



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fourth session

### Summary record of the 1509th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Thursday, 27 May 2010, at 10 a.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

## Contents

Consideration of reports of States parties (*continued*)

*Third periodic report of Japan on its implementation of the Convention on the Rights of the Child and initial reports of Japan under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** (continued)

*Third periodic report of Japan on its implementation of the Convention on the Rights of the Child (CRC/C/JPN/3; CRC/C/JPN/Q/3; CRC/C/JPN/Q/3/Add.1, CRC/C/JPN/CO/3) and initial reports of Japan under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JPN/1; CRC/C/OPSC/JPN/Q/1; CRC/C/OPSC/JPN/Q/1/Add.1) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/JPN/1; CRC/C/OPAC/JPN/Q/1)*

*Third periodic report of Japan on its implementation of the Convention on the Rights of the Child*

1. *At the invitation of the Chairperson, the delegation of Japan took places at the Committee table.*

2. **Mr. Ueda** (Japan) said that, to celebrate the twentieth anniversary of the adoption of the Convention on the Rights of the Child, his country had organized an event in 2009, in which the Chairperson of the Committee, Ms Lee, had participated. She had also engaged in dialogues with groups and individuals involved in the promotion of the Convention in Japan. The delegation included many observers from Japanese civil society, it being important to reflect the diversity of opinions in the field.

3. Since Japan's submission in 2008 of its third periodic report on the implementation of the Convention and its initial reports on the implementation of the Optional Protocols, the new Prime Minister, Mr. Hatoyama, who had taken office in September 2009, had informed the Diet in January 2010 of his commitment to the promotion and protection of the rights of the child, and a number of specific measures had been adopted to that effect. For instance, a law adopted in April 2010 had introduced a system of child allowances, paid until the child graduated from junior high school, and another provided for the abolition of tuition fees at public upper secondary schools, and a new system of financial assistance for private-school students. The comprehensive policy entitled "Visions for Children and Childcare", adopted in January 2010, had as its major objectives the creation of a favourable environment for child development and greater stability for young people and women; it provided for the creation of a ministry of children and the family charged with bringing the activities of relevant public bodies under a central authority. Another law, adopted in April 2010 and entitled the Act on Promotion of Development and Support for Children and Young People, was intended to bring together policies in that area within a comprehensive framework and provided for special support for children and young people in difficulty.

4. In view of the threat to children posed by easy access to harmful information via mobile phones or the Internet, the Online Dating Sites Regulation Act had been partially revised and measures adopted to strengthen the protection of children against crimes such as child prostitution resulting from access to harmful information. The Act on Punishment of Activities Relating to Child Prostitution and Child Pornography and the Protection of Children had been amended in 2004 and the maximum penalties had been increased. Moreover, in December 2009, a task force on measures to eradicate child pornography had been created, bringing together the various ministries involved, in order to establish comprehensive measures such as a national campaign on the topic. The Government would shortly begin public awareness campaigns, prevention actions against the distribution of child pornography through the Internet, and measures to penalize child pornography more severely.

5. In August 2004 Japan had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, stating that the Japan Self-Defence Forces could recruit only persons aged over 18 years, except for youth cadets, for whom the minimum age of recruitment remained at 15 years, and that there were measures to guarantee that youth cadets were recruited without coercion. Since the law governing the Self-Defence Forces and related laws had been amended in April 2010, there were no longer any exceptions to the 18-year minimum age for joining the Self-Defence Forces, and the Government had accordingly amended its declaration under the Optional Protocol in April 2010.
6. **Mr. Krappmann** (Country Rapporteur) welcomed the presence of eight children in the Japanese delegation and took note of the decisions, plans and visions for the future recently adopted by the State party.
7. He noted that, according to certain sources, the measures adopted by the State to reverse the declining birth rate in Japan would absorb considerable resources, to the detriment of efforts to improve children's living conditions and promote their development, and wondered what conclusions had been reached by the evaluation of those measures, whether the measures were not now obsolete following the introduction of the new child allowance system, and how the system was coordinated with the overall strategy of assistance to children and parents. He would like more information about the introduction of free education in upper secondary schools.
8. He noted that, in Japan, expenditure on children and families was only one third of the corresponding expenditure in some European countries and that the poverty rate among children stood at 15 per cent, which led him to wonder whether the child allowance system would be sufficient to eradicate child poverty, especially since, according to certain sources, the budget appropriations for family allowances, childcare services and teachers' salaries had been reduced or abolished altogether in recent years, with serious consequences at the local level, while the privatization strategy was said to have considerably increased the cost of facilities and programmes for children. He therefore needed more information about budget planning in that sector.
9. He asked whether the future ministry for children was intended to replace the Headquarters for Promotion of Development and Support for Children and Young People and what would happen to the Education Rebuilding Council and the Council on Measures for a Society with a Decreasing Birthrate.
10. Noting that the national policy for the development of young people was aimed at people aged up to 29 years, he asked whether Japan nevertheless concentrated on the situation of young people up to the age of 18 years, as advocated in the Convention. He would also like to know whether the national policy would be revised in the light of the results of its evaluation, and the extent to which the policy and the centre established to apply it were governed by the rights of the child and the provisions of the Convention.
11. He asked how far civil society, NGOs and youth organizations would be involved in the bodies coordinating child policies.
12. Since some of the expressions used by the State party in its report, particularly "the ideals of the Convention" or the "philosophy of the Convention", might give the impression that the State party did not consider that the Convention enshrined rights which were obligatory in the legal sense of the term, he would welcome comments on that issue from the delegation. He noted that the bill to establish a commission on human rights was still under consideration, and wished to know whether Japan intended to appoint a national human rights ombudsman.

13. **Mr. Koompraphant** requested more detailed information on the implementation in practice of the new policy on children. Noting that, according to information received, children experienced great difficulties in the school setting and were unable to obtain the kind of education they needed, he wished to know what had been done to guarantee children's best interests within the education system and how children might express their desire to change their educational environment if the latter did not meet their needs. The delegation might perhaps also say whether any measures had been taken to ensure that the child's best interests were among their primary considerations of social institutions, including the child guidance centres.

14. With reference to article 12 of the Convention, he enquired whether any mechanisms existed to allow children to lodge a complaint or ask for assistance when they were in difficulties.

15. **Ms. El Ashmawy** asked whether any measures had been taken to train specialist staff to collect and analyse disaggregated data on enjoyment of the rights of the child and whether regional and national cooperation and exchange programmes were conducted in order to disseminate information about the Convention.

16. **Mr. Pollar** asked about action to prevent suicide among teenagers, sex education and action to combat violence in schools.

17. The delegation could perhaps indicate whether the Committee's consideration of the previous report had led to any debate within Japan about raising the minimum ages applicable to girls in respect of marriage, consent to sexual intercourse, and sexual offences, including child pornography, in order to bring them into line with the ages applicable to boys. It was good that the age of majority had been set at 20 years, which increased the scope of the protection provided for in the Convention, although it did raise some issues, such as access by young people to health care and advisory services without their parents' permission: he would welcome comments from the delegation on that point.

18. **Mr. Filali** asked whether judges received specific training in the provisions of the Convention and whether they cited the Convention in the courts.

19. He would like to know why there had been a delay in the establishment of the national human rights commission, how independent it would be and how it would collaborate with civil society.

20. Despite the recommendations made by the Committee following its consideration of Japan's initial report, Japan had not withdrawn its reservations to the Convention, which made him wonder about Japan's understanding of concluding observations and follow-up action to them. He would like the delegation to indicate which laws had been revised in order to incorporate the Convention into domestic law since Japan's ratification of the Convention.

21. **Ms. Maurás Pérez** noted that, given that the report had been prepared by the previous Government, the delegation might give an indication of the content of the visions of childhood and child protection and say whether they were reflected in changed priorities for official development assistance (ODA).

22. Although children's well-being was the collective responsibility of society, a particular responsibility fell upon the State. In the OECD study on doing better for children, Japan had been poorly rated on material well-being and public spending on early-childhood services, and had not been rated on the quality of school life because of lack of data. She would therefore welcome more information about budget allocations in those areas. In particular, it would be interesting to know whether the new Government intended to increase public spending, and if so, how, and whether it intended to target disadvantaged

families, conduct budget evaluations and define performance criteria for monitoring private-sector service providers.

23. Thought should also be given to the reconciliation of professional and family life, an issue which was not unconnected with the economy, since it was women who were obliged to increase their workload and working hours and who therefore paid the highest price of labour market deregulation.

24. **Ms. Varmah** asked whether the State party's jurisprudence showed that the penalties incurred by perpetrators of corporal punishment were ever actually imposed.

25. **Ms. El Ashmawy** expressed concern about suicide rates among young people and asked whether the trigger factors behind those suicides had been identified and mental health or crisis management programmes introduced.

26. **The Chairperson** asked whether the State party intended to adopt a children's code in the interests of thoroughness and harmonization. He noted with satisfaction that the establishment of a ministry for children should remedy the current lack of coordination, both between public authorities and between the State and civil society. It would be desirable to adopt a national action plan specifically for children, the national youth policy being aimed at a very large target group as high as 29 years of age.

27. Children born out of wedlock and children with disabilities were clearly subject to discrimination in Japan: he would like the delegation to indicate what action had been taken to remedy the situation. The discriminatory provisions contained in the Penal Code, whereby only women and girls were recognized as victims of rape or other sexual offences, also required action. In addition, he would like to know whether the right of the children of stateless migrants to have their birth registered was guaranteed and whether, as recommended in the previous concluding observations, the State party had compiled high-quality statistics to support the preparation of policies targeted at vulnerable groups and the evaluation of those policies.

*The meeting was suspended at 11.15 a.m. and resumed at 11.30 a.m.*

28. **Ms. Shino** (Japan) said that article 98 of the Constitution explicitly stated that treaties concluded by Japan and established laws of nations must be faithfully observed. The Committee's previous concluding observations had been duly considered by the authorities which, after the sundry studies, had decided to revise the Act on the protection of children and banning child prostitution and child pornography; however, they did not intend to reduce the age of majority from 20 to 18 years.

29. **The Chairperson** asked whether Japan intended to draw up a children's code dealing with all issues to do with children, rather than adopting a wide range of laws in different sectors and whether all persons in the age group 0–20 were effectively protected under the Convention.

30. **Ms. Shino** (Japan) explained that the "Visions for Children and Childcare" provided a framework for action which the Japanese Government would use to ensure that all action taken in relation to children was fully consistent with the letter and spirit of the Convention. Consultations were under way to determine whether a children's code should be established to consolidate all the laws from the various sectors. She could not provide any further information at present.

31. **Mr. Krappmann** (Country Rapporteur) asked whether Japan had conducted a comprehensive study of those laws to ensure that they were fully consistent with the Convention, since he believed that no amendment or additional law had been considered necessary for harmonizing Japanese law with the Convention.

32. **Mr. Filali** asked whether judges could cite the provisions of the Convention directly and, if so, whether the Japanese delegation could provide examples of relevant decisions rendered by the courts. He would be interested to learn whether the consultations about a possible children's code were official or unofficial.

33. **Ms. Shino** (Japan) said that, before Japan acceded to any international instrument, lawyers carried out a thorough investigation to determine whether Japanese law was compatible with the instrument concerned. There were many public documents showing the in-depth investigations made in relation to the Convention, but they were available only in Japanese. In any case, even if no amendments or new laws were considered necessary for Japan to accede to an international instrument, the State could make changes to domestic legislation at any time in order to conform more fully with its international obligations or to take account of the views expressed by the treaty bodies or civil society organizations. Children's best interests were systematically taken into account in all the programmes conducted by the Japanese Government.

34. National NGOs had been consulted on four occasions during the preparation of the report under consideration. Some of them had even prepared an alternative report, which had been submitted to the relevant ministries. The dialogue between the State and NGOs was always given high priority, and many ministry representatives took part in events and seminars organized by NGOs, including children's organizations.

35. **Mr. Yamaguchi** (Japan) said that Japanese courts had handed down decisions which expressly cited the provisions of the Convention. For instance, in 2008, in the case of a minor with a Japanese father and foreign mother and who had been unable to obtain Japanese nationality, the Supreme Court had decided that the law on nationality was not compatible with article 16 of the Convention. All judges were informed about children's rights, both as part of their training, which included a section on the Convention on the Rights of the Child, and in other ways. When Japan ratified an international instrument, the Ministry of Justice distributed documents to all judges describing in detail the provisions of the newly ratified instrument.

36. **The Chairperson** asked whether NGOs had been involved in the preparation of the Act on Promotion of Development and Support for Children and Young People.

37. **Mr. Nishizawa** (Japan) said that it had not been possible to consult NGOs during the drafting of that law, but that children and young people had been invited to give their views on the "Visions for Children and Childcare", the final version of which would be made public in mid-June.

38. **Ms. Maurás Pérez** asked whether NGOs had been consulted during the preparation of the "Visions" and whether the Japanese Government intended to review its priorities for ODA in the light of the "Visions".

39. **Ms. Shino** (Japan) said that the "Visions" had been drawn up by an advisory body open to civil society, with the participation of child rights experts from civil society. A great many children had been consulted on all subjects which directly affected them.

40. ODA had decreased in recent years, but the Japanese Government had sought to maintain its quality. New priorities had been established, which were intended, in particular, to fight poverty more effectively and focus Japan's activities on Africa. Japan thus intended to double its assistance to Africa by 2020, to encourage private sector investment in Africa by channelling it through ODA and to promote literacy by financing the construction of 1,000 schools and by training teachers, while remaining determined to promote the implementation of the Millennium Development Goals throughout the world.

41. **Mr. Nishizawa** (Japan) said that the new Government intended to promote the well-being of children by respecting the dignity of children and young people and encouraging

parents to assume more responsibility, with the aim of ensuring children's harmonious and healthy development. Disadvantaged families already received family allowances, and a single-parent benefit was planned. Education was free up to the secondary stage.

42. **Ms. Varmah** asked whether education was also free for Korean children living and studying in Japan.

43. **Mr. Sugihara** (Japan) said that the national human rights institution had a central office and regional offices, which coordinated grass-roots activities in partnership with 14,000 human rights volunteers; together they provided a complete human rights protection system. The system was authorized to receive and investigate complaints and impose penalties on persons committing violations. The bill establishing a human rights commission, submitted in 2002, had not yet been adopted; the Government was therefore now reconsidering it and concentrating on defining the commission's mandate, scope of action and powers, particularly in respect of its conformity with the Principles relating to the Status of National Institutions (the Paris Principles) and of a new compensation procedure for victims.

44. **Mr. Krappmann** (Country Rapporteur) noted with concern that a number of studies on the well-being of Japanese children and adolescents, including some by the United Nations Children's Fund (UNICEF), showed that children and adolescents were in great emotional distress and suffered from loneliness and a lack of affection; the extremely competitive education system in Japan appeared to have something to do with that situation, and Japan might perhaps consider reducing the demands on children and rethinking the place of the school in the lives of Japanese youth, so that all children could develop in accordance with their abilities. The school system tended to value excellence from a very early age and encourage elitism, which created great disparities among pupils. More information on that point would be welcome.

45. A study by the Japanese sociological studies institute noted that young Japanese people said that they did not have enough time to play. The low number of playgrounds in the country was also evidence of that situation. That begged the question whether the State party was doing everything necessary to ensure respect for children's right to engage in play and recreational activities, which was enshrined in article 32 of the Convention.

46. An article in the American Journal of Psychiatry in 2007 had stated that the number of children suffering from behavioural problems associated with hyperactivity was increasing at an alarming rate in Japan; it would therefore be interesting to know whether the country's medical or psychology services were aware of the problem and taking action to resolve it.

47. The report indicated that children with social problems were systematically transferred to child guidance centres, although it did not describe the features of such an institution; the delegation should therefore provide more information about the functions and staff of those centres and, if relevant, the disciplinary measures they used, stating whether children's own opinions were taken into account.

48. **Mr. Pollar** asked whether adoptions were subject to judicial authorization, whether there was a register of adoptions and whether measures were provided to guarantee that a child who had acquired Japanese nationality at birth could not subsequently be deprived of it later under the so-called "preservation of nationality" system.

49. **Mr. Koompraphant** asked about the social benefits paid to single mothers, whether the State party had changed the law in order to give the same legal status to children born out of wedlock and those born to married couples, the steps which had been taken to ensure that fathers met their obligation to support their children, particularly in the case of children born out of wedlock, whether there were assistance programmes for foster families and

whether parents received support and supervision to help them to improve their parenting skills.

50. He asked the delegation to say what was done to combat the distress of many Japanese schoolchildren caused by the pressures of a highly selective school system, since their situation might drive them to depression or even suicide.

51. **Ms. Maurás Pérez** asked for more information about initiatives to further the spread of a human rights culture in society, a process which should not take place merely in schools, but needed to be anchored in everyday life. She would like the delegation to say how the State party intended to ensure respect for human rights in schools, since disciplinary measures in Japan were known to be particularly strict and corporal punishment was still allowed within the family.

52. Although the child guidance centres existed to protect minors, it seemed that that desire for protection went to extremes and led to deprivation of freedom and the use of repressive measures which might infringe the principles laid down in the Convention. It would be useful to know who decided that a child should be transferred to a child guidance centre and the authority to which the centres were subject.

53. The delegation might also give more information about the aims of the Law to Promote Measures to Support the Development of the Next Generations, adopted in 2003; indicate the role of local communities and the private sector in its implementation and say whether it intended to create new childcare structures or sought to improve the quality of services already provided by kindergartens and promote a child-friendly community environment.

54. **Ms. El Ashmawy** asked whether there was a telephone helpline for adolescents in Japan and, if so, whether it belonged to the children's assistance network Child Helpline International.

55. **Ms. Herczog** asked whether the State party provided programmes for conflict resolution, promotion of non-violent communication, and emotional support. She would also like to know whether there were support programmes for child victims of abuse and mediation services for victims and perpetrators of violence in order to help the victim to recover from trauma and the perpetrator to avoid reoffending, particularly in relation to violence in schools.

*The meeting rose at 1 p.m.*