



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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### Written replies by the Government of Japan to the list of issues (CRC/C/JPN/Q/3) related to the consideration of the third periodic report of Japan (CRC/C/JPN/3).

#### Part I

##### Question 1\*\*

The Government of Japan recognizes that the Legal Research and Training Institute, taking charge of training for judges, promotes a number of programmes for the purpose of deepening the understanding of various issues related to the Convention on the Rights of the Child (including issues related to the application of the Convention) for judges who are newly appointed or assigned to new duties or posts. These include various lectures given by experts on human rights, such as university professors specializing in international human rights and officials working at organizations engaged in human rights protection (including officials of international organizations). The Government also recognizes that the Institute works to help deepen the understanding of children's rights in other training programmes, by organizing curricula centering on issues related to children's rights, protection and welfare, such as joint research on issues related to juvenile criminal cases and children's custody. Efforts are also reflected in the Institute's courses for legal apprentices, required in principle of all prospective judges, public prosecutors and lawyers, in order to obtain a legal qualification. These courses cover lectures on comprehensive international human rights, including the Convention on the Rights of the Child, as well as curriculum focusing on cases related to juvenile crimes and children's custody and offer elective programmes on children's rights and other issues for interested apprentices. In these ways, the Institute offers opportunities to learn about and deepen the understanding of the rights, protection and welfare of children.

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* For the wording of questions refer to the relevant paragraph in the list of issues (CRC/C/JPN/Q/3).

## Question 2

On 1 April 2010, the Government of Japan enforced the Act on Promotion of Development and Support for Children and Young People, which lays out the basic frameworks of measures to develop and support children and young people and which promotes such measures pursuant to the ideas reflected in the Convention on the Rights of the Child.

The Government of Japan plans to formulate "Visions for Children and Young People" (tentative name), as a national policy for promotion of development and support for children and young people based on the Law, comprising the aspects of the Convention on the Rights of the Child.

In drafting the visions, in relation to children and young people, the Government will raise the basic philosophies to "value the dignity of individuals, respect opinions sufficiently and take the best interest into consideration", "respect children as partners living with adults", "support children to become proactive members of society to open the way to the future" and "implement comprehensive support according to the situation of each individual child at multiple levels in the whole of society". In addition, as priority issues, the Government will take steps to assist children and young people to learn how to live active and happy lives, to support children and young people and their families facing difficulties such as NEET (Not in Employment, Education or Training), social withdrawal, school truancy, disabilities and poverty, and to develop various supporters to implement these measures at the local level.

## Question 3

With a view to promoting measures related to the development of children and young people, the "Headquarters for Youth Development" (established by Cabinet decision) had played a central role in comprehensively coordinating the measures for youth development until it was replaced by the "Headquarters for Promotion of Development and Support for Children and Young People", comprising all Cabinet ministers, which was established in April 2010, based on the Act on Promotion of Development and Support for Children and Young People (hereinafter referred to as the "Law").

This Headquarters is to formulate "Visions for Children and Young People" (tentative name) (please refer to the answer to question 2). And it is stipulated by the Law that local governments have an obligation to make efforts to draw up their own "Children and Youth Plan" in view of this.

In the Law, it is also stipulated that awareness-raising activities by the national and local governments shall be promoted with a view to contributing to voluntary activities which various civil entities conduct in relation to the development and support of children and young people. Concerning "Visions for Children and Young People" (tentative name), the Headquarters is considering including measures such as activity assistance to support familial and regional functions, and enhancement of networks between public administration and regions.

In addition, the Cabinet Office, positioned to promote planning and general adjustment of measures related to children and young people, makes the necessary adjustments based on the ideals laid out in the Convention on the Rights of the Child, and follows up on the progress, in cooperation with the Ministry of Foreign Affairs, which takes charge of interpreting and implementing conventions.

Furthermore, a new mechanism which contributes to the adjustment and follow-up activities, which enable participation of local governments, stakeholders from civil society, and experts, is scheduled to be established.

## **Question 4**

### **1. About the Human Rights Commission**

The Human Rights Protection Bill, which had objectives including the establishment of a human rights commission, was submitted to the Diet in March 2002, but the Bill did not pass due to the dissolution of the House of Representatives in October 2003.

A bill for a new human rights remedy system has not since been submitted to the Diet, due to arguments concerning various issues such as the scope of the human rights infringements which are eligible for remedies, the measures to guarantee the independence of the human rights commission, and the details of the authority to investigate. Currently, a bill for a new human rights remedy system remains under review and the Government is unable to provide information on the specifics of the authority of a national human rights institution.

The Government intends to continue making necessary preparations toward the establishment of a national human rights institution, in order to realize a more effective remedy for the victims of human rights infringements.

### **2. Local ombudspersons**

The Government of Japan recognizes that local ombudspersons, although their modalities differ among local governments, carry out research, coordination, recommendations, requests for corrections and other measures upon request for remedies or on a voluntary basis and that these ombudspersons are financed mainly by the local governments.

## **Question 5**

### **1. Ministry of Justice**

#### *Public relations related to the Convention*

The Human Rights Organs of the Ministry of Justice have been making the slogan "protect children's human rights," which had been a key issue posed during Human Rights Week (a week including "Human Rights Day", which is held on December 10 of every year), a full-year key issue for awareness-raising activities since FY2009. The Organs have carried out nationwide awareness-raising activities which include various events held throughout the year, such as lectures and training programmes on issues related to children's human rights, including the Convention on the Rights of the Child. The Organs also distribute a pamphlet "the Convention on the Rights of the Child and children's human rights" that explains the Convention in simple language to children. Through these activities, the Organs of the Ministry of Justice seek to widely publicize the contents of the Convention.

#### *Training programmes for personnel of juvenile training schools*

In addition to the events set forth in paragraph 94 of the third report by the Government of Japan, training programmes were offered in March 2010 to mid-tier supervisors at juvenile training schools. These programmes were aimed at preventing illicit treatment at those training schools and enhancing consciousness for juveniles' human rights. Lectures were held to this end focusing on treatment and human rights at juvenile training schools, incorporating the ideas of the Convention on the Rights of the Child.

*Training programmes for probation officers*

Training programmes for probation officers are explained in paragraph 66 of the second report by the Government of Japan (CRC/C/104/Add.2). Additionally, efforts have been made to thoroughly enhance the awareness of these officers in light of the Offenders Rehabilitation Act enforced in June 2008, with an emphasis on a newly added provision that probation for juveniles must be implemented with consideration for sound nurturing of juveniles under probation. Furthermore, practical training programmes have been arranged for newly appointed probation officers since April 2007 at other institutions of law as part of opportunities to learn about the protection and welfare of juveniles.

*Training programmes for volunteer probation officers*

The outline of training programmes for volunteer probation officers identifies "human rights" as one of the key issues for "service principles for volunteer probation officers"; and training programmes on human rights, including the rights of children, are offered to newly appointed officers.

*Training programmes for judges*

Please refer to the answer to question 1.

**2. Ministry of Education, Culture, Sports, Science and Technology (MEXT)**

*Publicity*

Upon the publication of the Convention, educational institutions were notified of the important need to make use of the Convention to further enhance instruction and to assure that suitable instruction was provided for each corresponding stage of school education. Furthermore, a leaflet on the convention created by the Ministry of Foreign Affairs was distributed to elementary, and lower and upper secondary schools.

*Training courses*

For the further enhancement of human rights education in schools, training courses are provided at the National Centre for Teachers' Development, which is entrusted with implementing training courses for which the national Government is responsible, to instructors who play a central role in their respective prefectural and city governments.

Additionally, training on human rights is incorporated into the statutory induction training for beginning teachers, as well as during Experienced Instructor Training (corresponding to number of years of experience), through the prefectural boards of education, etc.

With regard to encouraging enlightenment and a proper understanding of children's rights among MEXT personnel, human rights lectures are incorporated into the MEXT Training Course for New Personnel curriculum, in which the Convention on the Rights of the Child is covered.

**3. Ministry of Health, Labour and Welfare**

Child Welfare Officers working at Child Guidance Centres, which constitute administrative organs that play a central role in the field of child welfare, are encouraged to deepen their understanding of the aims of the Convention during training sessions for officers held by training organizations. In addition, training sessions that address issues involving children such as child abuse are offered at the Children's Rainbow Centre (Japan Information and Training Centre for Problems related to Child Abuse and Adolescent Turmoil). Similarly, those involved in the establishment and management of child-care centres (local

governments, social welfare corporations, and the like) are instructed to provide employees with training on the principles and provisions of the Convention. Furthermore, organizations which offer training to employees such as nursery teachers working in child-care centres are instructed to provide training regarding the principles and provisions of the Convention. Those working in children's self-reliance support facilities and other workers engaged in social welfare activities are offered reformatory education and in-service training at the training institute for special staff of children's self-reliance support facilities affiliated with *Musashino Gakuin* (a national children's self-reliance support facility). These training sessions are also designed to allow trainees to deepen their understanding of the aims of the Convention.

#### **4. National Police Agency**

Police held a training programme on protection and support of children for officers in charge of supporting children victimized by child pornography and other offensive acts in February 2010, based on 'the Strategic Programme to Combat Child Pornography', formulated by the National Police Agency in June 2009.

Police also plan to promote curricula on specialized knowledge and skills necessary in investigating crimes related to child pornography at the National Police Academy from FY2010, targeting senior police officers in the prefectural police, as part of efforts to strengthen control of cases related to child pornography.

#### **Question 6**

The Government duly recognizes the importance of various activities by NGOs and civil society which have interest in human rights, and thus finds it important to hear the views of those who are interested in the issues on the child for policymaking regarding the rights of the child and the implementation of the Convention.

In this regard, on 26 March 2010, the Ministry of Foreign Affairs, the UNICEF Tokyo Office and the Japan Committee for UNICEF co-organized the "Symposium on the Convention on the Rights of the Child ~ Challenges for the Rights of Children". This symposium was held in cooperation with an international organization and an NGO. In the Symposium, practical recommendations were raised by experts and stakeholders of various areas including legal professionals, paediatric doctors, private companies and NGOs, regarding problems and areas which Japan should tackle as well as roles which Japan should play in terms of international cooperation with a view to promoting "respect and protection of the Rights of the Child", which is stipulated in the Convention on the Rights of the Child and its two Optional Protocols. In this symposium, there was a large number of participants including from the general public, NGOs, diplomatic corps, and international organizations who showed considerable interest in the Convention.

Furthermore, on 6 March 2010, a representative of the Ministry of Foreign Affairs attended the "Forum on research on the Rights of the child" arranged by the General Research Institute on the Convention the Rights Child, explained measures taken by the Government concerning the Convention, and exchanged opinions with the participants.

Based on the results of discussions at the Symposium and Forum, the Government will continue dialogue and cooperation with civil society in order to reflect various opinions in promoting the implementation of the Convention.

## Question 7

Japan established it as one of the principles for aid implementation in its Official Development Assistance (ODA) Charter, revised in FY2003, to pay full attention to the protection of basic human rights and freedoms in developing countries. Japan's ODA also upholds the basic policy of employing the perspective of "assurance of fairness" which gives due consideration to the condition of the socially vulnerable including children as well as that of human security which emphasizes the protection and empowerment of individuals. In these ways, Japan strives to implement aid in consideration for human rights in developing countries, with special emphasis on respecting and ensuring children's rights. Furthermore, Japan believes that in order to reduce poverty, it is important to establish institutions and policies that protect the rights of the poor based on the principle of equality under the law and to enable the poor to participate in political activities and to exercise their capabilities. Based on this perspective, the Medium-Term Policy on ODA, revised in 2005, stipulates that Japan offers aid that contributes to the protection of human rights, the rule of law and the promotion of democratization. Japan in this way offers support related to institutions and policies designed to reduce poverty in consideration of human rights.

Based on these basic policies, for example, in the educational field, Japan launched the "Basic Education for Growth Initiative (BEGIN)" and has implemented assistance to improve access, quality and management of basic education in developing countries, in order to strengthen support for Education for All (EFA) and for achieving the Millennium Development Goals (MDGs). More specifically, the initiative places emphasis on the African region where progress is lagging behind, aiming to provide every child with quality education, through school construction, teacher training, the improvement of school management and education for girls, etc. Moreover, Japan cooperates with international organizations, including UNICEF and UNESCO, and NGOs to implement education for ethnic minorities, HIV/AIDS education and basic literacy programmes, support for education in vulnerable states and disaster-affected countries, and school-meal assistance. Besides the improvement of basic education, Japan also supports the advancement of secondary education, vocational training and higher education as well as the expansion of their accessibility responding to a variety of needs in developing countries.

In the health field, Japan offers support to help children in developing countries enjoy the best possible standard of health and access to health services for treatment of disorders and recovery of their health, based on the Health and Development Initiative (HDI). In concrete terms, Japan has implemented comprehensive support through measures to combat infectious diseases, to improve maternal and child health, and to raise the level of the health system to support these measures, as well as reinforcement of multi-sectoral efforts with other fields closely related to health, including gender equality, basic education and water and sanitation, based on consideration for the needs of developing countries.

Japan also offers support to address kidnapping, trafficking and the trade of children. For example, in Thailand, a project to help the coordination and functional enhancement of various stakeholders (e.g. social workers, police, lawyers, and shelter workers) working for the protection and social rehabilitation of the victims of human trafficking, including children, has been implemented through the Japan International Cooperation Agency (JICA). Japan also supports efforts to protect children from engaging in labour, which exposes them to economic exploitation and potentially harms their healthy growth. For example, Japan provided assistance totalling approximately 2.6 million US dollars through the UN Trust Fund for Human Security to a project in Senegal entitled "Inter-agency Programme for Improving the Situation of Children at Risk in Senegal" jointly implemented by the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF).

Japan is determined to continue its support through its ODA, in full consideration for human rights, including those of children.

## Question 8

The Human Rights Organs of the Ministry of Justice have been making the following slogans full-year key issues for its awareness-raising activities since FY2009: "Protect children's human rights", "Deepen our understanding of the Ainu people", and "Respect human rights of foreigners". The Organs organize various events such as lectures and training programmes throughout the year based on these slogans, which in the past were the key issues for Human Rights Week (a week including "Human Rights Day", which is held on 10 December of every year).

The Organs address human rights problems, such as discrimination against children born out of wedlock or children belonging to ethnic minorities, by providing appropriate advice and introducing appropriate institutions through human rights counselling. Moreover, if a human rights infringement is suspected, it is investigated as a human rights infringement case, and appropriate measures are taken to eliminate human rights infringements and to prevent their reoccurrence.

In particular, on each occasion that there is a particular concern that harassment of the children of resident Koreans is occurring because of intermittent nuclear tests or missile-launching tests carried out by North Korea, the Human Rights Bureau of the Ministry of Justice instructs relevant departments of the Human Rights Organs to strengthen their human rights protection efforts by carrying out awareness-raising activities such as putting up awareness-raising posters and distributing awareness-raising materials such as pamphlets throughout the country and being actively engaged in human rights counselling services and information gathering. The Bureau also instructs them to, if human rights infringement is suspected, investigate the case rapidly as one of human rights infringement and take strict measures on it.

Furthermore, the Human Rights Organs will promote various awareness-raising activities to further deepen the understanding of the Ainu people, as part of the nation-wide awareness-raising campaign during an exclusive period of time based on the "Day of the Ainu People" (tentative name), established in response to the report compiled in July 2009 by the Advisory Panel of Eminent Persons on Policies for the Ainu.

## Question 9

### **1. Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children**

Japan enforced the captioned Act in 1999 and revised it in June 2004 to clarify its further commitments to protect children, based on the international trends related to the protection of children's rights. Specifically, article 1 of the Act provides that the purpose of the Act is to protect the rights of children by punishing activities relating to child prostitution and child pornography, and providing measures for the protection of children who have consequently suffered physically and/or mentally in light of the fact that sexual exploitation and sexual abuse of children seriously infringe upon the rights of children and taking into account international trends in the rights of children. The Act has also worked to raise the degrees of statutory penalties related to child prostitution and child pornography. Through these provisions, the Act clearly demonstrates that such criminal acts that materially damage children's rights should be met with a strong response.

## **2. Probation**

Concerning probation, the Offenders Rehabilitation Act in article 49, paragraph 2, lays out that probation with regard to a juvenile under probation or a parolee from a juvenile training school shall be implemented by taking the purpose of the protective measures into consideration and by expecting sound nurturing of the person in question.

### **Question 10**

1. Concerning paragraphs 151, 159 and 160 of the second report of the Government of Japan (CRC/C/104/Add.2), a directive has been issued (enforced on 1 September 2009) to create a new system for juveniles under the custody of juvenile training schools to file complaints with the Minister of Justice and inspectors general. This system allows juveniles under custody of the said juvenile training schools to file complaints, in writing to the Minister of Justice and either orally or in writing to inspectors general assigned for supervision by the Correction Bureau or the Regional Correction Headquarters. The system also provides measures to oblige juvenile training school officials to maintain the confidentiality of the details of the writing, etc., of the said filing by the juvenile. Furthermore, the system also includes a scheme for every juvenile to undergo regular interviews with a senior official of the training school, so that the authorities can grasp complaints even in the case that a juvenile has not yet thought of formally filing a complaint.

Concerning inmates who are committed to penal institutions, whether they are adults or juveniles, they are entitled to access the system for filing complaints, which allow them to file claims for review and reclaims for review, reporting of cases and filing of complaints with the superintendent of the relevant regional correction headquarters and the Minister of Justice, pursuant to the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (enforced on 24 May 2006).

When punishments are applied at criminal rehabilitation institutions, those who are punished, whether they are adults or juveniles, must be given an opportunity for explanation and be notified in advance of the date and time when they should defend themselves, of the deadlines of such opportunity and of the outline of the facts attributing to the punishment in question, pursuant to the Law concerning the Treatment of Criminal Rehabilitation Facilities and Detainees. Moreover, the Law also sets forth provisions to designate persons to support detainees among officials of the criminal rehabilitation institution.

## **2. With regard to disciplinary action and suspension of students**

It is imperative that educational considerations are taken seriously in dispensing disciplinary action, and that due consideration is given to students' circumstances by providing them with an opportunity to state their opinions/context of the situation when any such action is dispensed, so that such action proves to have real educational value rather than functioning simply as vindictive sanctions.

It is also important, from the standpoint of achieving effective guidance, to provide students with some form of hearing where they may state their opinion in administering expedient measures for suspension.

To make these requirements widely known, the notices below are circulated to schools and boards of education:

“Convention on the Rights of the Child” (Notice from the Administrative Vice Minister issued 20 May 1994)



“On Operating the Suspension System” (Notice from the Director-General of the Elementary and Secondary Education Bureau issued 6 Nov. 2001)

“On the Thorough Enforcement of Proper Disciplinary Action for Upper Secondary School Students” (Notice from the Director of the Student Affairs Division of the Elementary and Secondary Education Bureau issued 1 Feb. 2010)

#### *Child Guidance Centres*

Guidelines for the Management of Child Guidance Centres provide that child guidance centres shall fully consider the intentions and opinions of these children and guardians, etc. when they assist children and their guardians.

In cases where the prefectural governor is seeking to place a child in a child welfare facility, opportunities for the child in question to express his / her opinion must be guaranteed, and when his/her opinion is not compatible with the measures that the prefectural governor is seeking to take, the prefectural governor shall hear the opinion of the prefectural child welfare council. Meanwhile, child welfare facilities are required to set up a complaint counter in accordance with the Minimum Standard of Child Welfare Institutions (1948, Ministerial Ordinance of the Ministry of Health, Labour and Welfare, No. 63) to ensure that complaints from children placed in child welfare facilities or their guardians regarding treatment at such facilities are promptly and appropriately dealt with.

### **Question 11**

1. A "special committee for the verification of cases in need of protection, such as those linked to child abuse," was set up under the children's department of the Social Security Council in October 2004.

Furthermore, the Government issued a notification "About the enforcement of the law to partially revise the Child Abuse Prevention Law" to prefectures and other parties in August 2005, in order to promote the smooth enforcement of the revised law in question.

Also, in 2005, the Government drew up guidelines for supporting family consultation services by local municipalities and guidelines for the establishment and operation of local councils on measures for children who need protection.

Furthermore, the Government revised the Child Abuse Prevention Law and Child Welfare Law in 2007 (enforced in April 2008), based on the supplementary provisions of 2004. Specific provisions include: (1) strengthening of forcible on-site investigations to confirm the safety of the child; (2) strengthening of the restriction on meetings and communication imposed on guardians; and (3) clarification of measures taken in cases in which instructions targeting guardians failed to be observed, among other provisions. \* For further details, please refer to the answer to the question for (1) of part II.

The Child Welfare Law was revised in 2008 and was enforced except for certain parts in April 2009. The Law's major features related to child abuse include: (1) legalization and establishment of requirements on projects to support child rearing, such as a project to visit all households raising infants and a project to visit households to support child rearing; (2) strengthening of functions of local councils on measures for children who need protection; and (3) expansions of fostering in the family environment, such as the revision of the foster parent system.

2. The Human Rights Organs of the Ministry of Justice have made the slogan "Protect children's human rights" part of the full-year key issues for their awareness-raising campaigns since FY2009. This slogan was in the past part of the key issues for Human Rights Week (a week including "Human Rights Day", which is held on December 10 of

every year). The Organs conduct awareness-raising activities including various events throughout the year based on this slogan, such as lectures and training programmes focusing on issues related to children's human rights such as child abuse.

Moreover, the Organs have established Human Rights Counselling Offices, while since 2006, they have distributed to elementary and junior high schools across the country "Children's Rights SOS Mini-Letters," sets of stationery that children can use to mail letters to the Human Rights Organs. The Organs since 2007 have instituted a "Children's Rights Hotline," a toll-free telephone consultation service. The Organs have also set up an online system to receive requests for human-rights counselling (SOS e-mail), available around the clock via PCs and mobile phones. In these ways, the Organs conduct counselling for children's human rights, provide adequate advice and introduce relevant institutions when necessary.

When the Organs offering these services find any cases suspected of human rights infringement affecting children such as violence and abuse, the Organs investigate the cases as human rights infringement cases and undergo adequate measures to eradicate such human rights infringements and prevent their recurrences, in order to redress damage caused by human rights infringements and prevent recurrences of such damage.

Furthermore, the Organs seek coordination with networks of regional municipalities and communities working for the prevention of child abuse, in order to achieve rapid and effective remedies for affected children when they implement the measures.

In addition, efforts are also underway to enhance and strengthen commitments to prevent child abuse and bullying, in line with the establishment of the "month to promote the prevention of child abuse," advocated by the Cabinet Office and the Ministry of Health, Labour and Welfare since FY2004. Specific examples of such efforts include the promotion of national conventions concerning children's human rights. Moreover, the National Federation of Consultative Assemblies of Civil Liberties Commissioners, made up of Human Rights Volunteers contributing to the activities of the Human Rights Organs of the Ministry of Justice, established a committee for children's human rights in FY2008 and thereby has been developing activities related to children's human rights centred on the said committee.

## **Question 12**

1. The Government of Japan is engaged in various support measures to ensure that nothing disrupts or infringes on opportunities for children to receive their education.

Municipal governments support students of mandatory education age who have economic difficulties by providing their guardians with assistance in the form of subsidies for school supply costs, transportation costs, and lunch costs, etc. Moreover, all prefectural governments are implementing tuition waivers for public schools at the upper secondary school level, as well as scholarship programmes. The national government also provides partial private-school assistance to private-school tuition waiver measures implemented by prefectural governments.

For assistance to kindergarten students, foreign students, and students with disabilities, please refer to paragraph 397, paragraphs 154, 395, 582, and paragraphs 352-358, respectively, of the third report of the Government of Japan.

The Basic Plan for Promoting Education was formulated in July of 2008, with the aim of comprehensive, systematic promotion of the above-described policies for the advancement of education in Japan.

2. Initiatives such as providing child-rearing allowances and lending of welfare advances to single mothers and widows as loans to cover expenses needed for schooling of their children and their employment are in place in order to help single-mother households and others to stabilize their lives, enhance their independence and promote the welfare of their children..

In addition, in order to expand the measures for independence of single-parent households, a legislative bill to pay child-rearing allowances also to single-father households, which are currently excluded from the said allowances, was submitted to the ordinary Diet session of 2010 (scheduled to be enforced in August 2010).

3. The Government of Japan established the Ministerial Board for Disability Policy Reform in the Cabinet in December 2009, with a view to proceeding with intensive policy reform related to persons with disabilities in Japan, including preparations for enacting the necessary domestic legislations to conclude the Convention on the Rights of Persons with Disabilities, while considering the immediate five years as an intensive period for disability policy reform. Under the Board, the Council for Disability Policy Reform, whose principal members are persons with disabilities, is held to discuss their ideas vigorously to promote reform. With respect to the support of children with disabilities, the Council will study and revise the related system taking the philosophy of the Convention into consideration such as taking all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, giving primary consideration to the best interests of the child, and ensuring an inclusive education system at all levels and life-long learning.

### Question 13

1. The "General Principles Concerning Measures for the Society with a Declining Birth rate" (June 2004), based on the Basic Law on Measures for the Society with a Declining Birth rate, is scheduled to be reviewed approximately five years after its formulation. The Government, in line with this idea, newly formulated "Visions for Children and Childcare" in January 2010, as a new national policy based on the said act. Under this new policy, measures of support for children and child rearing are being formulated from the standpoint of the people involved such as children and families raising children, after having recognized that the past concept for tackling the decreasing birth rate had not generated policies to truly respond to demands, anxiety, and hopes for the future of children and young people.

2. The basic philosophy has been changed drastically to reflect the idea that the society as a whole should support raising children, differing from the current situation where individuals bear an excessive burden. Regarding the content of measures, the Government proceeds with a basic institutional reform, including nursery services, and provision of support for families raising children such as creation of a child allowance and making upper secondary school education free of charge in principle. Furthermore, with a view to expanding nursery services, the Government will enrich measures by setting numerical targets for the next five years.

3. The Law to Promote Measures to Support the Development of the Next Generations was enacted in July 2003, in order to promote intensive and planned measures to be employed by local municipalities and companies over the next ten years. The said law was revised in December 2008 in view of the present conditions, such as the rapid progress of the declining birth rate. The revisions include the following points:

- (1) The central government sets the standards (reference standards) to be referred to by local municipalities upon establishing action plans (the quantity of targeted

projects), aimed at the promotion of support for fostering future generations in local communities. Local municipalities and prefectures are required to reflect residents' opinions upon implementing and revising their action plans, obtain participation by labour and management for such implementation and revisions, regularly evaluate the state of applied measures based on these action plans, and seek measures to change the plans accordingly.

(2) The scope of requirements concerning implementation and filing of general business owner action plans has been expanded. These business owners, who are required to implement and file the general business owner action plans, are further required to publicize their action plans and make them known to their employees.

(3) It is furthermore required to make known the special business owner action plans (plans concerning measures to support the fostering of future generations, implemented by the heads, etc., of the national and local public entities for their workers) to these workers and publicize the state of applied measures based on such action plans.

It has also been decided that every local municipality implements second-phase action plans for supporting the fostering of next generations by the end of FY2009, with an eye toward the second half of the decade in which concentrated efforts are to be made for supporting the fostering of future generations.

#### **Question 14**

1. The Act on Promotion of Development and Support for Children and Young People was enacted in July 2009 and was enforced on April 1, 2010. The law is aimed at comprehensively promoting measures in the relevant fields such as education, welfare and employment. It is also aimed at creating networks of cooperation among relevant organizations in local communities to support children and young people facing such difficulties as NEET (Not in Employment, Education or Training), social withdrawal and school truancy.

The Government has also implemented an "Urgent Plan of Measures to Prevent Suicides"(decided by the Council for Policy of Suicide Prevention on February 5, 2010). Under this plan, the Government focuses on children in particular to promote the formulation of schemes to watch over and nurture children and also to promote initiatives to prevent suicides based on surveys on cases of children's suicides.

2.

(1) As a measure for tackling the bullying problem, schools and boards of education were served with notices that detail specific issues requiring close attention in managing/operating grade levels (classes), such as important points-of-interest and coordination with households and communities. ("On Thorough Efforts for Tackling the Bullying Problem" notice issued by the Director-General of the Elementary and Secondary Education Bureau on Oct. 19, 2006)

(2) A notice regarding students who bully or are prone to violence was issued, advising school officials to identify them, establish a bond of trust, then persevere in providing them with consistent guidance and, furthermore, refrain from concealing such problems, but instead attempt rapid detection and resolution through close coordination with households, communities, and concerned agencies. ("On Guidance for Troublemakers" notice issued by the Director-General of the Elementary and Secondary Education Bureau on Feb. 5, 2007)

(3) Efforts are ongoing to expand the dispatch of school counsellors, and enhance the system for educational counselling through the dispatch of school social workers who get actively involved in the circumstances of each student, including interpersonal relations, communities, households, and schools. Additionally, education support centres have been established within the various boards of education to provide counselling and guidance for assisting absentee/truant students in adapting to communal life, stabilizing their mood/emotions, and supplementing their basic scholastic abilities.

(4) Studies/research on suicide prevention for students are ongoing, and a manual to instruct teachers on the fundamentals of the issue has been created and distributed.

(5) Based on the Courses of Study, which clearly state the need for establishing positive inter-personal relations and consideration for others through moral education and special activities classes, educational and experiential activities such as communal sleepovers in nature for cultivating social development and a rich sense of humanity in students are also implemented.

3.

(1) Social withdrawal

It has been decided to promote the development of "local support centres for reclusive behaviours," which play the role of the first contact for consultation specializing in reclusive behaviours, located in prefectures and designated large cities across the country. These centres:

- (i) provide advice upon request by telephone. Also people who are seeking advice may visit centres or staff may visit the households seeking advice and refer cases to relevant organizations depending on the details of each case;
- (ii) create networks among relevant local organizations related to medical services and employment to secure collaboration among these entities; and
- (iii) publicize information about countermeasures for reclusive behaviours, as part of their activities.

Other initiatives include the arrangement of volunteers of students and other people, dubbed "mental friends", or mentor friends, to visit reclusive children and the organization of lectures for parents having reclusive children, in order to help ease their anxieties concerning child rearing.

There is also a programme to have reclusive children stay at or visit shelters on a temporary basis to undergo life guidance in a group.

(2) Suicide

A significant number of people find difficulty in human relationships during the period of adolescence. To accurately address these problems, specialized training programmes are offered to doctors, nurses, child guidance members, and school counsellors, etc., with curricula including perspectives on suicide and measures against it.

## Question 15

### *Combining achievement with a holistic development of the personality*

Courses of Study were amended in 2008 and 2009, respectively, to increase classroom hours and improve the quality of education, in order to cultivate a “zest for life”, which is manifested through a balance of knowledge/ethics/health as epitomized by academic ability, a rich sense of humanity, and overall health.

### *Implementing education on human rights and the rights of children*

Schools are required to teach the significance and role of this convention, as well as other international laws relating to human rights along with respect for fundamental human rights, child development, and character formation. The new Courses of Study, announced in 2008 and 2009, stipulate in their general provisions to “incorporate a reverence for life and spirit of human dignity into family, school, and other aspects of social and daily life” with the aim of further promoting the comprehensive practice of human rights in school education, while also taking into account the specific characteristics of individual subjects, moral education, special activities, and integrated studies. For example, issues such as respect for fundamental human rights, the significance of international laws relating to human rights, and non-discrimination are covered in social studies (civics) and moral education classes at elementary and lower secondary schools, as well as in upper secondary school civics classes.

Regarding children’s rights in schools, the ideals of the convention are realized by the Courses of Study in actual practice through stipulations that all schools offer class/homeroom activities<sup>1</sup> and student body activities<sup>2</sup> for students, by which they can participate in decision-making processes.

## Question 16

1. In Japan, under the Juvenile Law, persons under the age of 20 are identified as juveniles. Under the Juvenile Law, cases of crimes committed by juveniles are subject to procedures and countermeasures that are different from those of cases of adults (persons aged 20 or older), in consideration of the juveniles' ages and to promote their potential to play constructive roles in the society in the future.

Generally, as juveniles possess immature personalities, they are fully reformable. It is therefore believed that in order to promote healthy development of those juveniles that have committed crimes, it is more beneficial to offer them protection and education rather than to punish them. In this light, in Japan, all cases of crime committed by juveniles are sent or notified to the family court, in order to help promote healthy development of the juveniles and to seek reform of their personalities and modulation of the environment they are placed in.

The family court has judicial functions such as making judgments based on the relevance of the records of acts of delinquency, while at the same time it also has welfare functions, employing the viewpoint of preventing the recurrence of such acts of delinquency, and thereupon orders family court probation officers, who are experts in the various fields of

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<sup>1</sup> Class/homeroom activities: students carry out discussions, and cooperate to form groups and divide/share tasks that aim to enrich and improve school life at the classroom level.

<sup>2</sup> Student body activities: all students are involved in the organization of student bodies that work to enrich and improve school life as a whole.

science related to human relations, to conduct surveys. Specifically, these probation officers look into the juveniles in question, their guardians and related people, in terms of their behaviours, life histories, aptitudes and the environments they are in, among other aspects, taking advantage of the probation officers' expertise in medical science, psychology, pedagogy, sociology and other fields.

Through these approaches, the family court tries to find out the causes of the acts of delinquency and judge adequately the necessity of protection related to various elements to prevent recurrence of the acts in question. In order to take full advantage of these judicial and welfare functions of the family court, it is not ideal to seek a conflicting structure as seen in criminal procedures. Instead, it is more desirable to have the cooperation of related parties and seek direct dialogue between the judge and the juvenile to employ educational approaches, through an informal structure of questions and answers. Based on this idea, in juvenile proceedings, the family court employs an inquiry structure in that the family court itself examines cases, questions the juvenile in question and thereupon concludes to take measures or decide on arrangements that are the most adequate and suitable for the juvenile in question.

2. In juvenile proceedings, the family court must summon the juveniles in question and their guardians on the day of hearing (article 25, paragraph 2 of Rule of Juvenile proceedings). The family court is unable to proceed with the proceeding when the juveniles in question fail to be present on the day of the hearing (article 28, paragraph 3 of the said rules). At the beginning of the first hearing, the judge explains in plain language to the juveniles that they are entitled to the right to remain silent and thereafter notifies them of the facts constituting the alleged delinquency, before offering the juveniles opportunities to make statements (article 29-2 of the said rules). The juveniles and their guardians are entitled to express their opinions, during the session of the hearing, upon the approval of the judge (article 30 of the said rules). The hearing is held in a private, closed-door environment (article 22, paragraph 1 of the Juvenile Law), and so organized that the judge urges the juveniles to engage in introspection, while efforts of consultation are emphasized in an amiable atmosphere (article 22, paragraph 1 of the said law), in order to help the juveniles open themselves to make statements with ease. Moreover, juveniles and their guardians are entitled to select their attendant (article 10, paragraph 1 of the said law). In detention hearing, it is explained to the juvenile being tried that they have the right to select their attendant (article 19-3 of the said rules), then the court clerk in charge of the case hands over or sends by mail to the juvenile and their guardian a written document explaining the procedure, rights and other aspects, including the right to select their attendant.

3. When the family court judges that criminal punishment should be considered with respect to the case involving an offense punishable with death penalty or imprisonment, the court sends the case to the public prosecutor. The family court also sends the cases in which a juvenile commits an intentional offence and makes a victim die when the juvenile is 16 years of age or over to the public prosecutor unless the family court finds it proper to take measures other than criminal measures. And the public prosecutor to whom the family court sends a case, when considering that the case is suspected to involve a crime that requires prosecution, institutes prosecution accordingly.

The provisions of the Convention are implemented in the procedure of trials involving prosecuted juveniles, as follows:

- *Article 37 (a) of the Convention*

About "prohibition of torture or other cruel and inhumane or degrading treatment or punishment," the personnel involved in trials, criminal investigations, policing, and prison administration, are banned by penalty from resorting to violence or acts of

cruelty to handle criminal defendants or persons being detained under law and ordinance. There are also provisions of punishments imposed on those public servants who make people perform acts that are not mandatory for them and who obstruct rights of those people.

Concerning the provision that neither capital punishment nor life imprisonment without possibility of release shall be imposed, people below the age of 18 years are not subject to the death penalty or life imprisonment without possibility or release, under Japan's system of justice for juveniles.

- *Article 37 (b) of the Convention*

Concerning the provision that no child shall be deprived of his or her liberty unlawfully or arbitrarily, the Criminal Procedure Code, based on provisions of the Constitution, provides detailed regulation on arrest and detention, with strict procedures including the examination of the warrant by the judge and other provisions.

Concerning physical confinement of juveniles, under the Juvenile Law, the special nature of juveniles is considered, as detention is allowed in the stage of investigation, only when such detention is solely necessary (Article 43, paragraph 3 of the Juvenile Law); such detention of juveniles can be done in a Juvenile Classification Home and also shelter care may be applied in place of detention (Article 43, paragraph 1 of the said Law).

- *Article 37 (c) of the Convention*

Concerning separation from adults, under the Juvenile Law, juveniles shall be separated from adults in a jail for unconvicted detainees, etc.

- *Article 37 (d) of the Convention*

Concerning the provision that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, the provision of the Constitution is applied as: defendants and suspects are entitled to the right to counsel under the Criminal Procedure Code; and under certain conditions, the court or the judge is required to appoint a lawyer to the defendant or the suspect. In these ways, when a juvenile is deprived of his/her freedom during criminal proceedings, the juvenile is entitled to select a lawyer and contact said lawyer.

Concerning the Convention's provision that a juvenile has the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action, the Criminal Procedure Code provides that: a person who is dissatisfied with the ruling given concerning detention by the court or the judge is entitled to demand a re-trial through the filing of a complaint or a quasi complaint; and if a person is dissatisfied with the ruling of said re-trial, said person is entitled to file a special appeal with the Supreme Court, citing the violation of the Constitution or breach of judicial precedents ruled at the Supreme Court, among other reasons.

- *Article 40, paragraph 2 (a) of the Convention*

The Constitution provides that no person shall be held criminally liable for an act which was lawful at the time it was committed.

- *Article 40, paragraph 2 (b) of the Convention*

Concerning the guarantee for a child to be presumed innocent until proven guilty, such guarantee is practically acknowledged as a basic principle of criminal trials.



Concerning the guarantee for a child to be informed promptly and directly of the charges against him or her, it is provided in the Criminal Procedure Code that: the court sends to the defendant a copy of the indictment featuring the facts constituting the offense charged and the name of the crime and that the prosecutor must first read aloud the indictment at the initial appearance of a trial.

Concerning the guarantee of legal or other appropriate assistance, the Criminal Procedure Code, too, as specified above, guarantees the right to counsel.

Concerning the guarantee of a court or other competent, independent and impartial authority, the Criminal Procedure Code provides rules for the exclusion or removal of a judge, etc.

Concerning the guarantee of the presence of legal or other appropriate assistance, the Criminal Procedure Code provides that the lawyer serving the case should be notified of the date of the trial of a case; and for certain cases, that the trial cannot be convened unless said lawyer is present. When the lawyer is absent from the trial, the judge, by virtue of his office, must assign another lawyer. When the defendant is a minor, this provision is also applied, as when the lawyer serving the case of the minor defendant is absent from the trial, the judge by virtue of his office, must assign another lawyer.

Concerning the prohibition of coercion to give testimony or to confess guilt, it is provided in the Criminal Procedure Code that: police officers, prosecutors and judges are required to notify suspects and defendants of the right to remain silent; they are entitled to the right to remain silent; and the admissibility of evidence of confessions made by means of compulsion, torture, threat, etc., is denied.

Concerning the guarantee for the defendant to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf, the Criminal Procedure Code ensures the defendant and his/her lawyer the right to interrogate at the time of examining the witness. The Code also allows the defendant to have a witness on his/her behalf present at the court and to be interrogated on an equal stance.

Concerning the right to re-trial by a higher authority or judicial body, the Criminal Procedure Code ensures the defendant of the right to appeal. More specifically, a defendant is allowed to appeal to higher courts to be reexamined, based on the grounds of errors in the facts referred to, improper punishment ruled, error in the application of a statute, violation of laws and ordinances of the legal proceedings, etc. A defendant is furthermore entitled to appeal to the Supreme Court, citing the violation of the Constitution and violation of judicial precedents of the Supreme Court, etc.

Concerning the guarantee for a child to have the free assistance of an interpreter, the Criminal Procedure Code provides that when a person unable to understand Japanese language is ordered to make statements, an interpreter must be in place to interpret the proceedings for the person; and that when it is evident that the defendant is unable to shoulder the costs of the legal procedure, including the fees for the interpretation services, due to their indigence, the defendant may be exempted from the payment of such costs.

○ *Article 40, paragraph 3 (a) of the Convention*

Article 41 of the Penal Code specifies the limit of the age of responsibility as it provides that acts committed by persons aged below 14 years are not to be punished.

4. Concerning the probation applied to a juvenile, effective treatment is sought, in due consideration of the juvenile's age, personal history, the state of his/her mind and body, family, his/her friends and other relevant conditions and with adequate responses to the problem being faced by the juvenile, as have been set forth in paragraph 263 of the first

report and paragraph 467 of the third report of the Government of Japan. Under the Offenders Rehabilitation Act enforced in June 2008, a new provision was introduced, stipulating that probation for juveniles should be done in ways to help the sound nurturing of the juveniles in question. In light of this provision, juveniles are instructed and assisted in ways to help the sound nurturing of their body and mind.

### **Question 17**

Because of the unclearness of cause and effect relationships between the resources of Japan and the Committee's previous concluding observations submitted based on the consideration of the second report, it is difficult to respond to this question.

Just for reference, Japan promotes measures for the growth of children and young people, the major target of which is the people under the age of 30, comprehensively encompassing various relevant fields. It is therefore difficult to separate those measures exclusively targeted at children under the age of 18.

### **Question 18**

- Formulation of Visions for Children and Young People (tentative name) (planned to be formulated in June 2010)
- Promotion of "Visions for Children and Childcare" (formulated in January 2010)
- Creation of a child allowance
- Making upper secondary school education free of charge in principle.
- Enhancing nursery services, etc.

## Part II

### New bills or laws, and their respective regulations

#### New laws

1. A new bill, under which tuition fees at public upper secondary schools would be waived and a new system for providing financial assistance to private upper secondary school students would be established, was submitted to the ordinary Diet session of 2010 for the purpose of achieving upper secondary school education that is free-of-charge in principle. The said bill was passed into law on 31 March 2010, and entered into force on 1 April 2010.

2. In June 2008, the Offenders Prevention and Rehabilitation Act which regulated probation, etc., was abolished and, instead, an Offenders Rehabilitation Act was enforced as the basic law to regulate rehabilitation systems for offenders.

3. In December 2008, the law to partially revise the Online Dating Sites Regulation Act was enforced, with revisions including stronger restriction on online dating site operators and the promotion of private-sector activities to prevent children from using online dating sites. More specifically, the restriction includes the introduction of a registration system imposed on online dating site operators and instalment of a compulsory measure to block the general public from viewing information related to soliciting activities for sexual relationships involving children. In February 2009, a Regulation of the National Public Safety Commission was enforced to tighten the measure imposed on online dating site operators to confirm that their users are not children.

4. The **Child Abuse Prevention Law** and the **Child Welfare Law** were revised in 2007 (enforced in April 2008).

#### *The main contents*

- (1) Strengthening of on-site investigation to confirm children's safety, etc.
  - Mandating of measures to confirm safety imposed on child guidance centres, etc.
  - Foundation of a new system (visitation and search) which enables on-site investigation involving compulsory unlocking of the entrance door, etc.
  - Increasing the amount of the penalty imposed on persons refusing on-site investigations (from 300,000 yen to 500,000 yen or less)
- (2) Strengthening of restrictions imposed on guardians, such as opportunities for meeting and communication with their children while they are in child guidance centres
  - Expansion of the targets of restriction for guardians related to meetings and communication with their children, imposed by the head of the child guidance centre, etc.
  - Foundation of a system to order the prohibition of access of guardians to their children, imposed by the prefectural governor (disobedience of the order is subject to penal regulations)
- (3) Clarification of measures imposed on guardians who fail to comply with instructions
- (4) Others

- Regulation of the responsibility for analysis of grave cases of child abuse, imposed on the national government and municipal public corporations
- Mandating of efforts by municipal public corporations to create local networks to protect children (local councils' measures for children who need protection)

In 2008, the **Child Welfare Law** and the **Law to Promote Measures to Support the Fostering of the Next Generations**, etc. were revised (with the revisions enforced in April 2009, with some exceptions).

*The main contents*

- (1) Foundation of new services to support child rearing (partial revision of the Child Welfare Law, etc.)
  - In order to promote the expansion of nursery care services by a variety of actors and to enhance support of child rearing in every household while maintaining a fixed level of quality, the government is promoting legal establishment of a project of family-like nursery care (childcare givers); a temporary-care nursery site project for all children; a project to visit all households rearing an infant (hello-baby project); a project to visit households to support child rearing; and project to set up local headquarters to support child rearing, in order to enhance the promotion of relevant services in local municipalities.
- (2) Strengthening of support for children and families in difficult situations (partial revision of the Child Welfare Law, etc.)
  - In order to enhance the foster-parent system as a base for social protection and care of children, foster-parenting, without the premise of legal adoption (foster parents who raise children), will be institutionalized and the foster-parent system will be reviewed, with new requirements including a certain degree of training.
  - In order to promote raising children in a family environment, a project caring for and nurturing abused children in the households of caregivers (family homes) has been launched.
  - To strengthen measures against abuses committed inside children's homes, etc., it has become compulsory for people having witnessed acts of such abuse to report them, while measures against child abuse in local communities are being strengthened.
- (3) Enhancement of infrastructure for services to support child rearing in local communities (partial revision of the Law to Promote Measures to Support the Fostering of the Next Generations)
  - In order to enhance the infrastructure of services to support child rearing on a mid-to-long term basis, including the review of ways people work in general, an overall review will be made, including the establishment by the national government of the standards related to the quantity of nursery services, etc., that should be taken into consideration when local municipalities implement action plans to this end.
- (4) Promotion of support for balancing work and family life (partial revision of the Law to Promote Measures to Support the Fostering of the Next Generations)
  - Concerning the general business owner action plans that business owners must create to enhance the job environment to support their employees to balance their work and family life, the scope of targeted business owners required to create and

file such action plans has been expanded from those employing 301 employees or more to those employing 101 employees or more.

- Those business owners required to create and file general business owner action plans are further required to publicize their action plans and make them known to their employees.

5. In order to support the sound growth of children who will become the next generation of society, a law was enforced in April 2010 to the effect that a child allowance is provided in FY2010 to children in the age group before the graduation of junior high school.

6. In order to expand the measures to support the independence of single-parent families, a bill will be submitted to the ordinary Diet session of 2010 (scheduled to be enforced in August 2010) to the effect that the child-rearing allowances will be provided to single-father families, which until now have been ineligible to receive the allowances in question.

#### **New institutions (and their mandates) or institutional reforms**

1. A bill for a new human rights remedy system has not been submitted again to the Diet, due to arguments concerning various issues such as the scope of the human rights infringements which would be eligible for remedy, measures to guarantee the independence of the human rights commission, and details of the authority which would investigate.

The Government intends to continue making necessary preparations toward the establishment of an independent national human rights institution, in order to realize a more effective remedy for the victims of human rights infringements.

2. Concerning local councils on measures for children who need protection aimed at helping relevant regional parties to share information on children, etc. and address issues with adequate collaboration, relevant provisions were made under the Child Welfare Law in 2004. Upon the revision of the said law in 2007, the installation of these councils has become a target of mandatory effort for municipal public corporations. Furthermore, upon the further revision of the said law in 2008, the scope of the targets of discussion by the said councils was expanded and the installation of expert personnel also became a target of mandatory effort.

3. The National Police Agency newly established a Director for Combating Child Sexual Exploitation in the juvenile division of its Community Safety Bureau in April 2010, to promote measures against child pornography and to live up to the people's trust of the police to combat child pornography.

#### **Recently introduced policies, programmers and action plans and their scope**

1.

- National Youth Development Policy (determined in December 2008)
- The act on development of an environment that provides safe and secure Internet use for young people (enforced in April 2009)
- The basic plan on measures for providing safe and secure Internet use for young people (determined in June 2009)
- Act on the Promotion of Development and Support for Children and Young People (enforced in April 2010)
- Visions for Children and Childcare (determined in January 2010)

- Visions for Children and Young People<sup>3</sup> (tentative name) (scheduled to be determined in June 2010)

2. The Ministry of Justice, while promoting further improvement of the operations of juvenile reformatory measures, has set up a panel of experts, consisting of 11 members, which begun discussions in January 2010 to review juvenile reformatory measures. The panel offers the Ministry opinions aimed at enhancing facilities' functions such as reformatory education at juvenile training schools and differentiating diagnoses of personal profiles at juvenile classification homes, thereby contributing to the healthy growth and smooth social rehabilitation of detained juveniles.

3. The National Police Agency promotes comprehensive measures, based on 'the Strategic Programme to Combat Child Pornography', implemented in June 2009 to combat child pornography, consisting of three pillars for commitments: (1) investigation; (2) prevention of distribution; and (3) support for victims. This programme is aimed at combating the child pornography now rampant on the Internet and eradicating cases of children suffering into the future from the consequences of grave human rights abuses.

Police have also set up a model project to support the creation of an environment to protect children from crime. Through this programme, police have selected 15 volunteer crime prevention groups across the country to serve as model project operators, while promoting the installation of security cameras to supplement activities to watch over the safety of children and the management of online sites to help those groups distribute information.

Police furthermore strive to arrest quickly in cases where children are victimized. Police set up a Juvenile and Woman Aegis Team (JWAT) in April 2009, as a unit exclusively dedicated to identifying those persons seen to be involved in such acts as harassing or stalking, or showing warning signs of sexual crime, etc., targeting children and women. JWAT is furthermore devoted to taking measures such as arrest, instruction and warning accordingly, as part of efforts to strengthen measures to prevent further expansion of such damage.

#### **Recent ratifications of human rights instruments**

The International Convention for the Protection of All Persons from Enforced Disappearances (ratified in July 2009)

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<sup>3</sup> Currently under discussion, to reflect the ideas of the Convention on the Rights of the Child.

### Part III

#### Question (a)

2006	3,309.8 billion yen
2007	1,678.1 billion yen
2008	1,750.3 billion yen
2009	1,387.1 billion yen

\* Amounts above represent the national budget consisting of items both directly and indirectly related to the fostering of youth and juveniles, including children. Some of these items are targeted at the entire age range, making it difficult to separate only those parts related to youth and juveniles.

#### Question (b)

Chart below shows the number of relevant facilities and children housed there.

	<i>Infant home</i>	<i>Children's home</i>	<i>Foster home</i>	<i>Short-term therapeutic institution for emotionally distributed children</i>	<i>Children's self-reliance support facility</i>	<i>Self-reliance assistance home</i>
<i>Number of facilities</i>	121	569	7,808(*1)	32	58	51
<i>Number of children admitted</i>	3,124	30,695	3,870(*2)	1,180	1,808	230

As of 1 October 2008

(data on self-reliance assistance homes are as of 1 December 2008)

(data on foster homes are as of 31 March 2009)

\*1 Number of people who are registered as foster parents

\*2 Number of children who are being taken care by foster parents

- FY2009 budget appropriated for these children: 79,747,625,000 yen

## Question (c)

### 1. Number of Child Victims

	2006	2007	2008	2009
<i>Child abuse</i>	316 (*1)	315(*2)	319(*3)	347(*4)
<i>Neglect</i>	24	22	20	12
<i>Sexual exploitation</i>	5099(*5)	4905(*6)	4300(*7)	4394(*8)

\* Number of child victims of child abuse corresponds to that of victims of cases in violations of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children, the Child Welfare Act (only sexual acts), and the Ordinance of Juvenile Protection(only sexual acts) and the Anti-Prostitution Act .

\*1 \*4 Number of child victims of physical abuse

	2006		2007		2008		2009	
	Male	Female	Male	Female	Male	Female	Male	Female
Total Number ▼	128	188	145	170	135	184	143	204
Under 1 year-olds	28	14	29	18	34	13	25	15
1 year-olds	4	4	13	7	10	6	8	7
2 year-olds	4	8	7	7	6	8	9	11
3 year-olds	14	8	12	12	14	4	9	5
4 year-olds	7	10	14	7	9	9	11	8
5 year-olds	8	8	18	7	3	4	3	6
6 year-olds	14	8	4	6	6	4	10	6
7 year-olds	8	8	4	7	3	7	2	9
8 year-olds	6	11	7	2	8	4	11	3
9 year-olds	6	10	5	4	4	4	11	8
10 year-olds	9	7	3	6	8	7	9	13
11 year-olds	4	10	8	5	6	6	6	3
12 year-olds	1	10	6	7	7	19	11	16
13 year-olds	6	20	4	11	2	15	5	16
14 year-olds	3	14	4	21	4	22	6	24
15 year-olds	2	12	4	18	4	17	3	25
16 year-olds	3	12	2	13	4	21	2	11
17 year-olds	1	14	1	12	3	14	2	18



\*5 \*8 Number of child victims of sexual abuse (\*8 is provisional)

	2006		2007		2008		2009	
							<i>Femal</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>e</i>	<i>Male</i>	<i>Female</i>
<i>Total Number▼</i>	117	4982	99	4806	137	4163	142	4252
<i>Preschoolers</i>	0	24	6	6	2	10	0	19
<i>Elementary schoolchildren</i>	13	66	10	50	14	66	6	118
<i>Junior high school students</i>	53	1799	31	1599	39	1533	60	1577
<i>Senior high school students</i>	37	1796	38	1947	68	1672	45	1606
<i>University students</i>	2	29	1	31	0	12	1	17
<i>Employed</i>	4	191	3	219	5	166	5	166
<i>Unemployed</i>	8	1077	10	954	9	704	25	749

2. Number of cases of consultation for child abuse in child guidance centres (quoted from welfare administration report examples)

- Physical abuse

15,364 cases (FY2006), 16,296 cases (FY2007), 16,343 cases (FY2008)

- Neglect

14,365 cases (FY2006), 15,429 cases (FY2007), 15,905 cases (FY2008)

- Sexual abuse

1,180 cases (FY2006), 1,293 cases (FY2007), 1,324 cases (FY2008)

### Question (d)

Number of Suicides involving Children

2006 623 persons

2007 548 persons

2008 611 persons

\* Numbers of persons who committed suicide above include only those aged 19 or younger

### Question (e)

We have no data on the enrolment rates of foreign children at the primary and secondary school levels. Details on the enrolment and advancement rates of Japanese children are as follows.

Percentages of students attending or going on to elementary, and lower and upper secondary schools (2008) (total for boys and girls):

■ Percentage attending elementary school: 99.96%

■ Percentage attending lower secondary school: 99.97%

■ Percentage continuing to upper secondary school: 97.80%

Notes:

Percentage of students continuing to upper secondary school: the percentage of lower secondary school graduates and those that have completed the lower division of secondary education curriculum who go on to upper secondary school, the upper division of secondary education curriculum, a regular or special programme in the upper secondary section of a special needs school, or a technical college (including those who worked in the interim but not those who graduated late)

### Question (f)

1. Police arrested 32 persons in 29 cases of human trafficking involving child victims in Japan and protected 12 child victims during the period from 2006 to 2009.

*Details (child victims)*

In 2006:

9 persons -- 7 Filipino women (16 year-olds (3 persons), 17 year-olds (4 persons)) and 2 Indonesian women (15 year-olds)

In 2007: None

In 2008: 2 persons -- 1 Japanese woman (17 year-old) and 1 Chinese woman (17 year-old)

In 2009: 1 person -- Japanese woman (17 year-old)

2. Number of child victims of human trafficking in Japan

During the period from 2006 to 2009, a total of 10 children were either protected or assisted in returning home as victims of human trafficking by the Immigration Bureau of the Ministry of Justice, and all of the victims were women.

By nationality: seven Filipinos; two Indonesians and one Bangladeshi.

By age: four were 17 year-olds; three were 16 year-olds; and three were 15 year-olds.

*Number of prosecutions related to the cases above*

The number of persons identified as those prosecuted in connection with the purchase of minors (people under the age of 20), pursuant to article 226, 2, paragraph 2, of the Penal Code is zero, during the period of three years from 2006 to 2008 (quoted from the criminal investigation statistics annual report).

*Reference*

Article 226, 2 of the Penal Code (human trafficking)

Paragraph 2: A who buys a shall be punished by imprisonment with work for not less than three months but not more than seven years.

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