



Convention on the Rights of the Child

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Committee on the Rights of the Child
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Consideration of reports submitted by States parties under article 44 of the Convention

Concluding observations: Japan

1. The Committee considered the third periodic report of Japan (CRC/C/JPN/3) at its 1509th and 1511th meetings (CRC/C/SR.1509 and 1511), held on 27 May 2010, and adopted, at its 1541st meeting, held on 11 June 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report as well as the written replies to its list of issues (CRC/C/JPN/Q/3/Add.1). It welcomes the presence of a cross-sectoral delegation and the informative and constructive dialogue.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with the concluding observations on the initial report of the State party under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JPN/CO/1) and on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/JPN/CO/1), adopted on 11 June 2010.

B. Follow-up measures and progress achieved by the State party

4. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 2 August 2004 and of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 24 January 2005.

5. The Committee notes with appreciation the adoption of the following legislative measures:

- (a) The amendments to the Child Abuse Prevention Law in 2004 and in 2008, pursuant to which, inter alia, the definition of child abuse was reviewed, the

responsibilities of national and local governments were clarified and the obligation to report cases of abuse were expanded;

(b) The amendments to the Child Welfare Law in 2004 and in 2008, whereby, inter alia, local governments were given a mandate to establish local councils on measures for children who need protection;

(c) The June 2005 amendment to the Penal Code which criminalized trafficking in human beings;

(d) The promulgation of the Act on Promotion of Development and Support for Children and Young People (2010);

(e) The amendment, in 2010, of the Fundamental Law on Education.

6. The Committee also welcomes the Action Plan to Combat Trafficking in Persons (December 2009) and the Resolution on Urgent and Effective Promotion of Comprehensive Measures against Suicide to facilitate coordination of efforts to reduce suicide rates, adopted in July 2005.

C. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para.6 6 of the Convention)

The Committee's previous recommendations

7. The Committee welcomes the efforts made by the State party to address some of the concerns and recommendations (CRC/C/15/Add.231) made upon consideration of the State party's second report (CRC/C/104/Add.2) in February 2004, but regrets that a number of them have not been fully implemented or have not been addressed at all. The Committee reiterates those concerns and recommendations in the present document.

8. The Committee urges the State party to make every effort to address the recommendations it made in its concluding observations on the second periodic report which have not yet been implemented (including those contained in paragraph 12 on coordination and national plan of action, paragraph 14 on independent monitoring, paragraph 22 on the definition of the child, paragraph 24 on non-discrimination, paragraph 31 on name and nationality, paragraph 35 on corporal punishment, paragraph 43 on disabilities and paragraph 47 on youth suicide) and to comprehensively address the concerns contained in the present concluding observations.

Reservations

9. The Committee regrets that the State party has maintained its reservation to article 37 (c) of the Convention.

10. The Committee recommends that the State party consider withdrawing its reservation to article 37 (c), which constitutes an obstacle to the full application of the Convention.

Legislation

11. The Committee notes the promulgation and amendment of several pieces of legislation in the area of child rights, which contribute to the improvement of children's living conditions and development. Nevertheless, it remains concerned that the Act on the

Promotion of Development and Support for Children and Young People does not cover the full scope of the Convention or guarantee child rights and, that there is no comprehensive child rights law in place. It also notes that certain aspects of domestic legislation, including in the area of juvenile justice, are still not consistent with the principles and provisions of the Convention.

12. The Committee strongly recommends that the State party consider adopting a comprehensive law on child rights and take steps to fully harmonize its legislation with the principles and provisions of the Convention.

Coordination

13. The Committee notes the existence of a number of national bodies involved in the implementation of policy on children's rights, such as the Headquarters for Promotion of Development and Support for Children and Young People, the Education Rebuilding Council and various government councils. The Committee is, however, concerned at the lack of a mechanism to ensure effective coordination between these bodies as well as among the national, regional and local levels.

14. The Committee recommends that the State party establish an appropriate national mechanism with a clear mandate and sufficient human and financial resources to effectively coordinate all activities undertaken by the State party for the implementation of children's rights at the national, regional and local levels and establish a continuous exchange and cooperation with civil society organizations which are involved in the implementation of child rights.

National Plan of Action

15. The Committee welcomes the adoption of a number of specific measures, such as the Act on Promotion of Development and Support for Children and Young People (April 2010) and notes with interest the elaboration of the "Visions for Children and Childcare" and the "Visions for Children and Young People", which aim to centralize government structures in order to support the development of all children and to fully respect them. Nevertheless, the Committee remains concerned at the lack of a comprehensive rights-based national plan of action for children covering all areas of the Convention and which addresses, inter alia, inequalities and disparities among children.

16. The Committee recommends that the State party, in consultation and cooperation with relevant partners, including local authorities, civil society and children, adopt and implement a national plan of action for children with medium and long-term targets, which covers all areas of the Convention, provide adequate human and financial resources as well as a monitoring mechanism which controls outcomes and adjust measures, as necessary. In particular, the Committee recommends that the action plan address inequalities in income and living standards, as well as disparities by gender, disability, ethnic origin and other factors shaping children's opportunities to develop, learn and be prepared for responsible life. The Committee recommends that the State party take into account the outcome document of the special session of the General Assembly on Children, "A world fit for children" (2002) and its mid-term review (2007).

Independent monitoring

17. The Committee expresses concern at the absence of an independent mechanism to monitor the implementation of the Convention at the national level. In this regard, the Committee notes the State party's information that five municipalities have appointed ombudspersons for children. The Committee, however, regrets the absence of information

on their mandate, independence and functions, the financial and other resources available to ensure efficacy and their envisaged relationship with the Human Rights Commission to be established under the Human Rights Protection Bill, which has been pending, regrettably, since 2002.

18. The Committee recommends that the State party:

(a) Expedite the passing of the Human Rights Protection Bill and the establishment of a National Human Rights Commission, compliant with the Principles relating to the status of national institutions (The Paris Principles), and provide it with the mandate to monitor the implementation of the Convention, receive and follow-up complaints and investigate systematic violations of child rights;

(b) Provide information, in its next report, on the mandate, functions and resources allocated to the National Human Rights Commission and to the ombudspersons;

(c) Take account of the Committee's general comment No. 2 (2002) on the role of independent human rights institutions.

Allocation of resources

19. The Committee expresses deep concern that the State party's social expenditure is lower than the OECD average, that poverty had already increased before the recent economic crisis and is now at around 15 per cent of the population and that child subsidies and allowances for child well-being and development have not been consistently developed so far. While the Committee welcomes the new allowance system and the law on waiving upper-secondary school fees, it remains concerned that there is no clarity on budget allocations for children in the National and Municipal Budgets, making it impossible to track and evaluate investment in terms of its impact on children's lives.

20. The Committee strongly recommends that the State party:

(a) Thoroughly examine the budgets at the central and municipal levels from a child rights perspective to ensure that the allocations meet the obligations of the State party to realize child rights;

(b) Define strategic budget lines which reflect child rights priorities;

(c) Protect priority budget lines for children against changes in levels of resources;

(d) Establish a tracking system to follow up policy outcomes based on an indicator system;

(e) Ensure that civil society and children are consulted at all levels.

Data collection

21. The Committee is aware that a significant amount of data on children and their activities is regularly gathered and published. It expresses concern, however, at the lack of data in relation to some areas covered by the Convention, including on the school enrolment rates of children living in poverty, children with disabilities and non-Japanese children, as well as on violence and bullying in schools.

22. The Committee recommends that the State party strengthen its efforts to collect data on children at risk of child rights violations. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of its policies in the area of child rights.

Dissemination, training and awareness-raising

23. The Committee notes the State party's efforts to promote awareness of the Convention among professionals working with and for children and among the general public, but remains concerned that these are not sufficient or that plans to disseminate the principles and provisions of the Convention are not carried out. In particular, more effective dissemination of information to children and their parents is urgently needed. The Committee is also concerned that training for professionals working for and with children is inadequate.

24. The Committee encourages the State party to broaden the dissemination of information on the Convention among children and parents. It urges the State party to develop systematic ongoing training programmes on human rights, including child rights, for all persons working for and with children (including teachers, judges, lawyers, law enforcement officials, media professionals, civil servants and government officials at all levels).

Cooperation with civil society

25. While noting the State party's information on a number of meetings with civil society organisations, the Committee is nevertheless concerned that a practice of continuous cooperation, which is important at all stages of the development, implementation and evaluation of policies and programmes for child rights, has not yet been established. The Committee is also concerned that civil society organisations were not involved in the follow-up to the Committee's previous concluding observations or afforded adequate opportunities to present their views during the preparation of the State party's third periodic report.

26. The Committee encourages the State party to strengthen its cooperation with civil society and involve its organisations more systematically throughout all stages of the implementation of the Convention, including preparation of its periodic reports.

Children's rights and the business sector

27. The Committee takes note of the massive impact of the private sector on the lives of children and their families and regrets the lack of information on regulations, if any, of the State party for social and environmental responsibilities of the business sector with regard to well-being and development of children.

28. The Committee encourages the State party to take effective measures to establish and implement regulations in order to ensure that the business sector complies with international and domestic standards on corporate social and environmental responsibility with a view to protecting local communities, particularly children, from any adverse effects resulting from business operations.

International cooperation

29. The Committee notes the still significant Official Development Assistance (ODA) and welcomes the strategic revision in 2003 prioritizing poverty reduction, sustainability, security and peace-keeping measures, but is concerned that the State party has consistently decreased ODA budget allocations which, at 0.2 per cent of gross domestic product (GDP), are far below the internationally agreed 0.7 per cent of the GDP to be spent on ODA. The Committee is particularly concerned at the State party's indication that a general change is not planned, except for the allocation of additional resources for specified objectives such as measures against climate change in developing countries and a remarkable increase of assistance provided for African countries.

30. **The Committee recommends that the State party reconsider its commitments to international ODA targets with a view to increasing the provided resources, in particular for programmes and measures which benefit children. The Committee further suggests that the State party take into account the concluding observations and recommendations of the Committee on the Rights of the Child for the recipient country in question.**

2. Definition of the Child (art. 1 of the Convention)

31. The Committee expresses its concern that, despite a recommendation in its previous concluding observations (CRC/C/15/Add.231, paragraph 22) to eliminate the difference between the minimum age of marriage for boys (18 years) and girls (16 years), the disparity remains.

32. **The Committee recommends that the State party reconsider its position by raising the age of marriage to 18 years for both sexes.**

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

33. The Committee is concerned that, in spite of several legislative measures, children born out of wedlock still do not enjoy the same rights as children born in marriage under the laws governing intestate succession. It is also concerned that societal discrimination persists against children belonging to ethnic minorities, children of non-Japanese nationality, children of migrant workers, refugee children and children with disabilities. The Committee reiterates the concern of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/6) that article 5 of the Fundamental Law on Education, which referred to the promotion of gender equality, has been removed.

34. **The Committee recommends that the State party:**

(a) Enact a comprehensive anti-discrimination law and repeal all legislation which discriminates against children on any basis;

(b) Take the necessary measures, including awareness-raising campaigns and human-rights education, to reduce and prevent discrimination in practice, particularly against girls, children belonging to ethnic minorities, children of non-Japanese origin and children with disabilities.

35. The Committee notes with concern that the Penal Code only recognizes women and girls as potential victims of rape and related offences and that the protection afforded under these provisions, accordingly, does not extend to boys.

36. **The Committee recommends that the State party consider amending the Penal Code to ensure that all victims of rape, boys or girls, are accorded the same protection.**

Best interests of the child

37. While acknowledging the State party's information that the best interests of the child are taken into consideration under the Child Welfare Law, the Committee notes with concern that this law, adopted in 1974, does not adequately reflect the primacy of the best interests. The Committee is, in particular, concerned that this right is not formally and systematically integrated into all legislation through a mandatory process of integrating the best interests of all children, including refugee and undocumented migrant children.

38. **The Committee recommends that the State party continue and strengthen its efforts to ensure that the principle of the best interests of the child is given effect and observed in all legal provisions, as well as in judicial and administrative decisions and projects, programmes and services that have an impact on children.**

39. The Committee notes with concern reports that a significant number of institutions responsible for the care or protection of children do not conform to appropriate standards, particularly with regard, inter alia, to the number and suitability of their staff and the quality of supervision and services.

40. **The Committee recommends that the State party:**

(a) Take effective steps to develop and define standards of service covering the quality and quantity of services provided by such institutions and applicable to both the public and private sectors;

(b) Consistently enforce adherence to such standards in both the public and private sectors.

Right to life, survival and development

41. While noting the State party's efforts to address the incidence of suicide among children, particularly adolescents, including through the Resolution on Urgent and Effective Promotion of Comprehensive Measures against Suicide, the Committee is still concerned at suicides committed by children and adolescents and at the lack of research on the risk factors associated with suicides and attempted suicides. It is also concerned at information that accidents in children's facilities may be related to a failure to observe minimum standards of safety in such institutions.

42. **The Committee recommends that the State party research suicide risk factors among children, implement preventive measures, equip schools with social workers and psychological consultation services and ensure that the child guidance system does not impose additional stress on children in difficult circumstances. It also recommends that the State party ensure that institutions with facilities for children, public or private, adhere to appropriate minimum safety standards.**

Respect for the views of the child

43. While noting the State party's information that children's views are taken into account in judicial and administrative proceedings in schools, children's institutions and in the family, the Committee remains concerned that formal regulations set a high age limit, that child welfare services, including the guidance centres, give little weight to children's views, that schools limit the areas in which children's views are given weight and that policy-making processes rarely refer to children and their views. The Committee remains concerned that traditional views which fail to respect the child as a human being with rights severely limit the weight given to children's views.

44. **In light of article 12 of the Convention and the Committee's general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party strengthen measures to promote the rights of the child to express his/her views fully in all matters affecting him/her in all contexts, including at school and in other children's institutions, in the family, in the local community, in courts and administrative bodies and also in policy-making processes.**

4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)

Birth registration

45. The Committee reiterates its concern, noted in its previous concluding observations (CRC/C/15/Add.231), that a number of the State party's regulations have the effect of limiting the possibility to register the births of children born to parents in certain situations, among them undocumented migrants, who are unable to register the birth of their children. These regulations result in a number of unregistered children and create a situation of de jure statelessness for them.

46. **The Committee recommends that the State party:**

- (a) Amend its nationality and citizenship laws and regulations in accordance with the provisions of article 7 of the Convention so as to ensure the registration of all children and protect children from de jure statelessness ; and**
- (b) Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Corporal punishment

47. While noting the explicit prohibition of corporal punishment in schools, the Committee expresses concern at reports that the prohibition is not effectively implemented. The Committee notes with concern the ambiguous ruling of the Tokyo High Court in 1981 which refrained from prohibiting all physical punishment. Furthermore, it is concerned that corporal punishment in the home and in alternative care settings is not expressly prohibited by law and that the Civil Code and the Child Abuse Prevention Law, particularly, allow the use of appropriate discipline and are unclear as to the admissibility of corporal punishment.

48. **The Committee strongly recommends that the State party:**

- (a) Explicitly prohibit corporal punishment and all forms of degrading treatment of children in all settings by law, including the home and alternative care settings;**
- (b) Effectively implement the ban on corporal punishment in all settings;**
- (c) Undertake communications programmes, including campaigns, to educate families, teachers, and other professionals working with and for children on alternative, non-violent forms of discipline.**

Follow-up to the United Nations Study on Violence against Children

49. **With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends that the State party:**

- (a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children, taking into account the outcome and recommendations of the Regional Consultation for East Asia and the Pacific (Bangkok, 14 to 16 June 2005);**
- (b) Prioritize the implementation of the recommendations of the Study to eliminate all forms of violence against children, paying particular attention to the following recommendations:**
 - (i) Prohibit all forms of violence against children;**
 - (ii) Enhance the capacity of all who work with and for children;**

- (iii) **Provide recovery and social reintegration services;**
- (iv) **Create accessible and child-friendly reporting systems and services;**
- (v) **Ensure accountability and end impunity;**
- (vi) **Develop and implement systematic national data collection and research;**
- (c) **Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**
- (d) **Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report;**
- (e) **Cooperate with and support the Special Representative of the United Nations Secretary-General on violence against children.**

5. Family environment and alternative care (arts. 5, 18, paras.1-2; 9-11, 19-21, 25, 27, para.4; and 39 of the Convention)

Family environment

50. While the Committee is aware of the enduring importance of family values in Japanese society, it is concerned at reports indicating a deterioration in parent-child relations with negative implications on the emotional and psychological well-being of children and even with the effect of an institutionalization of children. The Committee notes that these problems could have an origin in tensions between care for the elderly and the young and in such factors as competition in school, incompatibilities of work and family life in addition to the impact of poverty, in particular on single-parent households.

51. **The Committee recommends that the State party introduce measures to support and strengthen families, including by facilitating an appropriate balance between work and family life for both men and women in order to ensure the families' capacity to fulfil their child rearing responsibilities, strengthening parent-child relationships and awareness raising of child rights. The Committee further recommends that social services prioritize disadvantaged children and families and provide appropriate financial, social and psychological support, also to prevent children's placement in institutions.**

Children without parental care

52. The Committee notes with concern the lack of a policy on alternative, family-based care for children without parental care, the increase in the number of children taken into care away from their families, the inadequate standards of many institutions, in spite of efforts to provide small-group and family-type care, and the reportedly widespread abuse of children in alternative care facilities. In this regard, the Committee notes the establishment of a complaints procedure which, regrettably, has not been widely implemented. The Committee welcomes the fact that foster parents receive mandatory training and receive an increased allowance, but is concerned that some categories of foster parents are not financially supported.

53. **The Committee recommends, in light of article 18, that the State party:**
- (a) Provide care for children in family-like settings, such as foster families or small group settings in residential care;**
 - (b) Regularly monitor the quality of alternative care settings, including foster care, and take steps to ensure the compliance of all care settings with appropriate minimum standards;**
 - (c) Investigate and prosecute those responsible for child abuse in alternative care settings and ensure that victims of abuse have access to complaints procedures, counselling, medical care and other recovery assistance as appropriate;**
 - (d) Make sure that financial support is provided to all foster parents;**
 - (e) Take into account the United Nations Guidelines on Alternative Care of Children (see General Assembly resolution 64/142).**

Adoption

54. The Committee notes with concern that the adoption of a child who is a lineal descendant of either the adoptive parent or the adoptive parent's spouse may take place without judicial oversight or authorisation from the Family Court. It is, furthermore, concerned at the lack of adequate oversight for intercountry adoptions, including the absence of a registry for children adopted outside the country.

55. **The Committee recommends that the State party:**
- (a) Take and effectively implement measures to ensure that all adoptions are subject to judicial authorization and are in accordance with the best interests of the child, and that a registry of all adopted children is maintained;**
 - (b) Consider ratifying the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

Child abuse and neglect

56. The Committee welcomes measures such as amendments to the Child Abuse Prevention Law and the Child Welfare Law, which provide and enforce mechanisms for the prevention of abuse. The Committee remains concerned, however, that the notion of "parental authority" giving the right to exercise "comprehensive control" in the Civil Code as well as undue parental expectations, puts children at risk of violence at home. It notes with concern that the incidence of child abuse continues to rise.

57. **The Committee recommends that the State party strengthen current efforts to address the problem of child abuse, including by:**
- (a) Conducting public education programmes about the negative consequences of abuse and neglect and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline;**
 - (b) Providing adequate protection to child victims of abuse in their homes as well as in schools.**

6. Basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)

Children with disabilities

58. The Committee notes that the State party has adopted laws, established services and institutions with the aim of supporting children with disabilities, promoting their social participation, including joint learning in schools, and developing their independence. The Committee remains concerned that deep-rooted discrimination still exists and that measures for children with disabilities are not carefully monitored. It also notes with concern that children with disabilities continue to have limited access to education due to lack of political will and financial resources for the necessary equipment and facilities.

59. **The Committee recommends that the State party:**

(a) **Revise and adopt legislation in order to fully protect all children with disabilities, and establish a monitoring system, which carefully records progress made and identifies shortcomings in implementation;**

(b) **Provide community-based services that focus on enhancing the quality of life of children with disabilities, meeting their basic needs and ensuring their inclusion and participation;**

(c) **Carry out awareness-raising campaigns to combat existing discriminatory attitudes and sensitize the public about the rights and special needs of children with disabilities, encourage their inclusion in society and promote respect for the right of children and their parents to be heard;**

(d) **Make every effort to provide programmes and services for children with disabilities with adequate human and financial resources;**

(e) **Equip schools with the necessary facilities for the inclusive education of children with disabilities and ensure that they can choose their preferred school or move between regular schools and special needs schools according to their best interests;**

(f) **Provide assistance to non-governmental organizations (NGOs) working for and with children with disabilities;**

(g) **Provide training for professional staff working with children with disabilities, such as teachers, social workers, health, medical, therapeutic and care personnel;**

(h) **Take into account, in this regard, the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly res. 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities;**

(i) **Ratify the 2006 Convention on the Rights of Persons with Disabilities, which it has signed, and its Optional Protocol.**

Mental health

60. The Committee takes notice of data which indicate that a remarkable number of children have reported low levels of emotional well-being, and that poor relationships with parents and teachers may be determinants. It also notes that the number of consultations on attention-deficit hyperactivity disorder (ADHD) in Support Centres for Development Disabilities is increasing. The Committee welcomes the initiation of research and training of medical professionals on the treatment of ADHD, but is concerned that this phenomenon

is regarded mainly as a physiological disorder to be cured by drugs and that social determinants are not given due consideration.

61. **The Committee recommends that the State party take effective steps to address issues of the emotional and psychological well-being of children and adolescents through a multi-disciplinary approach ensuring effective support in all environments. The Committee also recommends that the State party monitor the trends in the numbers of ADHD diagnoses and ensure that research in this area is conducted independently of the pharmaceutical industry.**

Health services

62. The Committee observes with concern that children who do not meet the behavioural expectations of school are transferred to Child Guidance Centres. The Committee is concerned about the lack of information about standards of professional treatment, including the implementation of the child's right to be heard and his or her best interests to be considered and regrets that no systematic evaluation of outcomes is available.

63. **The Committee recommends that the State party commission an independent investigation of the child guidance system and its working methods, including an evaluation of the rehabilitative outcomes, and include information on the results of this review in its next periodic report.**

HIV/AIDS

64. The Committee expresses its concern at the increasing rate of HIV/AIDS and other sexually transmitted infections and at the limited education on these health issues for adolescents.

65. **The Committee recommends that the State party ensure the inclusion of reproductive health education in the school curriculum and fully inform adolescents of their reproductive health rights, including the prevention of teenage pregnancies and sexually transmitted infections, including HIV/AIDS, and ensure that all programmes for prevention of HIV/AIDS and other sexually transmitted diseases are easily accessible to adolescents, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development.**

Right to an adequate standard of living

66. During the dialogue the Committee was informed about the improved child allowance system for all children effective as of April 2010, but no data are available to assess whether this new measure will more effectively decrease the portion of 15 per cent of the population living in poverty than the currently applied measures such as the Public Assistance Act and other measures aimed at assisting single-parent families, in particular women-headed households. The Committee is concerned that financial and economic policies (such as labour deregulation and privatization strategies) may affect parents and in particular single mothers due to salary cuts, the gap between women's wages and men's, and rising expenditures for children's care and education.

67. **The Committee recommends that the State party allocate appropriate resources to eradicate child poverty, including through the elaboration of a poverty reduction strategy, taking into account the complex determinants of poverty, the child's right to development and the standard of living to be ensured for all families, including single-parent families. It also urges the State party to take account of parents' limited capacities to cope with such economic strategies as labour deregulation and flexibility because of their child-rearing responsibilities and to**

carefully monitor whether provided financial and other support can secure a family life needed for children's well-being and development.

Recovery of children's maintenance allowance

68. While noting the enactment of the Civil Execution Act of 2004, which aims to facilitate the recovery of child maintenance, the Committee is concerned that a number of separated or divorced parents, including those who have left the country, mostly fathers, do not meet their maintenance obligations and that existing procedures to recover outstanding maintenance are not adequate.

69. **The Committee recommends that the State party:**

(a) Strengthen the implementation of existing laws and measures which ensure that both parents, married or not, contribute equitably to the maintenance of their children and that maintenance obligations are effectively recovered when a parent fails to meet his or her obligations;

(b) Ensure that maintenance payments are recovered through a new mechanism to be set up, namely a national fund which would meet the maintenance obligations of defaulting parents, and subsequently recover outstanding payments through the civil or penal law, as appropriate;

(c) Ratify the 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

70. The Committee recognizes the exceptional academic excellence delivered by the Japanese school system, but notes with concern that, in spite of the reduced numbers of children competing for admission to schools and universities, complaints about excessive competition continue to rise. It is also concerned that this highly competitive school environment may contribute to bullying, mental disorders, truancy, drop-out and suicides among children of school-going age.

71. **The Committee recommends that the State party review its school and academic system with a view to combining academic excellence and child-centred promotion of capacities and to avoiding negative consequences engendered by an extremely competitive environment. In this regard, the State party is encouraged to take into account the Committee's general comment No. 1 (2001) on the aims of education. The Committee also recommends that the State party strengthen its efforts to combat bullying among peers and include children's views in the development of such measures.**

72. The Committee is concerned that schools for children of Chinese, North Korean or other origin are insufficiently subsidised. It is also concerned that graduates from these schools may not be eligible for entrance examinations to universities and colleges in Japan.

73. **The Committee encourages the State party to increase subsidies to non-Japanese schools and ensure that access to university and college entrance examinations is non-discriminatory. The State party is encouraged to consider ratifying the UNESCO Convention against Discrimination in Education.**

74. The Committee is concerned at information that Japanese history textbooks do not enhance the mutual understanding of children from different countries in the region as they represent a Japanese interpretation of historical events only.

75. **The Committee recommends that the State party ensure that officially reviewed textbooks present a balanced view of historical events in the Asia-Pacific region.**

Play, leisure and cultural activities

76. **The Committee reminds the State party of the children's right to rest, leisure and cultural activities and recommends that it support initiatives which promote and facilitate children's play-time and other self-organized activities in public places, schools, children's institutions and at home.**

8. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)

Unaccompanied refugee children

77. The Committee expresses its concern at the widespread practice of detaining children seeking asylum, even in the absence of allegations of criminal activity, and at the lack of an established mechanism for the care of unaccompanied asylum-seeking children.

78. **The Committee recommends that the State party:**

(a) Take immediate measures, including through the establishment of a formal mechanism, to prevent the detention of asylum-seeking children, ensure the immediate release of all such children from immigration detention facilities and provide them with shelter, appropriate care and access to education;

(b) Expedite the processing of the asylum claims of unaccompanied children under fair and child-sensitive refugee status determination procedures, ensuring that the best interests of the child are a primary consideration, appoint a guardian and legal representative and trace parents or other close relatives;

(c) Respect international standards in the area of refugee protection, taking into account the United Nations High Commissioner for Refugees (UNHCR) Guidelines on Formal Determination of the Best Interests of the Child and the UNHCR's Guidelines on Protection and Care of Refugee Children.

Trafficking

79. The Committee welcomes the amendment, effective July 2005, of the Penal Code, which established trafficking as a criminal offence, as well as the 2009 Action Plan on Measures to Combat Trafficking in Persons. It notes, however, the lack of information on the resources provided for this action plan, about the coordinating and monitoring body and on the impact of measures to address trafficking, especially in children.

80. **The Committee recommends that the State party:**

(a) Ensure effective monitoring of measures to address trafficking, especially in children;

(b) Ensure that victims of trafficking are provided with assistance for their physical and psychological recovery;

(c) Provide information on the implementation of the action plan;

(d) Ratify the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Sexual exploitation

81. The Committee reiterates its concern, noted following the examination of the State party's second periodic report, at the increasing instances of sexual exploitation of children, including through prostitution.

82. The Committee recommends that the State party strengthen efforts to investigate cases and prosecute perpetrators of child sexual exploitation and provide counselling and other recovery assistance to victims of sexual exploitation.

Administration of juvenile justice

83. The Committee reiterates its previous concern (CRC/C/15/Add.231) expressed upon consideration of the State party's second report (CRC/C/104/Add.2) in February 2004 that the revision of the Juvenile Law in 2000 has adopted a rather punitive approach and has restricted the rights and judicial guarantees of juvenile offenders. In particular, the lowering of the age of criminal responsibility from 16 to 14 years reduces the possibility for educational measures and exposes many children between 14 and 16 years of age to detention in correctional centres; children over 16 years of age committing serious offences can be sent to criminal courts; the length of pretrial detention has been extended from four to eight weeks; and the new *Saiban-in* system, which is a lay judge system, constitutes an obstacle to the treatment of child offenders by a specialized juvenile court.

84. Moreover, the Committee is concerned at the notably increasing number of juveniles referred to adult criminal courts and regrets that procedural guarantees due to children in conflict with the law, including the right of access to legal counsel, are not systematically implemented, resulting, inter alia, in coerced confessions and unlawful investigative practices. The Committee is also concerned at the levels of violence against detainees in juvenile correctional facilities and at the possibility of keeping juveniles in pretrial detention with adults.

85. The Committee urges the State party to review the functioning of the juvenile justice system with a view to fully bringing it in line with the Convention, in particular, articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System taking account of the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular the Committee recommends that the State party, in particular:

- (a) Take preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading children to enter into contact with the criminal justice system, and take all possible measures to avoid subsequent stigmatization;**
- (b) Consider reviewing its legislation in relation to the minimum age of criminal responsibility by raising it to the previous age of 16 years;**
- (c) Ensure that children under the age of criminal responsibility are not treated as criminal offenders or sent to correctional centres and that children in**

conflict with the law are always dealt with within the juvenile justice system and not tried as adults in non-specialized courts and, to this end, consider reviewing the *Saiban-in* court system;

(d) Ensure that all children are provided with legal and other assistance at all stages of the procedure, including through the expansion of the existing legal aid system;

(e) Implement alternatives to the deprivation of liberty, such as probation, mediation, community service orders, or suspended deprivation of liberty sentences, wherever possible;

(f) Ensure that deprivation of liberty (pretrial and post-trial) is applied as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(g) Ensure that children deprived of liberty are not detained together with adults and have access to education, including in pretrial detention;

(i) Ensure that all professionals involved with the system of juvenile justice are trained in relevant international standards.

Children belonging to minority or indigenous groups

86. While noting the measures taken by the State party to improve the situation of the Ainu people, the Committee is concerned that children of Ainu, Korean, Burakumin origin and other minorities continue to experience social and economic marginalisation.

87. **The Committee urges the State party to take the necessary legislative or other measures to eliminate discrimination against children belonging to ethnic minorities in all spheres of life and ensure their equal access to all services and assistance provided for under the Convention.**

9. Follow-up and dissemination

Follow-up

88. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the High Court, the Cabinet, the Diet and to local governments, when applicable, for appropriate consideration and further action.

Dissemination of concluding observations

89. The Committee further recommends that the third periodic report, the written replies submitted by the State party and these concluding observations be made widely available in the languages of the country, including through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to promote awareness of the Convention, its implementation and monitoring

Next report

90. The Committee invites the State party to submit its combined fourth and fifth periodic report by 21 May 2016. This report should not exceed 120 pages (see CRC/C/118) and should include information on the implementation of these concluding observations.

91. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the Harmonized

Guidelines on Reporting, approved by the fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
