

NGO Statement

NGOs in Japan, jointly and after consultation, submit these Pledges:

For consideration by the **Government of Japan**

In the year 2011, on the occasion of:

The 30th Anniversary of Japan's Accession to the 1951 Refugee Convention and the 1967 Protocol

The 60th Anniversary of 1951 Refugee Convention

The 60th Anniversary of the United Nations High Commissioner for Refugees

The 150th Anniversary of the birth of the first High Commissioner for Refugees, Fridtjof Nansen

The 50th Anniversary of the Convention on the Reduction of Statelessness

31 October 2011

In commemoration of the 60th Anniversary of the 1951 Refugee Convention, and other relevant commemorations, UNHCR and the International Community are endeavoring to promote concrete pledges of commitment to address specific forced displacement and statelessness issues. These pledges will be made at the Ministerial Meeting of States Parties to the 1951 Convention and 1967 Protocol in Geneva on 7 and 8 December 2011. Non-Governmental Organizations ("NGOs") in Japan fully support UNHCR and the International Community of States objective of strengthening the existing protection regime by reviewing protection gaps, identifying measures to address them, and seeking pledges to work towards implementing solutions.

Addressing the consequences of forced migration and statelessness are perhaps unrivaled in their magnitude and complexity. This is particularly true in Asia. Between 1/3 and 1/2 of world's refugees reside in Asia, and very few countries have signed the convention or have any law dealing with refugees. Mobility will not diminish in years to come and unfortunately human rights abuses show no sign of abating. As such, the way forward remains through further development in the law, policy and practice of protecting refugees, as well as through cooperation and responsibility sharing.

NGOs pledge to contribute our expertise with regard to refugee law and practice, and our experience in working with refugees in Japan. We pledge to collaborate with the Japanese Government and other stakeholders to identify gaps and solutions.

NGOs have engaged in a consultative process to identify and draft pledges for consideration by Japan's Government. We believe that the 60th anniversary commemoration of the 1951 Refugee Convention presents an opportunity to identify challenges of particular relevance to Japan, as well as realistic ways to resolve them.

NGOs recognize the financial contributions that Japan makes globally in support of refugee protection. NGOs also recognize and support Japan's leadership as one of the first in Asia to sign the Refugee Convention, and as the first country in Asia to serve as a resettlement destination for refugees without durable solutions. NGOs applaud Japan's initiative and recognize the precedent that it has set for responsibility sharing and practical solutions in the region. NGOs recognize the potential for Japan to lead the Asia Pacific and set an example and precedent about the importance of human rights to the rest of the Asia Pacific Region and to the world. Japan's leadership will solidify its reputation in the international community as a country that respects human rights.

As such, we the NGOs take this pledge process to be very important, and invite Japan to work collaboratively, and make concrete and action-oriented pledges. NGOs present the following draft pledges for consideration by the Government of Japan:

Draft Pledge:

Considering that durable solutions for refugees and displaced persons are not possible without State commitments and international cooperation, and recognizing that it is mutually beneficial to collaborate and coordinate efforts in order to ensure efficient and effective measures are taken to protect fundamental rights and freedoms in practice, Japan pledges:

1. **(Airport reception)** Refugee reception and due process, national security and public welfare, and protection based on the principle of non-refoulement are all very important; Japan will, therefore, seek to ensure adequate reception conditions and access to asylum and due process at all airports and other points of disembarkation in Japan.
2. **(Alternatives to Detention)** To not arbitrarily detain. To pursue alternatives to detention, for refugees and asylum-seekers, and to ensure the protection of rights, dignity and well-being for those who seek asylum in Japan; and in pursuit of this commitment, to collaborate with UNHCR and civil society members concerned in exploring models of release that ensure dignity as well as the provision of basic needs, access to asylum procedures and legal counsel, and special consideration for vulnerable individuals such as children, elderly, pregnant women, nursing mothers, single parents with minor children, those with physical or mental health issues or disabilities, trafficked individuals, victims of sexual and gender-based violence, or other survivors of torture and trauma.
3. **(Refugee Status Determination Procedures)** To continue to respect the principle of non-refoulement of refugees, and to periodically review the refugee status determination process in place; to identify gaps and challenges, and ensure a fair and efficient legal procedure with meaningful remedies; and to take into account the Conclusions adopted by UNHCR's Executive Committee and Guidelines on a range of refugee-related issues in devising national systems of refugee protection.
4. **(Livelihoods)** To provide guidance, information, services and referral to asylum-seekers, refugees, and those given humanitarian protection in Japan about different aspects of their social situation, and ensure to the fullest extent possible: subsistence, access to services, and a social safety net throughout the different stages of the legal process in Japan.
5. **(Resettlement)** To strengthen and improve Japan's resettlement program, including by further developing pre-arrival and post-arrival orientation programs, by considering government-run and government-funded service providers as well as considering collaboration with independent civil society partners, and by exploring the possibility of an ongoing casework model to address ongoing needs, particularly for vulnerable individuals such as children, elderly, pregnant women, nursing mothers, single parents with minor children, those with physical or mental health issues or disabilities, trafficked individuals, victims of sexual and gender-based violence, or other survivors of torture and trauma.
6. **(Statelessness)** To take concrete steps, including particularly the establishment of a working group open to

civil society, to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; To clarify the concept of statelessness and create a special procedure to determine statelessness; Furthermore, to conduct a nationwide survey designed to identify the specific needs of stateless persons residing in Japan, and to find durable solutions for them; to avoid a prolonged or indefinite detention of stateless persons, who have little prospect for deportation as there is no country that will accept them. Finally, to work towards a regional arrangement with a view to addressing the issue of stateless persons.

7. **(Transparency and dialogue)** To prioritize transparency and engage in regular dialogue with UNHCR and civil society members, and to provide UNHCR and civil society members with information on the number and condition of persons of concern in Japan's territory, and on the laws, regulations and decrees in force relevant to such persons.
8. **(Securing Adequate Funding)** To ensure consistent and adequate assistance to asylum-seekers and refugees by securing a sufficient budget, by drafting efficient procedures that meet the high standards of fairness required in the refugee context, and by collaborating widely and working together with UNHCR and civil society partners.
9. **(Regional Collaboration)** To provide expertise and support to refugee protection in the greater Asia Pacific region including committing to regional collaboration with other States in the Asia Pacific.
10. **(Non-discrimination)** To adhere to the principle of non-discrimination on the basis of race, ethnicity, religion, sexual orientation, gender, disability, social status or family origin, and vow to combat the problem of xenophobia.

Forum for Refugees Japan (FRJ)

<Member organizations>

Amnesty International Japan

Caritas Japan

Catholic Commission of Japan for Migrants, Refugees and People on the Move (JCARM)

Catholic Tokyo International Center (CTIC)

Christian Coalition for Refugee and Migrant Workers (CCRMW)

International Social Service Japan (ISSJ)

Japan Association for Refugees (JAR)

Japan Evangelical Lutheran Association (JELA)

Japan Lawyer's Network for Refugees (JLNR)

Jesuit Social Center

Social Welfare Corporation Support 21

Stateless Network

Office of the United Nations High Commissioner for Refugees (UNHCR)