

For participants only

CRC/C/Q/JAP.1

October 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD  
Seventeenth Session  
Pre-sessional Working Group  
13-17 October 1997

IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with  
the consideration of the initial report of  
Japan  
(CRC/C/41/Add.1)

General measures of implementation  
(arts. 4, 42 and 44)

1. In light of the recommendations adopted in the Declaration and Plan of Action of the World Conference on Human Rights, has the Government considered the possibility of reviewing its reservation as well as its interpretative declarations to the Convention with a view to their withdrawal ?
2. With regard to information provided in paragraph 12 of the report, please further indicate the status of the Convention vis-a-vis national law. Please indicate if the Convention can be invoked in courts and, if so, provide some examples.
3. Please indicate whether a study has been undertaken to review national legislation and its compatibility with the provisions and principles of the Convention on the Rights of the Child.
4. Please provide further information on existing or foreseen mechanisms to coordinate the activities between all Ministries involved in children's issues as well as between the local and central authorities.
5. Please indicate whether indicators have been developed and disaggregated data collected concerning the status of all children, including the most vulnerable groups (such as children born out of wedlock, children with disabilities and children belonging to minority groups). What difficulties were encountered in the collection and use of these data and indicators for the design of policies and programmes for the effective implementation of the Convention?
6. Please provide further details on existing or foreseen mechanisms, both at central and local levels, for the monitoring of the implementation of the Convention.
7. With regard to information provided in paragraph 15 of the report,

please provide additional information on the Civil Liberties Commissioners for the Rights of the Child, especially with regard to their budget, paid staffing, institutional links, independence and effectiveness.

8. With regard to information provided in paragraph 27 of the report regarding financial support by the State Party to non-governmental organizations, please provide further information on the ways in which the present institutional arrangements relate to non-governmental organizations in the country.

9. Please indicate what further measures have been taken, or are planned, to train professional groups such as: judges, lawyers, law enforcement officials, army officials, civil servants including at the local level, personnel working in institutions and other places of detention for children, health personnel and social workers, about the Convention on the Rights of the Child. In addition, please indicate what measures have been taken to raise the awareness of Government officials, legislators, non-governmental organizations and the mass media, as well as the public at large including children themselves.

10. Please explain if the Convention is available in the main minority languages.

11. What proportion of the national budget is devoted to health, education and social services for children at central, regional and local levels? Please provide additional information on the implementation of article 4 of the Convention in regard to the allocation <sup>A</sup>to the maximum extent of (...) available resources<sup>@</sup>for the rights of the child.

12. Please provide more details about the process of preparing the report, including the extent to which the non-governmental organizations were involved.

13. With regard to information provided in paragraphs 31 to 35 of the report, please indicate further measures foreseen or undertaken by the authorities to disseminate the Convention to adults and children alike.

#### General principles

(Arts. 2, 3, 6 and 12 of the Convention)

14. Please indicate to what extent the provisions of article 2 of the Convention are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article.

15. Please indicate whether any recent measures have been taken to prevent and combat discrimination against children belonging to minorities, as well as children born out of wedlock.

16. In light of article 2 of the Convention, please explain what measures the State Party has taken or is foreseeing to prevent children with disabilities from being victims of any form of discrimination.

17. Please provide further information on the ways the principle of the <sup>A</sup>best interests of the child<sup>@</sup> (art. 3) is reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities. Please also provide some examples of implementation of this principle by courts and/or administrative bodies.

18. With regard to information provided in paragraphs 61 to 71 of the report, please provide additional information on the measures undertaken by the State Party to implement concretely the principle of the respect for the views of the child (art. 12). What measures have been taken to further sensitize parents, professional groups and public opinion to the need to encourage children's participatory rights?

19. With regard to information provided in paragraph 69 of the report, please provide up-dated information on the concrete effects generated by the notices sent by the State Party to educational institutions with regard to the implementation of article 12 in disciplinary actions.

Civil rights and freedoms  
(Arts. 7-8, 13-17 and 37(a))

20. Please indicate the rights of children born out of wedlock with regard to birth registration and nationality.

21. With regard to information provided in paragraph 84 of the report, please indicate how schools have taken into account in their own rules for students the provisions of articles 13, 14, 15 and 16 of the Convention.

22. Please explain what recent measures have been taken by the State Party to ensure that children are protected from any kind of harmful information, including violence and pornography.

23. Please provide information on the occurrence of ill-treatment of children. Have specific programmes for the prevention of ill-treatment of children, and for the treatment, psychological recovery and social reintegration of abused children been developed at the central and local levels? What resources have been allocated to such purpose? What specific legal provisions exist to protect children from being ill-treated in their homes or schools or other institutions? Are there complaints procedures which can be used by children themselves against such abuses? Have any cases of ill-treatment of children been submitted to the national courts?

24. In the light of article 37 (a) of the Convention, please provide information on the legal and other measures foreseen or undertaken to prevent and prohibit acts of torture or other cruel, inhuman or degrading treatment or punishment of children. Please indicate the resources committed for implementing the provisions of article 39 of the Convention in this regard.

25. Please indicate if the legal prohibition of corporal punishment is fully respected, especially in the family, in correctional and other institutions.

Family environment and alternative care  
(Arts. 5, 18 para. 1 and 2, 9, 10, 27 para. 4,  
20, 21, 11, 19, 39 and 25)

26. With regard to information provided in paragraph 117 of the report, please indicate the achievements as well as remaining obstacles in encouraging the participation of fathers in home education.

27. With regard to information provided in paragraphs 143 to 145 of the

report, please further explain the differences between Ordinary adoption@ and A special adoption@ Can a A special adoption@ take place if the child is over six years old at the time of the request ?

28. Please provide further information on the existing legal national framework to protect the rights of the child in intercountry adoptions, as laid out in article 21 of the Convention. Please also indicate if the State party is considering the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

29. With regard to information provided in paragraph 154 of the report related to the increase of child abuse in Japan, please provide information on planned or established projects to prevent and combat this phenomenon. Please indicate if any comprehensive study has been undertaken on the occurrence of sexual abuse within and outside of the family. Additionally, please indicate measures taken or foreseen, such as information campaigns, for the prevention of sexual abuse against children and the treatment and rehabilitation of victims.

#### Basic Health and Welfare

(Arts. 6 para. 2, 23, 24, 26 and 18 para. 3 and 27 paras. 1-3 of the Convention)

30. Please provide comprehensive information on the situation of children affected by or infected by HIV/AIDS and the measures taken to provide assistance to them. Please also indicate measures, such as information campaigns, taken by the authorities to prevent this pandemic among the youth.

31. Please indicate the measures taken or foreseen by the authorities to provide family planning education and services to adolescents as referred in article 24.f of the Convention.

32. Please indicate measures taken by the authorities to guarantee the fullest possible social integration, inclusion and individual development for children with disabilities, in the light of article 23 of the Convention

33. Please provide information on new emerging health-related problems such as substance abuse, in particular drug and alcohol consumption, as well as suicide. What measures and programmes have been adopted to prevent and combat those phenomenon ?

#### Education, leisure and cultural activities

(Art. 28, 29 and 31)

34. Please explain if the school curricula has been reviewed since the ratification of the Convention by Japan. Please also specify if measures have been taken by the authorities to include human rights education, especially the rights of the child, in the school curricula, in the light of article 29 of the Convention.

35. Please indicate measures undertaken or foreseen to prevent and combat bullying in schools and other care institutions.

36. Please indicate whether children may be taught in minority languages.

37. Please specify if measures have been taken or are foreseen to train school managers and teachers on the Convention on the Rights of the Child.

38. Please indicate measures undertaken and resources devoted to the implementation of article 31 of the Convention, especially on the right to rest and leisure.

Special protection measures  
(Arts. 22, 30, 32-40)

39. Please provide information on existing laws and procedures regarding asylum-seeking and refugee children .

40. Please provide further information, in the light of articles 37, 40 and 39 of the Convention (see paras. 232 to 243), in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the possibility to have a prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- c) the right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;
- d) alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being; and
- e) the establishment of laws and procedures specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, in the light of article 40, para. 3 of the Convention.
- f) measures to ensure that every child concerned is duly informed about such guarantees.

41. With regard to the situation of children in prison, please provide additional information (see para. 240 to 243), in particular, on the following issues:

- the type of institutions that exist for the custody of young law offenders and what specific rules there are for their treatment;
- the opportunities for the contact with families;
- the way the conditions in such institutions are monitored;
- the guarantees to ensure the periodic review of placement;
- the complaint procedures in cases of ill-treatment;
- the education and health facilities in these institutions.

42. Please provide further information on measures recently undertaken to prevent and combat sexual abuse and sexual exploitation of children, including prostitution and pornography. Additionally, please indicate the concrete effects of the Travel Agency Law (para. 314) on combating sex tourism. Finally, please indicate whether the State party is taking into account the recommendations formulated in the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children.