

JAPAN

Asylum-seekers still at risk

1. Introduction

In March 1993 Amnesty International published its report entitled, *Japan: Inadequate protection for refugees and asylum-seekers* (AI Index ASA 22/01/93). This report detailed a number of ways in which Japan is failing to fully abide by its obligations towards people arriving in Japan who need protection against forcible return to countries where they would risk serious human rights violations. The report described the problems asylum-seekers face in submitting a claim, the secretive and arbitrary asylum procedures, problems relating to the detention of asylum-seekers, and the denial of effective and durable protection to many whose lives were clearly at risk in their own countries. The report also made several recommendations to the Japanese Government, including measures to ensure that asylum-seekers are guaranteed access to the asylum procedures, the establishment of fair asylum procedures, and to ensure that the detention of refugees and asylum-seekers only takes place in accordance with international standards.¹

¹ These recommendations are set out in an appendix to this paper.

In an official response, the Ministry of Justice in Japan rejected the conclusions reached in the report and refused to consider implementing any of the recommendations, arguing that they were "groundless". When the report was released, the Cabinet spokesperson, speaking on behalf of the then Prime Minister, reportedly said that the "particular people who presented their own evidence to Amnesty are special cases and are not appropriate examples"; he added that there were no plans to change existing procedures. The Ministry of Justice added that "the statements of some asylum-seekers are not necessarily true, because they know that they are not truly refugees, so they are prone to make false statements for the purpose of obtaining permission to take up residence; some others distort the facts so as to place themselves in a favourable light."

However, notwithstanding the government's assertion that asylum-seekers are prone to distorting the facts or promoting falsehoods, Amnesty International continues to be acutely concerned about the protection of asylum-seekers and refugees in Japan. This follow-up report highlights continuing inadequacies in Japanese policies towards refugees and asylum-seekers. Since the publication of Amnesty International's report in March, cases have come to our attention which demonstrate that asylum-seekers continue to face difficulties in submitting an application for asylum, that procedural rules continue to be applied in an overly stringent manner, that there are still problems with the interview process, and that people who almost certainly would face serious human rights violations in their own countries are being denied refugee status and forced to leave Japan.

Amnesty International's report on refugee issues in Japan has, over the past months, been brought to the attention of a number of governments, intergovernmental bodies and non-governmental organizations. In June 1993 a question about the report was raised in the *Chambre des Représentants* (lower chamber of the parliament) in Belgium. After the Belgian authorities had made inquiries in Japan, the Belgian Minister of Foreign Affairs responded: "According to the information I have, Amnesty International's report on Japan ... is factually correct and the charges made by this organization seem justified".²

The report was also brought to the attention of the Office of the United Nations High Commissioner for Refugees (UNHCR). In a letter to Amnesty International the UNHCR headquarters in Geneva has indicated that they are engaged in ongoing discussions with the Japanese Government over refugee protection issues and that they hope issues about which Amnesty International has expressed concern will be on the agenda for discussions with the authorities. Amnesty International understands that the UNHCR is particularly concerned to ensure that an effective appeal system is put in place: as noted in the Amnesty International report, no asylum-seeker in Japan has ever

² Unofficial translation. Original quote in French: "Il ressort des renseignements en ma possession que le rapport d'Amnesty International publié sur le Japon en Février 1993 cite des faits authentiques et que les accusations de l'Organisation semblent fondées."

managed to have a negative decision overturned on appeal. Amnesty International recognizes that it is for the UNHCR to decide how it can most effectively pursue its responsibilities to ensure refugees are protected; our only concern is that the UNHCR genuinely commit itself to seeking a change in those government policies described in our report which are contrary to the goal of refugee protection.

Amnesty International is aware of several asylum-seekers whose cases have been rejected by the Japanese Government despite the fact that the UNHCR branch office in Tokyo recognized them as being in need of protection. In most countries, a positive recommendation from UNHCR in an individual case will lead to a favourable decision by the government; under Article 35 of the 1951 Convention states are obliged to cooperate with UNHCR "and facilitate its duty of supervising the application of the provisions of this Convention".

However, the Japanese Government seems to believe that it can disregard UNHCR's decisions as to who should be recognized as a refugee. In June 1993, the Director of the Refugee Recognition Department in the Ministry of Justice told Amnesty International that "... the UNHCR's definition of a refugee seems to be wider than ours". In its response to Amnesty International's report the government stated:

"[Article 35] does not state that the UNHCR has the competence to determine who is entitled to refugee status and that the decisions of UNHCR are superior to those of the party states."

In fact, the Statute of the UNHCR, a consensus resolution of the UN General Assembly, does expressly grant such competence to the UNHCR. While it is true that there is no explicit provision in the 1951 Convention that states must accept UNHCR decisions on status, it is difficult to see how UNHCR could effectively supervise the application of provisions in the Convention (including the definition of a refugee), if states consistently refuse to take the UNHCR's advice on who is entitled to protection. Moreover, the mere fact that the UNHCR office in Tokyo finds itself in the position of having to make such determinations is an indication of the general lack of protection for refugees and asylum-seekers in Japan. In most industrialized countries, the competent bodies set up under national law to determine refugee status would be recognizing as refugees those persons who fall within UNHCR's mandate.

2. Restrictive application of the 60-day rule

According to Japanese law, all asylum applications must be submitted within 60 days of a person's arrival in Japan, or within 60 days from the date when the circumstances arose which gave rise to a fear of returning, unless there were "unavoidable circumstances" justifying the delay. As discussed in Amnesty International's report, this rule is very stringently applied with the effect that numerous asylum applications receive no consideration on the substance of the case: if there are no

"unavoidable circumstances"³ asylum-seekers who apply outside this time limit are simply told their cases will not be considered. As recently as October 1993 an Iranian asylum-seeker's claim was rejected with no reason given other than that he had failed to submit an application within 60 days; the substance of his claim had not been considered. Such application of the "60-day rule" by the Japanese Government is directly contrary to Conclusion 15 of UNHCR's intergovernmental Executive Committee which states

³ The government interprets this term very narrowly so that it only covers illness or other circumstances such as natural disasters making it physically impossible for the person concerned to submit an application within the 60 days.

"While asylum-seekers may be required to submit their asylum request within a certain time limit, failure to do so ... should not lead to an asylum request being excluded from consideration."⁴

In its official response to Amnesty International's report, the government defends the 60-day rule, stating that "it is not unreasonable" to require applicants to submit an application within 60 days of arriving in Japan. The government adds:

"The fact that those who do not immediately seek the protection of the government of Japan gives rise to justifiably question whether such persons are true refugees."

However, the government's response makes no reference to the applicable conclusion of the Executive Committee which clearly has the intention of ensuring that late applications must still receive substantive consideration. Other countries which impose such time limits usually still consider late requests; the fact that the application is submitted late is usually just one factor in assessing a claimant's credibility. At a practical level, the government's response also fails to take into account the fact that many foreigners in Japan who may wish to apply for asylum are unaware of how to do so, or which authorities to contact -- indeed, as was pointed out in the Amnesty International report, there is a lack of readily available information on these matters. In October 1993, a Somali asylum-seeker who went to

⁴ Conclusion 15 (XXX) 1979, "Refugees without an asylum country", paragraph (i).

an immigration office in Tokyo to apply for asylum was told that the office could not accept his application; the office he had approached does not actually deal with asylum cases, but they did not refer him to the correct office nor give him any information on how to apply for asylum even though he expressly stated that he was a Somali and wanted to apply for refugee status. Further, many asylum-seekers enter Japan on short-term visas and, after the expiry of the visa, are afraid to contact the Japanese authorities, fearing that they will be forcibly returned. Moreover, the government's practice of detaining some people who might be "illegally" in the country, even if they have applied for asylum, may also deter asylum-seekers from promptly contacting the authorities.

Finally, while the government seems confident that it can "justifiably question" whether late applicants are "true refugees", it is hard to see how they can reach that conclusion, since if the substance of the claim is never examined there is no way of knowing whether or not the person is a "true refugee" in the sense that he or she will be at risk if returned.

- *Burmese asylum-seekers and the 60-day rule*

In its March report Amnesty International described the situation of Burmese asylum-seekers in Japan, in particular 14 Burmese who in September 1992 petitioned the Human Rights Committee of the Japan Federation of Bar Associations (JFBA) to ask for their assistance in submitting asylum applications because they were afraid to approach the immigration authorities on their own. Thirteen of the group had submitted asylum applications by December 1992, and a further 12 Burmese submitted applications with the assistance of the JFBA at the end of March 1993. It is now feared that many of their applications will be rejected because of the 60-day rule.

At the time they applied, these asylum-seekers were asked to set out in writing their reasons for submitting their application after the 60-day limit. They did this, assisted by lawyers, who submitted the reasons to the authorities on 16 July 1993. However, the lawyers were told on that date that the authorities would have to review these reasons before deciding whether or not to substantively consider the applications. A letter protesting against this decision was delivered on 28 July to the Refugee Recognition Department in the Ministry of Justice, pointing to the "unreasonableness" of the 60-day rule and its apparent conflict with international standards. They also formally requested that lawyers be permitted to be present when their clients were interviewed. When the lawyers delivered their letter, they were told that if there were no "unavoidable circumstances" to explain the delay in applying, the substance of the claims would not be considered.

When the first of the Burmese asylum-seekers were called in for interviews in September 1993 their lawyers were not permitted to attend. The Japanese Section of Amnesty International also wrote to the authorities in August drawing attention to our concerns about the rigid application of 60-day rule and asking that lawyers be allowed to attend the interviews but, to date, has received no response.

Amnesty International has interviewed a number of the Burmese who have applied for asylum and believes that there is a substantial risk that they could risk arbitrary detention and torture if returned to Myanmar. These cases must receive full consideration, meaning that in no circumstances should the government invoke the 60-day rule to reject their applications for asylum. The following example, of the case of Dr Myint Swe, serves to demonstrate the seriousness of the claims for asylum made by the Burmese and the risks they would face if returned to Myanmar.

Dr Myint Swe is the son of U San Ohn, a leading politician in the League for Peace and Democracy and a member of the Burmese cabinet formed on 9 September 1988. After the State Law and Order Restoration Council (SLORC) took power in October 1988, U San Ohn was arrested (he was released in January 1990). Myint Swe fled to Thailand and while there played a prominent role in the Alliance for Democratic Solidarity Union of Burma. He was recognized as a "person of concern" by the office of the UNHCR in Thailand. Despite this, like many Burmese refugees in Thailand, he did not feel

safe -- the Thai authorities have on a number of occasions forcibly returned Burmese refugees, including those under the protection of UNHCR, to Myanmar, and other Burmese are routinely detained at the Immigration Detention Centre in Bangkok.⁵ Myint Swe, having left Myanmar without a passport, travelled on a forged passport to Japan, arriving in July 1992. He is a member of the Burmese Association in Japan (BAIJ), and has actively participated in anti-SLORC demonstrations in Japan. The BAIJ is an organization opposed to the current government in Myanmar and is affiliated to other prominent Burmese opposition groups abroad.

Myint Swe's name is listed in the "green book" (*The Conspiracy of Treasonous Minions Within the Naing-Ngan and Traitorous Cohorts Abroad*) published by the SLORC in 1989; this is a sure indication that he would most certainly be at risk of arrest and ill-treatment in detention if returned to Myanmar.

3. Continuing difficulties asylum-seekers face in submitting applications

In its March report, Amnesty International drew attention to the numerous instances, described by asylum-seekers, lawyers who handle asylum claims, and staff at the UNHCR office, of cases where asylum-seekers who approach the immigration authorities are simply

⁵ Amnesty International has repeatedly expressed its concerns about the inadequate protection for Burmese asylum-seekers in Thailand.

not permitted to submit an asylum application. The Ministry of Justice, in its official response to the report, denied that such a problem existed:

"It is not true that the right of asylum seekers to submit an application for recognition of refugee status is obstructed in the practical application of the law with regard to immigration. Any asylum seeker is guaranteed the right to apply for recognition of refugee status, in accordance with the procedures prescribed in the Immigration Control and Refugee Recognition Act."

However, since the report was published, other cases have come to Amnesty International's attention of asylum-seekers who approached immigration offices being stonewalled, given no advice or guidance and told that they could not apply for asylum. As recently as the end of October 1993, a Somali asylum-seeker who claims that he has been phoning and visiting immigration offices for almost two years in an effort to apply for asylum, told Amnesty International that he was told by an official over the phone "Japan does not accept your case; it's best for you to go back to your country." In another recent case, an official at an immigration office, who is specifically responsible for handling asylum claims, reportedly told two asylum-seekers that the statement they submitted when applying for asylum must be translated into Japanese before the claim could be registered. They were told that translating documents into Japanese was "required by Japanese law", even though there is no such requirement in the law.

Other asylum-seekers report that they have been told that, because their applications would be submitted later than required by the 60-day rule, it is pointless for them to submit an asylum application at all. For example, Amnesty International was told that a Liberian asylum-seeker who had only been in Japan for one week more than 60 days was told in August 1993 when he tried to apply for asylum that he should get a visa and go to another country. Last year the government insisted to Amnesty International that applications submitted after 60 days would still be registered, but a member of Amnesty International was present at the Tokyo immigration office in September 1993 when a Sri Lankan asylum-seeker, Nihal Dias, was told that he could not apply for asylum because it was a late application. The asylum-seeker's lawyer was also present and it was only after much discussion and a repeat visit the following day, again accompanied by the lawyer, that the application was registered.

These are not isolated cases. While there have been reports of asylum-seekers who were able to submit an application even though the application was late (submitted after the 60 days), such cases appear to be the exception. It is still routine practice that asylum-seekers and their lawyers must go to great lengths to convince officials to register late applications. The fact that this problem persists, despite the government's claims that all asylum applications are registered, suggests that immigration officers have not received clear instructions for the proper treatment of asylum-seekers or, even

worse, that discouraging people from applying for asylum is accepted practice within the Ministry of Justice.

4. Problems with the interviewing process

Since the publication of Amnesty International's March 1993 report, we have learned of numerous cases where asylum-seekers are still being asked to have documents translated into Japanese. The organization had recommended that the Japanese authorities should stop insisting that documents submitted by asylum-seekers in support of their claims be translated into Japanese insofar as this places unreasonable demands on asylum-seekers. Asylum-seekers often do not have sufficient funds to pay for translation -- their status in the country may not permit them to take employment, or, if they are permitted to do so, they may be unable to find work. Furthermore, since it is essential to a full and fair hearing that important documents are understandable to the decision makers, to refuse to translate documents submitted by the asylum-seeker when he or she clearly has insufficient means to pay for the translation is unreasonable and not conducive to a fair hearing. All documents submitted by asylum-seekers should be translated by the government insofar as it places unreasonable demands on asylum-seekers.⁶

⁶ This should also apply to documents submitted in English, unless those involved in making a decision are clearly fully competent in English. An official at the immigration office told an Amnesty International member that they do not generally translate

Also, officials in the immigration offices are known to often conduct interviews with the asylum-seekers in English, without providing for a qualified interpreter in the asylum-seeker's mother tongue so long as he or she appears to understand English. However, given that officials doing these interviews have themselves admitted to Amnesty International that they "are not confident in English", and that the asylum-seeker may only have an incomplete grasp of the language, it raises questions as to whether all relevant information is being fully considered. The government should provide an interpreter in a language the asylum-seeker fully understands for interviews.

A further concern of Amnesty International is the length of the interviews in which asylum-seekers are asked to put forward their claim to the Refugee Inquirer. In numerous cases that have come to our attention, these interviews last more than eight hours, usually with just one short break for lunch, and sometimes repeated on subsequent days. Amnesty International is familiar with asylum procedures in dozens of countries, and has not received reports of such lengthy interviews in other countries. While it is clearly essential that sufficient time be provided to ensure that all the elements of the claim are put forward, in some cases it is unreasonable to persist in such lengthy questioning. In this regard, a number of asylum-seekers report

English documents even though they "are not confident in English".

that much of the interview consists of repeated questions from the Refugee Inquirer on the same issues.

5. **Denying protection to refugees at risk: the case of Hong Jianbing**

Hong Jianbing is a pro-democracy activist from the People's Republic of China who applied for asylum in Japan in October 1990. His case was described in the March report. When Amnesty International interviewed Hong Jianbing in Tokyo in October 1992 his asylum application had been refused because he failed to submit "concrete, documentary evidence" to substantiate his claim that he was being sought by the Chinese authorities on account of his activities in support of the pro-democracy movement. The government apparently did not consider it sufficient that Hong Jianbing had been prominent in Japan as an activist with the Federation for a Democratic China (FDC), a group set up in 1989 in Paris by Chinese exiles after the crackdown in June of that year⁷, or that the UNHCR branch office in Tokyo had recognized him as a refugee. Hong was also denied a "designated activities visa", an administrative measure that has been granted to many Chinese exiles in Japan; the visa allows them to

⁷ The FDC claims it is a non-violent political organization which is aimed at "building a democratic system in China". Since the establishment of the FDC the Chinese authorities have on several occasions accused it of "undermining the interests and stability of the state" and stated that FDC members' activities were "violating the Chinese constitution".

reside in Japan but does not provide the same guarantees of protection as being recognized as a refugee. In October 1992 he was making a final attempt to stay in Japan by applying for a short-term visa but this was later denied and he was then told he had to leave Japan before 6 December 1992. On 30 November 1992, his passport was stamped "under application" but it was made clear to him that he must leave Japan.

As a result of his increasingly insecure situation in Japan, Hong Jianbing decided to try to reach a European country to claim asylum. He obtained a visa for the Czech Republic and flew to Prague where he contacted the UNHCR office. With UNHCR's assistance he then applied to the Canadian Government to be resettled as a refugee; after some months his application was accepted and at the end of August 1993 he went to Canada.

The Japanese Government, in their official response to Amnesty International's report, maintains that people are not forcibly returned directly to countries where they risk serious human rights violations. While this may be true in Hong Jianbing's case, it is equally true that he was unable to find the protection he was entitled to in Japan and was compelled to seek protection elsewhere. His is not the only case where a desperate person has been forced to leave Japan. The government appears to acknowledge that it would not be safe to deport people like Hong Jianbing to their countries of origin; however, rather than granting effective and durable protection, the government appears to rely on administrative pressure to force the

person, out of desperation, to find another asylum country. This is not only unfair to the individuals in question, but also to other countries who seem more willing than the Japanese Government to fulfil their obligations under international law to grant protection to people in danger.

6. Conclusion

Japan is not living up to its international obligations towards refugees and asylum-seekers. The asylum procedures are gravely inadequate and fall far below international standards. There have been no signs of improvement nor has the government shown any willingness to consider the recommendations put forward in Amnesty International's report. Indeed, the previous government dismissed Amnesty International's report as "not appropriate" and "groundless", and indicated that it had no intention of implementing any of the recommendations made.

At the meeting in October 1993 of the intergovernmental Executive Committee of the Programme of the UNHCR, Ambassador Minoru Endo, speaking on behalf of the Japanese Government, stated:

"... we are stupefied to see that ethnic, religious and other conflicts have surfaced in many parts of the world. While solutions of these conflicts should be sought for in the proper context, the international community cannot shy away from coping with the refugee problems and human rights abuses which are caused by these conflicts."

Amnesty International hopes that the new government in Japan, which came to office in August 1993, will consider seriously the recommendations made in our report of last March (attached as an appendix to this paper) and will, in contrast to the previous government, make a firm commitment to review the asylum procedures and make the necessary reforms.

APPENDIX: Recommendations to the Japanese Government as set out in the March 1993 Amnesty International report "Japan: Inadequate protection for refugees and asylum-seekers"

Current policies and practices in Japan regarding the protection of refugees and asylum-seekers are deficient in a number of respects, and thorough reforms are needed to bring Japan into line with its international obligations.

Amnesty International recognizes the problems governments face in trying fairly to balance general immigration policies against obligations assumed towards those who arrive in their territories and who are in need of protection. However, the need to ensure that the fundamental human rights of refugees and asylum-seekers are protected must be paramount. Respecting these rights is not an act of benevolence that can vary depending on domestic policy considerations -- it is an obligation required by international law.

A. General

- Amnesty International recommends that the Government of Japan establish without delay an independent advisory body, composed of impartial members with a recognized expertise, to review the entire system of refugee protection in Japan, drawing on outside sources as appropriate, with a view to making proposals in the near future to the government for reform of existing policies and practices. There are, both inside Japan and in other countries, many academics, international lawyers, and non-governmental organizations that work with refugees and asylum-seekers who have a recognized expertise in this field and

whose views and opinions could be beneficial to the Japanese Government in setting out to ensure that its policies and practices are made to conform to international standards.

Amnesty International further recommends that immediate action be taken on the following points which concern the most serious deficiencies:

B. Obtaining access to the asylum procedures

1. Effective measures should be implemented to ensure that asylum-seekers arriving at ports-of-entry are guaranteed an opportunity to have the substance of their asylum claims fully considered by the competent authority. People who arrive by boat or at an airport and indicate a fear of returning to the country they came from should receive advice and guidance on the asylum procedures and be allowed to communicate without delay with the UNHCR and a lawyer. A list of lawyers and organizations working with refugees should be given to asylum-seekers arriving at a port-of-entry.
2. The government should ensure that immigration officers at ports-of-entry are properly trained to identify those who might be at risk if returned and these officers should, in appropriate cases, implement Article 18(2) ("landing permission for temporary refuge") of the *Immigration Control and Refugee Recognition Act*, so that such people are assured of admission to Japanese territory.

3. The instructions given to immigration officers at ports-of-entry to give effect to points (1) and (2) should be made public.
4. Asylum-seekers who approach immigration offices to apply for asylum, or who indicate in any other way their fear of returning to a particular country, should in all cases be allowed to submit a formal application for asylum and should be given advice and guidance on the procedures to be followed. They should also be provided with a list of lawyers and organizations working with refugees who can provide them with independent advice.
5. The application of the 60-day rule should be modified so that the time when a person knows that he or she must leave Japan (for example, because a visa extension is denied) is taken to be the date when circumstances arise giving rise to a well-founded fear of persecution. Furthermore, in no case should failure to meet time limits in itself lead to a refusal to consider the substance of the claim.

C. Fair and satisfactory asylum procedures

6. All officials involved in questioning or interviewing the asylum-seeker and in making a decision on her or his application should be instructed and trained to follow the procedural guidance given in §195-§219 of UNHCR's *Handbook on*

Procedures and Criteria for Determining Refugee Status. All such officials, including border officials, should take into consideration the special situation of the asylum-seeker, who might experience language or other difficulties in expressing or presenting a request for asylum, who may have had to flee without personal documents, and whose past experience may have caused him or her to be apprehensive of authority, to be afraid to speak freely, and to have difficulty giving a full and accurate account of his or her case.

7. The government should establish a public and independent body responsible for deciding on claims for asylum. It should be a specialized authority whose sole and exclusive responsibility is examining and making decisions on asylum claims. The decision makers of that independent body should have expertise in international refugee law and international human rights law. Their status and tenure should afford the strongest possible guarantees of their competence, impartiality and independence.
8. In examining asylum claims, the decision makers of that independent body should be provided with the services of a documentation office whose tasks would include providing complete and objective information from a variety of sources on the human rights situation in asylum-seekers' countries of origin or any country to which they might be sent.

9. All asylum-seekers, at all stages of the procedure, should have the right to legal counsel and the right to contact and to have access to UNHCR. An asylum-seeker's lawyer should be permitted to advise him or her regarding any statement setting out the reasons for the claim before it is signed and submitted to officials. The government should, in cooperation with UNHCR, ensure that legal advice and assistance is available to all asylum-seekers.
10. All asylum-seekers should have the right to competent interpreters, provided by the government. Furthermore, the government should cease its practice of insisting that documents submitted be translated at the asylum-seeker's expense into Japanese, insofar as such requests place unreasonable demands upon asylum-seekers.
11. There should be a right to appeal in every case to a higher authority which is distinct from the decision maker at first instance; this appeal should in all cases have a suspensive effect on expulsion. All asylum-seekers whose claims are refused should receive full written reasons setting out the grounds upon which the claim has been refused so that an effective appeal can be initiated.

D. Detention of asylum-seekers and refugees

12. The government should make a formal undertaking not to detain asylum-seekers unless it is absolutely necessary and only for reasons which international standards recognize as legitimate.
13. In cases where asylum-seekers are detained, whether at a port-of-entry or after arrival, they should be given an effective opportunity to challenge the legality of their detention before a judicial or similar authority whose status and tenure afford the strongest possible guarantees of competence, impartiality and independence. To give effect to this obligation, all detained asylum-seekers should be informed of this right and be allowed to communicate with lawyers.
14. Until the necessary reforms have been implemented to establish fair and satisfactory asylum procedures, the government should demonstrate that the practice of detaining asylum-seekers whose cases are rejected is for reasons considered legitimate by international standards.
15. All asylum-seekers who are currently on "provisional release" should have their asylum applications reviewed and in cases where they are at risk of serious human rights violations in their own countries they should be granted a separate permission to remain in Japan which provides effective and durable protection against forcible return.