

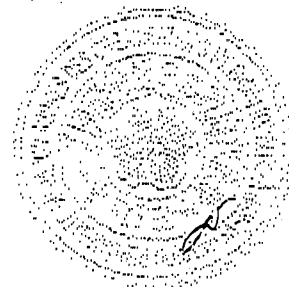
MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

AM/UN/576

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and, in reference to the latter's note verbal No. Q1/08 dated 01 October 2008, has the honour of transmitting herewith the information submitted by the Government of Japan.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 12 December 2008



OHCHR REGISTRY

16 DEC 2008

Recipients : *SPD*

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Response to the questionnaire on Cash Transfer Programmes addressed to Governments
by the Independent Expert on the question of human rights and extreme poverty
(Japan)

Part I

1. Considering the definition of cash transfer programmes, please list and describe any cash transfer programmes implemented by the Government between 2003 and 2008. In cases where there have been more than one programme implemented, please provide a separate reply to the questions below for each programme. Please also provide distinct responses if the same programme had different implementation procedures during the last five years.

Public Assistance System

2. Provide details of the legal framework by which the program is established and implemented.

Public Assistance System, which is stipulated by Public Assistance Act, is the last safety net that guarantees a healthy and cultured minimum standard of living for persons who are living in poverty, even after utilizing their assets and ability to work, etc.

3. Describe the institutional framework used to implement the programmes – Indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local level were involved in the design, implementation and monitoring of the programme(s).

Each local government shall provide the public assistance to its recipients who are living within its jurisdiction, based on the standards of protection specified by the Minister of Health, Labour and Welfare.

4. Were civil society organizations involved in the design, implementation and monitoring of the programme(s)? If yes, describe their role.

N/A

5. Were popular consultations conducted during either the design, implementation and monitoring of the programme(s)? If, yes, please describe their role.

Ministry of Health, Labour and Welfare makes efforts to have exchanges of views, etc. as much as possible with local governments which undertake a role as a public assistance administrator during the designing and implementation of this system.

6. Which geographical areas are covered by the programme in the country (national, regional, local)?

It covers nation-wide throughout Japan.

7. What is the annual budget of the programme(s)? Please give details and indicate the sources of funding utilized in the design, implementation and monitoring for the programme(s).

The budget of national and local governments for Public Assistance is about 2.6 trillion yen. The revenue source is exclusively for tax. Regarding the sharing of the burden, the state bears 3/4 and local governments bear 1/4.

8. What are the main costs involved at the various stages of implementation?

The above-mentioned budget is provided entirely to public assistance recipients. In its implementation, medical assistance costs account for about 50 %, livelihood assistance costs account for about 30 % and housing assistance costs account for 15 % of the budget.

9. Indicate number of beneficiaries of the programme (annually)? If possible provide details on their profile (eg. sex, age, ethnicity, origin).

The number of households that receive public assistance is about 1.1 million, and the number of persons who receive public assistance is about 1.5 million in the FY 2007. Out of about 1.1 million households, elderly households account for about 45 %, ill or disabled households account for about 35 % and single mother households account for about 8%.

10. What criteria were utilized in order to determine the eligibility of beneficiaries?

Public Assistance shall be provided based on a premise that a person who is living in poverty is utilizing his/her assets, ability to work, etc. regardless of the reason that has brought the recipient into such situation. Therefore, the eligibility of Public Assistance is determined by the state of his/her assets, abilities, etc.

11. Approximately how many potential beneficiaries were not reached by the programme?

Data N/A

12. What is the average amount transferred to each beneficiary? What is the periodicity of the transfers and calculation utilized in order to determine it?

Based on the standards specified by the Minister of Health, Labour and Welfare, the amount of the public assistance shall be the difference between minimum living expenses, which are calculated on a household basis according to the household composition, age and location of the recipient, and his/her income. Therefore it is impossible to calculate the average amount categorically.

The public assistance is provided every month.

13. What is the criterion used to terminate the support under the programme? Is there any exit strategy in place? Are families that exit the program able to rejoin it?

In the case when a public assistance recipient has not satisfied the premises by earning

enough income (wage, social security benefits, etc.), the public assistance shall be terminated.

When a public assistance recipient fulfils the criteria, it is possible to receive the public assistance again by filing an application.

14. What procedures are utilized in order to pay the beneficiaries?

The provision of cash at the counter of welfare office, the bank transfer, etc.

15. What should potential beneficiary do to request the programme's aid?

A person requiring public assistance needs to file an application at a welfare office of the local government where he/she lives.

16. Were there any conditionalities agreed with the beneficiaries of programme(s)? If yes, please describe the conditions and the methods used to assess their fulfilment.

A public assistance recipient shall, when there are any changes in his/her income, expenditure or any other conditions related to his/her livelihood or when there is any changes in his/her place of residence or household composition, should promptly notify the welfare office.

The welfare office may give a public assistance recipient any guidance or instruction that is necessary for maintaining or improving the recipient's standards of living or for achieving the purpose of public assistance. The public assistance recipients are obliged to follow such guidance or instructions.

The welfare office shall visit the recipient's home at least twice a year and investigate the institutions concerned when needed.

17. Which public services are offered in connection to the conditionalities agreed? Indicate if special measures were taken in order to absorb the increased demand for services generated by the programme.

N/A

18. If possible, please provide samples of materials developed in order to inform beneficiaries about the programme and other materials used to raise public awareness.

N/A

19. Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.

The state and local governments

20. Were any complaints mechanisms or procedures attached to the programme? If yes, please describe them.

It is possible to file an appeal concerning a decision on or the implementation of public assistance. A request for examination of such appeal shall be filed with the prefectural governor. A person who is dissatisfied with the decision by the prefectural governor may file an appeal for re-examination with the Minister of Health, Labour and Welfare.

21. Was any legal action taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal action and the basis for the complaint(s)?

There are many legal actions concerning a decision on or the implementation of public assistance have been taken and they cover a broad range of things. Therefore, it is difficult to show an example.

22. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).

N/A

23. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).

N/A

Part II

1. Considering the definition of cash transfer programmes, please list and describe any cash transfer programmes implemented by the Government between 2003 and 2008. In cases where there have been more than one programme implemented, please provide a separate reply to the questions below for each programme. Please also provide distinct responses if the same programme had different implementation procedures during the last five years.

Assistance for Applicant for Recognition of Refugee Status

2. Provide details of the legal framework by which the program is established and implemented.

Upon the conclusion of the Convention relating to the Status of Refugees, Japan revised necessary national laws to ensure the various forms of protection measures of persons who are given the refugee status, however the protection system was not developed for the applicants of recognition of refugee status in Japan and living in a state of destitute; lacking clothing, food, accommodations; etc. Therefore, based on the administrative audit by Administrative Management Agency which recommended the improvement of the said situation in 1982, Ministry of Foreign Affairs started to provide protection measures for those asylum seekers from 1983.

3. Describe the institutional framework used to implement the programmes – Indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local level were involved in the design, implementation and monitoring of the programme(s).

Ministry of Foreign Affairs entrusted the implementation of said measures to the Refugee Assistance Headquarters which was set up under the Foundation for the Welfare and Education of the Asia people in 1995. The Coordination Council for Refugees, which comprises of relevant ministries and agencies regarding policies on refugees, decided to continue to provide adequate assistance to the asylum seekers in need and review its

measures as necessary in July 2004.

4. Were civil society organizations involved in the design, implementation and monitoring of the programme(s)? If yes, describe their role.

No.

5. Were popular consultations conducted during either the design, implementation and monitoring of the programme(s)? If yes, please describe their role.

No.

6. Which geographical areas are covered by the programme in the country (national, regional, local)?

It covers nation-wide throughout Japan.

7. What is the annual budget of the programme(s)? Please give details and indicate the sources of funding utilized in the design, implementation and monitoring for the programme(s).

The budget for FY 2008 is about 88 million yen. Of this, the budget for livelihood support directly provided to asylum seekers who are eligible to receive assistance is about 65 million yen.

8. What are the main costs involved at the various stages of implementation?

The above-mentioned budget for livelihood support directly provided to recipients accounts for over 70 % of the budget for assistance.

9. Indicate number of beneficiaries of the programme (annually)? If possible provide details on their profile (eg. sex, age, ethnicity, origin).

The number of beneficiaries reached 205 (143 males, 62 females) in FY 2007. 44 persons from Myanmar and 34 persons from turkey accounted for about 30 % of the recipients. The average age was 31 years old.

10. What criteria were utilized in order to determine the eligibility of beneficiaries?

Applicants for recognition of refugee states living in a state of destitute; falling below minimum standards of income or assets; finding no stable job in spite of serious efforts of searching of jobs; etc.

11. Approximately how many potential beneficiaries were not reached by the programme?

Unknown.

12. What is the average amount transferred to each beneficiary? What is the periodicity of the transfers and calculation utilized in order to determine it?

Living expenses, medical expenses and accommodation expenses are paid monthly. Regarding living expenses, 1,500 yen per day is paid to adult (12years and over), 750 yen is paid to child (under 12 years). Regarding medical expenses, actual cost incurred shall be reimbursed. Regarding accommodation expenses, up to 40,000 yen is paid to single person, up to 60,000 yen is paid to a family (4 persons or more).

13. What is the criterion used to terminate the support under the programme? Is there any exit strategy in place? Are families that exit the program able to rejoin it?

The term of receiving protection measures is 4 months. At the end of the term, if beneficiaries hope to extend the term, the Refugee Assistance Headquarters shall

re-examine their applications and assess the fulfillment again. If they do not fulfill the criteria, the support shall be terminated. If the applications based on their wish fulfill the criteria, assistance will be given again. It is also possible that the families that once exited the programme but again fall into destitute during their waiting period as asylum seekers to rejoin the programme, if they meet the necessary criteria.

14. What procedures are utilized in order to pay the beneficiaries?

Applicants are requested to have an interview with Refugee Assistance Headquarters.

15. What should potential beneficiary do to request the programme's aid?

The potential beneficiary should contact and have an interview with Refugee Assistance Headquarters.

16. Were there any conditionalities agreed with the beneficiaries of programme(s)? If yes, please describe the conditions and the methods used to assess their fulfillment.

If applicants made a false statement in the interview, they are requested to return the amount of money (assistance) which they had received from the Refugee Assistance Headquarters.

17. Which public services are offered in connection to the conditionalities agreed? Indicate if special measures were taken in order to absorb the increased demand for services generated by the programme.

N/A

18. If possible, please provide samples of materials developed in order to inform beneficiaries about the programme and other materials used to raise public awareness.

Please refer to the Annex.

19. Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.

Ministry of Foreign Affairs is responsible for the overall implementation of this programme.

20. Were any complaints mechanisms or procedures attached to the programme? If yes, please describe them.

No.

21. Was any legal action taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal action and the basis for the complaint(s)?

None.

22. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).

Needs assessment is established by referring to Japan's public assistance programme and the national health insurance programme.

23. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).

N/A

(Fin)

(Annex)

(For Explanation to Applicant for Recognition of Refugee Status)

Refugee Assistance Headquarters (RHQ)

Assistance for Applicant for Recognition of Refugee Status

The Refugee Assistance Headquarters (RHQ) provides assistance to those who are suffering from economic hardship.

1. Eligible Persons

Persons who are eligible to receive assistance are those Applicants for Recognition of Refugee Status (including persons who filed on appeal) who are recognized to be in need of protection, such as persons who live in a high degree of poverty in Japan; lacking up clothing, food, accommodation; etc.

Persons are not recognized to be in need of protection if they have assets or income; if they are able to work; if they have relatives on whom they should and can depend; if they are receiving public assistance, etc.; or if it has been determined that the implementation of protection measures for them is inappropriate.

2. Amount of Assistance

Assistance is provided monthly not exceeding the following limits:

a) Living expenses

(Living expenses may be paid in advance if necessary, under certain conditions.)

Adult (12 years and over): ¥1,500 /day

Child (under 12 years): ¥750 /day

b) Accommodation expenses

(Accommodation expenses may be paid in advance if necessary, under certain conditions.)

Single person: ¥40,000

a family (2 persons): ¥50,000

" (3 persons): ¥55,000

" (4 persons or more): ¥60,000

c) Medical expenses

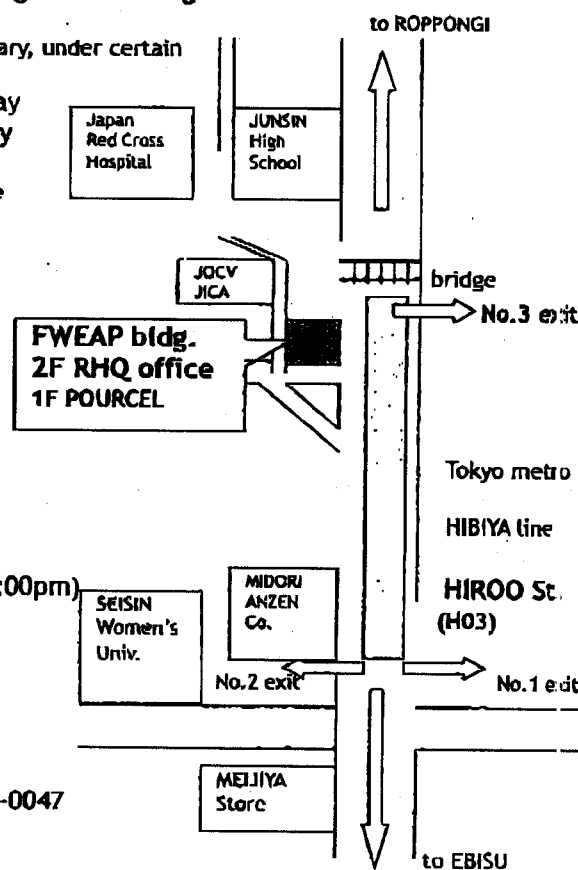
(The actual medical expenses incurred will be reimbursed at a later date under certain conditions.)

3. Inquiries (in Japanese or English)

Tel.: 03-3449-7015 (weekdays, 10:00am - 5:00pm)

Assistance Division,
Refugee Assistance Headquarters (RHQ)
Foundation for the Welfare and
Education of the Asian Peoples (FWEAP)

2F FWEAP Bldg. (POURCEL is on the 1F)
5-1-27 Minami-Azabu, Minato-ku, Tokyo 106-0047



In front of Exit No. 3 of Hiroo Station (H03) of the Tokyo Metro Hibiya Line