

**Country session: Japan**

**Date of session: 16<sup>th</sup> and 17<sup>th</sup> January 2019**

**Background information**

[OHCHR press release](#)

**Webcast:** [First part](#) and [second part](#)

**Audio file:** (pending)

**Reporting**

**Reporting methodology**

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	11 <sup>th</sup> December 2000
<a href="#">Updated document</a>	29 <sup>th</sup> October 2012

CRC	
No. of report	4 <sup>th</sup> to 5 <sup>th</sup>
Due date	21 May 2016
Submission	30 June 2017

Written replies	
Due date	12 October 2018
Submission	27 November 2018

**Public reports from children's rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Across Japan</li> <li>• Ansankyo</li> <li>• Children's Future Association</li> <li>• Citizens and NGOs Association for the CRC</li> <li>• Citizens Commission on Human Rights</li> <li>• Committee for NGO reporting on the CRC</li> <li>• CRC Japan</li> <li>• CRIEL + GIESCR + Kiko Network</li> <li>• Global Initiative to End All Corporal Punishment of Children</li> <li>• Global Partnership to End Violence Against Children</li> <li>• Human Rights Now (HRN)</li> </ul>

	<ul style="list-style-type: none"> <li>• Human Rights Watch</li> <li>• International Career Support Association</li> <li>• ISS</li> <li>• Japan Committee for UNICEF</li> <li>• Japan NGO Coalition for the Rights of the Child</li> <li>• Japanese Federation of Bar Association</li> <li>• JCREC</li> <li>• Lawyers Association of Zainichi Koreans</li> <li>• Mindan</li> <li>• Nihonbashi Sakura Human Rights Association</li> <li>• The Japan Federation of Publishing Workers' Unions</li> <li>• Women's Active Museum on War and Peace</li> </ul>	
<b>NHRIs</b>	<ul style="list-style-type: none"> <li>• Child Ombudsman Japan – NGO for Protection of the Rights of the Child</li> </ul>	

### State delegation

The large delegation from Japan consisted of representatives of the Ministry of Foreign Affairs, Cabinet Office, National Police Agency, Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, and the Permanent Mission of Japan to the United Nations Office at Geneva.

### Committee's Task Force members

Name & Last Name	Country
Kristen Sandberg (Coordinator)	Norway
Olga Khazova	Russian Federation
José Angel Rodriguez-Reyes	Venezuela
Ann Marie Skelton	South Africa

### Dialogue description

- i. Character of the dialogue  
The atmosphere of the dialogue was interactive and open, with in-depth technical discussions between the Committee and the delegation.
- ii. General assessment made by the Committee  
The Committee recognised that the 2011 earthquake and nuclear disaster had significant consequences on child rights in Japan. They noted that although the country enjoys a strong economy, Japanese society is not very child friendly. They noted in particular the need for efforts with regards corporal punishment, discrimination and appreciation of diversity, child participation, juvenile justice and alternative care.
- iii. Main issues discussed:
  - **General Measures of Implementation:** The Committee expressed concern that there is no comprehensive policy or strategy of implementation of the Convention and asked how the State party coordinates its activities around the CRC. They requested the State party explain the budget lines for children and asked if it has a child rights approach with a tracking system. They expressed concern that there is no comprehensive

system for data collection. They also noted the need to increase public awareness of the CRC Convention and asked if there was in general continuous cooperation with civil society organisations. The State party responded that there is no comprehensive implementation mechanism but that each provision in the convention is implemented in Japan. The foreign ministry is responsible for the implementation and the cabinet coordinates with the relevant ministries. Furthermore they noted that all of the content of the convention is covered in the legal system. The State party also outlined its data collection system and highlighted its continuous cooperation with civil society, which it values highly.

- **Definition of the Child:** The Committee asked the State party what measures are in place to prevent underage marriage in the period before the civil code comes into force. The State party noted that the law relating to the age of marriage comes into effect in 2022.
- **Best Interest of the Child:** The Committee asked the State party how the principle of best interest of the child is applied in different contexts, including in cases of removal from the family. They responded that the principle is reflected in the national action plan.
- **Right to be Heard:** The Committee flagged that the age when children's opinions are recognised is high (15) and asked if their views are taken into account in various settings, including if children can file complaints. They asked if professionals are trained in child participation. The State party responded that they are not considering amending the age when children's opinions are recognised, as children are heard regardless of this age limit, including in court.
- **Non-discrimination principle:** The Committee asked the State party if they planned to eliminate the term 'illegitimate child' as it leads to stigma, and also flagged ethnic discrimination of non-Japanese children and ethnic minorities. The State party responded that there is no distinction made in family registration between children born in or out of wedlock and that the concept of 'illegitimacy' has been abolished. They also noted the law against the discrimination against Boraku people, the hate speech elimination act, human rights consultations and awareness raising programs to combat discrimination against Korean residents. They highlighted the office for Ainu people which seeks to promote the cultural diversity of Japan.
- **Right to life, survival and development:** The Committee expressed deep concern about the high suicide rates in Japan and asked what the results are of the measures taken to combat this. Another issue they highlighted was the high rate of neonatal deaths, and asked if studies had been conducted, measures implemented and psycho-socio support provided to parents. They asked what measures were being taken to combat traffic accidents. Finally they asked what the government is doing to decrease poverty rates. The State party responded that traffic safety is part of the education curriculum and that safe traffic zones have been created around schools. They noted that the rate of children living in poverty has slightly reduced and that additional allowances and scholarships are in place. The State party went into detail about its national campaign to reduce poverty including the use of different child-friendly media to raise awareness.
- **Civil rights and Freedoms:** With regards the right to an identity, the Committee noted that statelessness is an issue in Japan, although denied by the State party. They asked what procedure determines statelessness and if the issue of un-registered children has been tackled. With regards the freedom of thought, religion and conscience, the Committee noted with concern the punishment of children for not singing the national anthem and also highlighted the prohibition of political activities at the secondary education level. The State party responded that the voting age has been reduced to 18 and the restrictions on children's political activities have been lifted. With regards to children not singing the national anthem, the State party responded that they are not punished but the school will continue to try to make the child understand why they should sing it, as, they noted, it is important to pay respect to the flag and the anthem. They also stated that they are trying to create a framework to protect stateless children and facilitate their acquisition of nationality.
- **Right to information and health following the Fukushima nuclear accident:** The Committee asked if children had been properly informed after the nuclear accident at Fukushima. They noted that the consequences of the nuclear accident are cross cutting issues and asked what measures have been taken to support children who are affected. The State party responded that various measures were implemented to ensure access to information with regards to the nuclear accident including notices with guidelines, special training for education staff, public meetings and websites with updates information. They also noted that the ministry

of environment is taking steps in Fukushima through research, including on mental health in the area, and health check-ups. School counsellors and social workers also work in the affected areas, they said, and the government is committed to reconstruct and provide support. The State party expressed concern about prejudice and discrimination against evacuees and reported that measures are taken if such human rights violations are identified.

- **Violence against Children:** The Committee flagged with concern the lack of total prohibition of corporal punishment, noting that it is still used in schools and asking what measures are taken to teach alternative measures of discipline, including in the family environment. They inquired moreover after the outcome of bullying prevention measures in schools, asked if children are involved in developing measures and programs against bullying, if a helpline operates 24/7 and what will be done to make it easier to submit sexual abuse complaints. The State party responded that a 2013 act to prevent bullying has led to policies including preventive measures and awareness raising campaigns. They noted that parents have the authority to take disciplinary actions but that corporal punishment is a violation of the law and that parental guidance centres seek to teach alternative disciplinary measures. They are also seeking to eliminate corporal punishment from traditional thinking including through awareness raising campaigns. Corporal punishment is prohibited in schools, training on the ban is given to professionals and disciplinary measures are taken if it is used. The State party noted various measures to prevent child abuse, including the helpline which is available 24/7.
- **Juvenile Justice:** The Committee asked if there was data on the lowering of the criminal age of responsibility to 14 and if they would consider raising it back to 16. They also noted the contradiction between the death penalty being applicable at the age of 18 but the juvenile justice system being applied up to the age of 20. The State party responded that the age of criminal responsibility was lowered, they explained, because crimes were being committed at a lower age. They also explained, with regards the death penalty and life imprisonment, that a special provision in the law for juveniles allows earlier parole.
- **Deprivation of liberty:** The Committee expressed concern that children are deprived on their liberty, although no crime has been committed. They also flagged the detention of unaccompanied minors, that they are sometimes separated from their parents and asked the government if this had been addressed since the issue was raised in 2013. The State party responded that they aim to prevent crimes being committed by children who have a likelihood of committing a crime due to their environment, by focusing on their healthy development. If a juvenile is institutionalised at a juvenile training school, this is not considered a detention. They also explained that children are very rarely separated from their parents during deportation procedures and that all efforts are made to keep them together.
- **Health:** The Committee asked about mental health institutions, including the criteria to place a child there. They also asked how ADHD is treated and if parents are properly informed about prescription drugs. The Committee noted the issue of children born with low birth weights, asking what is being done to remedy this. They flagged that Japanese healthcare establishments are not child-friendly and asked how HIV transmission from mother to child is prevented. The State party responded that children with ADHD are provided support through the child guidance support centre. They explained that different factors resulting in low birth weights are being studied and that free tests are available at clinics to prevent mother to child HIV transmission.
- **Education:** The Committee asked if the aims for early childhood education have been achieved and if fee waivers are also offered for Korean schools. They also asked if the government is satisfied that the rigorous academic education system is not detrimental to children's wellbeing. The State party responded that support is given to all foreign national high schools, but that Korean schools do not currently meet the standards which make them eligible for high school tuition support. They noted that they were attempting to reduce the waiting lists for early childhood education centres by increasing their capacity or opening new places. They highlighted a new system to enter into university which is more comprehensive and less focused solely on academics.
- **Family environment and alternative care:** The Committee asked if the State party is considering the revision of rules that don't allow divorced parents to have shared custody or children to maintain contact with the non-custodial parent. They asked how alternative care systems are organised and how the removal of a child from its family is decided, including if there are legal requirements. They also expressed concern about the financing of child guidance centres and the fact that not all adoptions are decided in court and not always

with parental decision. The Committee asked if supportive measures exist for parents, in order to prevent abuse and neglect, and if studies have been conducted into the reasons abuse is occurring. The State party responded that the child welfare act has been revised and that children who require alternative care should be taken care of in a family environment (such as foster families or small scale facilities), and that the child guidance centres have temporary custody of abused children. The decision to place a child into alternative care is taken with consideration of the children's and their parents' opinions; the final decision is made by the childhood court if opinions differ. They explained that joint custody for divorced parents is not allowed – different opinions on this are currently being considered – but the parent without custody can maintain contact with and visit the child.

- **Children with disabilities:** The Committee asked the State party what measures are taken to promote inclusive education and combat prejudice and stigmatisation against children with disabilities. They asked what resources are invested in training education staff and transforming the education system. They noted the need for data on children with disabilities. The State party responded that they are seeking to develop inclusive education which will meet the different needs of all, including by securing the budget for special needs educators, and highlighted the need for children with and without disabilities to study together. They are also seeking, they noted, to implement a seamless support system and train all necessary personnel.
- **Climate change and child rights:** The Committee asked how Japan's reliance on fossil fuel is compatible with its climate change prevention and rights of the child obligations. They asked if, in the development of environmental policies, children's opinions and needs are taken into account and are they prepared for and made aware of the risk of national disasters. The State party responded that climate issues are of great concern for Japan and that they have not given up on their goals, despite the trauma caused by Fukushima. They highlighted leaflets and child friendly material on these topics that is distributed to students.
- **OPSC / sexual exploitation:** The Committee expressed concern about the sexual exploitation of children in the business sector and that all aspects of trafficking is not covered in legislation. Will the State party ban commercial activities that lead to the sexual exploitation of children, the Committee asked, and are there increased efforts to investigate and prosecute such cases of child sexual exploitation. They asked if the State party would amend the penal code to criminalise anyone who abuses power over children. The State party highlighted the Plan to Prevent Sexual Victimization which is evaluated on a yearly basis and measures taken based on the results of the review. The State party responded that they are cracking down on businesses which reveal to be sexually exploiting children and are working on prevention and awareness raising. The police are working to stop sexual exploitation online including by giving guidance to and educating children on the matter. With regards JK businesses, they are trying to monitor and take action on activities which violate the child welfare act. The State party also responded that efforts have led to a decrease in human trafficking and that such acts are legally punishable.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need of urgent measures concerning the following six areas:

- **Non-discrimination:** The Committee urges the State party to enact comprehensive anti-discrimination legislation, repeal all provisions that discriminate against children on any basis and strengthen the measures to reduce and prevent discrimination in practice. Particularly highlighted in this regard are children born to unmarried parents, children belonging to ethnic minorities, children of non-Japanese origin, children of Buraku people, children of migrant workers, LGBTQI+ children and children with disabilities.
- **Respect for the views of the child:** The Committee urges the State party to assure to any child who is able to form views the right to freely express those views, without age limitation, in all matters affecting the child, and that due weight be given to the child's views, while providing safeguards against intimidation and punishment of a child. It further recommends that the State party provide an environment that enables the child to exercise her or his right to be heard and actively promote meaningful and empowered participation of all children in the family, schools, alternative care and health and medical settings, judicial and administrative proceedings concerning them and the local community, and on all relevant issues, including environmental matters.

- **Corporal punishment:** The Committee urges the State party to explicitly and fully prohibit all corporal punishment in all settings in law, particularly in the Child Abuse Prevention Act and the Civil Code. They also urge the State party to strengthen its measures to eliminate corporal punishment in practice, including by intensifying its awareness-raising campaigns and promoting positive, non-violent and participatory forms of child-rearing and discipline.
- **Children deprived of a family environment:** The Committee urges the State party to introduce a mandatory judicial review and clear criteria to determine whether a child is removed from its family, to ensure this is done only as a measure of last resort, in the best interest of the child and having listened to the child and its parents. Furthermore, the State party should ensure prompt deinstitutionalisation, the establishment of fostering agencies and the abolishment of temporary custody in child guidance centres. The Committee urges the prevention of and prosecution of those responsible for child abuse in alternative care settings and the regular monitoring and review of placement in alternative care. Family-like settings should be invested in and prioritised over institutional care and the Foster Parent Placement Guidelines should be amended to ensure placement decisions are made in the best interest of the child.
- **Reproductive and mental health:** The Committee urges the State party to adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is consistently implemented as part of the mandatory school curriculum and targeted at adolescent girls and boys. They should improve access to quality, age-appropriate HIV/Aids services and education, improve access to and coverage of treatment and provide adequate support to the Aids Clinical centre and hospitals. They are recommended to decriminalise abortion and increase access to safe abortion services for adolescents. Furthermore, the Committee urges the State party to address the emotional and psychological well-being of children and adolescents through a multidisciplinary approach. Finally, the State party should ensure that diagnoses of children with ADHD are thoroughly examined, that prescription drugs are used as a measure of last resort, following an individualised assessment and delivery of information, and that a study is carried out on the root causes of the increase in ADHD diagnoses and drug prescriptions.
- **Juvenile justice:** The Committee urges the State party to bring its juvenile justice system fully in line with the CRC Convention and other relevant standards. In particular, they push the State party to study the root causes of child offending, to urgently implement preventive measures and to study trends since 2000 to reconsider shifting the minimal age for criminal punishment back to 16. The Committee urges to ensure the provision of qualified and independent legal aid to children in conflict with the law, to ensure that no child is tried by adult criminal courts, to increase the use of non-judicial measures and whenever possible use non-custodial sentences. Finally the State party is urged to ensure that deprivation of liberty is a measure of last resort, for the shortest time possible and is reviewed on a regular basis with a view to its withdrawal. In particular the designation of and deprivation of liberty of children “likely to commit crimes” should be reviewed and life imprisonment and indeterminate sentences for crimes committed by children should be reconsidered.

## Sustainable Development Goals

Throughout its [Concluding Observations](#) the Committee referred to the following targets:

- 1.3 on implementing nationally appropriate social protection systems and measures for all;
- 2.2 on ending all forms of malnutrition by 2030, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and addressing the nutritional needs of adolescent girls, pregnant and lactating women and older persons;
- 3.9 on substantially reducing the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination, by 2030;
- 4.a (4.a.2) on building and upgrading education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all;
- 4.2 on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education, by 2030;
- 5.6 on ensuring universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on





Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences;

- 13 on taking urgent action to combat climate change and its impacts;
- 16.2 on ending abuse, exploitation, trafficking, torture and all forms of violence against children;
- 16.9 on providing legal identity for all, including birth registration, by 2030.

## Next State report

CRC	
No. of report	6 <sup>th</sup> and 7 <sup>th</sup>
Due date	21 November 2024

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