



Convention on the Rights of the Child

Distr.: General
4 December 2018

English only

Committee on the Rights of the Child

Eightieth session

14 January–1 February 2019

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined fourth and fifth reports of Japan

Addendum

Replies of Japan to the list of issues^{*}, ^{**}

[Date received: 27 November 2018]

* The present document is being issued without formal editing.

** The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the Committee's web page.



Part I

Question 1.1

Comprehensive Law

1. The Government of Japan (GOJ) has no specific plan to adopt a specific comprehensive law on children's rights.
2. When concluding an international treaty or convention, the GOJ ensures consistency of national legal systems with the treaty or convention. The Convention on the Rights of the Child stipulates a very wide range of rights and matters, including freedom of expression, freedom of thought and conscience and other rights related to freedom, social security, the standard of living and other social rights, matters related to healthy growth of children, and protection from sexual exploitation and sexual abuse. These matters are already guaranteed by the Constitution and other laws and regulations in Japan.
3. In April 2010, the Act on Promotion of Development and Support for Children and Young People was enacted in Japan, with the aim to promote support measures for the development of children and young people in line with the philosophies of the Convention on the Rights of the Child. In February 2016, in accordance with this Act, the Headquarters for Promotion of Development and Support for Children and Young People, which is chaired by the Prime Minister and comprised of all cabinet members, newly established the "Outline for the Promotion of Development and Support for Children and Young People" to promote support measures for the development of children and young people.
4. The Outline stipulates, "Support for the development of children and young people is a challenge to be addressed by all of society, while entities including the GOJ, local governments, schools, companies, local communities, and, in particular, families play their own roles by mutually cooperating and collaborating. When providing such support, it is necessary to consider, from the viewpoints of individual children and young people, their best interests in light of the concept of respecting and advocating the human rights of children and young people prescribed in laws and conventions including the Convention on the Rights of the Child, by appropriately understanding their developmental stages from the long-term perspective of their entire lifetimes."
5. Regarding measures against child poverty, the Act on Promotion of Policy on Poverty among Children was established in June 2013. Based on this Act, the Cabinet approved the "General Principles of Policy on Poverty among Children" in August 2014. Based on this Act and the General Principles, comprehensive programs have been offered so that the future of children will not be negatively affected by their growing environments.
6. The GOJ also revised the Child Welfare Act in June 2016 to explicitly stipulate that all children have the right to receive appropriate care and shall be guaranteed healthy growth, development and self-reliance in line with the principles of the Convention, and that their well-being shall be guaranteed by the support of citizens, their parents or guardians, and national and local governments. As described above, the GOJ believes that necessary laws for implementing the Convention have been already established in Japan.
7. On the other hand, to ensure full and harmonious personal development of children and guarantee their life as an individual in society, it is important to further improve the child protection and welfare systems not only in legislation but also in practice. The GOJ will continue to provide and improve programs designed to realize these objectives.

Question 1.2

The revised Child Welfare Act

8. The GOJ revised the Child Welfare Act in June 2016 to explicitly stipulate that all children have the right to receive appropriate care and shall be guaranteed healthy growth, development and self-reliance in line with the principles of the Convention and to explicitly

stipulate that their well-being shall be guaranteed by the support of citizens, their parents or guardians, and national and local governments.

9. In July 2018, in accordance with the revised Act, the GOJ requested all prefectural governments to review their existing social care plans and formulate new plans that put priority on raising children in the family environment by the end of FY2019.

Question 1.3

The Outline for Promoting Support for the Cultivation of Children and Youths

10. The Outline for Promotion of Development and Support for Children and Young People will be reviewed in about five years from its first approval. A panel of experts will be held to evaluate the implementation of support measures for the development of children and young people, and to review the Outline.

Question 2

11. In November 2012, the Human Rights Commission Bill to establish a new human rights institution was submitted to the 181st Diet, but it was scrapped due to the dissolution of the House of Representatives in the same month. A desirable framework of the human rights remedy system is being discussed based on the past progress of discussions as well.

Question 3.1

Targeted Measures

12. The human rights bodies of the Ministry of Justice (MOJ) sets “Protect Children’s Rights” as one of the priority targets of awareness-raising activities to eliminate violation of children’s human rights, including discrimination against girls, lesbian, gay, bisexual, transgender and intersex children, children belonging to ethnic minorities, and children of non-Japanese origin. The bodies have been carrying out various awareness-raising activities such as distributing leaflets designed for children to foster their understanding on human rights of sexual minorities.

13. The bodies have established Children’s Rights Hotline, special telephone counseling services for children at Legal Affairs Bureaus and District Legal Affairs Bureaus throughout the country. Human Rights Volunteers and the officials of the Bureaus conduct telephone counseling. The bodies have also established Foreign Language Human Rights Hotline in six languages (English, Chinese, Korean, Filipino, Portuguese, and Vietnamese). Counseling for children using letters is also actively conducted by distributing the “Children’s Rights SOS Mini-Letters” to elementary and lower secondary school students throughout the country. During FY2017, the bodies received 12,975 letters, which resulted in 16,005 consultations.

14. If the bodies become aware of a suspected case of human rights violation through human rights counseling, they conduct an investigation and take appropriate measures depending on the case.

Question 3.2

Comprehensive anti-discrimination law

15. The GOJ has not formulated any special plan concerning the adoption of a specific comprehensive anti-discrimination law.

16. In Japan, Article 14, paragraph 1 of the Constitution stipulates equality under the law. Based on this principle, various Japanese laws and regulations stipulate prohibition of discriminative treatment, especially for areas that are closely related to people’s lives and have public nature, such as education, medical care, transportation and employment.

Equality under the law covers children, which proves that laws and regulations equally apply to children.

17. For example, regarding education, Article 26 of the Constitution stipulates that all citizens have the right to receive education equally according to their abilities, as provided for by law. In line with the provisions of this Article in the Constitution, Article 4 of the Basic Act on Education stipulates that all citizens shall be provided with the opportunity to receive education equally according to their abilities and shall not be discriminated in the education by their race, creed, gender, social status, economic status or family status.

18. Regarding medical care, the Medical Practitioners Act, the Dentists Act, the Pharmacists Act, and other medical-related laws stipulate that medical service providers may not reject any request for medical treatment, dispensing of medicine or any other medical service without justifiable reason.

19. Regarding transportation, the Civil Aeronautics Act, the Railway Business Act, and other transportation-related laws and regulations stipulate that the authority may prohibit or demand to correct unjust discriminatory treatments.

20. Regarding employment, Article 3 of the Labor Standards Act stipulates that employers shall not discriminate workers in wages, working hours and other working conditions for reasons of nationality, creed or social status.

21. Under the current laws, a discriminatory act for any reason may be held as illegal under the Civil Code and be subject to liability for compensation of damages.

22. Furthermore, for example, in case dissemination of discriminatory thought or use of discriminatory expression for any reason publicly harms the honor or reputation of a specific individual or organization, it may be subject to criminal penalty for defamation. (It should be noted that if such act is found to be related to a matter of public interest and to have been conducted solely for the benefit of the public, and there is a proof of the fact, the act is not punished.)

23. The human rights bodies of the MOJ provide individuals who received discriminatory treatment for any reason with counseling services. If the bodies become aware of a suspected case of human rights violation, they immediately initiate an investigation and take appropriate measures depending on the case. Such measures include “assistance” to provide legal advice and other assistance, “conciliation” to mediate talks between parties concerned, “instructions” or a “recommendation” to urge the human rights violator to desist from taking such acts, and “request” to a third party, which allows to make effective responses.

24. As explained above, any discriminatory treatment is already prohibited by the constitution, existing laws and regulations and the operation thereof. Therefore, the GOJ does not think that it is necessary to adopt a specific comprehensive anti-discrimination law.

Question 4.1

Corporal punishment

25. Regarding corporal punishment in the family, abusive corporal punishment is explicitly prohibited by law. Article 3 of the Child Abuse Prevention Act stipulates that no one shall abuse children.

26. Article 14 of the Child Abuse Prevention Act, which was partially revised in 2016, explicitly stipulates that parents shall not punish their children beyond the scope necessary for care and disciplinary education.

27. Corporal punishment at school is strictly forbidden under Article 11 of the School Education Act. This is fully communicated to persons in charge of pupil/student guidance at the meetings of prefectural boards of education and other occasions. Such meetings were held twice in FY2017, with the participation of 227 persons in total.

28. It is also communicated to teachers by notices and other documents that in guiding children at school, teachers must tenaciously instruct them to develop their normative consciousness and sociality, never using corporal punishment. If a teacher inflicts corporal punishment, the teacher will be subject to disciplinary action according to the circumstances of such corporal punishment.

29. Topics on prohibition of corporal punishment against children are also discussed as a part of training for teachers and persons in charge of pupil/student guidance of prefectural boards of education provided at the National Institute for School Teachers and Staff Development, which conducts central and comprehensive national-level training of teachers. Such training sessions were held twice in FY2017, with the participation of 256 persons in total.

30. Article 33-11 of the Child Welfare Act prohibits corporal punishment, which is abuse of children, in custody facilities where abused children or the like are placed. Article 33-12 and other articles of the same Act stipulate as follows:

1. If any abuse of a child in a custody facility is found, it shall be reported to the relevant prefectural or local administrative office;

2. The facility worker or any other person who has reported an abuse case shall not be disadvantageously treated;

3. The prefectural administrative office that received the report of an abuse case shall investigate the case and take necessary action.

31. The Ministry of Health, Labour and Welfare (MHLW) has also stipulated the Guidelines for Preventing Abuse of Institutionalized Children to prevent abuse of institutionalized children.

32. In juvenile training schools, from the viewpoint of respecting human rights, corporal punishment, which is use of physical force against inmates, is strictly forbidden (Article 1, Article 15 and other articles of the Juvenile Training School Act). Corporal punishment as disciplinary action against inmates is also prohibited (Articles 114 and 115 of the same Act).

33. A person who was subjected to illegal physical force from an official of a juvenile training school while in the institution may file a request for relief with the Minister of Justice (Article 120 and Article 121 (1) of the same Act). In a case where the Minister of Justice has confirmed that the act is illegal and unjust, and finds it necessary, the Minister shall take measures necessary to prevent the recurrence of similar acts or other measures. (Article 126 (2) of the same Act).

34. For juvenile classification homes and penal institutions, similar provisions are set forth under the relevant laws regarding prohibition of corporal punishment and filing an appeal. Giving corporal punishment to persons detained in these facilities is not allowed in any situation. (Juvenile classification homes: Articles 1, 13, 20, 109, 110, 115, 116, etc. of the Juvenile Classification Home Act; Penal Institutions: Articles 1, 151, 152, 163, 164, 165, etc. of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees).

35. Also, please refer to paragraph 75 of the fourth and the fifth government reports.

Question 4.2

Prevention and support

36. The GOJ set a goal of setting up a one-stop center for victims of sexual crime and sexual violence at least one in each prefecture, which provides support for the victims as much as practicable in one location, including medical and mental supports, by 2020. This goal has been achieved ahead of schedule in October 2018.

37. As child abuse cases occur mainly in the family, they tend to be latent. When the police take action, they put first priority on the safety of children. When the police recognize a case of suspected child abuse, police officers make an on-site inspection and

any other investigation to directly confirm the safety of the child. They also actively conduct necessary investigations so that the child can be rescued and protected before the situation gets worse, including death of the child.

38. To promptly and appropriately protect children, it is important that relevant organizations work together to take actions by exercising their respective expertise. Therefore, when the police find a case of suspected child abuse, they endeavor to share information with child guidance centers and other relevant organizations, by making sure that a report of the suspected case is given to these organizations and complete inquiries are made before the report. The police also take proactive measures to protect the life and the body of children by maintaining close cooperation with relevant organizations, including participation in the Regional Council for Children in Need of Protection.

39. The MHLW implements measures to strengthen protection of children from abuse, including increasing the number of staff members in municipal governments and child guidance centers and enhancing their expertise, strengthening the cooperation between local governments and other relevant organizations, including appropriate information sharing, and implementing appropriate temporary sheltering of children. In Japan, there are provisions for special adoption system and the foster parent system for abused children, based on the principle of child rearing in the family environment. The GOJ is also implementing down-sizing and localization of child foster homes and other child support facilities, promoting high functionality of these facilities (including strengthening staffing standards), and shifting their role to provide support for child rearing in the family environment.

40. Particularly, as sexual abuse has a significant effect on the development of children's personality, it requires specialized and individual care. Child guidance centers provide consultation, investigation and guidance about child abuse cases.

41. Based on the consultation, investigation and guidance of sexual abuse cases at child guidance centers, the following types of care are provided:

1. When providing support to an abused child who continues to stay at home, the child guidance center cooperates with relevant organizations, such as medical institutions, to provide support for the child's mental care; or

2. When it is necessary to place the child in a child welfare facility, psychotherapists posted at the child welfare facility will play a main role in providing specialized care to the child, focusing on providing a living environment where the child feels safe and secure.

42. Regarding support provided to child victims in pursuing criminal proceedings and other proceedings, please refer to paragraphs 196 to 198 and 201 of the fourth and fifth government reports.

43. In addition to the above, it is necessary to minimize the stress experienced by the child as interviews about the abuse incidents are conducted repeatedly, while securing the reliability of the child's statements. Accordingly, prosecutors, the police, the child guidance centers and other relevant organizations strengthen collaboration to share information. Questions to be asked to the victimized child are prepared in advance through discussions among a team of persons in charge of the abuse case and an interviewer chosen from the team conducts the interviews with the child, while other members observe the interview in another room via a monitor and give advice to the interviewer as necessary. There are also cases where a clinical psychologist or psychiatrist is on standby in the monitor room to determine whether it is possible to continue the interview based on the observed status of the child.

44. There were also cases in which the abused child was excused from appearing to the court as a witness and the child's written statements were admitted as evidence by the court, after examining the doctor who diagnosed the child as a witness and obtaining testimony that it was impossible for the child to testify in the court considering the mental state of the child.

Question 5.1

Concrete steps

45. In Japan, Article 818 (1) of the Civil Code stipulates that “a child who has not attained the age of majority shall be subject to the parental authority of his/her parents” and Article 821 of the same Code stipulates that “residence of a child shall be determined by a person who exercises parental authority.” Under these provisions, a child is obliged to live in a place designated by the parents. Furthermore, no third parties can separate a child from his/her parents unless there is a legal ground. It is guaranteed that a child will not be separated from his/her parents against the parents’ will.

46. In Japan, the following actions falls under the cases “when competent authorities subject to judicial review determine that such separation is necessary for the best interests of the child” as stipulated in Article 9.1 of the Convention on the Rights of the Child:

- As a measure for a child who has been abused by his/her parent (Article 28 of the Child Welfare Act), the relevant prefectural government shall place the child in the custody of a foster parent or entrusted guardian, or place the child in a child welfare facility (Article 27 (1) (iii) of the same Act);
- The family court shall/may; designate a person who has parental authority or who is responsible for taking care of the child in a case where the parents of a child divorced by agreement or by court settlement (Article 819 (1) and (2), and Article 766 (1) and (2) of the Civil Code); change the person who has parental authority (Article 819 (6) of the Civil Code); change the person who is responsible for taking care of the child (Article 766 (3) of the Civil Code); revoke parental authority (Article 834 of the Civil Code); and suspend parental authority (Article 834-2 (1) of the Civil Code).

47. When placing a child in the custody of a foster parent or entrusted guardian or into a child welfare facility against the will of his/her parents, relevant prefectural governments need to obtain approval from a family court in accordance with the Child Welfare Act. Proceedings for obtaining this approval are handled by a family court in accordance with the Domestic Relations Case Procedure Act. In these proceedings, the Domestic Relations Case Procedure Act stipulates that the family court shall listen to the statements of those who actually take care of the child, the person who has parental authority, the guardian of the minor, and the child who is at the age of 15 or older (Article 236 (1) of the Domestic Relations Case Procedure Act).

48. The designation or change of a person who has parental authority or is responsible for taking care of the child, and revocation or suspension of parental authority are decided by a family court in accordance with the provisions in the Civil Code and the Domestic Relations Case Procedure Act. In these proceedings, the Domestic Relations Case Procedure Act stipulates that any person who is not a party of the adjudication or conciliation may also participate in the relevant proceedings by obtaining permission from the family court if such person is directly affected by the adjudication or the agreement by the conciliation, or has qualifications to become a party of the adjudication or conciliation (Article 42 (2) and Article 258 (1) of the Domestic Relations Case Procedure Act). The Domestic Relations Case Procedure Act also stipulates that if the family court designates or changes the person who has parental authority or the person who is responsible for taking care of the child, or adjudicates the revocation or suspension of parental authority, for a child who is 15 years of age or older, the court must listen to the statement of that child (Article 152 (2) and Article 169 (1) and (2) of the Domestic Relations Case Procedure Act).

49. The Domestic Relations Case Procedure Act also stipulates that in the above-mentioned proceedings for adjudication, the family court shall make efforts to understand the will of the child by interviewing the child, investigation by family court investigating officers and any other appropriate method, and take the child’s will into account when adjudicating the case, according to the child’s age and degree of development. (Article 65 of the Domestic Relations Case Procedure Act; the provision of the same Article applies

mutatis mutandis to conciliation of domestic relations according to Article 258 (1) of the same Act). Therefore, considering the age of the child and the degree of his/her development, the family court shall also make efforts to understand the will of a child who is under 15 years old by interviews with the child and other appropriate method, and no child shall be precluded from expressing his/her opinions at his/her own will.

50. Whether temporary custody of a child by a child guidance center is necessary or not is determined based on the identified mental and physical condition of the child and the environment where the child is currently placed. The temporary custody guidelines clearly stipulate that efforts shall be made to obtain consent from the parents for the temporary custody of the child. In the latest data, during FY2016, there were 40,387 cases of temporary custody of children (including entrusted temporary custody and cancelled temporary custody). Out of these cases, 9,686 (about 24%) cases were done without parents' consent. Accordingly, more than 70% obtained consent from the parents.

51. It is important that children who cannot live with their parents because of abuse by the parents or any other reason be raised in the family environment as much as possible. The Child Welfare Act revised in 2016 legally stipulates this principle.

52. In August 2017, a panel of experts submitted a proposal to the GOJ concerning processes to materialize the principles of the revised Child Welfare Act. The proposal presented, among others, a target to achieve placement of infants younger than six years old in the custody of foster parents and similar environments in 75% of all cases within about seven years (or within about five years for infants younger than three years old).

53. Under these circumstances, to systematically promote placement of child-rearing to foster parents and similar environments, in July 2018, the MHLW asked all prefectural governments to formulate a plan that includes a numerical target for foster parents placement rate by the end of FY2019 (the same plan referred to in the answer to Question 1. (2) above).

54. The GOJ will take necessary supportive measures so that prefectures can steadily implement their plans. The GOJ will also carefully follow up and evaluate the progress of the increase in the foster parenting rate and the situations of the children placed in the custody of foster parents, and examine what support should be further provided and how.

Question 5.2

The system for evaluation

55. Temporary child custody facilities need to provide protection and high quality of support from children's standpoint. Accordingly, the GOJ believes that it is important for them to conduct self-evaluation and receive external evaluation on their operation.

56. The MHLW has implemented the following measures to promote third-party evaluation of the temporary custody of children by child guidance centers:

- In the FY2017 budgeting, the GOJ established a system to provide subsidies to qualified temporary child custody facilities through prefectural and other local governments. In this system, prefectural and other local governments appoint evaluators who have knowledge on child abuse and protection of children's rights, and temporary child protection facilities that received good evaluation by this evaluator on their operation are qualified to receive subsidies to be appropriated to their operating costs;
- By utilizing the Child and Child Care Support Research Project, the evaluation standards for third-party evaluation was created. In FY2018, a model of the third-party evaluation system will be implemented by using these standards.

Question 5.3

Maintaining relations

57. The Civil Code stipulates that divorcing parents shall agree on necessary matters concerning visits and other contacts between the child and the separating parent who will not take care of the child and that if such agreement has not been reached or cannot be made between the parents, the family court shall decide these matters (Article 766 (1) the first sentence and (2), and Article 771 of the Civil Code). The Code also stipulates that when determining these matters, the child's interests shall be considered with the highest priority (Article 766 (1) the second sentence and Article 771).

58. In the case where visits and other contacts were ruled by a conciliation or adjudication of domestic relations, the parties to such proceedings may use proceedings for securing performance by the family court (Article 289 (1) and (7) of the Domestic Relations Case Procedure Act).

59. In the case where specific dates and other conditions for visits and other contact were ruled by a conciliation or adjudication of domestic relations, the party to that ruling may use the system of indirect compulsory execution as part of compulsory execution. This is a process to impose penalty money (indirect compulsory execution) on the party who has not performed the ruled obligation within a given period of time, aiming to give the obligor psychological pressure and urge voluntary visits and other contacts with the child.

60. At the Child Raising Support Consultation Center, which is a project consigned by the GOJ, staff members provide consultation on arrangements for parent-child visits and other contact after divorce. Local governments also provide assistance, such as coordination for parent-child visits and other contact and an observer's attendance to such visit or contact.

61. If the child is acknowledged as the subject for the GOJ's assistance in visitation or contacts under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction ("Act for Implementation of the Hague Convention"), the GOJ provides support to the child and parents in various forms, including promoting discussions between parties through the Alternative Dispute Resolution (ADR), and encouraging visits and contacts through visitation or contacts supporting institutions.

Question 6.1

Inclusive education and "Special need education"

62. "Special needs education", defined under the School Education Act revised in 2007, is implemented at all schools where children who need special support attend, including not only children with disabilities subject to "special education" but also students with developmental disabilities.

63. In 2013, as a part of the revision of the Order for Enforcement of the School Education Act, the principle that children with certain degrees of disabilities enroll in schools for special needs education was changed. Under the revised system, guidance for school enrollment is conducted from a comprehensive viewpoint based on the conditions of the disability and the educational needs of the individual child, opinions of the child and the parents, opinions of experts from specialized viewpoint such as pedagogy, medicine, and psychology, and the conditions of the school and the community.

64. Through these efforts, to realize the philosophy of "inclusive education system" based on the Convention on the Rights of Persons with Disabilities, the GOJ has created environments where both children with and without disabilities can learn together as much as practicable. Also, to support independence and social involvement of children with disabilities, the GOJ has established various types of schools and learning styles to provide education that best fits the needs of individual children and to ensure continuity of their learning opportunities, including regular school classes, special support service in resource rooms, classes for special needs education, and schools for special needs education.

Question 6.2

Afterschool day care

65. While the reference to “privatization and deregulation of afterschool day care service” in the question remains unclear, as a child special care and training service that private business operators can provide to children with disabilities under the Child Welfare Act, private business operators provide day care service and necessary support to schooling children with disabilities in after-school hours or on school holidays. For after-school day services, the relevant ministerial ordinance on standards stipulates standards for facilities and personnel. In 2017, the standards for the placement of specialists were strengthened, including the revision of the standards for posting workers having experience in supporting children with disabilities.

Question 7.1

Babies with low birth weight

66. The rate of babies with low birth weight in Japan is over 9%, which is higher than those in developed countries.

67. The following factors have been reported as major causes for increase in babies with low birth weight: advances in medicine (increase in the percentage of immature births), multiple pregnancy, mother’s thinness before pregnancy, control of weight gain during pregnancy, and smoking.

68. The MHLW has made unified efforts to promote “Healthy Parents and Children 21 (Second Stage)”, which is a national campaign for maternal and child health. This campaign sets health indicators and implements programs to achieve these indicators, including “the percentage of babies with low birth weight in all births” and “decrease in pregnant women’s smoking rate.”

69. For example, to inform about desirable weight gain during pregnancy, the MHLW conducts awareness-raising activities by creating the “Dietary Guide for Pregnant Women” pamphlet. To reduce smoking during pregnancy, it also creates and distributes educational materials on the effect of smoking.

70. The Maternal and Child Health Handbook, which is issued to a pregnant woman by the municipal government, is also utilized to raise the awareness about the harmful effects of smoking and desired weight gain during pregnancy.

Question 7.2

Children exposed to radiation

71. In accordance with the Nuclear Accident Victimized Children Support Act, the Reconstruction Agency has compiled support plans in medical care and other fields. Relevant ministries and agencies are implementing these plans.

72. To ensure medium to long-term health management for Fukushima citizens, the GOJ contributes subsidies to the “Fukushima Citizen Health Management Fund” established by Fukushima Prefecture in FY 2011. Fukushima Prefecture is conducting prefectural health research projects utilizing this fund. Specifically, these research projects include the basic research based on the behavioural research to grasp external exposure dose of all citizens in Fukushima Prefecture; thyroid test for all citizens who were generally 18 years old or younger at the time of the nuclear accident (approximately 380,000 people including children born in the period from the start of full-scale test to April 1, 2012); health check-up; and research on mental health and lifestyle of citizens who lived in the evacuation area at the time of the accident.

73. In the Comprehensive Support Projects for Health and Life of Afflicted Children, the GOJ provides support to afflicted children, including the “Visit to Check Children

Health” that provides counselling on physical and mental health by visiting children who have been evacuating in temporary housing for a long period or children who returned home after a long period of evacuation.

Question 8

74. Climate change has effect on various fields including health and food. It is an urgent issue to be addressed by the international community as a whole. It is the responsibility for us who live in the current time to hand over the beautiful planet to the next generation. To achieve this, The GOJ is of the view that we must steadily take actions to address the climate change issues. As a party to the Paris Agreement, the GOJ places great emphasis on the steady implementation of the Agreement. To achieve the goal of keeping a global temperature rise this century below 2 degrees Celsius, it is necessary to take actions to achieve significant reduction of greenhouse gas emissions in Japan. To achieve the mid-term target of 26% reduction in FY2030, the GOJ is working on thorough energy saving and maximum use of renewable energy based on the Plan for Global Warming Countermeasures. The GOJ is also considering the formulation of a long-term strategy for 2050.

75. In the area of climate change, the GOJ has actively promoted dissemination of low-carbon technologies in developing countries based on its technology and experience, through bilateral crediting system (the Joint Crediting Mechanism, JCM) and other programs. Last year, at the 23rd session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP23), the GOJ announced the “Assistance Initiatives to Address Climate Change 2017” incorporating these measures. Through these support activities for climate mitigation, the GOJ plans to contribute to the protection and promotion of children’s rights in Japan and abroad, especially concerning health, food, and adequate living standards.

Question 9

76. Regarding measures against child poverty, the GOJ implements comprehensive measures, such as educational support for children, support of living, support for employment, and financial support, under the Act on Promotion of Policy on Poverty among Children (passed in June 2013) and the “General Principles of Policy on Poverty among Children” (approved by the Cabinet in August 2014).

77. While considering changes in the employment system, the GOJ is working to raise the minimum wage, to improve the treatment of non-regular workers, and to support the employment of single parents in an especially severe economic situation. The GOJ is planning to take necessary measures while watching closely various indices, including the poverty rate of children.

78. Regarding social transfers, the addition to the single-parent childcare allowance for multiple children was increased in 2016. In 2018, the income limit for the allowance was raised to expand the support to single-parent households.

79. The child poverty rate generally showed gradual increase until 2012 for a long-term span. As the economic situation improved since 2012, including significant improvement in employment, the child poverty rate decreased 2.4 points to 13.9% in 2015 from 16.3% in 2012.

80. A child allowance is provided to child-raising persons with the aims to reduce burdens on household budget of child-raising families, contribute to stable living of child-raising families, and promote healthy growth of children who will play main social roles in the future.

81. As support for education, in accordance with the provisions of the Constitution of Japan, tuition fees for compulsory education at public elementary and lower secondary schools are free. Regarding early childhood education, from October 2019, fee for kindergartens, day care centers and integrated centers for early childhood education and

care will become free for all children from 3 to 5 years old. In addition to these measures, the GOJ provides students with an allowance equal to tuition fees of public upper secondary school except for high income households. To further reduce the burden of educational expenses, there are financial support systems for elementary and lower secondary school students with financial difficulty to be provided an allowance for school supplies and school lunch and for upper secondary school students with low-income households to be provided an allowance for textbooks and other teaching materials. For higher education, in April 2017, a new benefit-type scholarship for low-income households was established. Also, the eligibility for the interest-free scholarship was expanded. By these measures, the GOJ strives to provide continuous support from infant education to higher education.

82. Furthermore, to implement comprehensive poverty alleviation measures for children by using schools as platforms, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) has established a system to allocate “school social workers” who are welfare experts, planning to complete the allocating in all lower secondary school districts (approximately 10,000 social workers) by FY2019. In addition, to encourage utilization of local educational resources, the MEXT is strengthening support for learning support provided by people in the community.

Question 10.1

Early childhood care facilities

83. The MHLW conducts and secures a budget for the “postnatal care service” in which midwives and other maternal care professionals provide mental and physical care for mothers and babies immediately after discharge from the hospital. Specifically, the following types of care services are provided based on local needs and the conditions of social resources: Accommodation type service by utilizing unoccupied beds in hospitals, birth centers and other care facilities; day service that provides supports to individual mothers and babies or a group of mothers and babies who visited the care facilities during the day time; and an outreach service to visit the user’s home to provide support services.

84. In accordance with the Children and Child Rearing Support Act newly established in 2012, by utilizing the budget of 0.7 trillion yen secured from the consumption tax rise, the GOJ has implemented comprehensive support programs for school education and childcare in early childhood and for children and childcare in local communities, in order to improve the quality and expand the quantity of childcare.

85. Based on the “Plan for Early Achievement of Zero Childcare Waiting List” formulated in April 2013, measures to add or expand the capacity of childcare facilities have been implemented to accept additional 535,000 children in five years (capacity: approx. 240.9 million children in 2013 → approx. 294.4 million children in 2018). In addition, according to the “Childcare Plan for Ease of Mind of Working Parents” announced by the MHLW in June 2017, assuming that the rate of working women will rise to 80%, it is planned to expand the capacity of childcare facilities by 320,000 children by the end of FY2020.

86. To improve the quality of childcare, the GOJ sets minimum standards for facilities and operations of childcare facilities that define the standard of living necessary for the physical, mental and social development of children based on the Child Welfare Act. In addition, to improve the special skills of childcare personnel, the “Career Improvement Training for Nursery Teachers and Other Childcare Givers” program was established in FY2017. The program are divided into specific courses in accordance with job functions of childcare givers, such as infant care, care for children with disabilities, and support for parents and childcare. Furthermore, in May 2018, the “Committee to Examine and Improve Quality of Childcare at Nursery Schools” was established to discuss concrete measures for ensuring and improving childcare quality. Wages for nursery teachers were also increased. The average wage of nursery teachers in 2013 was about 3.1 million yen. It was increased by about 11% to about 3.42 million yen in 2017.

87. For children with disabilities, based on the Child Welfare Act, the following programs are provided to support attendance and institutionalization of children with disabilities in nursery schools and other care facilities:

1. Support for development of children:
 - For preschool children with disabilities who need to receive care in a group environment or individual care for the benefit of their development, guidance on basic body movements in daily life, teaching of knowledge and skills, adaptive training for group life, and other necessary support measures are provided;
2. Medical support for development of children:
 - For children with physical disabilities for whom functional training such as physical therapy or support under medical control is needed, guidance on basic body movements in daily life, teaching of knowledge and skills, adaptive training for group life, and other necessary support and medical treatment are provided;
3. Home care support for development of children:
 - For children with severe disabilities, such as severe physical and mental disabilities, for whom it is very difficult to visit care facilities to receive support for their physical or mental development, experts visit their home to give guidance on basic body movement in daily life, teaching of knowledge and skills, and other necessary support;
4. Expert visit to childcare or educational facilities for support:
 - For children with disabilities who attend nursery schools, kindergartens, elementary schools, schools for special needs education, authorized childcare centers and other facilities where children receive group care or education, if it is determined that such children need experts' visit to these facilities to provide specialized support, experts visit these facilities to provide these children with specialized support and other necessary support to adapt to the group environment where they receive care or education with other children;
5. Resident-type welfare facilities for children with disabilities:
 - Care, guidance in daily life and teaching of knowledge and skills are provided to children with disabilities who live in resident-type facilities for children with disabilities;
6. Resident-type medical facilities for children with disabilities:
 - Care, guidance in daily life, teaching of knowledge and skills, and medical care are provided to children with disabilities who live in resident-type facilities for children with disabilities or designated medical institutions.

88. The MEXT establishes laws and regulations that stipulate Standards for Establishment of Kindergartens and its National Curriculum Standards for Kindergartens applicable to all kindergartens in Japan. Facilities and quality of education and care in kindergartens are guaranteed by the Standards for Establishment of Kindergartens, which stipulate facilities, organizations, and other matters related to the establishment of a kindergarten, and the National Curriculum Standards for Kindergartens, which stipulates fundamental idea, contents and pedagogy in kindergartens.

89. In March 2017, to further improve the quality, the National Curriculum Standards for Kindergartens was revised to clarify the competencies to foster in kindergarten education and to add contents regarding the promotion of smooth transition between kindergartens and elementary schools.

90. In addition, the GOJ also provides support for recruiting teachers and staff members, and support for building system for promotion of early childhood education in local governments.

Question 10.2

Bullying

91. In September 2013, Act for the Promotion of Measures to Prevent Bullying was enforced. The MEXT announced basic policies that schools and boards of education should follow to prevent bullying at school and find and solve them at an early stage. The MEXT also requested local governments to establish basic policies for the prevention of bullying at schools.

92. Bullying can happen to any child, and any child can become an assailant or a victim. Based on this recognition, to prevent bullying at schools, the MEXT promotes providing moral education and human rights education throughout school activities to foster attitudes and abilities of children to prevent bullying.

93. To enable early detection of bullying, measures to encourage children to report bullying have been implemented, including periodical questionnaire surveys at school and informing children about the telephone number for bullying consultation. The GOJ is also working to increase the allocation of school counsellors and school social workers to create an environment where children can easily consult on their problems, including bullying.

(Reference) 2017: The GOJ set a budget for allocating school counsellors at almost all public elementary and lower secondary schools (26,000 schools) and 5,000 school social workers.

94. In addition, because many young people use SNS as a communication tool recently, in 2018 the GOJ started to provide support to local governments that establish the consultation systems utilizing SNS and other tools for child consultation services regarding bullying and other problems.

95. As for admission to upper secondary schools, diverse methods of admission screening are now offered to children so that they can choose upper secondary schools that fit their individuality. For example, upper secondary schools that accept children who could not sufficiently develop their ability during lower secondary school due to non-attendance at school or any other reason have been established.

(Reference) In 1997, the MEXT sent a notice to each local government regarding the improvement of admission screening method for upper secondary schools. The MEXT also conducts a meeting for the school admission improvement each year by calling persons in charge of school admission screening from around the country.

96. Various methods of admission screening are adopted by individual municipalities. As of 2017, all municipalities use interviews for all or part of examinees. About 50% of all municipalities adopt essay writing as a part of upper secondary school admission screening. Approximately 13% of public upper secondary schools use screening methods that do not use achievement-tests or school records.

97. In FY2021, after 30 years from the previous major reform, the MEXT will implement a new university admission screening system to further advance the shift to admission screening that comprehensively evaluates the student's various academic abilities from multiple aspects.

(Reference) Notice relating to revision of fiscal 2021 overview of implementation guidelines for selection of university entrants.

Question 11

Detention

98. Applicants for refugee recognition (including children) who stay in Japan lawfully at the time they submit application for refugee recognition will not be detained. (Approximately 96% of the applicants in the first half of 2018 were lawful residents).

99. If applicants for refugee recognition, including children, who do not have a status of residence apply for refugee recognition, they will be granted permission to stay temporarily and will not be detained except for certain cases having due reasons for detention such as a case where there is a risk of escape.

100. When processing deportation procedure of any children, not limiting to those applying for refugee recognition, investigation is generally conducted while they remain at home with their nursing parents without detaining them.

101. If it is necessary to detain a child for an unavoidable reason, a measure to make it the shortest is taken from the viewpoint of humanitarian consideration, such as by permitting provisional release on the day of detention.

102. In a case where such measures cannot be taken, an effort is made to minimize the detention days for children, for example, by priority processing deportation procedure or application for refugee recognition for the children over other cases.

Separation from parents

103. If the above-mentioned measures described in the paras. 97–99 cannot be taken under special circumstances when children and their parents need to be detained, the children and their parents are placed in the same room or any other appropriate arrangement is made to the extent possible for the operation of the facility.

104. If a child cannot be placed in the same room with the parents due to the conditions of the facility or for any other reasons, appropriate allocation of rooms is considered to minimize the influence of other adult inmates. Also, children are provided opportunities to meet their parents during the detention.

Child guidance centers and child and family support centers

105. Municipal governments provide ongoing support for the welfare of children at places where children have easy access, including receiving direct inquiries and consultation from children. At child guidance centers operated by prefectural governments, they provide support that requires specialized knowledge and skills.

106. Child and family support centers operated by prefectural governments also provide consultation and other necessary support related to children's welfare. For children who do not need to be placed in a detention facility but need protection and continuous guidance, they also provide guidance to the children and their families, at the request of child guidance centers.

107. Child guidance centers receive inquiries and consultation directly from children and also make arrangement for temporary custody or formal placement of children to appropriate facilities as necessary.

Livelihood assistance allowance for applicants for recognition as Convention refugees

108. For asylum-seeking refugees under the Convention Relating to the Status of Refugees (including children) who are in financial difficulty, the Refugee Assistance Headquarters of the Foundation for the Welfare and Education of the Asian People provides a livelihood assistance allowance, based on entrustment from the GOJ. In accordance with the decision made by the Committee for Coordination of Treatment of Refugees under Cabinet Secretariat in August 2002, the GOJ established new policies for treatment of refugees, including support for settlement of refugees under the Refugee Convention. Based on these policies, the GOJ has established a new framework for programs to support settlement of refugees under the Refugee Convention (including children), such as Japanese language education, vocational training, living aids, provision of the settlement allowance, and financial support for education and training on top of support provided to other foreign residents.

Question 12

Concrete steps to guarantee the full implementation of the Convention in the juvenile justice system

109. Please refer to annex I.

Reintegration and psychosocial support and services that are available to children in conflict with the law, child victims and child witnesses

110. Regarding support provided to children in conflict with law, please refer to paragraph 43 of the fourth and fifth government reports and paragraphs 71 and 72 of Attached Document 2 of the same reports. Regarding vocational guidance at juvenile training schools explained in paragraph 72, of 2,475 juveniles discharged from the institutions in 2017, 1,158 juveniles have acquired qualifications or licenses related to vocational guidance at the institutions. For educational guidance, 134 inmates were granted the certificate of graduation or completion of lower secondary school in 2017.

111. In juvenile training schools, they provide various kinds of life guidance to improve life skills of inmates and also provide consultation, advice and support to individual inmates. In addition, with the cooperation of schools, hospitals, and private volunteers, they are promoting rehabilitation of inmates. Volunteers from the private sector include voluntary visitors, religious counsellors, members of the Japan Women's Association for Rehabilitation Aid, members of BBS (Big Brothers and Sisters Movement) and many others. Voluntary visitors provide consultation, advice, mentoring guidance, etc. on inmates' mental distress.

112. For juveniles who will have difficulty in living an independent life after discharge, juvenile training schools provide support for social reintegration in collaboration with probation offices, while respecting the will of the juveniles. Such support includes securing appropriate place of residence; support for receiving medical treatment and care; support for admission or return to school after the discharge; and support for finding employment.

113. Regarding support provided to child victims and child witnesses, please refer to paragraphs 196 to 198 of the fourth and fifth government reports. In addition to measures explained in these paragraphs referred above, as explained in the answer to Question 4 (2), measures are taken to avoid repeated interviews of victimized children about the incidents.

Information on any measures taken to eradicate the preventive detention of children

114. Based on our understanding that "preventive detention" refers to detention of an individual with the direct objective to protect society from potential dangers caused by that individual, there is no such system in Japan.

Research into the root causes of juvenile delinquency and preventive measures taken

115. The MOJ has analyzed the crimes committed by juveniles who were discharged from juvenile training schools and the causes and characteristics of their crimes. The MOJ has also surveyed the attitudes of juvenile delinquents and young offenders and analyzed the characteristics of their self-awareness, moral awareness, etc. The results of these analyses were published in the White Paper on Crime 2011. In addition, The MOJ has conducted research titled "Research on Juvenile Delinquents and Their Guardians" and "Research on Desistance among Juvenile Training School Parolees", contributing to facilitation of the social reintegration support for juvenile delinquents.

116. Based on the Re-offending Prevention Act promulgated and enforced in December 2016, for comprehensive and systematic promotion of measures to prevent re-offending, the Cabinet approved the "Re-offending Prevention Promotion Plan" in December 2017. This Plan has five basic policies and incorporates 115 concrete measures for seven priority issues under these policies.

117. In accordance with this Plan, studies on root causes of juvenile delinquency will be conducted, including examination of the recommitted crimes, verification of effectiveness

of guidance, and examination of effective treatment of delinquent juveniles. Measures to prevent juvenile delinquency will be also implemented, including prevention of delinquency of schooling children, prevention of interruption of school education by delinquent acts, support for relearning at school and in the community, and improvement of guidance focusing on pliability of children and young people.

Support for child victims

118. The police provide continuous counseling and support to children victimized by crime, mainly through juvenile guidance officers posted at juvenile support centers established at the police headquarters. In addition, university researchers, psychiatrists, clinical psychotherapists and other experts are appointed as juvenile counseling advisors from whom officers who support victimized children can receive professional advice.

Measures to prevent juvenile delinquency

119. The police in each prefecture has established a juvenile support center, where mainly juvenile guidance officers are implementing measures to prevent juvenile delinquency. The police also implement programs to create society that do not generate delinquent juveniles, in order to improve the moral of juveniles and strengthen their bond with society.

Major programs

1. Juvenile counselling:
 - Officers and staff members who have special knowledge receive consultation and give guidance and advice on worries and troubles of juveniles and parents by interview, telephone and other means;
2. Street guidance activities:
 - The police work with juvenile police volunteers and others to implement street guidance activities in downtown areas and parks where juveniles gather, and give guidance and advice to juvenile who are making indecent behaviors, such as smoking or loitering during night time;
3. Continuous guidance and activities to support rehabilitation of delinquent juveniles:
 - For juveniles with whom the police engaged through counseling or street patrols, at the request of these juveniles or parents, the police provide continuous correctional guidance and advice. In addition, the police actively contact with juveniles who have problems and are likely to become delinquent and their parents, and continuously talk with them. The police also prevent their return to delinquency and support their rehabilitation by encouraging them to participate in experiential activities and providing support for learning in school or finding employment;
4. Public relations and educational activities:
 - The police implement lectures on delinquency prevention, drug abuse prevention and other subjects at school, disseminates information on regional delinquency situation and factors that lead to juvenile delinquency, and promote understanding of juvenile police activities.

120. The child guidance centers provide consultation about children with problematic behavior and children who have offended law. As necessary, they also provide advice and guidance such as psychological diagnosis and counseling, and make arrangement for temporary custody and admission to appropriate facilities.

121. Children who are likely to conduct delinquent acts are placed into or made to attend children's self-reliance support facilities, which provide them with necessary guidance according to the circumstances of individual children and support their self-reliance.

Question 13

122. As explained in the answer to Question 4 (2), measures are taken to avoid repeated interviews of the victimized child about the incident.

123. The Immigration Bureau of the MOJ takes measures, carefully considering the situation of the victim of trafficking in persons and their will. If the victim is a lawful resident, it permits extension of the period of stay or change of the status of residence. If the victim illegally stays in Japan or in any violation of the Immigration Control Act, it grants special permission to stay to stabilize the legal status of the victim.

124. Since 2005, when data collection was started for the statistics on victims of human trafficking, the Immigration Bureau of the MOJ has granted special permission to stay to all victims of trafficking in persons (including children) who were illegally staying in Japan or in other violation of the Immigration Control Act.

125. The GOJ concluded the Trafficking in Persons Protocol on July 11, 2017. Also, based on the “Action Plan Against Human-Trafficking 2014”, the GOJ has created and published an annual report that summarized the measures taken against human-trafficking in Japan, including implementation status of anti-human-trafficking programs, and crackdown of human-trafficking crimes.

Question 14

126. The Ministry of Defense (MOD) has taken measures to respond to the Committee’s previous recommendations (CRC/C/OPAC/JPN/CO/1), including providing education on the Convention on the Rights of the Child and other related subjects as part of the curriculum of the National Defense Academy, Self Defense Force’s (SDF) schools and other educational institutions. The Japan Peacekeeping Training and Research Center, the Joint Staff College, educates SDF members engaged in international peace cooperation activities. In the curriculum of Contingent Commanders’ Course, Staff Officers’ Course and Basic Course implemented at the Center, education on the Convention on the Rights of the Child and other related matters is provided. MOD will further improve and expand these educational programs to enhance understanding.

Part II

Question 15

(a) New bills or laws, and their respective regulations;

Re-offending Prevention Act

127. In December 2016, the Re-offending Prevention Act was promulgated and enforced, in view of the importance of preventing re-offending (including the prevention of juvenile delinquency and prevention of rehabilitated juveniles from becoming delinquent again) by promoting smooth social reintegration of those who committed crimes (including juvenile delinquents or rehabilitated juveniles) with the understanding and cooperation of the people. The purpose of this Act is to stipulate basic matters related to measures for preventing re-offending and enable the promotion of comprehensive and systematic implementation of such measures, which will in turn prevent people from being victimized and contribute to the realization of a society where people can live safely and securely.

Juvenile Training School Act and Juvenile Classification Home Act

128. As explained in the section on the Juvenile Training School Act and the Juvenile Classification Home Act in the fourth and fifth government reports I.

Forcible sexual intercourse

129. To enable actions and punishments that reflect the current state of sexual crimes, the act amending a part of the Penal Code was established in June 2017, and enforced in July of the same year. In this amendment, the elements of the offence of rape that applies only to sexual intercourse victimizing female were reviewed. The charge under the amended Penal Code applies regardless of the sex of the offender and the victim, and applies not only to vaginal intercourse but also anal and oral intercourse. The lower limit of punishment was also raised from 3 years to 5 years of imprisonment. The name of offense was amended to “forcible sexual intercourse” (Article 177 of the amended Penal Code). In addition, “indecent by person having custody of person under 18” and “sexual intercourse by person having custody of person under 18” were newly established (Article 179, (1) and (2) of the Penal Code). Under the amended Penal Code, sex offenses can be prosecuted without victims’ criminal complaint to reduce the burden of the victims and to punish sexual offences more effectively.

Legal age of majority and legal marriage age

130. In March 2018, the GOJ submitted a bill to the Diet to lower the age of majority under the Civil Code to 18 years old and to set the marriage age to 18 years old for both men and women. The bill was passed in June of the same year (to be enforced in April 2022).

(b) New institutions (and their mandates) or institutional reforms;

N/A

(c) Recently introduced policies, programmes and action plans and their scope and financing;*Re-offending Prevention Promotion Plan*

131. In December 2017, following the enforcement of the Re-offending Prevention Act, the GOJ established the “Re-offending Prevention Promotion Plan”, the first plan to describe measures to be taken by the GOJ in the next five years to prevent re-offending, with the aim to prevent people from being victimized and contribute to the realization of a society where people can live safely and securely. This Plan sets five basic policies and incorporates 115 comprehensive measures (including prevention of delinquency of schooling children) for seven priority issues (including learning support) under these policies to provide long-term support to offenders.

(d) Recent ratifications of human rights instruments.

132. In July 2017, Japan concluded the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the Convention.

Part III

133. Please refer to annex II for replies to Part III.