo; Fuji Oil Group; Fujitsu; Global Compact Network Japan; Johnny & Associates; Keidanren (Japanese Business Federation); Kirin Group; McDonald's; Mitsubishi Corporation; Mitsubishi UFJ Financial Group; National Conference of Association of Small Business Entrepreneurs; Rakuten; Sony Corporation; Suntory; Takase Kanagata Molding Systems; Tokyo Electric Power Company (TEPCO); and

the Consumer Goods Forum. We also met with representatives of civil society, including human rights defenders, journalists, academics, workers, and trade unions. The Working Group also met with international organizations operating in Japan, such as the International Labour Organization.

In this final phase of the visit, we are pleased to share our preliminary observations. The Working Group will submit a full report on its visit to Japan to the UN Human Rights Council in June 2024.

General Context of Business and Human Rights in Japan

Japan became the second country in the Asia-Pacific region to develop a National Action Plan (NAP) on Business and Human Rights in 2020 and released Guidelines on Respecting Human Rights in Responsible Supply Chains in 2022. Against this backdrop, the Working Group's visit provided an opportunity for the Government to show its ongoing efforts and leadership in promoting responsible business conduct at national, regional, and global levels.

Corporate responsibility to respect human rights

Throughout our consultations, the Working Group heard candid reflections from the business community about the progress and challenges vis-à-vis the implementation of the UNGPs. Business stakeholders reported positive practice developments, such as initiatives to provide employees with continuous human rights education and the development of operational-level grievance mechanisms, including reporting hotlines. At the same time, they admitted that considerable gaps remain in relation to a variety of issues, including the treatment of migrant workers and technical interns, the *karoshi* culture of overwork, and their ability to monitor and reduce human rights risks in the upstream and downstream of their value chains.

In this context, the Working Group observed three fundamental issues. First, there are significant gaps in understanding and in the implementation of the UNGPs among different types of businesses. Discrepancies in awareness exist between large businesses, especially transnational corporations that have a fairly advanced comprehension of what is required of businesses under the UNGPs, including regarding HRDD processes, and the country's SMEs, which constitute 99.7% of the total number of companies in Japan. Indeed, the low level of awareness of the UNGPs among SMEs, including family-owned businesses, led many

stakeholders to underscore the need for the Government to provide tailored guidance and capacity-building to SMEs. Noting the general need for a stronger civil society, as articulated by stakeholders including businesses, the Working Group welcomed efforts made by the City of Sapporo and LGBTQI+ civil society to engage local SMEs in raising awareness about the importance of SMEs in promoting an inclusive society, including through the Sapporo Rainbow Pride event.

Further, private sector representatives spotlighted how more efforts were required to encourage the uptake of the UNGPs by other types of businesses, such as retailers and trading companies, due to the central role they play in providing information to businesses and securing procurement. These players can use their leverage to encourage national brands and suppliers along their value chains to apply the UNGPs.

Second, different stakeholders from the business community communicated to the Working Group the need for the Government to be more active in discharging its duties under Pillar 1 of the UNGPs. There was a general sentiment that the Government has been making promising progress in the business and human rights area, with METI, MOFA, and MHLW, among others, playing key roles in this regard. Even so, the Working Group observed how some of the large Japanese businesses are ahead of the Government's UNGPs-related guidelines, with their human

rights policies and grievance mechanisms pre-dating the release of the NAP. The Government should engage more with these businesses to build a common understanding of positive practices and the challenges that remain.

Additionally, a clear demand was articulated by business representatives for more practical guidance from the Government on exigent issues, ranging from how to conduct heightened HRDD and responsible exit through to the regulation of value chains. Most businesses that the Working Group met with indicated the desirability of mandatory HRDD, which can assist with "levelling the playing field" among businesses and allow for greater alignment among the Government's policies and standards. In the absence of more robust HRDD requirements, the business community suggested that SMEs will have little incentive to adopt the UNGPs. It was also suggested that for the financial sector, there is a need for a legal basis to advance HRDD practices and, as such, the Government needs to take action.

Finally, the need for timely, tailored and needs-driven capacity-building was a central message conveyed to the Working Group by members of the business community. As indicated above, they acknowledged the importance of Government involvement in this area alongside the pivotal roles played by larger businesses and civil society in contributing to UNGPs-related awareness-raising and training in their

business relationships. Some stakeholders noted, for example, the growing demand for auditor training on human rights as well as guidance on how SMEs can conduct stakeholder engagement better. In this sense, the Working Group highlights its report on capacity-building.¹

Conclusions

Advancing the implementation of UNGPs in Japan is critical not only for consolidating the country’s reputation as a leader in the business and human rights agenda regionally and globally, but also to enhancing the positive human rights impacts and competitiveness of Japanese businesses at home and overseas. The Working Group commends the ongoing efforts of the Government, businesses, and civil society to build capacity and awareness on the UNGPs and the NAP.

Even so, the Working Group remains concerned that systemic human rights challenges in Japan are not being sufficiently tackled as part of State and private sector initiatives in the business and human rights space. There is an urgent need to fully dismantle structures of inequality and

discrimination against at-risk groups, such as women, persons with disabilities, Indigenous Peoples, *Buraku* communities, technical interns, migrant workers, and the LGBTQI+ persons. Problematic social norms and gender stereotypes that perpetuate power harassment should be fully addressed. The Government should ensure transparent investigations and effective remedies for victims of business-related human rights abuses in all industries. We call for the establishment of an independent NHRI in Japan to better promote access to effective remedy and corporate accountability.

There is a clear need to further the business and human rights agenda in Japan and, specifically, for implementation of the UNGPs to be fully realised. The Working Group thanks the Government of Japan, once again, for the invitation to carry out this visit and the willingness of all stakeholders, including the local governments of Tokyo, Osaka and Sapporo, to share their insights during our consultations. The Working Group will continue to collect information over the coming months, as we develop our full

report to be presented to the Human Rights Council in June 2024. That report will contain concrete recommendations for the Government and businesses, as well as other stakeholders, to support efforts to enhance protection and respect of human rights in the context of business activities in Japan.

For further information, please contact: Sustainable Human Development Section, Special Procedures Branch, Office of the United Nations High Commissioner for Human Rights, e-mail: hrc-wg-business@un.org; www.ohchr.org.

* This is an excerpt of the End of Mission Statement of the Working Group read in Tokyo on 4 August 2023. This excerpt focuses on corporate responsibility to respect human rights. The full statement is available at www.ohchr.org/sites/default/files/documents/issues/development/wg/statement/20230804-eom-japan-wg-development-en.pdf.

Endnote

1 A/HRC/53/24

Japanese Immigration Law in 2023: Changes and Issues

(Continued from page 8)

www.ohchr.org/sites/default/files/Documents/Issues/Detention/RevisedDeliberation_AdvanceEditionVersion.pdf.

- 25 Working Group on Arbitrary Detention, *ibid*.
- 26 Mainichi Japan, *ibid*.
- 27 Uemura and Kashiwabara, *op. cit*.
- 28 Mainichi Japan, *ibid*.
- 29 Mainichi Japan, *ibid*.
- 30 Mainichi Japan, *ibid*.
- 31 Mainichi Japan, *ibid*.
- 32 MIN-IREN, *op. cit*.

HURIGHTS OSAKA Calendar

HURIGHTS OSAKA has started collecting articles for the 13th volume of *Human Rights Education in Asia-Pacific*. Article contributions from Cambodia, India, Pakistan, Yemen, the Pacific, Hong Kong, the Philippines and Japan have been received. A few more articles can be included in the forthcoming volume.



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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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