

## Detention monitoring newly established in Japan

Naoko Hashimoto

**Recently established monitoring committees in Japan are opening new channels of communication and opportunities for improvements in detention facilities.**

The Immigration Bureau of the Ministry of Justice of Japan manages a number of immigration detention facilities across the country where foreign nationals arriving or remaining in Japan with irregular status are detained, as they are in many other countries. Until recently, however, the condition and treatment of detainees inside the detention facilities were hidden behind walls, with little opportunity for public scrutiny.

Following recommendations from various international sources,<sup>1</sup> as well as from pressure groups inside Japan, the Government of Japan amended the Immigration Control and Refugee Recognition Act and as a result two Immigration Detention Facilities Monitoring Committees were established. The main purpose of these Committees, which started work in July 2010, is to ensure transparency about the treatment of detainees and to contribute to the proper management of detention facilities. The Committees regularly visit detention facilities; examine confidential information on the detention facilities and statistics provided by the Immigration Bureaus which run the facilities; interview detainees upon request from the detainees; receive, study, clarify and solicit resolutions to complaints confidentially submitted in writing by detainees; and make recommendations for improvements to the Directors of the detention facilities.

Each of the two Committees (one in western Japan, the other in eastern Japan) is composed of 10 independent experts appointed by the Minister of Justice: two academics (professors in law), two attorneys-at-law, two medical doctors, two representatives from the local communities hosting the detention centres, one international civil servant working for an international organisation and one NGO staff member.

Some of the noteworthy recommendations put forward by the Committees after their first two years – and measures taken by the detention facilities in response to them – include:<sup>2</sup>

- To increase privacy for detainees, walls and curtains were installed around toilets and shower rooms.
- To enable detainees to take exercise, have showers or make phone calls over the weekend as well as during the week, some of the detention facilities started to allow detainees to go out of their detention cells during the weekend.
- To avoid confusion about the rules and procedures (including complaints mechanisms) relating to daily life inside the detention facilities, multilingual guidelines were prepared and made available to all detainees.
- To help detainees seek advice and assistance, some of the detention facilities drew up and distributed lists providing contact information for embassies, UNHCR, IOM, legal associations, etc.

These measures clearly represent improvements, and are to be commended. Meanwhile, there still remain some challenges.

Very high telephone charges and very limited hours when detainees are allowed to make phone calls hinder communications with families, friends, lawyers or other sources of assistance. There is no access to internet or mobile phone inside the detention facilities. While some detention facilities have started allowing detainees to make phone calls while in their detention cells, better communication methods are urgently needed.

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The Immigration Bureaus have arranged that detainees should have a wide variety of meal options but *halal* food is yet to be made available, which has posed problems for Muslim detainees. Continued efforts need to be made to resolve this.

There is a lack of qualified medical doctors who are willing to work inside detention facilities. Since this issue directly concerns the health of detainees, an immediate solution needs to be sought, for instance by coordinating with local hospitals and by establishing a rotation system so that qualified medical doctors can be available for timely consultation.

It is difficult to secure qualified interpreters for languages which are uncommon in Japan, such as Persian, Turkish, Urdu, Pashtu and Hindi. As communication is the key to mutual understanding not only in Committee interviews but also for daily life within the detention facilities, more efforts need to be made to identify and train multilingual residents in Japan to be interpreters.

The mandate, roles and functions of the Committees were, at least initially, not adequately explained to detainees. While their role is introduced in the multilingual guidelines now available in all detention cells, information about this new system needs to be better disseminated.

Finally, the question of independence and autonomy of the Committees has been persistently raised by observers and critics. As a member of the West Japan Committee, the author herself has not experienced any pressure from the Immigration Bureau or the Ministry of Justice, and commends the transparency and frankness of discussions held between the detention facilities staff and the Committees. The Osaka Regional Immigration Bureau serves as the Secretariat to the West Japan Committee, arranging all visits and interviews. Since the Committee members serve on a part-time basis, and the budget allocated for the overall monitoring system is extremely limited, it seems

unrealistic at least at the current time to establish a secretariat totally independent from the Immigration Bureau. This issue may better be looked into together with an overview

of the reform of the government's ministerial structure, including the possible establishment of an independent Human Rights Commission in Japan.

Since Japan has yet to establish an independent Human Rights Commission and to sign the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Detention Facilities Monitoring Committees are the only organ with the authority to solicit improvements of detention facilities and treatment of detainees. Thus they carry heavy responsibilities and significance.

Naoko Hashimoto [nhashimoto@iom.int](mailto:nhashimoto@iom.int) is an MSt graduate of the Refugee Studies Centre and currently Programme Manager for the International Organization for Migration, Tokyo Office. [www.iom.int](http://www.iom.int) She served on the West Japan Detention Facilities Monitoring Committee on a part-time basis from July 2010 to the end of June 2013. The information and opinions expressed in this article do not necessarily reflect the official views of IOM or the Ministry of Justice of Japan.

1. Kumiko Niitsu 'Perspectives on the Immigration Detention Centers Visiting Committee: Consideration from the Viewpoint of Securing Transparency', *CDR Quarterly*, vol.4, pp38-51, January 2012. Center for Documentation of Refugees and Migrants, University of Tokyo.

2. More information is available on the Japanese Ministry of Justice official website (only in Japanese):

July 2010-June 2011: <http://tinyurl.com/JapanMOJ-10-11>

July 2011-June 2012: <http://tinyurl.com/JapanMOJ-11-12>



Osaka Immigration Bureau: part of it serves as detention facilities.