



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/104/Add.2
24 July 2003

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second periodic reports of States parties due in 2001

JAPAN*

[15 November 2001]

* For the initial report submitted by the Government of Japan, see CRC/C/41/Add.1, for its consideration by the Committee, see documents CRC/C/SR.465-467 and CRC/C/15/Add.90.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1-5	4
I. GENERAL MEASURES OF IMPLEMENTATION	6-76	5
A. The position of the Government of Japan's with regard to its decision to make reservations	6-7	5
B. Measures to harmonize national laws and policies with the provisions of the Convention (art. 4)	8-10	5
C. Status of the Convention in domestic law	11-13	6
D. Relationship between treaties and national laws and other international laws (art. 41)	14	6
E. Precedents of the application of the principles or provisions of the Convention to judicial judgements in Japan	15-16	6
F. Relief measures in cases of violation of the rights of the child under the Convention	17-21	7
G. Comprehensive national projects on the rights of children under the Convention	22-23	8
H. National scheme for implementation of the Convention	24-37	8
I. Joint implementation of youth policy with NGO and other civil society groups	38	12
J. Implementation of measures to protect children's economic, social and cultural rights to the maximum extent of available resources	39-45	12
K. International cooperation for implementation of the Convention	46-57	15
L. Public relations activities for the Convention	58-73	19
M. Dissemination of information on the Convention to the public (art. 44, para. 6)	74-76	23
II. DEFINITION OF THE CHILD (art. 1)	77-107	24
A. Difference between the definition of "child" in the Convention and that in Japanese domestic law	77-78	24
B. Age limitation applied to legal capacity in Japan	79-107	24
III. GENERAL PRINCIPLES	108-165	30
A. Non-discrimination (art. 2)	108-124	30
B. Best interests of the child (art. 3)	125-141	33
C. Right to life, survival and development (art. 6)	142-148	37
D. Right to express views (art. 12)	149	38
IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17, and 37 (a))	166-212	42
A. Name and Nationality (art.7)	166-178	42

	<i>Paragraphs</i>	<i>Page</i>
B. Preservation of identity (art. 8)	179-180	45
C. Freedom of expression (art. 13)	181-182	45
D. Freedom of thought, conscience and religion (art. 14)	183-184	46
E. Freedom of association and peaceful assembly (art. 15)	185	46
F. Protection of privacy (art. 16)	186-191	46
G. Access to appropriate information (art. 17)	192-206	47
H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	207-212	53
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	213-283	54
A. Parental guidance (art. 5)	213-217	54
B. Parental responsibility (art. 18, paras. 1-2)	218-224	55
C. Separation from parents (art. 9)	225-235	57
D. Family reunification (art. 10)	236-240	59
E. Illicit transfer and non-return of children abroad (art. 11)	241	59
F. Recovery of maintenance for the child (art. 27, para. 4)	242-243	59
G. Children deprived of a family environment (art. 20)	244-248	60
H. Adoption (art. 21)	249-255	60
I. Periodic review of placement (art. 25)	256-258	62
J. Abuse and neglect (art. 19); physical and psychological recovery and social reintegration (art. 39)	259-283	63
VI. BASIC HEALTH AND WELFARE	284-328	68
A. Children with disabilities (art. 23)	284-293	68
B. Health and health services (art. 24)	294-321	72
C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)	322-325	77
D. Standard of living (art. 27, paras. 1-3)	326-328	77
VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	329-382	78
A. Education (art. 28)	329-358	78
B. Aims of education (art. 29)	359-375	83
C. Leisure, recreation and cultural activities (art. 31)	375-382	86
VIII. SPECIAL PROTECTION MEASURES	383-516	89
A. Children in situations of emergency	383-393	89
B. Children in conflict with the law (arts. 40, 37, 39)	394-446	91
C. Children in situations of exploitation; physical and psychological recovery and social reintegration (art. 39)	447-513	106
D. Children belonging to a minority or on indigenous group (art. 30)	514-516	117

Introduction

“The child shall be respected as a human being
The child shall be esteemed as a member of society”
(excerpt from the Children’s Charter of Japan.)

1. In October 1999, the population of children under 18 years of age stood at 23,261,000, accounting for 18.4 per cent of the total population. Families with children totalled 13,172,000, representing 29.3 per cent of households. When the National Action Programme for 2000 was drawn up in December 1991, children accounted for 23 per cent of the total population and families with children for 38.5 per cent of households. The number of children has been decreasing since then, which is a serious problem for Japan. In an effort to curb the decline in birth rates, the Government has been taking measures and will continue to do so.
2. Japan has been expanding its welfare and educational programmes, particularly since the end of the Second World War. All these programmes have attained a high level of achievement. By continuing these programmes, the Government intends to improve children’s and home welfare programmes and universal access to basic education.
3. As Japanese society becomes more and more complex, the social and family environments of children are undergoing major changes. New social problems have emerged, such as child prostitution, child pornography, bullying, juvenile delinquency, suicide, drug abuse and child abuse, and these continue to worsen. The Government of Japan is facing these problems, which have to be addressed urgently and effectively.
4. In addition to the Government, society as a whole, including individuals and non-governmental organizations (NGOs), plays an important role in dealing with human rights issues of children. In order for Japan to carry out its major responsibilities in the field of human rights, it is necessary for the Government and the community to cooperate constructively with each other and to assume their responsibilities based on a relationship of mutual trust.
5. On 22 April 1994, Japan ratified the Convention on the Rights of the Child. In May 1996, the Government of Japan submitted its initial report (CRC/C/41/Add.1) to the Committee on the Rights of the Child pursuant to article 44 of the Convention. Seven years after the ratification of the Convention, the Government of Japan is submitting its second periodic report. The present report provides information on measures introduced by the Government to solve recent social problems concerning children, as well as on its plans and opinions in response to the concluding observations of the Committee on the Rights of the Child formulated in June 1998 (CRC/C/15/Add.90).

I. GENERAL MEASURES OF IMPLEMENTATION

A. The position of the Government of Japan with regard to its decision to make reservations

6. The Government of Japan received the concluding observations of the Committee on the Rights of the Child on the initial report of Japan that was submitted in May 1996. In the light of the Vienna Declaration and Programme of Action of 1993, the Committee encouraged the State party to review its reservation and declarations with a view to their withdrawal.

7. In April 1994, less than a year after the World Conference on Human Rights held in June 1993, Japan ratified the Convention on the Rights of the Child. Upon ratification, Japan made a reservation to article 37 (c) of the Convention, as well as declarations on articles 9, paragraphs 1, and 10, paragraph 1. On submission of the present report, reiterating what had been stated in paragraph 13 of the initial report and answer 1 to the question put by the Committee, Japan does not have plans to withdraw its reservation and declarations.

B. Measures to harmonize national laws and policies with the provisions of the Convention (art. 4)

8. See paragraph 12 of the initial report of Japan.

9. In the law partially amending the Child Welfare Law and other relevant laws enacted in June 1997, full consideration was given to ensuring conformity of these national laws with the Convention and to reflecting more effectively the objectives of the Convention, such as the best interests of the child and the right to express views. In May 1999, Japan adopted the Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children. This Law, which came into effect on 1 November of the same year, together with the Child Abuse Prevention Law, adopted on 17 May 2000 and in force since 20 November of the same year, reflect the sincere efforts undertaken to protect children against any commercial sexual exploitation and other abuses and to ensure their sound development, thereby furthering the effective implementation of the Convention. Moreover, in February 2001, Japan's Action Plan against Commercial and Sexual Exploitation of Children was developed. The plan is a compilation of measures for the prevention of commercial sexual exploitation of children such as child prostitution or child pornography, law enforcement in this area, and rehabilitation of child victims of such acts.

10. In addition, in order to contribute to the effective implementation of the Convention both domestically and internationally, Japan is hosting the Second World Congress against Commercial Sexual Exploitation of Children to be held in Yokohama, Japan, in December 2001. A large number of participants are expected to attend this Congress, presumably 1,300 to 2,000 persons from national Governments, international organizations and NGOs. The main topics will be child pornography, including its dissemination through the Internet, the prevention and protection of children against sexual exploitation, recovery of child victims, child trafficking and others. We believe this Congress will surely contribute to the effective implementation of the Convention.

C. Status of the Convention in domestic law

Respect for the rights provided for in the Constitution and other national laws

11. Concerning respect for the rights provided for in the Constitution and other national laws, see paragraphs 2 and 3 of the initial report.

Relationship between treaties and national laws

12. Concerning the relationship between treaties and national laws, see answer 2 to the question put by the Committee.

Direct application of the Convention to judicial decisions

13. As for the manner in which treaty provisions should be applied to the settlement of domestic cases, there is no precedent of a court decision explicitly showing whether or not the direct application of the provisions of the Convention is possible. The Government of Japan considers that the manner of application should be determined on a case-by-case basis, with due regard to the purpose and content of the provisions of the Convention.

D. Relationship between treaties and national laws and other international laws (art. 41)

14. See paragraphs 4-8 of the initial report and paragraph 9 above for the law concerning the partial amendment of the Child Welfare Law.

E. Precedents of the application of the principles or provisions of the Convention to judicial judgements in Japan

15. There are several precedents of claims brought to Japanese courts by persons who had allegedly suffered from violations of the Convention because of a national law or ordinance. However, there has never been any court ruling to the effect that the application of a national law or ordinance had resulted in a violation of the Convention.

16. One of the precedents concerns a regulation which stipulates that the governor shall designate floppy disks as harmful materials if they contain computer software showing obscene pictures, and that their sale shall be prohibited to juveniles. A claim brought to a court asserted that the regulation violated the provisions of the Constitution of Japan as well as the Convention. The court judgement was that the regulation in question could not be regarded as a violation of the Convention because (a) the Convention stipulates that children should be granted access to information, except materials harmful to their sound development; (b) the Convention obviously cannot be interpreted as prohibiting States parties from regulating children's free access to harmful information and materials regardless of the consequences, while it leaves the decision on whether to allow children access to such harmful information and materials to their parents or legal guardians alone; and (c) the regulation in question can be considered a "law" in the sense of article 13, paragraph 2, of the Convention, based on the interpretation that this definition of "law" includes not only national

laws adopted by the Diet, but also regulations established by the assembly of a local government (Miyazaki Branch, Fukuoka High Court, 1995).

F. Relief measures in cases of violation of the rights of the child provided under the Convention

1. Volunteers for Children's Rights Protection

17. As mentioned in paragraph 15 of the initial report and answer 7 to the question from the Committee, Volunteers for Children's Rights Protection are organized as part of administrative measures to ensure children's rights. Major activities of the Volunteers include collecting and arranging information about children's rights, investigating and dealing with cases of infringement of children's rights, providing counselling services for children, and drafting plans for educational programmes to raise public awareness of the importance of protecting children's rights. Specifically, the Volunteers receive enquiries on children's rights in counselling rooms and through the "Children's Rights Dial 110" telephone service. Furthermore, the Volunteers hold meetings and discussions on children's rights in cooperation with activity groups for children, and conduct surveys on public awareness and attitudes towards children's rights. When there is suspicion of a violation, the Volunteers take appropriate measures in cooperation with the Legal Affairs Bureau and the District Legal Affairs Bureaux.

18. For fiscal year 2001, the budget for the activities of the Volunteers for Children's Rights Protection was 14,449,000 yen, of which 12,605,000 were allocated for travel expenses to participate in children's rights counselling room activities or training sessions, and 1,844,000 yen for the acquisition of books and materials to provide practical information. Currently, there are 688 Volunteers nationwide.

19. Volunteers for Children's Rights Protection are selected and appointed by the Director-General of the Human Rights Bureau of the Ministry of Justice from among human rights volunteers, carefully selected through a democratic procedure. First, mayors of municipal governments select candidates for volunteers, taking into consideration the opinion of their assemblies, and recommend them to the Minister of Justice. Mayors must select candidates from among residents of their municipal community who have the right to vote for the members of the community's assembly. Also, candidates should have a high level of knowledge of human rights as well as other social issues in various fields, and a deep understanding of the importance of protecting human rights. The Minister of Justice then appoints human rights volunteers from among the candidates, after hearing the opinion of the bar associations and the prefectural Association of Human Rights Volunteers.

20. Some of the tasks performed so far by the Volunteers for Children's Rights Protection include the above-mentioned counselling services through the counselling rooms or "Children's Rights Dial 110", monitoring of violations of children's rights through the distribution of so-called "no bullying" cards, investigation and relief activities in cases of violation, and public awareness-raising activities through bulletins and the mass media as well as in cooperation with the Board of Education and other relevant organizations.

2. Human Rights Volunteers

21. See paragraph 16 of the initial report.

G. Comprehensive national projects on the rights of children under the Convention

22. In December 1991, Japan prepared its national action plan pursuant to paragraph 34 (i) of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children in September 1990. In July 1996, an interim review of the action plan was prepared upon request by the Secretary-General of the United Nations, and another one in October 1998 for the Fourth East Asia and Pacific Ministerial Consultation on Goals for Children and Development Towards the Year 2000. Another national report was presented to the special session of the General Assembly in September 2001 as a follow-up to the World Summit for Children.

23. As mentioned in paragraph 10 above, Japan is hosting the Second World Congress against Commercial Sexual Exploitation of Children in December 2001. The first World Congress, held in Stockholm in August 1996, adopted the Declaration and Agenda for Action against Commercial Sexual Exploitation of Children, which included issues such as child pornography, child prostitution and the sale of children for these purposes. The Agenda for Action called upon all States to develop national agendas for action against the commercial sexual exploitation of children. Japan's Action Plan against Commercial Sexual Exploitation of Children was developed pursuant to this decision.

H. National scheme for implementation of the Convention

1. Authorities responsible for implementation of the various provisions of the Convention; coordination and monitoring of the progress made in this regard

24. As mentioned in paragraphs 26 to 29 of the initial report, measures related to children cover a wide range of issues, including welfare and education, and many relevant administrative agencies are involved in their implementation.

25. Before the recent administrative reorganization, the Management and Coordination Agency was responsible for the coordination of youth-related measures enforced by the relevant authorities, with the assistance of the Committee for the Promotion of Youth Policy composed of bureau chiefs of relevant ministries and agencies, in order to ensure the comprehensive and effective implementation of measures undertaken by relevant authorities when these measures are seen as part of Government-wide efforts as a whole. On 24 July 1998, the Committee for the Promotion of Youth Policy welcomed new members, including chiefs of relevant bureaux of the Prime Minister's Office, the Economic Planning Agency, the Ministry of Finance, the National Tax Administration Agency and the Ministry of International Trade and Industry. At the same time, the membership of the liaison conference organized by the Committee was enlarged. Furthermore, the Committee's guidelines which set out the fundamental policy and priorities for the promotion of youth policy were revised during that meeting, explicitly indicating how the Convention on the Rights of the Child

should relate to fundamental policies. Thus, efforts have been made to establish a Government-wide system for a comprehensive implementation of youth policy.

26. Since the administrative reorganization in January 2001, the Cabinet Office has been in charge of the general coordination of all measures, in close cooperation with the relevant ministries and agencies and also with the help of various organizations, including the Committee for the Promotion of Youth Policy. In this way, the Government of Japan has been implementing measures for children comprehensively and effectively while developing various other measures. So far, no plans exist to establish a new system of coordination within the Government. However, further efforts will be made to comprehensively promote measures for children under the existing system, in close collaboration with the relevant administrative agencies.

27. In pursuit of the sound development of young people and prevention of juvenile delinquency, the Government, by comprehensively promoting child-related measures, pays close attention to the aims of the Convention as well as to to recently issued concluding observations made by the Committee on the Rights of the Child.

28. Concerning mechanisms for monitoring implementation of the Convention, answer 6 to the question of the Committee addresses this issue.

2. Coordination between central Government and local governments

29. As mentioned in paragraph 27 of the initial report, the Cabinet Office, which took over the duties of the former Management and Coordination Agency, has been making efforts to comprehensively promote youth-related measures while maintaining coordination between national and local levels of government. Specifically, the Cabinet Office holds liaison conferences with departments and bureaux responsible for promoting youth policy at prefectural and municipal levels and promotes exchange of information between national and local governments.

30. Local governments demonstrate an active commitment to implementing measures to promote the protection of, and respect for, children's rights, as called for in the Convention. For example, they make efforts to raise public awareness of the Convention through public relations activities; conduct various child welfare measures and convene the "Children's Assembly" with the aim of promoting children's participation in society, in accordance with the aims of the Convention.

31. Each local government uses different means to achieve the aim of implementing the Convention, taking into account the conditions specific to its region. Therefore, the degree of implementation and attained performance vary from one region to another. Continued efforts are being made to reduce regional disparities, as considered necessary, among measures undertaken by respective local governments which are also responsible for implementing them, and to this end, the national authorities advise relevant departments and bureaux of local governments, give instructions and advice to other organizations under the central administrative bodies, and hold liaison conferences with local governments.

3. Relationship between governmental organizations responsible for children's rights and NGOs

32. In Japan, protection of children's rights is ensured through measures implemented by each ministry and agency. Each ministry and agency is responsible for implementing such measures and assessing the performance and progress of them.

33. See paragraph 28 of the initial report for the Government's counselling services and organizations concerning youth issues.

34. The Government of Japan considers it important that not only the Government but also society as a whole should contribute to the effective implementation of the Convention. In this perspective, the Government fully appreciates the activities initiated by private organizations to promote and facilitate the protection of children's rights, and understands the significance of such activities and their contribution to the implementation of the Convention. Therefore, the Government pays great attention to the effective utilization of the expertise of private organizations in implementing the Convention. The following are some examples of successful government cooperation with private organizations:

- (a) In implementing the Convention, the Government actively tries to create opportunities to hold discussions with NGOs. In fact, this report reflects the opinions of NGOs that show an interest in the Government's measures related to the Convention. In the process of preparing this report, two meetings were held under the auspices of the Ministry of Foreign Affairs between the Government and NGOs, with the aim of hearing their points of view and reflecting them in the report when considered necessary and appropriate;
- (b) The Volunteers for Children's Rights Protection liaise with schools, child guidance centres, local communities, parent-teacher associations, local welfare volunteers, etc. in view of the area's situation, since these contacts are helpful for the Volunteers in their duties to collect and arrange information about children's rights, and to design and implement plans of public awareness-raising activities to educate people on the protection of children's rights;
- (c) Child guidance centres, as public organizations, are active in detecting cases of child abuse without delay and taking appropriate action. The Government has sent a notice to all governors, suggesting that the local governments should encourage child guidance centres to cooperate with local private organizations engaged in the prevention of child abuse. In order to detect cases of child abuse without delay and to take prompt action, it is essential that relevant organizations, including welfare, health-care, police, educational and legal organizations cooperate effectively. Under this policy, the Conference against Child Abuse brought together representatives from the ministries responsible and 20 regional private organizations across the nation. There is also a network against child abuse in each prefecture and in some cities. In addition, the Government has been encouraging the establishment of municipal conferences against child abuse with the aim of promoting cooperation at the municipal level close to the public;

- (d) We have been pursuing educational activities for the elimination of child prostitution in cooperation with the Japan Committee for the United Nations Children's Fund (UNICEF), for the purpose of protecting children from sexual abuse and exploitation. We maintain close liaison with the Committee and other relevant organizations to prepare for the Second World Congress against Commercial Sexual Exploitation of Children;
- (e) We also financially support private organizations engaged in projects to improve child welfare, including education and maternal/child health-care projects in developing countries, through the gratuitous financial support system designed for grass-roots activities and the subsidy system for NGO projects.

4. Independent organizations for the protection of children's rights, including Ombudsmen

35. As mentioned above, the protection of children's rights in Japan is ensured through the implementation of measures initiated respectively by each ministry and agency, where the responsibility for each measure is taken by the ministry or agency which has implemented it, and each ministry and agency is supposed to make an evaluation of the performance and progress of its measures. We consider it very important to involve the whole of society in the efforts being made by the Government for the effective implementation of the Convention. In this light, the Government fully respects activities initiated by private organizations to promote the protection and facilitation of children's rights, and understands the significance of such activities and their contribution to the implementation of the Convention. Although there are no plans to introduce an ombudsman for children, the Government of Japan, in conformity with this policy, intends to continue promoting the implementation of the Convention under the existing system, while maintaining close liaison with relevant administrative bodies and in cooperation with private organizations.

5. Collection of data and promoting the effective utilization of statistics

36. Concerning this point, see answer 5 to the question from the Committee.

6. Regular evaluation of the status of implementation of the Convention

37. There is no nationwide system to evaluate the implementation of the Convention on a regular basis. However, as mentioned above, protection of children's rights is ensured in Japan through the implementation of measures initiated respectively by each ministry and agency, where the responsibility for each measure is taken by the ministry or agency that has implemented it, and each ministry and agency is supposed to make an evaluation of the performance and progress of its measures. The Government has been making efforts to guarantee the protection of children's rights through the implementation of various measures aiming at promoting the sound development of children, and continues, under the current scheme, to work towards the comprehensive promotion of these measures in accordance with the Convention and in cooperation with relevant administrative organizations.

I. Joint implementation of youth policy with NGO and other civil society groups

38. As described in paragraph 34 above, the Government actively cooperates with civil society in the implementation of the Convention.

J. Implementation of measures to protect children's economic, social and cultural rights to the maximum extent of available resources

Budget allocated for social benefits of children

39. The general account budget of the Japanese national Government for fiscal year 2000 was 63.2 trillion yen (excluding government bonds), of which approximately 5.3 trillion yen or 8.4 per cent was allocated to youth policy. We believe that our budget for youth policy is sufficient for promoting the protection of children's rights to fulfil the provision of the Convention which stipulates that State parties shall undertake youth measures to the maximum extent of their available resources (art. 4). In 2000, approximately 17.5 billion yen were set aside for health-care measures such as promotion of health, maternal and child health care and sports, about 3.5 trillion yen were allocated to education-related measures such as the promotion of study programmes and home education, the improvement of school education and occupational training programmes for young people, and approximately 728.3 billion yen were allocated to social services such as child-rearing support services, maternal and child welfare services, measures for mentally and physically handicapped children, child allowances and the improvement of child welfare institutions.

40. It should be noted that the above-mentioned budgets are aggregate budgets presumably related, directly or indirectly, to the sound development of juveniles, including children. Resources allocated to social services are for expenditures for the whole population, and it is difficult to calculate the exact resources spent specifically on children. As for local budgets, the national authorities do not always dispose of a detailed breakdown, but every prefecture certainly allocates sufficient resources to youth policies, just as central ministries and agencies do, to the maximum extent of each organization's available resources, as stipulated by article 4 of the Convention.

Trends in budget allocation for youth policy

41. The following table shows the recent trend of the above-mentioned budget for youth policy, as compiled by the Cabinet Office.

Table 1
Data on the budget for youth policy

Fiscal year	Total budget (initially allocated) (In thousands of yen)	Budget allocated for youth policy (In thousands of yen)	Ratio of the youth policy budget (percentage)
1996	58 729 726 369	5 155 480 507	8.8
1997	60 587 675 115	5 218 009 563	8.6
1998	60 406 363 032	5 177 290 727	8.6
1999	62 028 199 364	5 216 162 314	8.4
2000	63 021 711 948	5 268 780 743	8.4

Notes: Excluding expense for government bonds. The budget for the fiscal year 1996 includes the special account budget.

Respect for the best interests of the child in the process of the Government's budget settlement

42. In view of the possible ill effects of falling birth rates in recent years on the sound development of children, the New Angel Plan was formulated for a five-year period beginning in fiscal year 2000. The New Angel Plan is a concrete set of measures to counter the decline in fertility, including improving child-rearing support services such as day-care services, and creating a work environment in which work and child-rearing are compatible. Based on this plan, expenditures are earmarked for budgetary items related to the child and the family, such as the improvement of nursery services and the promotion of after-school children's clubs.

Efforts to reduce regional and social disparities in social services

43. Concerning efforts undertaken to reduce regional and social disparities in access to social services, under the New Angel Plan, the Government has been working towards the improvement of day-care services and other services to assist child-rearing, both in terms of quality and quantity of such services all over the country. Specifically, the Plan aims at expanding the capacity of day-care centres for small children, promoting the introduction of extended nursery care and a holiday nursery care system, and promoting after-school children's clubs to support working parents.

Protection of children from the negative effects of economic measures; economic measures to protect children

44. Child and child-rearing allowances are part of the social benefit system for child-rearing support. The child allowance scheme, introduced in 1972, aims at stabilizing family life by relieving the household's economic burden arising from child-rearing, and at supporting the sound development of children who represent the next generation of society. This scheme was amended in 2000, extending the upper age limit of beneficiaries up to when a child enters compulsory education, that is, the first day of the fiscal year after a child's sixth birthday. This amendment has been introduced to respond to the accelerating decline in birth rates and to the changing social environment of children and families, and aims at enhancing

the economic support to families engaged in child-rearing. The child-rearing allowance scheme aims at enhancing the economic stability and independence of monoparental families following divorce or separation of the parents, and this allowance is provided for qualified children under the policy to facilitate their welfare. The eligibility for both allowances is subject to an income limit set by a government ordinance. The income ceiling varies according to the number of the beneficiary's dependants.

45. Under the Public Assistance Law, welfare benefits are provided to those living in poverty who are unable to maintain the minimum standard of living guaranteed by the Constitution of Japan. Under this scheme, a household is eligible if its income is below the minimum subsistence level set by the Ministry of Health, Labour and Welfare. Living aid allowances are provided in cash or, where appropriate, in kind, in order to satisfy the need for food, clothes and other daily necessities. Housing aid allowances are provided in cash or, where appropriate, in kind, in order to satisfy the need for housing, housing repairs and other maintenance work.

Outline of the child allowance

Eligibility	Any child
Term of allowance	Expires on the first day of the fiscal year following the child's sixth birthday
Amount	First or second child: 5,000 yen per month As of the third child: 10,000 yen per month
Annual household income (effective June 2001)	Annual income should not exceed 4,150,000 yen (for a four-person household)
Special allowance (effective June 2001)	Employees or public employees who are considered ineligible for child allowance in terms of the above-mentioned income ceiling but whose annual income is below 5,740,000 yen (for a four-person household) are eligible for a benefit equivalent to the amount of child allowance paid by their employer
Number of children qualifying for child allowance	2,407,489 (at end of February 2000)

Outline of the child-rearing allowance

Eligibility	A mother or legal guardian of a child whose father is alive but lives separately and is not responsible for supporting the child is eligible for this allowance until the end of March following the child's eighteenth birthday, or twentieth birthday, in the case of a handicapped child
Amount	42,370 yen per month for the full allowance and 28,350 yen for the partial allowance (as of April 1999) for the first child. For the second child, 5,000 yen are added to the above-mentioned amount, and 3,000 yen for each additional child
Number of children qualifying for child-rearing allowance	Approximately 1.02 million (at end of March 2000)

K. International cooperation for implementation of the Convention

Bilateral cooperation

46. Concerning bilateral cooperation, Japan has been actively providing official development assistance (ODA) for social development. In 1999, about 20 per cent of bilateral ODA was allocated to this sector. Since 1991, Japan has been the world's top donor (nine consecutive years).

47. Assistance in education, public health and population, sectors which are responsible for ensuring maternal and child health care, increasing welfare and popularizing child education, has been provided mainly in the form of grant aid and technical cooperation. In 1999, US\$1,572.57 million, or 11.4 per cent of bilateral ODA, were committed to such programmes. In particular, grant aid for health and medical-care projects amounted to an average of about 15 per cent of all grant aid provided from 1994 to 1998; 16 per cent of all experts dispatched for technical transfer and human resource development are active in these sectors, as well as about 17 per cent of all trainees. In the field of health and medical care, population, family planning, and primary and secondary education, project-type technical cooperation, which consists of dispatching experts, receiving trainees and providing equipment, has been carried out and Japan Overseas Cooperative Volunteers have also been dispatched. In the field of education, a grant aid of 194.5 million yen was allotted to the construction of elementary and secondary schools.

48. In April 2000, representatives from the whole world met in Dakar for the World Education Forum which led to the adoption of the Dakar Framework for Action, setting six goals, including ensuring that by 2015 all children have access to primary education of good quality. In addition, the G8 Kyushu-Okinawa summit meeting held in July 2000 strongly supported the Dakar Framework. The summit also urged countries with sound education strategies to provide further assistance, focusing on education in poverty reduction strategies in partnership with developing countries.

49. Based on these developments, the former Ministry of Education investigated future policies of cooperation with its Council of International Cooperation in Education and prepared a report in November 2000. The report suggested the necessity to understand developing countries' needs in educational cooperation and to develop a plan accordingly, as well as to promote cooperation activities with elementary and secondary schoolteachers as experts or volunteers, and to make active use of the human resources of universities in education cooperation, paying due regard to the share of educational cooperation in ODA. Based on these suggestions, a cooperation system is currently being developed.

50. Japan is also making efforts to address the issues of children as part of its contribution to global issues. Under the Common Agenda between Japan and the United States (Common Agenda for Cooperation in Global Perspective) launched in 1993, Japan has been providing support for measures to combat infectious diseases, including AIDS, and measures to promote basic health and medical care such as maternal and child health, population, family planning, etc., and has been developing cooperation projects to eradicate polio in accordance with the agenda of "population and health" which encompasses the fields of population, AIDS and children's health. Concerning "population and AIDS", in the Global Issues Initiatives on

Population and AIDS launched in February 1994, Japan had announced contributions for a target amount of US\$3 billion by fiscal year 2000. By 1998, Japan had disbursed about US\$3.7 billion, more than the target amount. In the field of “children’s health”, eradicating polio is the top priority issue. In the Western Pacific region, where Japan had been active on a priority basis, the initiative turned out to be successful, and the region was certified free of endemic wild poliovirus by the World Health Organization (WHO) in October 2000. Working towards the global target to eradicate polio by 2005, Japan is expanding its assistance to South Asia and Africa, and spent 3,791 million yen in fiscal year 1999. The International Research Center for Medical Education was established at the University of Tokyo in 2000 and serves as a base for promoting international cooperation for medical education with universities etc.

51. Of the 1.3 billion people living under the poverty line in the world, 70 per cent are women. In education, employment and health, women are in vulnerable positions. In order to maintain balanced, sustainable development in developing countries, it is necessary to design gender-balanced development projects and to draw some benefits from them. With such a perspective, Japan announced its WID (Women in Development) Initiative in 1995, declaring that its would emphasize education, health, and economic and social activities for women in implementing its development assistance. At the G8 Kyushu-Okinawa summit, the leaders of the world’s leading industrialized countries agreed to start a battle against infectious diseases, including HIV/AIDS, tuberculosis (TB) and malaria, that hamper social and economic development in developing countries. They agreed to a set of goals to be implemented through a “New Partnership” of advanced and developing nations, international institutions and civil society. On the occasion of the summit, Japan, as chair of the meeting and leading donor, announced the Okinawa Infectious Disease Initiative enhancing its assistance, with the target of allocating a total of US\$3 billion over the following five years to measures to combat infectious and parasitic diseases, including HIV/AIDS. As a follow-up to the G8 Kyushu-Okinawa summit, the Okinawa International Conference on Infectious Diseases took place in December 2000 to discuss ways of implementing and strengthening the “New Partnership”. It was attended by representatives of the G8 nations, developing countries, international organizations and NGOs.

Cooperation with international organizations

(a) Cooperation for implementing relief measures for children

52. Japan has made financial contributions to UNICEF since 1952. In fiscal year 1999, with a contribution to the UNICEF general budget of US\$ 64.8 million, Japan was the third largest donor. Japan has also been promoting girls’ education, making a special contribution to the UNICEF project for education for female students, with an annual amount of US\$ 1 million since 1995. Besides, Japan has extended financial contributions to UNICEF emergency programmes, such as humanitarian assistance to East Timor in 1999, and the programme for rebuilding schools in Kosovo in 2000. Moreover, Japan has been extending assistance under the multilateral-bilateral aid scheme with UNICEF, whereby bilateral aid by Japan and multilateral aid by UNICEF complement each other’s resources in order to improve aid efficiency. In fiscal year 1999, Japan contributed roughly 430 million yen of vaccines, equipment, etc. to the Expanded Programme on Immunization (EPI) in 14 countries in Africa and Asia and the Pacific.

(b) Cooperation in health and sanitation

53. Japan, in cooperation with UNICEF, WHO and other donor countries and institutions, has been providing assistance for international health programmes, including EPIs and TB, and others. In particular, Japan played a leading role in eradicating polio in the Western Pacific region. Japan is also active in HIV/AIDS programmes. About 600 million yen have been contributed annually to the Joint United Nations Programme on HIV/AIDS (UNAIDS) since its establishment. In addition, Japan made financial contributions amounting to about US\$ 2.3 million in total for eight projects concerning maternal/child health, implemented by organizations such as UNICEF or the United Nations Population Fund (UNFPA) through the Trust Fund for Human Security created by Japan for the United Nations.

(c) Cooperation for women in development and gender-related issues

54. Japan is making efforts to expand its gender-related development aid through the United Nations Development Programme (UNDP) and the International Fund for Agricultural Development (IFAD). In 1995, the Japan Women in Development Fund (JWIDF) was created to support UNDP assistance to women in developing countries, and a total of about US\$ 11 million had been contributed by 1999. The Fund supports programmes for gender equality and the empowerment of women, giving priority to such fields as education, health and economic and social participation. For example, the Fund was used to finance a poverty eradication project in Cambodia, introducing a microfinancing scheme to improve the economic status of women. As a result, the school enrolment rate of children increased by about nine per cent, as women received stable income and the number of children who were forced to work decreased. The Fund was also used for the organization of a seminar on education of girls, supporting Guatemala's national efforts to improve primary education for girls. IFAD attaches great importance to the role of women in rural development. With the aim of actively supporting IFAD activities in gender-related areas, Japan established a "Special Contribution for Women in Development" fund through IFAD in 1995. So far, Japan has contributed US\$ 4,450,000 to this special fund and approved 27 projects. These include the implementation of studies to add a gender concept to IFAD-financed programmes, the organization of workshops and symposiums, the creation of a database making accumulated information and knowledge available to the public, and the implementation of studies on microfinancing which is regarded by IFAD as an effective means to alleviate poverty. In July 1999, the "Asian Crisis and Rural Poverty" symposium was successfully held in Tokyo.

(d) Cooperation in education

55. Japan has been contributing to development projects in the area of education through the United Nations Educational, Scientific and Cultural Organization (UNESCO) and operates the following trust funds:

- Funds in Trust for the Promotion of Literacy (44 million yen in fiscal year 2001) and the Funds in Trust for Community Literacy Centres (20 million yen in fiscal year 2001) under the Asia-Pacific Programme of Education for All (APPEAL), which promotes combating illiteracy and making primary education available to all children in the Asia-Pacific region;

- Funds in Trust for Mobile Training Teams (9.2 million yen in fiscal year 2001) under the Asia-Pacific Programme of Educational Innovation for Development (APEID) which aims at strengthening education cooperation among countries in the region and assisting developing countries in improving their education systems and contents and methods of education; and
- Japanese Trust Fund for Preventive Education against AIDS (7.3 million yen in fiscal year 2001) as part of its assistance to educational projects for preventing HIV/AIDS. Japan has also provided financial assistance (US\$ 19 million in total) to the school rebuilding project in Kosovo implemented by UNICEF and UNDP through the Human Security Fund.

(e) *Cooperation with NGOs*

56. Japan has been providing financial assistance to Japanese NGOs active in grass-roots projects in medical, health and educational fields which contribute to the improvement of maternal and child health, welfare and education. They are implemented under programmes such as the NGO Subsidy Framework and grant assistance for grass-roots projects. Such programmes help NGOs carry out assistance projects in recipient countries. In fiscal year 1999, roughly 348 million yen were allocated to the NGO Subsidy Framework and some 387 million yen as grant assistance for grass-roots projects.

Table 2
Aid projects in the field of health care and medical care, fiscal years 1995-1999

Fiscal year	Grant Aid (In 100 millions of yen)	Yen loan (In 100 millions of yen)	Technical assistance (Number of participants)		
			Participants in technical training programmes	Experts dispatched to developing countries	Japan Overseas Cooperation Volunteers (JOCV) dispatched to developing countries
1995	150.45 (7.8)	9.69 (0.1)	1 281 (12.2)	478 (15.2)	173 (16.4)
1996	195.37 (10.0)	197.92 (1.5)	1 214 (11.1)	464 (15.4)	172 (14.4)
1997	221.28 (16.8)	55.64 (0.5)	1 237 (10.9)	474 (15.5)	170 (14.7)
1998	253.99 (20.5)	420.98 (3.9)	2 428 (12.3)	487 (14.2)	185 (15.8)
1999	240.28 (20.6)	0 (0)	3 154 (17.6)	553 (13.8)	234 (18.1)

Note: Figures in parentheses in the grant aid column indicate the ratio of the value of projects in the fields of health care and medical care to that of all projects, excluding relief of liabilities, non-project aid programmes, grants for grass-roots aid projects and grants for students studying abroad.

Figures in parenthesis in the yen loan column indicate the ratio of the value of projects in the fields of health care and medical care to that of all projects, except carried-over liability.

Figures in parenthesis in the technical assistance column indicate the ratio of the value of projects in the field of health care and medical care to that of all projects.

Source: Spending for grant aid and yen loan is based on Exchange of Notes, and that in the technical assistance column is based on data from the Japan International Cooperation Agency (JICA).

Table 3
Aid projects in the field of education, fiscal years 1995-1999

Fiscal year	Grant Aid (In 100 millions of yen)	Yen loan (In 100 millions of yen)	Technical assistance (Number of participants)		
			Participants in technical training programmes	Experts working in developing countries	Japan Overseas Cooperation Volunteers (JOCV) working in developing countries
1995	128.87 (6.7)	520.73 (4.6)	274 (3.2)	157 (4.7)	193 (16.0)
1996	193.29 (9.9)	183.58 (1.4)	274 (2.5)	157 (5.1)	234 (22.3)
1997	246.21 (12.3)	146.22 (1.4)	341 (3.0)	149 (4.9)	228 (19.8)
1998	182.60 (15.1)	351.48 (3.2)	396 (2.0)	193 (5.6)	205 (17.5)
1999	194.51 (16.7)	124.95 (1.2)	349 (1.9)	243 (6.1)	219 (17.0)

Note: Figures in parentheses in the grand aid column indicate the ratio of the value of projects in the fields of health care and medical care to that of all projects, excluding relief of liabilities, non-project aid programmes, grants for grass-roots aid projects and grants for students studying abroad.

Figures in parenthesis in the yen loan column indicate the ratio of the value of projects in the fields of health care and medical care to that of all projects, except carried-over liability.

Figures in parenthesis in the technical assistance column indicate the ratio of the value of projects in the field of health care and medical care to that of all projects.

Source: Spending for grant aid and yen loan is based on Exchange of Notes, and that for technical assistance on data from JICA.

Follow-up to the World Summit for Children

57. Concerning the follow-up to the World Summit for Children, see paragraph 22 above.

L. Public relations activities for the Convention

1. Public relations activities for the Convention

Translation of the Convention into several foreign languages and translation into languages used by many foreign residents in Japan

58. Information booklets on the Convention have been published in both Japanese and English. Upon request, foreign residents are also provided with the text of the Convention in another languages available, such as Arabic, Chinese, French, Korean, Russian, Spanish, Tagalog, Thai and Vietnamese. We understand that public relations activities to raise public awareness of the Convention is important and necessary. We continue to make efforts to promote public awareness and correct understanding of the aims and content of the Convention, while taking into consideration people's responses to our activities in the past and the degree of public understanding of the Convention.

Utilization of online services such as the Government's web sites to raise public awareness of the Convention

59. The web site of the Ministry of Foreign Affairs (MOFA), in Japanese and English, has a section on the Convention on the Rights of the Child, allowing the general public to easily access and download information on the Convention, including the complete text of the Convention, the initial report of Japan issued by the Government, a list of the questions addressed by the Committee to the Government on the initial report, a list of Japan's answers to these questions, its final view on the Convention, and information on relevant symposiums. From April 2000 to March 2001, this particular section of the web site was visited 167,884 times (page view), including 153,896 views of the Japanese version of the MOFA web site. Similar information is also provided through the facsimile service operated by the Ministry (known as MOFAX). In addition, lectures, and various materials published by MOFA or with the participation of the Ministry contribute to explaining the Convention to the general public.

Introduction of lectures on human rights in school curricula

60. At schools in Japan, students are supposed to learn about the significance and role of international law relating to human rights, including the Convention on the Rights of the Child, the philosophy of respecting fundamental human rights, and the growth and development of children. The new Courses of Study, guidelines for teaching released by the Government in 1998, are aimed at further promoting human rights education through school activities as a whole, noting the aims of the Convention. Also, the Government strengthens training courses for schoolteachers by introducing issues related to human rights in these curricula, including lectures on the Convention on the Rights of the Child.

2. Educating civil servants who have duties concerning children***Teachers***

61. The local administration of every prefecture or city provides the opportunity for newly employed as well as experienced teachers to learn about human rights and student guidance through various training sessions offered at each stage of their teaching experience. Also, the National Centre for Teachers' Development, an independent administrative institution responsible for unified and comprehensive implementation of government-controlled training programmes, introduces training involving lectures about human rights for teachers who are expected to play a leading role at the local level. It also provides practical training on the theory and practice of student guidance and educational counselling.

Police officers

62. With the aim of ensuring that police personnel have the appropriate attitude towards juvenile cases and observance of the Convention, police schools provide education on juveniles for new recruits and officers freshly promoted to a higher rank, as well as specialized education on human rights for officers in charge of juvenile delinquents and personnel in charge of juvenile guidance. Also, education on children's rights is given to police officers from time to time as part of their on-the-job training.

Officials at correctional institutions

63. In its concluding observations adopted after reviewing the initial report of Japan (para. 33), the Committee recommended that training programmes on the rights of the child should be implemented for relevant officials. Officials at correctional institutions receive the necessary education on international rules related to human rights for those deprived of liberty, including the Convention on the Rights of the Child. For example, training programmes designed for future senior officials include training sessions on relevant United Nations documents, including the Convention, with the aim of deepening their awareness and understanding of the aims and content of the Convention. Such training is conducted by experts not belonging to the Ministry of Justice or officials of the Correction Bureau of the Ministry.

Officials in charge of human rights protection and promotion

64. Training programmes designed for civil servants in charge of human rights protection and promotion include specialized training sessions on human rights, managed by the Ministry of Justice, and targeting the staff of the Legal Affairs Bureaux and the District Legal Affairs Bureaux. During such training sessions, conducted annually at the offices of the central ministry, trainees are supposed to learn about children's rights through lectures by experts on the Convention and other programmes, including moot lectures given by trainees to discuss children's rights. Legal Affairs Bureaux and District Legal Affairs Bureaux also provide practical training sessions in which lectures on the Convention and children's rights are given to local personnel in charge of human rights protection and promotion. In addition, the Ministry of Justice provides training sessions for local civil service personnel working on public awareness-raising activities, with a view to fostering their aptitude as leaders in such activities. These training sessions include lectures about children's rights as well as the Convention.

Immigration officials

65. Various training sessions for immigration officials include lectures on treaties related to human rights, including the Convention.

Probation officers

66. Concerning probation officers, article 2 of the Offenders Rehabilitation Law, a basic law ruling rehabilitation-related administration, provides that rehabilitation measures shall be performed to the extent that it is considered necessary and appropriate for the correction and rehabilitation of juvenile offenders, and that their implementation should be adapted to the age, personal history, mental and physical condition, family, relations with friends and other circumstances of the offender, thus finding a method most appropriate for each individual. The Japanese Government makes efforts to ensure that officers in charge of probationary supervision of juvenile offenders observe this provision. In the training course for newly appointed probation officers, they are given the opportunity to deepen their understanding of the significance of this provision and to learn about juvenile protection and welfare through on-site training at child guidance centres. We have also established a curriculum for probation officers to learn about the mental and physical development of children, and another for

counselling, thereby providing officers with an opportunity to learn the significance of encouraging juvenile probationers and juvenile training school parolees to express their own views and to take such views seriously. In this curriculum, probation officers are supposed to take six hour courses on the mental and physical development of children.

Judges and other law administrating officers

67. At the time of Japan's ratification of the Convention, the Supreme Court sent a notification entitled "Promulgation and Effectuation of the Convention on the Rights of the Child" to high courts, district courts and family courts, with the aim of acquainting judges and other officers concerned with the contents of the Convention. Furthermore, judges are supposed to deepen their understanding of children's rights through curricula dedicated to various training programmes, including joint research on juvenile delinquency cases, problems concerning child custody, etc. and lectures on media reports on juvenile cases and human rights. In principle, anyone preparing to become a judge, prosecutor or lawyer needs to attend judicial training at the Judicial Research and Training Institute in order to obtain a licence to exercise a legal profession. During this legal training, lectures are given on children's rights, references are made to the objectives, contents and implementation of the Convention, including the 1994 report issued by the Japanese Government, the NGO report issued in 1994, and the concluding observations of the Committee on the Rights of the Child on the initial report of Japan made in 1998. There is also a curriculum on precedents of juvenile delinquency cases or cases of disputes over child custody. Thus trainees are given the chance to learn about children's rights, protection and welfare of children. In these training programmes for judges and curricula for legal training, judges and trainees learn the significance of fully considering the interests of children, encouraging children to express their own intentions in cases, as well as taking these into consideration.

Prosecutors

68. Prosecutors receive training sessions to learn about the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children, with special consideration required for women and children. Other training programmes, designed respectively for each level of prosecutor with a different length of service, cover various topics related to human rights, such as human rights secured by the Constitution of Japan and other treaties and children's rights.

Officials in charge of child welfare duties

69. Child welfare officers at child guidance centres, a central administrative organ in the field of children's welfare, are encouraged to deepen their understanding of the aims of the Convention and children's rights through Government-operated training programmes designed for newly positioned civil servants.

3. Professional training and service regulations

70. For professional training, see paragraphs 61-69 above.

National Police Academy and other police schools

71. Once a year, the National Police Academy, as part of its special expert training course on juvenile delinquency, gives a seminar on the protection of children's rights designed for executive officers from the prefectural police forces. Since 1998, regional police schools have also held a similar seminar twice a year for assistant police inspectors and police sergeants from the prefectural police as part of their special expert training course on juvenile delinquency. Police also organize group study programmes designed for juvenile guidance officials from the Juvenile Support Centres of the prefectural police. In these programmes, professionals such as university professors and counsellors give lectures on counselling techniques.

Universities

72. Concerning higher education, each university independently determines its own curriculum and implements it in accordance with its own policy and aims. In 1999, 110 universities were providing 174 courses on the rights of children, of which 61 courses were offered at 34 State-run universities, 9 courses at 8 public universities and 104 courses at 68 private universities. Specifically, these universities offer courses such as "the rights of children", "juvenile problems and human rights", "theory of child problems", "theory of child welfare", "protection of children's rights and professional ethics", and "case study of child counselling", offering education on how to protect the rights of children and create an environment where children can participate in society as individuals. Some universities require students to participate in fieldwork where they actually communicate with children.

4. Participation of NGOs in educational programmes and campaigns on the Convention and support for NGO activities

73. NGOs hold educational events for local residents, children and teachers, such as meetings to study the Convention. They also publish information booklets on the Convention.

M. Dissemination of information on the Convention to the public (art. 44, para. 6)

Preparation of the present report

74. Ministries and agencies which took part in the preparation of this report include: the Cabinet Office, National Police Agency, Defense Agency, Ministry of Public Management, Home Affairs, Posts and Telecommunications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport and Ministry of the Environment. As mentioned in paragraph 34 of the present report, two meetings were held between the Government and NGOs in the process of preparing this report, for the purpose of exchanging information and including opinions of NGOs in this report, when considered necessary and appropriate. Each meeting was attended by about 10 Diet members, 40 government officials and 70 representatives of NGOs.

Making reports widely available to the public

75. Concerning dissemination of reports to the public, see paragraph 55 above. Besides, the present report will be made available to the public on the home page of the Ministry of Foreign Affairs, as was the case with the initial report.

Making the concluding observations of the Committee on the Rights of the Child available to the public

76. See paragraph 59 above.

II. DEFINITION OF THE CHILD (art. 1)

A. Difference between the definition of “child” in the Convention and that in Japanese domestic law

77. Article 4 of the Child Welfare Law of Japan defines “child” as “anyone below 18 years of age”. Measures for promoting child welfare have been implemented in accordance with the fundamental policy of this Law, as described in article 1, paragraph 1: “Everyone shall strive to ensure the sound birth and growth of children, both in mind and body”, and also in article 2, paragraph 2: “The livelihood of each and every child shall be equally guaranteed and protected”.

78. Efforts to promote child welfare are also directed towards such aims as ensuring the full and well-balanced development of a child’s personality and facilitating the child’s development as a competent member of society. To this end, implementation of measures under existing national legislation has been enhanced.

B. Age limitation applied to legal capacity in Japan

Minimum age to legally make a contract or agreement on medical treatment independently without the consent of the legal guardian

79. The Civil Code of Japan provides that full active legal capacity is attained at the age of 20. Therefore, all contracts or agreements on medical treatment made by a person under 20 years of age without the consent of his/her legal guardian may be cancelled by the latter, but are considered valid if not expressly cancelled by the legal guardian.

Minimum age at which children are legally released from compulsory education

80. Concerning the minimum age required to leave compulsory education, see paragraph 39 of the initial report.

Minimum age for employment in a hazardous occupation, either as a part-time or full-time job

81. With respect to a person under 18 years of age, the Labour Standards Law forbids night work in principle, and sets restrictions on working hours and work on holidays, as well

as on employment in dangerous and harmful jobs. In addition, the same Law provides that children, for whom 31 March (end of the school year) has not passed since they reached the age of 15, shall not be employed. In exceptional cases, however, and with the permission of the administrative office, children above 13 years of age may be employed in occupations in non-industrial enterprises and perform light labour which is not harmful to the health and welfare of children. Children under 13 years of age may be exceptionally employed in motion picture production and theatrical performance enterprises, also with the permission of the administrative office. These provisions also apply to part-time employment.

Marriage

82. As concerns marriage, see paragraph 38 of the initial report.

Sexual crime

83. See paragraph 43 of the initial report. The Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children, which took effect in November 1999, defines as “child” anyone under 18 years of age and punishes acts such as engaging in child prostitution, producing child pornography for the purpose of sale, etc. on the basis of this age limit.

Voluntary enlistment in the army and conscription

84. In Japan, there is no conscription system and the enlistment in the Self-Defence Forces is voluntary. Article 25 of the Enforcement Regulations of Law and the Instructions for Assignment of Youth Cadets stipulate that the Self-Defence Forces may accept applications only from those who are 18 years old or over, except for attending its educational institutions through the youth cadet programme.

Participation in a hostile act

85. Those who are enrolled in such educational institutions are not supposed to participate in any hostile action in combat. Therefore, there is no possibility of anyone under 18 years of age directly taking part in a battle action.

Criminal liability

86. Concerning criminal liability, the Penal Code of Japan provides that anyone below 14 years of age shall not be subject to penal punishment.

Detention during investigation

87. In Japan, it is ruled that criminal charges can only be brought against those who are 14 years of age or older, which is also the minimum age for being placed in custody. However, it is also ruled that detained juveniles over 14 years of age shall be treated differently from adult detainees, taking into consideration their juvenile-specific mentality.

Transfer to correctional institutions

88. In Japan, there are juvenile classification homes as a national institution for the classification of juvenile delinquents, and juvenile training schools and juvenile prisons as national institutions for juvenile correction. Accused and suspected law offenders are kept in custody in detention houses. Juvenile classification homes accommodate those who have been committed thereto by a family court. As provided by articles 3 and 17 of the Juvenile Law and article 16 of the Juvenile Training School Law, the primary duty of these homes is to classify the personality and disposition of the juvenile on the basis of medical science, psychology, pedagogy, sociology, and other expert knowledge. This classification is to contribute to the family court's investigation, hearings and decisions on proper protective measures for the juvenile, and also to decisions on proper treatment of children who are 14 or 15 years old and have been sentenced to imprisonment with or without labour.

89. Juvenile training schools are institutions for juvenile delinquents who have been committed thereto by a family court as a protective measure and have been ordered to serve their prison sentence there under the Juvenile Law. These schools provide correctional education to juvenile delinquents who, under article 2 of the Juvenile Training School Law, are fourteen years old or older.

90. Suspected or accused juvenile law offenders are placed in detention houses and juveniles who have been sentenced to imprisonment through a criminal trial in juvenile prisons. As article 41 of the Japanese Penal Code stipulates that criminal charges cannot be brought against a person under 14 years of age, these institutions accommodate only those who are 14 years of age or older.

Capital punishment and life imprisonment

91. The Juvenile Law of Japan provides that sentences for juvenile criminals who at the time of committing the offence had not reached 18 years of age shall be, for the same offence, lighter than sentences for criminals 18 years of age or older. For instance, article 51 of this Law foresees a life sentence for juvenile criminals who were under 18 years of age at the time the crime was committed, even if the Penal Code sets out capital punishment for the charges brought against him/her. Likewise, juveniles are sentenced to limited lengths of detention even when his/her crime would otherwise deserve life imprisonment under the Penal Code. In a case such as this, the term of imprisonment lasts between 10 and 15 years. Japanese law sets the minimum age for capital punishment at 18 years at the time of the crime. However, there is no minimum age for life sentences, although in practice, the age limit is 14 years of age at the time of the crime, since, under Japanese law, a person who has attained 14 years of age is subject to criminal liability. Before the partial amendment to the Juvenile Law made in November 2000, article 51 ruled that a juvenile criminal who had not reached 18 years of age at the time of the offence should be sentenced to a limited term of imprisonment of between 10 and 15 years, though the crime would otherwise deserve life imprisonment for those who had reached 18 years of age. However, the amended Law now allows the court to decide on whether the sentence should be life imprisonment or limited-term imprisonment.

Witness at a civil trial

92. In Japan, there is no rule as to the legal qualification of a witness to testify at a civil trial, including his/her age and legal capacity.

Witness at a criminal trial

93. There is no provision in the Criminal Procedure Code prescribing the conditions of legal capacity of a juvenile or child to testify at a criminal trial. However, there is a court ruling which admitted the capacity of a 44-month-old child who had been the victim of indecent assault two months before, to testify in court. The court had ruled that the capacity of a witness to testify is decided not by his/her age, but by the circumstances of individual cases and that the matter requiring a witness to testify is a significant element in making such judgement (Judgement of Tokyo District Court, 14 November 1973, cited in *Hanrei-Zihou* (Judicial Magazine), p. 24, No. 723). In order to mitigate the psychological and mental effects from which witnesses could suffer by testifying in courts, the Criminal Procedure Code was partially amended in 2000 to introduce protective measures for witnesses, allowing them to testify without being seen by the defendant, or on video, where the witness is examined in a separate room via a TV monitor.

Minimum age and legal capacity to file a lawsuit or bring a claim to court for indemnification

94. Anyone who has attained the age of 20 may file a civil suit and proceed in the suit independently. However, for a criminal suit, any private citizen even over 20 years of age is not allowed to prosecute.

Minimum age and legal capacity to participate in an administrative or judicial litigation

95. In Japan, there is no age restriction on suing or being sued in his/her own name in an administrative or civil litigation.

Minimum age for being charged with a criminal offence

96. The minimum age to be charged with a criminal act is 14 years of age. The victim of a criminal act has the right to express his/her opinion during the procedure of criminal suit or juvenile judgement, and there is no age restriction for a juvenile/child victim to be allowed to express his/her opinion.

Minimum age and legal capacity to make a change to one's status in the family register

97. The Civil Code provides that anyone who has attained 15 years of age may change his/her family name or agree to be adopted and dissolve the adoptive relation of his/her own accord. It is also provided that all married persons, even if they are under 20 years of age, may divorce by agreement.

Minimum age and legal capacity to access the family register

98. There is no rule prescribing a minimum age for the legal capacity to apply for a copy of one's family register. Under article 13 of the Census Registration Law, the family register shall include, inter alia, such information as the family name, given name, date of birth, names of natural parents, and relation to natural mother and father.

Legal capacity to inherit and dispose of assets

99. In Japan, those who are under 20 years of age are not legally capable of conducting legal acts independently. However, there is no age requirement for the ability to inherit.

Capacity to create an organization or to adhere to one

100. The Civil Code provides that anyone who has attained 20 years of age may conduct legal acts independently. However, all legal actions undertaken by those under 20 years of age without the consent of their legal guardian, including to establish an organization and to enrol in one, remain effective if not expressly withdrawn by the guardian.

Freedom to choose a religion and enrol in a religious school

101. Concerning the freedom to choose one's religion and to enrol in a religious school, see paragraph 100 of the initial report.

Consumption of alcohol and other restricted substances

102. Concerning alcohol and substance consumption, see paragraph 45 of the initial report. Also, the Law for Prohibiting Liquor to Minors and the Law for Prohibiting Smoking to Minors both entail criminal liability for the sale of alcoholic beverages and cigarettes to juveniles under 20 years of age.

Relationship between minimum age, compulsory education and employment, and its impact on children's right to education in the light of relevant treaties

103. The Labour Standards Law provides for restrictions on working hours and work on holidays and on employment in dangerous and harmful occupations, as well as for the prohibition of night work in principle. In addition, this Law provides that children, for whom 31 March has not passed since they reached the age of 15 shall not be employed. However, children above 13 years of age may, on an exceptional basis, be employed in occupations in non-industrial enterprises to perform light tasks which are not harmful to the health and welfare of children, with the permission of the administrative office. Children under 13 years of age may be exceptionally employed in motion picture production and theatrical performance enterprises.

Gender-related differences in marriage-related restrictions

104. Under article 731 of the Civil Code, a male may not marry until he has reached 18 years of age, nor may a female until she has reached 16 years of age.

105. In the view of Japan, this gender distinction in terms of age to marry does not violate article 2 of the Convention on the Rights of the Child. Marriage is an act of two people to form a new family, and to function as a fundamental unit of society. Therefore, permission to marry should not be granted to citizens who have not reached maturity. This is why the law does not allow children to marry, since they are regarded as immature to do so. There is also a general difference, physical and mental, between males and females with regard to the age to marry. The difference between males and females in the minimum age to marry laid down in Japanese law is reasonable, since it reflects the above-mentioned difference in the degree of physical and mental development between males and females. Therefore, we believe that such a differentiation does not violate article 2 of the Convention.

Gender-related differences in the legal provisions for sexual offenders

106. The Penal Code of Japan makes gender-related differences in the treatment of sexual offenders. Such a differentiation, which is based on the inherent physiological differences between males and females, does not fall under “discrimination” as defined by article 2 of the Convention, as illustrated by the following examples:

- Articles 117 (rape), 181 (rape resulting in death/bodily injury), 214 (rape on the occasion of robbery resulting in death) and 182 (inducement to sexual intercourse) of the Penal Code all limit the object of the crime to females. This limitation is regarded as a mere distinction, considering that there is no gender difference with regard to the subject of the crime, that criminologically, such indecent acts are usually committed by a male against a female, and that protective measures for rape victims should be designed specifically for the benefit of female persons, taking into account the physical and physiological differences between females and males. Articles 176 (forcible indecency) and 181 of the same Code (forcible indecency resulting in death/bodily injury) do not have any gender limitations as to the victim of the offence, charging all assailants regardless of the gender of the victim;
- Articles 213 (abortion with consent), 214 (abortion in the conduct of business), 215 (abortion without consent) and 216 (abortion with consent resulting in death/bodily injury) of the Penal Code all limit the victim of the crime to females, while there is no gender difference with regard to the perpetrator of the crime. Such limitation is based on the physical and physiological difference between females and males, since only females are capable of becoming pregnant, and is also aimed at protecting the life and bodily well-being of unborn children and mothers. Thus it is regarded as a mere distinction. Article 212 of the Penal Code (abortion) limits the perpetrator of the crime to females, but here again, this article aims at protecting the life and bodily well-being of unborn children and mothers. Male persons who have been involved in abortions committed by females are subject to criminal charges and are considered accomplices in this article, as well as in the above-mentioned articles 214-216. Thus, we believe that this provision does not lead to an unfair treatment of females.

Definition of adolescence

107. The Penal Code of Japan has no definition of adolescence.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

1. Measures taken to indiscriminately guarantee the rights stipulated in the principles of the Constitution, child-related domestic laws and international agreements against discrimination

108. See answer 14 to the question from the Committee on the initial report. Specifically, the following examples can be cited:

- (a) In accordance with the spirit of the Constitution, the Child Welfare Law stipulates, in article 1, paragraph 2, that “the life of every child shall equally be guaranteed and protected”;
- (b) There are no nationality requirements in the provisions of the Child Welfare Law, the Child Allowance Law, the Child-Rearing Allowance Law or the Special Child-Rearing Allowance Law. These laws do not lead to any difference in the treatment of children according to nationality;
- (c) The Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children punishes those who are involved in acts related to child prostitution and pornography etc., irrespective of the nationality of the child;
- (d) As stated in paragraph 48 of the initial report, all forms of discrimination against children by public authorities are prohibited, and in all juvenile classification homes, juvenile training schools and penal institutions, the basic principle is the equal treatment of juveniles, with consideration to eliminating any discriminatory treatment;
- (e) The Law on Promoting Human Rights Education and Human Right Edification, promulgated in December 2000, stipulates that human rights education and edification must be conducted by national and prefectural authorities, with efforts to provide various opportunities and to adopt effective methods, so that people can acquire and deepen their understanding of respect for human rights according to the development stage of each individual, through activities carried out in schools, communities, homes, workplaces, and various other places. Besides, the Ministry of Education, Culture, Sports, Science and Technology has recently made an announcement to the relevant agencies, to the effect that human rights education in schools and social institutions should follow more closely the basic principle laid out in this Law.

2. Measures to address cases of discrimination

109. See paragraphs 51-53 of the initial report.

3. Prevention of discrimination against most disadvantaged children

110. See answer 15 to the question from the Committee on the initial report.

111. Article 3 of the Disabled Persons Fundamental Law provides that the individual dignity of every disabled person shall be respected, that he/she shall have the right to be treated in such a manner and shall be given the opportunity to participate in activities in every field.

112. In order to heighten public awareness of the importance of respecting human rights, including children's rights, and to promote respect for human rights, the human rights organs of the Ministry of Justice are conducting positive promotion activities, holding lectures and discussions, broadcasting on television and radio, and distributing leaflets, all of which contribute to the prevention of the human rights problems of children. In addition to daily promotional activities to eliminate prejudice and discrimination against the Ainu people, persons with disabilities and foreigners, including children, nationwide educational activities are carried out through campaigns and lectures during Human Rights Week, which takes place every year during the week ending 10 December on Human Rights Day, and which is marked by large-scale educational activities, as well as on Human Rights Volunteers Day (1 June).

113. Should an incident of discrimination actually occur against illegitimates, Ainus, and disabled persons, including children, it is considered a case of human rights violation and measures are taken accordingly.

114. As for refugees, and applicants for refugee status as defined by the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, the Ministry of Justice, which is responsible for granting this status, has never disclosed any personal identification data such as nationality and name in order to protect the privacy and ensure the safety of such persons. The fact of being a refugee, or an applicant for refugee status, or a child of either, does not directly mean that he/she has to suffer social discrimination. After Japan ratified the Convention relating to the Status of Refugees in 1981 and the Protocol in 1982, domestic laws were modified in order to ensure the bona fide implementation of the Convention by removing the nationality requirement for the allowance from the provisions of the National Pension Law, the Child Allowance Law, the Child-Rearing Allowance Law and the Special Child-Rearing Allowance Law, so that refugees, in principle, obtain the same entitlements as Japanese nationals or foreigners with regular status.

4. Measures to eliminate discrimination against the girl child, and follow-up to the Fourth World Conference on Women

115. Following the adoption of the Beijing Platform for Action at the Fourth World Conference on Women, Japan developed the "Basic Plan for Gender Equality 2000" in December 1996, incorporating new international norms and standards contained in the Beijing Platform for Action into domestic law and implementing various measures. In June 1999, Japan enacted the Basic Law for a Gender-Equal Society which promulgates respect for the human rights of women and men, for instance, respect for the dignity of men and women as individuals, elimination of gender-based discriminatory treatment of women or men, and

guaranteeing equal opportunities for men and women to exercise their abilities as individuals. Based on this Law, the Government of Japan established the Basic Plan for Gender Equality, and is promoting measures comprehensively in accordance with the Plan. The Plan also formulates objectives such as reforming public awareness. One of the biggest obstacles to realizing gender equality is the stereotyped division of roles, which, over the years, has formed in people's minds. While such division of roles is changing over time, it still remains rooted in people's mentality. In order for the concepts of gender equality and respect for human rights to take root among the people, Japan actively conducts public relations and educational activities that are vigorously pursued through various media.

116. Japan sent a delegation of 40 people to the twenty-third special session of the General Assembly entitled "Women: 2000: Gender Equality, Development and Peace for the Twenty-First Century" (Beijing+5). The delegation, headed by Ms. Sumiko Iwao, Chairperson of the Council for Gender Equality, was composed of four representatives of NGOs (including Ms. Iwao), five members of parliament as advisers, and representatives from the Ministry of Foreign Affairs, the National Personnel Authority, the Prime Minister's Office, the Ministry of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, and Ministry of Labour. Japan also participated as a member of JUSCANZ (Japan, United States of America, Canada, New Zealand, Norway, Iceland, Switzerland, Liechtenstein, Republic of Korea, and San Marino), in the negotiations on the final document, stressing the inclusion of issues such as the collection of gender disaggregated data, improvement of education, advancement of women, and women's status in agricultural, forestry and fishing villages.

5. Collection of data on groups subject to discrimination

117. See paragraph 36 above.

6. Prevention and elimination of biased attitudes to children that contribute to social and ethnic tension, racism and xenophobia

118. See paragraphs 110-114 above.

7. Protection of children from discrimination and punishment

119. See paragraph 108 above. When a human rights violation against a child of a foreigner is suspected to have occurred, the authority responsible, in cooperation with relevant authorities, actively engages in solving the problem by providing remedy for the child victim and educating the persons concerned on how to respect human rights.

8. Major problems in implementing article 2, ways and means of overcoming these obstacles, and the evaluation of progress in the prevention of discrimination

120. Japan developed a basic plan for disabled persons in accordance with article 7, paragraph 2, of the Disabled Persons Fundamental Law. The status of implementation of this plan is monitored so that the plan can be steadily implemented.

121. Cases of human rights violations against foreigners handled by the human rights organs of the Ministry of Justice include such incidents as refusing foreigners the entry to a public bath, spreading rumours and slandering foreigners. There have also been cases of discriminatory language used against foreigners who are permanent residents, and of discriminatory graffiti.

122. In order to provide counselling for foreigners living in Japan, the human rights organs of the Ministry of Justice have established human rights counselling centres for foreigners at the Legal Affairs Bureaux in Tokyo, Osaka, Nagoya, Hiroshima, Fukuoka and Takamatsu, and at the District Legal Affairs Bureaux of Kobe and Matsuyama. These centres, that have interpreters in English, Chinese and other languages, give consultations on a wide range of issues, such as work conditions, marriage, divorce, relations between married couples, naturalization, nationality acquisition, compensation for damage, and criminal cases.

123. The human rights organs of the Ministry are active in solving problems by investigating and handling human rights violations, and in educating people by offering human rights counselling.

124. In May 2001, the Council for Human Rights Promotion established in the Ministry of Justice submitted a report on the ideal framework for a human rights remedy system. The report proposed establishing a new human rights remedy system led by an organ independent from the Government, tentatively called the Human Rights Committee, so that positive remedy is made by putting into practice more effective investigation procedures and remedial methods regarding certain human rights violations, including discriminatory treatment in social life on the basis of race, creed, sex, social status, family origin, disability, illness, sexual orientation, etc. The Government will pay maximum respect to the recommendations of the Council, and will make every effort to establish the recommended new human rights remedy system.

B. Best interests of the child (art. 3)

1. The principle of “best interests of the child” in the Japanese Constitution and in domestic law

125. Article 1 of the Child Welfare Law prescribes that “all people shall strive to ensure the sound birth and growth of children, both in mind and body”. Besides, articles 2 and 3 of the Child Welfare Law and article 3 of the Maternal and Child Health Law assume that a child’s best interest is to be considered in each individual case. In addition, in the amendments made to the Child Welfare Law in 1997, the following administrative provisions were added to further reinforce consideration of a child’s best interests:

- (a) When a child guidance centre takes an action such as placing a child in an institution, it is explicitly stipulated that the Centre shall hear the child’s opinion;
- (b) When the will of the child or the guardian(s) does not coincide with the policy of the child guidance centre, or when the child guidance centre deems it necessary, it seeks the opinion of a council of medical and legal experts;

- (c) The system has been changed so that guardians can choose day-care centres based on information provided about day care. Furthermore, the Child Welfare Law prescribes that prefectural administrations, with the approval of a family court, can place a child in a children's home or a similar institution in order to ensure the child's best interests, and that the superintendent of the child guidance centre can request a family court to order the withdrawal of parental authority from its holder.

126. As stated in article 1, the Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children "aims at defending the rights of children by punishing the acts involved in child prostitution and child pornography, and by establishing measures to protect children who have suffered mental and physical harm from those acts". This Law contains provisions on consideration for the rights and characteristics of children during investigations and trials. It also prohibits the publication of information which would allow victimized children to be identified in news stories, and protects children who have suffered mental and physical harm.

2. Consideration for the principle of "best interests of the child"

Child welfare facilities

127. Standards for the equipment and management of child welfare facilities are stipulated in the Minimum Standards for Child Welfare Facilities (Ministerial Ordinance) provided by the Minister of Health, Labour and Welfare. Pursuant to the Child Welfare Law, managers of these facilities are obliged to abide by these standards. These Minimum Standards lay down general rules for the construction and equipment of child welfare facilities, plans for cases of emergencies or disasters, general requirements for staff, hygienic controls, meals, medical examinations for residents and employees, and so on (chap. 1, General Provisions); and equipment standards for child welfare facilities and criteria for personnel (number of staff, qualifications), and so on (chaps. 2-11). Moreover, to ensure observance of these standards, governors may request the heads of child welfare facilities to submit reports, they may also inspect the facilities periodically, examine equipment and management, recommend necessary improvements and order the suspension of operations.

New Angel Plan

128. For further details on this plan, see paragraph 42 above.

Family trials

129. Article 1 of the Law for Determination of Family Affairs and article 1 of the Rules for Determination of Family Affairs stipulate that the best interests of each child are to be considered. Determination of family affairs proceedings are conducted according to these provisions, thus it can be said that the child's best interests are taken into consideration.

Juvenile trials

130. Article 1 of the Juvenile Law and article 1 of the Rules of Juvenile Proceeding stipulate that the best interests of each child are to be considered. Juvenile proceedings are

conducted according to these provisions, thus it can be said that the child's best interests are taken into consideration.

Correctional institutions

131. As stated above, article 1 of the Juvenile Law stipulates that the child's best interests are to be considered. Treatment of juveniles in correctional institutions is as follows:

- (a) In juvenile classification homes, it is prescribed in article 2 of the Juvenile Classification Homes Treatment Regulations that juveniles shall be placed in a nice quiet environment so that they can attend their hearings, feeling secured. Article 1 of the Juvenile Training School Treatment Regulations stipulates that in juvenile training schools, juveniles shall be treated with due consideration for the state of their mental and physical development, in a lively environment, aiming at their sound development;
- (b) In juvenile prisons, school education and vocational training are provided according to the mental and physical condition of the detained juveniles, paying attention to their sound development. Juveniles are treated with due consideration for their best interests.

Adoption

132. The Civil Code foresees two types of adoption of minors-ordinary adoption and special adoption.

133. In the ordinary adoption procedure, a legal parental relation is created between the adoptive parents and the child who acquires the status of a legitimate child. If the child to be adopted is a minor, permission of the family court is needed. If the minor is 15 years of age or older, the minor himself/herself is the concerned party; if he/she is under 15 years of age, a legal representative is the concerned party, though the family court may hear opinions of the minor upon its own authority. In granting permission, the family court determines each case on the basis of whether the adoption is consistent with the welfare of the minor.

134. Special adoption is effected not by the agreement between the adoptive parents and the adoptive child, but by the family court's determination upon the request from the adoptive parents when the adoptive child is, in principle under six years of age at the time of the request. In special adoption, the existing family relationship of the adopted child with his/her natural parents and his/her blood relatives is terminated. Therefore, the special adoption is effected only if the placing of the child in the custody of his/her natural parents is extremely difficult or inappropriate and there is an extraordinary need for the interests of the child. In addition, consent of the child's natural parents is also required for the special adoption, unless the parents cannot express their opinions or the interests of the adoptive child are extremely infringed by such acts abuse by his/her parents. As can be seen from the above, in adoption, maximum consideration is paid to the interest of the minor to be adopted.

Policy planning and decision-making processes

135. In policy planning and decision-making processes, the nature of measures on fostering children is such that often it is not possible to conduct surveys such as random sampling and control experiments. Nevertheless, research studies are constantly being conducted on awareness and trends in the lives of children, parents, teachers and other parties concerned. Furthermore, statistics and indexes on population, households, social infrastructure, and other parameters which are closely related to children are compiled. These are fully used in planning and decision-making processes.

136. In these processes, experts other than administrative officials in diverse areas hold consultations and seminars to give multidirectional consideration to abundant statistics and research data beforehand. We believe that the best interests of the children who are subject to these measures are given preliminary consideration through these processes.

3. Ensuring protection and care of children

137. See paragraph 55 of the initial report.

138. Under the Child Welfare Law, a person who has knowledge of a child whose guardian is unfit for care and custody must report such cases to a child guidance centre. The centre may, in conformity with the Child Welfare Law, take action such as placing the child in a home for infants or a children's home, if the person who has the guardianship or parental authority neglects the care and custody of the child and significantly harms the welfare of the child, e.g. a person with parental authority or a guardian who is responsible for the child substantially neglects care and custody. If such a placement in an institution meets with the opposition of the child's guardian, the case is referred to the family court for approval.

139. In response to a sharp increase in the number of cases of consultations for child abuse at child guidance centres, which shows that problems of child abuse are becoming increasingly serious, the Child Abuse Prevention Law was enforced in November 2000. Under this law, further measures are being developed to promote the early detection of cases and early coping with them, as well as the protection of abused children.

4. Measures taken based on article 3, paragraph 3

140. See paragraph 56 of the initial report and paragraph 127 above.

5. Expert training concerning the principle of "the best interests of the child"

141. See paragraphs 61 to 69 above.

C. Right to life, survival and development (art. 6)

Creation of an environment in which the right of a child to life is guaranteed, and its survival and development are ensured

142. Article 1, paragraph 2, of the Child Welfare Law provides that “the life of each child shall equally be guaranteed and protected”. Furthermore, article 3 of the Maternity and Child Health Law prescribes that “in order to ensure the sound growth of infants and toddlers, both in mind and body, their health shall be maintained and enhanced”. Within this framework, the Government is improving the health-care system for small children by providing perinatal and paediatric medical care.

Prevention of suicide

143. Juveniles tend to have worries and anxieties, and, in some cases, are unable to find solutions to problems they may have with low marks in school or friendships, are not able to discuss them with anybody, and may eventually commit suicide. The police attempt to prevent suicides by early detection of juveniles intending to commit suicide through all sorts of police activities such as juvenile guidance on the streets and juvenile advisory activities, and, when such juveniles are found, by providing expert counselling through juvenile counselling specialists and guidance officials along with supporting activities in cooperation with guardians. Moreover, juvenile support centres at the prefectural police offer counselling services such as the Young Telephone Corner, which at all times responds to juveniles on all sorts of problems, such as delinquency, school and family problems, as well as to requests for counselling on suicide.

144. Whatever the reason may be, it is inadmissible for a child to take his/her own life. The Ministry of Education, Culture, Sports, Science and Technology, with a focus on *kokoro no kyouiku* (education of the heart) is endeavouring, through the boards of education, to implement guidance so that in schools, attitudes such as mutual respect and consideration are fostered among pupils, as well as attitudes valuing life and human rights, which will guide children properly on the beauty and joy of living through activities in school education.

145. In addition, with the aim of enhancing systems in which a child with a worry can feel free to ask for advice at any time, the Ministry intends to improve counselling services in schools by increasing the number of school counsellors visiting schools, providing advisers in classrooms and promoting a 24-hour telephone counselling hotline for children. Prefectures are also striving for the improvement of counselling systems in the communities by establishing advisory institutions for children at education centres and such.

Survival and prevention of dangers to which specific age groups are particularly exposed (sexually transmitted diseases, street violence, etc.)

146. In order to prevent children from becoming victims of the increasing incidence of crimes, the National Police Agency created a “Programme of Measures for Protecting Women and Children” in December 1999. Specifically, the Agency has developed the following measures:

- (a) Reinforcing preventive actions such as patrolling, focusing on school zones and parks;
- (b) Lending free of charge crime-preventing instruments such as alarm buzzers, giving lectures on crime prevention, etc.;
- (c) Providing information on cases of crimes against children and community safety information;
- (d) Providing support for spontaneous crime prevention activities such as “Dial 110 Home for Children” which is an emergency shelter for children;
- (e) Establishing a “missing children finding network” for the search of missing children.

147. In addition, an operation code-named “Crime Prevention through Town Planning” aimed at creating a safer neighbourhood by providing security lights, alarm buzzers, etc., and removing thickets which produce dark corners, is being promoted in cooperation with the municipalities. The budget for the year 2000 includes a pilot project of such a programme, foreseeing the installation of multifunctional street lights at 10 locations across the country as part of a system to be called the street emergency reporting system.

Preventive measures at school against sexually transmitted diseases)

148. The Courses of Study, government guidelines for teaching revised in 1998, include more substantial guidance on the prevention of sexually transmitted diseases (STDs) by specifying, for example, that the subject of health and physical education at lower secondary schools shall cover AIDS and STDs as new items. Furthermore, authorities have implemented measures such as preparing and distributing teaching materials for elementary, junior-high and high-school students, practical research in designated pilot areas, and conducting training courses for teaching staff, as well as preparing and distributing reference materials for teachers in 2001.

D. Right to express views (art. 12)

1. Respect for the views of the child

149. See paragraphs 61 and 62 of the initial report.

2. Legislative and other measures

Schools

150. Concerning disciplinary action against pupils at schools, the Government instructed the boards of education and other competent authorities to pay full attention to the circumstances surrounding each case by listening to the explanation and opinion of the pupil, as well as to consider that such disciplinary action should have essential educational effects, instead of just serving as a sanction. On the other hand, considering that suspension, which is a system that guarantees the right of other pupils to an education, is a measure that directly involves the rights and duties of pupils, it is important to follow the proper procedures when

deciding on such an action. Therefore, the Government has instructed through notifications that it is desirable to listen to the accounts of the student in question and his/her guardians and it is appropriate to do this by issuing a paper providing notification. At the 151st ordinary session of the Diet, the Ministry of Education, Culture, Sports, Science and Technology presented amendments to the School Education Law aimed at clarifying the requirements and procedures for suspension.

Correctional institutions

151. When classifying the nature of a juvenile at juvenile classification homes, the officials explain the data obtained to the juvenile, giving him/her the opportunity to express his/her opinions, and conduct the interview based on these opinions to ensure the appropriateness of juvenile classification. In accordance with article 4 of the Juvenile Training School Treatment Regulations, the director of a juvenile training school endeavours to interview the residents from time to time in order to listen to their opinions on their treatment or personal affairs. At penal institutions, it is also prescribed that an interview shall be conducted at the request of a juvenile to make a statement on the measures at the facility or his/her personal affairs (Prison Law Enforcement Regulations, art. 9). Moreover, in addition to the interviews by heads of these facilities, in the daily practice of correctional institutions, staff members listen to the juveniles' opinions on everyday life and treatment in their daily contact with the juveniles.

Universities

152. See paragraph 72 above.

Placement in facilities

153. Pursuant to article 26 of the Child Welfare Law and ordinances based on this Law, the following measures are implemented to respect the child's opinions:

- (a) When governors, or the authorized child guidance centres take a decision on a placement in an institution and this is in disagreement with the will of the child or his/her guardian, prefectural child welfare councils composed of legal, medical and other experts are consulted;
- (b) It is stipulated that the opinion of the child shall be respected in placing him/her in an institution.

154. As regards life at such facilities, the following measures can be reported:

- (a) Pursuant to the Social Welfare Law which entered into force in June 2000, it is provided that managers of social welfare institutions are obliged to make efforts to settle claims from users, and that prefectures shall establish committees for proper management within social welfare councils to provide a mechanism to deal with complaints from users and to mediate solutions;
- (b) The Minimum Standards for Child Welfare Facilities were due to be reformed in September 2000 to prescribe that each child welfare facility should take the necessary

measures such as establishing a section to respond speedily and properly to complaints from children placed in the facility.

Measures and actions taken at child guidance centres

155. When a child guidance centre takes or cancels an action on a child based on the Child Welfare Law, article 27, paragraph 8, of this Law provides that the will of the child and the guardian shall be taken into account.

3. The opinions of the child in judicial and administrative proceedings

Judicial proceedings

156. Anyone who is a party to a judicial proceeding, or is concerned by it, is generally guaranteed the opportunity to express his/her views.

157. Nevertheless, proceedings in cases relating to personal status and determination, and conciliations of domestic relations concerning emergence, alteration or dissolution of status relationship, require procedural actions through legal representatives for minors who are younger than 20 years of age and incapable of understanding the interests, advantages and disadvantages of legal acts. This is also the case for proceedings in civil suits (excluding cases relating to personal status), administrative litigations, and conciliations of civil matters.

158. As regards proceedings in juvenile hearings and criminal actions, the following can be reported:

(a) Expressing views as a defendant

In juvenile trials, the juvenile and his/her guardian must be summoned on the day of the hearing (art. 25, para. 2, of the Rules of Juvenile Proceeding), and an attendant must be informed of that date (art. 28, para. 5), allowing the juvenile, his/her guardian and the attendant to express their views at the hearing after obtaining permission from the judge (art. 30). In addition, the judge may allow the juvenile's relatives, teachers and other persons considered appropriate to be assisted at the trial (art. 29). As the hearing is to be conducted cordially in a relaxed and warm atmosphere (art. 22, para. 1, of the Juvenile Law), attention is paid to ensure that the juvenile and his/her guardian, and others, can make statements freely. There are provisions for recording the summary of the statements made by the juvenile and others during the hearing, assuming that the juveniles are allowed to express their views (art. 12 and items 4 and 5, and art. 33, para. 2, of the Rules of Juvenile Proceeding). If a juvenile commits an offence under the Juvenile Law and other laws, the case is dealt with by a family court which decides whether to take protective measures or not. If the person in question is 14 years of age or older at the time the crime was committed and the offence is punishable by the death penalty, imprisonment or servitude, and it is judged necessary that he/she be tried under criminal charges, the case shall be transferred to undergo criminal proceedings. The Code of Criminal Procedure also stipulates that the defendant and his/her counsel shall be given the opportunity to make a statement on the case in the opening proceedings and upon completion of the examination of evidence. Furthermore, in the event that the accused makes a statement voluntarily, the judge may require the defendant's statement at any time;

(b) *Stating views as the injured party*

Concerning juvenile trials, the Juvenile Law was partially amended in 2000 to prescribe that in a case involving a criminal juvenile or any juvenile under 14 years of age who had allegedly committed a criminal offence, a family court, or a family court probation officer, shall, in the course of the hearing, hear the victim or his/her legal representative, or, in the event of his/her death, his/her spouse, lineal relations, or sibling (art. 9-2 of the Juvenile Law). In criminal proceedings, following the partial amendment of the Code of Criminal Procedure in 2000, the victim or his/her legal representative (or his/her spouse, lineal relation, or sibling in the event that the injured party dies) may, with the permission of the court, make a statement of sentiment on the injury and other views on the defendant's case on the day of a public trial (Code of Criminal Procedure, art. 292 (2)).

Juveniles detained in correctional institutions

159. For a juvenile detained in a correctional institution, the opinions of the juvenile concerned are heard when measures are taken affecting him/her, as described in paragraph 71 of the initial report of Japan. This also is the case if disciplinary action is taken.

160. When the director of the juvenile training school, or the warden of a penal institution takes a disciplinary action or sanction against a juvenile in accordance with, respectively, the provisions of the Juvenile Training School Law (art. 15) or the instructions of the Ministry of Justice, the juvenile is informed in person of the violations of regulations of which he/she is accused. He/she is allowed to be heard during the process of inquiry, permitted to attend the place for examining the disciplinary action or the disciplinary punishment, and given the opportunity to plead his/her case. In the absence of the juvenile, a written plea is to be submitted, giving sufficient opportunities to plead his/her case.

4. Information on organs and opportunities that allow a child to have a right to participate in the process of decision-making

161. In recent years, the process of drafting policies that are extensively related to the people often involves providing opportunities for the people to be heard directly: e.g. various councils invite public opinion in the process of investigation and discussion; and opportunities are always offered for expressing opinions to the Prime Minister by e-mail, facsimile, etc. It is expected that a child, as a person, will participate actively in these opportunities to express views. The policy fields where children are directly involved witness the permeation, among civil servants who are engaged in drafting policies, of the perception that a child is an important part of the interested parties, and therefore must be allowed to participate in drafting these policies.

162. The Courses of Study, that are the government guidelines for teaching, stipulate that at each stage of elementary, lower secondary and upper secondary school, a child should participate in classroom activities and extracurricular activities, where the pupils of an entire class conduct activities such as forming various organizations and sharing tasks in the class through discussion and cooperation to enrich and improve classroom life, and in pupil council

or student council activities to enrich and improve school life, ensuring the participation of pupils in decision-making at their schools.

5. Training experts in child-related matters to encourage children to express their views

163. See paragraphs 61-69 above.

6. Reflection of children's views obtained from evaluation of public opinion, consultation and petition in legislature, politics and judicial decisions

164. The Minimum Standards for Child Welfare Facilities (Ministerial Ordinance) stipulate that child welfare facilities must take necessary measures, such as establishing a special section, in order to respond speedily and properly to complaints from residents or their guardians concerning treatment in the facilities.

165. Considering the increasing demand for control of child prostitution and child pornography from within and outside the country, such as, for example, criticism formulated at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm about child pornography being sent out from Japan and about Japanese nationals paying for child prostitution abroad, and in order to respect the spirit of the Convention on the Rights of Child, the Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children, was enacted to further promote the protection of children from such practices.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and Nationality (art. 7)

Registration of birth

166. See paragraphs 72 and 73 of the initial report.

Notification of birth

167. The notification of birth has to be submitted within 14 days of the birth of a child (Family Registration Law, art. 49). In principle, the father or mother of the child is to submit it; if they cannot, this duty is transferred, in the following order, to a person who lives with the mother, a doctor, a midwife, or another person who was present at the delivery. If none of these persons can submit the notification, a legal representative other than one of these may do so (art. 52). With this notification of birth, a child who is a Japanese national is registered in the family register.

168. If a person who is obliged to submit the notification fails to do so, the mayor of a municipality shall send this person a reminder, and if the person still does not, or cannot, submit it, the mayor may register the child in the family register by virtue of his/her authority (art. 44). Furthermore, if a person who is obliged to submit the notification fails to do so without any justifiable reason in the prescribed period, he/she shall be imposed an

administrative fine of up to 30,000 yen (art. 120). The Family Registration Law also applies to foreign children born in Japan, requiring the submission of the notification of birth in the same way as for Japanese nationals.

Appropriate training for staff engaged in the registration of births

169. Since a child can receive benefits from various social security systems only if its birth is registered, the necessity for registration is widely recognized by the people. The Government also makes efforts to promote this understanding through maternal and child health handbooks and many other means. Article 3 of the Family Registration Law prescribes the engagement of chiefs of Regional Legal Affairs Bureaux and District Legal Affairs Bureaux with mayors of municipalities who are in charge of registration work, and as a form of this engagement, training and on-the-spot guidance are provided for local civil service personnel engaged in the registration work of each municipality.

Elements required for the registration of birth

170. Information required for the registration of the child includes, in case of a legitimate child, his/her full name, date of birth, full names of his/her father and mother, family relations, birthplace, and the name of the person submitting the notification. In the case of an illegitimate child, the information on his/her father is not recorded except when a notification of filiation is submitted voluntarily by the father, or by the child after an affiliation has been decided by a court.

Status of an illegitimate child

171. An illegitimate child has the rights and duties in relation to his/her legal parents that are prescribed by the Civil Code of Japan on parent-child relationships, including a right to be supported and the duty to support them as well as inheritance rights enjoyed by the first-order inheritor.

172. In some aspects, however, the provisions of the Civil Code etc. differentiate between legitimate and illegitimate children, in the following manner:

- (a) A legitimate child is, in principle, presumed to be the child of his/her mother's husband at the time of conception, while there is no such presumption for an illegitimate child, and the child's legal father is identified by filiation (Civil Code, arts. 772 and 779);
- (b) While a legitimate child bears the common surname of his/her father and mother, an illegitimate child bears the surname of his/her mother (art. 790);
- (c) When heirs include legitimate and illegitimate children, the portion of inheritance for an illegitimate child is half of that for a legitimate child (art. 900);
- (d) The notification of birth contains the distinction between legitimate and illegitimate child, and the family register records a legitimate child as the first-born son/daughter

etc., while an illegitimate child is recorded as a male/female child (Family Registration Law, arts. 13 and 49, para. 2).

173. These differences do not constitute unreasonable discrimination since they are founded on the following:

- (a) The difference in the method of identifying the father is based on the fact that a legitimate child is conceived in wedlock and can be presumed as being the child of his/her mother's husband with high probability, while it is difficult to presume with high probability that an illegitimate child is the child of a particular man. This arises inevitably from the marital status of the parents of the child at the time of conception;
- (b) The difference in the surname is due to the fact that since a married couple assumes a common surname in Japan, the parents of a legitimate child have a common surname while the father and the mother of an illegitimate child do not. This also arises inevitably from the difference in the marital status of the parents of the child;
- (c) The difference in the parts of inheritance made in order to protect a family consisting of a legally married couple and their children, which is not unreasonable discrimination;
- (d) The difference in the records in the family register is a legal distinction made in accordance with the purpose of the register, which is to correctly register and notarize the status of a child and its relations as determined by private law. This is also not unreasonable discrimination.

The right of a child to know his/her parents and to be cared for by parents

174. See paragraphs 76 to 79 of the initial report. In the family register of Japan, the full name, date of birth, full names of natural parents, family relations with the natural parents etc., are recorded (Family Registration Law, art. 13), and it is possible to obtain a certified copy or an abstract of the family register. There is no age restriction with regard to requesting such a copy or abstract.

Ensuring the right of a child to acquire nationality

175. The Nationality Law of Japan follows, in principle, the bilineal *jus sanguinis* principle. It stipulates that a child shall be a Japanese national when, at the time of birth of the child, the father or the mother is a Japanese national (Nationality Law, art. 2, para. 1). However, as there is a possibility that a child born in Japan may become stateless if this principle is applied rigidly, the *jus soli* principle is also applied so that a child born in Japan can acquire Japanese nationality if both parents are unknown or do not have a nationality (art. 2, para. 3).

176. Since this may still leave possibilities for a child to become stateless under limited circumstances, a child born in Japan, who has resided in Japan for three or more years consecutively since his/her birth, may acquire Japanese nationality by naturalization in accordance with article 8, paragraph 4, of the Nationality Law. According to this provision,

such a child is exempted from the conditions on legal capacity and capability to make a living and the residence requirement is eased to facilitate his/her naturalization (see paragraph 75 of the initial report).

177. Irrespective of whether a child was born in wedlock or not, if he/she has a legal parent-child relationship with a Japanese national at his/her birth, the child acquires Japanese nationality at birth.

178. As for the acquisition of Japanese nationality by the child of a refugee or an applicant for refugee status, the naturalization process described in paragraph 171 above applies, regardless of whether the law of the country of the parent follows the *jus sanguinis* or the *jus soli* principle.

B. Preservation of identity (art. 8)

179. When a person requests a certified copy or an abstract of another person's family register, unless the former is a relative of the latter the person must clearly state the reasons for the request. When such requests are apparently unfounded, the mayor of a municipality may refuse the issuance (Family Register Law, art. 10, paras. 2 and 3). As for a certified copy of the family register from which all persons registered are removed, a request may be made in certain cases, if the request is made by a person who has a certain relation to one on the register, or by a qualified person such as a lawyer in the exercise of his/her duties; the certified copy shall be submitted to a court or other government and municipal agency; or the person has a rightful interest (Family Register Law, art. 12, para. 2, and Enforcement Regulations of the Family Registration Law, art. 11, paras. 2 and 3), in order to prevent an outsider from illegally obtaining information on the identity of a child.

180. A person who has been issued with a certified copy or an abstract of another person's family register illegally shall be liable to an administrative fine of up to 50,000 yen (art.121, para. 2).

C. Freedom of expression (art. 13)

181. See paragraph 83 of the initial report.

School rules

182. With respect to school rules, it is important to review them constantly based on the condition of students and the views of the students' guardians. From this point of view, the Ministry of Education, Culture, Sports, Science and Technology has been providing guidance to the boards of education.

D. Freedom of thought, conscience and religion (art. 14)

Exercise of the right to freedom of thought, conscience and religion and consideration for developing abilities of a child

183. See paragraph 100 of the initial report. Freedom of thought, conscience and religion is to be instructed properly according to the stages of development of students. For instance, in the sixth grade of elementary schools, pupils learn that the Constitution of Japan stipulates principles for the State and the life of the people such as rights and duties of the people; in lower secondary schools, students learn about the significance of the dignity of individuals and respect for human rights; and in upper secondary schools, these studies are developed further according to the interests and concerns of each student.

Approach to religion at public schools

184. In Japan, article 9, paragraph 1, of the Fundamental Law of Education states that the attitude of religious tolerance and the social status of religion shall be valued in education, while paragraph 2 of the same article provides that schools run by the State and local governments shall not engage in religious education or any other religious activity for any specific religion, thereby respecting freedom of religion for students. Private schools are allowed to offer classes in religion.

E. Freedom of association and of peaceful assembly (art. 15)

Restrictions on exercising this right in conformity with the provisions of article 15, paragraph 2

185. The Subversive Activities Prevention Law stipulates that organizations which are involved in violent or subversive activities such as civil war, external threat, and murder for political purposes shall be punished, under certain circumstances, by restrictions on the activities of the organization or its dissolution. These provisions conform to article 15, paragraph 2, of the Convention on the Rights of the Child: “[Restrictions] imposed in conformity with the law and which are necessary in a democratic society in the interests of [...] public safety, [...] or the protection of the rights and freedoms of others.”

F. Protection of privacy (art. 16)

186. See paragraphs 102 and 103 of the initial report.

Protection of honour and reputation

187. See paragraph 105 of the initial report.

Asking a juvenile suspect to go voluntarily to the police

188. In summoning a juvenile suspect to go voluntarily to the police station, if it is considered more appropriate for a police officer to go to his/her home, school, workplace, etc., or to summon him/her to a facility other than the police station, one of these alternatives

shall be chosen. In choosing the time for an interview, school hours or working hours, as well as late hours shall be avoided, and an interview shall not last too long. These and other provisions on how to summon and interview juveniles are contained in the Guidelines for Police Activities on Juvenile Crimes, based on consideration for juvenile characteristics in summoning and other actions.

Correctional institutions

189. The concluding observations on the initial report of Japan adopted by the Committee on the Rights of the Child include a recommendation on the protection of a child's privacy at various institutions (para. 36). In juvenile classification homes, a juvenile is, in principle, placed in a single room upon arrival at the home. Afterwards, if the juvenile is judged apt at living in a community, he/she is moved to a shared room. Even in such cases, rooms are shared by juveniles, after various aspects of their relationship, personality, age, complicity with one another etc have been taken into account. In addition, a chest for personal items, clothing and bedding, daily necessities, stationery for studies, etc. are lent or supplied, and personal articles may also be used as long as they do not disrupt the maintenance of discipline or create hygienic problems in the institution (Juvenile Classification Home Treatment Regulations, arts. 24 and 24 (2)). Thus, efforts are made to protect the personal lives of juveniles by paying attention to the juveniles' human rights, and treating them with respect for their dignity and values.

190. A juvenile who is sent to a juvenile training school is placed in a single room upon arrival at the school. His/her circumstances and mental and physical condition are examined in a relaxed environment so as to design the most effective educational programme for him/her. Afterwards, he/she usually goes on to the treatment stage and is moved to a shared room. In this case, a chest for personal items, clothing and bedding, daily necessities, stationery for study, etc. are lent or supplied, and personal articles may also be used, if necessary (Juvenile Training School Treatment Regulations, arts. 37 and 38), thereby providing an environment in which the personal lives of juveniles are fully respected.

191. As for juveniles in penal institutions, they are placed in single rooms since the Juvenile Law requires that juveniles should be separated from adult inmates. Even when juveniles are placed in a shared room, attention is given to each case, and consideration is paid to the circumstances of each juvenile (criminal offence record, personality, age, etc.) in deciding which inmates are to share a room. Therefore, personal lives of inmates are fully respected as long as the purpose of confinement is not damaged and no obstacle is posed to the maintenance of discipline and order in the institutions.

G. Access to appropriate information (art. 17)

Enrichment of school libraries

192. Each school is equipped with a school library. Efforts are made to improve school libraries by creating new posts and offering training to librarian teachers, promoting the use of information technology in school libraries, recruiting library volunteers, etc.

Recommendation of cultural assets for children

193. See paragraph 87 of the initial report. In 1999, 112 publications, 48 audio-visual materials and 28 items of theatrical art were recommended. The Welfare and Culture Subcommittee of the Social Security Council will be established in 2001, and will be in charge of recommending cultural assets for children.

International cooperation

194. See paragraphs 92 and 93 of the initial report of Japan.

Table 4
Subsidies to the Asia/Pacific Cultural Centre for UNESCO

Year	Amount of subsidy (In thousands of yen)
1997	392 201
1998	353 259
1999	326 498
2000	295 022
2001	269 809

Table 5
**Financial assistance to the educational/cultural broadcasting sector
through cultural grant aid**

Year	Number of projects	Cooperation (budget-based) (In tens of thousands of yen)
1996	5	23 520
1997	9	40 090
1998	2	4 230
1999	3	10 970

Protection of juveniles from harmful information

195. As magazines, videos, computer software, etc. with extreme contents on sex and violence are sold at ordinary bookshops and convenience stores, and are therefore readily available to juveniles, the Government is promoting self-regulatory measures for relevant business circles in cooperation with related agencies and organizations and local communities, and is endeavouring to guide and regulate individuals engaged in this business.

196. In the last few years, computer networks such as the Internet have created a situation whereby juveniles can easily access harmful information. Therefore, the Government is actively implementing comprehensive measures concerning information on networks harmful to juveniles, including the reinforcement of regulations against child pornography, obscene pictures and other prohibited information, and the promotion of voluntary measures by providers. In April 1999, the business of offering pornographic pictures on the Internet, was

subjected to regulations in accordance with the Law on Control and Improvement of Amusement and Entertainment Businesses, aiming at its proper management. The Government makes efforts to implement the revised regulations.

197. The Government has launched controls on business operations, in conformity with the Law on Control and Improvement of Amusement and Entertainment Businesses, to forestall cases of business operators selling particular sexual entertainment objects and distributing obscene items or child pornography.

Protection from injurious information in the field of broadcasting

198. In the field of broadcasting, the Ministry of Public Management, Home Affairs, Post and Telecommunications (previously, the Ministry of Post and Telecommunications) established “Study Group for Research on Young People and Broadcasting” in May 1998 in order to discuss the direction of measures regarding youth and desirable broadcasting. The report prepared in December of the same year proposed: (a) the enrichment of broadcast programmes for young people; (b) the improvement of media literacy; (c) the utilization of third-party organizations; (d) the promotion of research on young people and broadcasting; (e) the reconsideration of broadcast times; and (f) the improvement of the provision system of programme information.

199. In order to realize these proposals, in January 1999, the Ministry organized a “Panel of Experts on Young People and Broadcasting” together with the Japan Broadcasting Corporation (NHK) and the National Association of Commercial Broadcasters in Japan (NAB). The conclusions of this meeting, published in June 1999, outlined voluntary efforts such as establishing a new, third-party organization to handle issues related to young people and broadcasting (NHK, NAB), and setting a broadcasting time (5-9 p.m.) with special consideration for a young audience (NAB).

200. In particular, as a third-party organization, the “Broadcasters’ Council for Youth Programming” was set up in April 2000. Other measures are being addressed by broadcasters.

201. In addition, the Ministry held meetings of the “Study Group on Young People and Media Literacy in the Field of Broadcasting” from November 1999 to June 2000, that discussed the direction of measures to improve media literacy. In response to a proposal from this study group, the Ministry is also making efforts to develop media literacy teaching materials etc. for students at elementary and lower secondary schools.

Protection from illegal and harmful information on the Internet

202. The Ministry of Public Management, Home Affairs, Post and Telecommunications (previously the Ministry of Post and Telecommunications) started the “Study Group on Ensuring Appropriate Circulation of Information on the Internet”, chaired by Professor Masao Horibe of Chuo University, in May 2000. The report prepared in December of the same year proposed furthering the discussion on measures needed to support self-control by Internet service providers (ISPs) etc., including clarification of the responsibilities of ISPs, and legislation governing the procedures for disclosing information of senders, and, on the recipient side, to support efforts for promoting the widespread use of labelling/filtering

technology that intercepts access to undesirable information. In response to these proposals, the Ministry plans to give further consideration to the clarification of responsibilities of ISPs, to the development of legislation for disclosing sender information, as well as to the preparation of a system to help promote widespread use of labelling/filtering.

203. The Telecommunications Advancement Organization of Japan, an organization authorized by the Ministry, has, from January 1998 to March 2001, conducted research and development for the advancement of rating/filtering technology, such as a technology to support contents rating. It has also been working, since 1999, on research and development of systems that will contribute to measures against improper use of information and communication technologies, such as a system that supports countermeasures by ISPs etc., against illegal and harmful information, and a system that controls troublesome communications on the Internet.

Self-control of harmful information

204. Responding to changes in the social environment, the Government promotes protection of children from harmful information in cooperation with the industries concerned, by requesting them to practise self-control and self-restraint in offering harmful information.

State of self-control by concerned business circles

Business circles	Details
Mass media in general	Newspapers, broadcasting, publication, movies, advertising signs, and record industries established the National Council to Promote Ethics of the Mass Media, which held a meeting for research into the desirable relation between the mass media and youth and other related issues
Publishers	<ul style="list-style-type: none"> – The Publishing Ethics Council has implemented independent self-imposed control measures in handling harmful publications (four organizations which belong to the Council have adopted such ethical principles); – The Conference of Publishing Ethics, organized by 31 companies that publish adult entertainment magazines etc. has set ethical principles for self-controlled editing with consideration for protection of youths, and acts in accordance with these principles; – Regarding comics and books with explicit sexual descriptions for young boys and girls, paper bands are placed around book jackets so that they can be distinguished at stores; – Indications of marks on comics and magazines for youths; – Establishing adult corners; – Face-to-face sales.
Movies, videos, computer software, etc.	<ul style="list-style-type: none"> – The Administration Commission of the Motion Picture Code of Ethics was established as a self-management organ for activities on motion picture ethics, and its examination sector reviews each motion picture based on the Motion Picture Code of Ethics for classification according to the ratings as R-18 (no admittance under 18 years of age), R-15 (no admittance under 15 years of age), and PG-12 (a parent or guardian should desirably accompany a child under 12 years of age); – The Nihon Ethics of Video Association, a self-regulatory organization of the video industry, has established the “Visual Software Code of Ethics” for activities on video software ethics, implementing examinations

Business circles	Details
	<p>voluntarily, for example the classification of videos according to these ratings, NC-18 (no showing, lending or selling of video software to those under 18 years of age), R-rated (no showing, lending or selling of video software to those under 15 years of age), or General audience (not restricted);</p> <ul style="list-style-type: none"> - In addition, the following organizations have set and follow ethical principles: <ul style="list-style-type: none"> • The Council of Video Ethics, formed by the Administration Commission of the Motion Picture Code of Ethics and the Nihon Ethics of Video Association, for original videos for general audience and videos that have not yet been shown at movie theatres; • Computer Software Ethics Organization of personal computer software; • Japan Amusement Machinery Manufactures Association which monitors game machines installed at game arcades and their software; • Computer Entertainment Software Association for home video game machine software.
Broadcasting	<ul style="list-style-type: none"> - The NAB has established the “Broadcasters Council for Youth Programming”, a third-party organization to receive opinions from audiences on desirable broadcasting for youth or broadcasted programmes, thereby providing measures voluntarily. In addition, they produce and broadcast programmes which contribute to the improvement of media literacy; - The NAB has decided to take measures on issues on broadcasting and young people and has announced them, including newly created broadcasting standards, which give careful consideration to children and young people watching/listening to programmes at specific broadcasting times, requiring each broadcaster to “broadcast programmes that aim to enhance children’s knowledge and intelligence and to foster their sensibility, at least three hours a week”; - For Communication Satellite (CS) digital broadcasting, the Satellite Broadcasting Association has set up an ethics committee, and created “Standards of Entertainment Broadcasting for Adults” in an effort to promote broadcasting ethics. It holds seminars and lectures on “Youth and Broadcasting” every year; - The Satellite Broadcasting Adult Programme Ethics Committee of Japan, organized by CS broadcasters which provide programmes for adults, has drawn up a “Broadcast Programme Code of Ethics” and “Programme Examination Standards” for self-screening. It has also set up specialized subcommittees in an effort to maintain and promote ethical standards.
Advertisement	<p>Each related organization has its own self-control standards. In addition, companies including sponsors, newspapers, broadcasters, publishers, advertisement producers and advertising have jointly established the Japan Advertising Review Organization, Inc. (JARO), which handles complaints against advertisements including those related to youth problems.</p>

Business circles	Details
Show business	<ul style="list-style-type: none"> – The Japan Association of Theatre Owners, formed by business circles of motion pictures, theatrical performance, and variety entertainment, has set its own self-control standards, including the prohibition of double features of a movie for general audiences and one with restrictions such as PG-12, R-15, and R-18, the posting of a warning notice set by the union when showing a movie with restrictions, and refusing admittance to persons concerned by these restrictions; – The Federation of Japanese Film Industry, Inc., organized by film-related organizations, has established an “Agreement on Late Night Shows” which includes refusing admittance to restricted movies to those that fall under these restrictions, and forbidding entrance to late-night performance theatres to persons under 18 years of age.
Karaoke boxes	The Japan Karaoke Studios Association has established self-control standards such as restrictions on time used by youths, prevention of drinking and smoking by minors, prevention of drug abuse, but also regulations concerning security, such as not installing locks from the inside and the obligation to have a window through which the inside of the room can be seen from outside; lecture classes are also offered across the nation for managers, etc.
Internet	<ul style="list-style-type: none"> – The Telecom Services Association announced the publication of “Guidelines for Measures by Businesses Related to Internet Access Services”; – The Electronic Network Consortium has distributed to educational institutions etc. a system which enables a recipient to independently select information that he or she can access (filtering system).

Support for parent-teacher associations on measures against the negative influences of harmful information surrounding young people

205. Since April 1998, the Ministry of Education, Culture, Sports, Science and Technology has been calling for ministries and organizations concerned to consolidate self-imposed restrictions in order to take measures against the negative influences of harmful information surrounding young people, including sexual or violent expressions in the media. In addition, the Ministry has been providing support for national monitoring research of television programmes implemented by parent-teacher associations (PTAs). In order to effectively support the activities of non-profit organizations (NPOs), the Ministry is planning to conduct research to study the progress of NPO activities concerning TV programmes overseas in fiscal year 2001. Furthermore, the Government is promoting regional activities conducted by local residents or groups in order to protect children from harmful information etc.

Ordinances relating to the protection and education of youth

206. Prefectural authorities establish youth protection ordinances which regulate harmful books, videos, movies and advertisements, taking into account the specific circumstances of local communities. In 1999 23,685 materials were designated harmful by ordinance. The Government is aiming at the effective implementation of these ordinances.

Table 6
Trends in the number of cases designated as harmful under Youth Protection Ordinances

	1995	1996	1997	1998	1999
Total	65 451	75 840	52 464	28 797	23 685
Films	2 666	2 841	2 888	1 191	1 192
Magazines	20 474	17 908	10 953	8 764	7 953
Advertisements	0	21	18	41	6
Videos, etc.	42 311	55 070	38 605	18 801	14 534

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

Torture of children

207. See paragraphs 107-110 of the initial report of Japan.

Corporal punishment at correctional institutions

208. While the concluding observations on the initial report adopted by the Committee on the Rights of the Child recommended the prohibition of corporal punishment at various institutions (para. 45), the inmates of correctional institutions are guaranteed the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, as described in paragraphs 107-110 of the initial report.

Corporal punishment at child welfare facilities

209. Corporal punishment at a child welfare facility is a serious violation of the right of a child in the facility, and must never be allowed to happen. For this reason, the Ministry of Health, Labour and Welfare has so far:

- (a) Revised the Minimum Standards for Child Welfare Facilities in February 1998 to include a provision forbidding the heads of facilities to abuse their authority for disciplinary purposes, and has endeavoured to have them abide by this provision;
- (b) Stipulated, in the Social Welfare Law approved in June 2000, the obligation of managers of social welfare businesses to make efforts to solve users' complaints, and required each prefecture to set up a committee for proper management in the Social Welfare Council, so as to provide a mechanism to address complaints by users and to mediate solutions;
- (c) Revised the Minimum Standards for Child Welfare Facilities in September 2000, to require these facilities to take necessary measures such as establishing a section to respond speedily and properly to complaints from children placed in the facility; and,

- (d) Issued a recommendation in accordance with the Child Welfare Law, to the effect that facilities, where acts of corporal punishment violating the right of a child, have occurred, are to improve their management and receive guidance so that such acts never happen again.

Corporal punishment at schools

210. Corporal punishment at schools is strictly prohibited under article 11 of the School Education Law. The Government has been giving instructions to persons involved in education to realize the principle of this provision at every possible opportunity, including through training courses and conferences. The National Centre for Teachers' Development, an independent administrative institution responsible for the unified and comprehensive implementation of training programmes for teachers at the national level, gives lectures on education-related laws and ordinances in training sessions for teachers who are expected to play a leading role at each local level, or in prefectures or cities. Such lectures deal with disciplinary action and corporal punishment against schoolchildren. At the annual conference of student guidance teachers, the Government promotes awareness of this matter.

211. At Japanese schools, disciplinary action may be taken when it is considered necessary for educational purposes. In taking disciplinary action, however, the Government has been repeatedly instructing the boards of education and other educational institutions to pay full attention to the circumstances surrounding each student by listening to his/her explanation and opinions, and to ensure that such disciplinary action has essential educational effects instead of serving merely a sanction.

Court cases

212. There are no court rulings in which a child is recognized to have been a victim of torture etc.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

1. Information on family composition, ensured respect for parental responsibilities, and instructions and guidance given by parents

213. See paragraphs 111-113 of the initial report.

2. Family counselling about child rights, educational programmes and activities for parents, and specialist training programmes

214. Staff specialists in child welfare offer counselling and assistance services about child-rearing at child guidance centres, welfare offices (family and children's guidance room), children and families supporting centres, and childcare support centres. In 1998, a guidebook entitled "You're O.K. As You Are", which is essential for child-rearing, was distributed to families with infants to help them raise their children.

215. The human rights organs of the Ministry of Justice prepared leaflets and educational materials to help the general public better understand the objectives and contents of the Convention and distributed them to relevant authorities such as schools, boards of education, and prefectures through the Regional Legal Affairs Bureaux and District Legal Affairs Bureaux nationwide.

216. See paragraphs 58 to 69 above on specialist training.

3. Respect for the guiding principles of the Convention such as non-discrimination and respect for the best interests of the child, and progress and problems in implementing article 5

217. See paragraphs 106-110 above.

B. Parental responsibility (art. 18, paras. 1-2)

Legal aspects of parental responsibility

218. Article 6 of the Basic Law for a Gender-Equal, enacted in 1999, lays down the basic principle that women and men can perform their roles smoothly as household members in home-related activities, including child-raising and nursing of family members through mutual cooperation and social support.

Obligation to have a child receive general education

219. The School Education Law provides that parents have the obligation to let their child receive a general education at an elementary school or school for children with visual, hearing and physical impairments, from the beginning of the first school year which begins after the day following his/her 6th birthday to the end of the school year in which the child becomes 12 years old, as well as to attend a junior high school, lower secondary school or lower secondary school for children with visual, hearing and physical impairments, from the beginning of the first school year which begins after the day following completion of elementary education to the end of the school year in which the child attains the age of 15 years.

Assistance to persons with parental authority

220. As mentioned in paragraph 44 above, a child allowance, child-rearing allowance, and special child-rearing allowance are provided to support persons with parental authority.

221. Compulsory education offered by national and public schools is free of charge, and the textbooks used for compulsory education are supplied by the Government free of charge to students of both public and private elementary and junior high schools. Moreover, municipalities must provide the necessary aid to guardians whose children cannot attend school for financial reasons (School Education Law, arts. 25 and 40), so that the children can receive compulsory education. The Government also helps promote the smooth implementation of compulsory education by providing the necessary aid to municipalities that

encourage compulsory education attendance by offering school supplies to the children and students who have difficulties in attending school for financial reasons, in accordance with the “Law concerning the National Treasury’s Share to Encourage School Attendance of Pupils and Students Having Difficulties”. These measures for free compulsory education are also applicable to non-Japanese children.

Facilities for child protection and their improvement

222. On this aspect, the following can be reported:

- (a) In providing an alternative to a family environment for children who need special assistance, care and protection, such as abused children, it is important to offer them a home environment as far as possible. The Ministry of Health, Labour and Welfare recognizes the foster-parent programme as a very important system to raise children in a family environment with love and understanding for their sound development, and thus makes efforts to promote it;
- (b) To promote the placement of children with foster parents and in order to find new foster parents, the Ministry provides financial aid to relevant projects such as training provided by municipalities and exchange events between potential foster parents and children, organized by the National Foster Parent Association. In 1999, it also started to provide financial aid and advisory services for foster parents at children’s homes. In August 1999, a new procedure was announced in view of social changes, including the increasing number of double income families, so that families with both spouses working can receive a child as foster parents using day-care centres;
- (c) In 2000, regional small-scale children’s homes, with a maximum capacity of six children, were established to encourage social independence of children by building favourable relationships with local communities and caring for children in a home environment;
- (d) The revision of the Minimum Standards for Child Welfare Facilities in 1998 increased the per capita space of a children’s home from 2.47 m² to 3.3 m². The standard area for allocating Government subsidies for the construction or improvement of facilities by local municipalities and social welfare legal persons also increased from 23.5 m² per child to 25.9 m² (with the room area per child increased to 9 m², greatly exceeding the minimum standard) in the 2000 budget.

Progress and problems in implementing article 18, and future goals

223. The “Opinion Survey on Gender-Equal Society” conducted by the Prime Minister’s Office revealed that the proportion of positive responses to the question whether men should get more actively involved in raising, disciplining and educating children, increased from 38.7 per cent in 1993 to 44.4 per cent in 2000.

224. More and more people consider it desirable that men as well as women should take part in housekeeping and community activities, and balance work and family life. The perception towards traditional gender-oriented role-sharing as reflected in the term “Men at

work, women at home” has been steadily changing. The Government will continue to make efforts to promote participation of both men and women in family life under the Basic Law for a Gender-Equal Society, enacted in 1999 and the Basic Plan for Gender Equality drawn up in 2000.

C. Separation from parents (art. 9)

1. Ensuring that a child is not separated from his or her parents, as provided in article 9, paragraph 1

225. See paragraphs 123 and 124 of the initial report.

2. Ensuring that all interested parties are given an opportunity to participate in the proceedings (Domestic Relations Determination)

226. See paragraphs 126 and 127 of the initial report.

Measures by child guidance centres

227. Article 27, paragraph 8, of the Child Welfare Law provides that the will of a child and his/her guardian(s) should be heard when a child guidance centre takes or stops measures in relation to the child.

3. Ensuring the right of a child who is separated from either or both of his/her parents to maintain personal relations and direct contact with them on a regular basis

228. In cases where the father and the mother of a minor are divorced, the question of whether or not to grant visiting rights to the parent who does not have custody, and its modalities, are determined in accordance with article 766, paragraph 1, of the Civil Code. Matters related to the custody of a child are determined by consultations between the parents. When parents cannot consult or fail to reach an agreement through such a consultation, these matters are determined by a family court (para. 1). The family court may change the determined agreement and order other arrangements (para. 2). It is understood that these provisions are applied in the interest of the child (para. 2).

229. Meetings and correspondence between a juvenile detained in a correctional institution and his/her family members are described in paragraph 128 of the initial report. Furthermore, in a juvenile classification home, a juvenile is permitted to meet his/her family members unless it is in violation of the discipline of the home (Juvenile Classification Home Treatment Regulations, arts. 38 and 40). Home staff are present at the meeting to watch if this does not harm detention and classification (art. 39, para. 1), but the juvenile may also meet without anybody present if it is deemed necessary (art. 39, para. 2).

230. In a juvenile training school, permission for meetings and correspondence must be granted unless it is deemed obstructive to correctional education (Juvenile Training School Treatment Regulations, arts. 52 and 55). Since meeting with guardian(s) is important for the juvenile in overcoming his/her problems and smoothly reintegrating society, when such meetings are deemed necessary for the correctional education of the juvenile, the director

makes efforts to encourage his/her family to correspond or meet the juvenile (art. 56). Meetings shall be arranged at an appropriate place (art. 53) and therefore each school has an interview room. In this respect, due consideration is given not only to physical aspects of the room but also to environmental aspects, such as meeting at appropriate places other than the interview room, to encourage family communication. For example, some schools have a family dormitory where parents can stay and meet the child.

231. To make the meeting beneficial for a juvenile, school staff are present at the meeting (art. 54). Staff members with special expertise, albeit respecting the child's right to privacy, pay careful attention to making the meeting a beneficial opportunity to provide family counselling, improve the environment surrounding the juvenile, and make a life plan for after his/her release.

232. A juvenile in a penal institution is permitted meetings and correspondence with his/her relatives (Prison Law, arts. 45 and 46). The permitted number of meetings and correspondence for prisoners in penal servitude and other prisoners is once a month and once every 15 days, respectively (Prison Law Enforcement Regulations, arts. 123 and 129). However, prisoners in penal servitude who are entitled to progressive treatment may be permitted more meetings and correspondence according to his/her grade and to article 63 of the Ordinance for Prisoners' Progressive Treatment. When it is deemed necessary for educational purposes, the warden may further increase the number of meetings (art. 66 of the Ordinance). Furthermore, for those under 20 years of age, the warden may increase the number of meetings if it is deemed necessary for educational purposes, regardless of the qualifications for progressive treatment or his/her grade (proviso clauses of articles 123 and 129 of the Prison Law Enforcement Regulations). Meetings shall be conducted in an interview room (art. 126), during working hours (art. 122), and last 30 minutes (art. 121). However, these limitations may be relaxed when the warden deems it necessary (art. 124).

233. In an immigration centre, a minor who needs protection or care shall be accommodated in the room with his/her parent. Careful consideration is given for a minor who is not living in the same room with his/her parent to have an opportunity of meeting with him/her. In the centre, maximum freedom is guaranteed insofar as it does not pose a threat to the security of the centre (Immigration Control and Refugee Recognition Act, art. 61, para. 7), and meetings and correspondence are basically allowed (Detainee Treatment Regulation, arts. 34 and 37). Thus, the right of a child separated from either or both of his/her parents to maintain personal relations with them is ensured.

4. Ensuring the provision of information about the whereabouts of absent members(s) of the family

234. See paragraph 129 of the initial report.

5. Progress and problems in implementing article 9, and information about arrest, imprisonment, deportation, repatriation and death

235. Enquiries by family members on the whereabouts of a foreigner detained in immigration centres made through the diplomatic representatives of his/her country of nationality are responded to after investigation. In the event of the death of a foreigner in

detention in a centre, his/her family, or person living with him/her, is promptly informed, through the diplomatic representatives of his/her country of nationality, of the date of death, disease and the cause of death. Enquiries by family members on the deportation of a foreigner, made through the diplomatic representatives of his/her country of nationality are responded to, providing information on his/her destination, time and date of deportation and the flight number of the aeroplane.

D. Family reunification (art. 10)

Ensuring family reunification

236. See paragraphs 130-132 of the initial report.

Application for entering the country for the purpose of family reunification

237. As provided in the Immigration Control and Refugee Recognition Act, the application by a foreigner to enter Japan for the purpose of visiting his/her family living in Japan is handled in proper ways, in accordance with article 10, paragraph 1, of the Convention.

Ensuring the rights of the child whose parents reside in different States

238. See paragraphs 131 and 132 of the initial report.

Ensuring respect for the rights of the child and his/her parent(s) to enter or leave a country, and restrictions on the right to leave it

239. See paragraphs 131 and 132 of the initial report.

Progress and problems in implementing article 10

240. The Japanese Government has handled this issue properly and in accordance with the provisions of article 10 of the Convention, under the Immigration Control and Refugee Recognition Act, leaving no problems in this respect.

E. Illicit transfer and non-return of children abroad (art. 11)

Illicit transfer of children abroad

241. To prevent the illicit transfer of children abroad, article 8, paragraph 2, of the Law for Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children, provides that “a Japanese transferring a child in a foreign country who is kidnapped, abducted and traded out of that country” shall be punished.

F. Recovery of maintenance for the child (art. 27, para. 4)

242. See paragraph 135 of the initial report for the case in which the child is to recover maintenance in Japan and where the child’s parents or other persons having financial responsibility for the child live in Japan. A total of 12,726 recommendations were made in

2000 by the family courts ordering financial obligations to be met, of which 7,556 cases were settled with the obligation fully or partially performed. In cases where an agreement has already been reached with regard to the payment of maintenance, a lawsuit may be filed to seek for the implementation of the agreement.

243. See paragraphs 136 and 137 of the initial report for the case in which the child is to recover maintenance in Japan and where the child's parents or other persons having financial responsibility for the child live in a different country.

G. Children deprived of a family environment (art. 20)

244. See paragraph 222 above.

245. In providing an alternative to a family environment for children who need special assistance, care and protection, such as abused children, it is important to offer them a home environment as far as possible. The Government recognizes the foster parent programme as a very important system to raise children in a family environment with love and understanding for their sound development, and thus makes efforts to promote it.

246. In 2000, regional small-scale children's homes, with a maximum capacity of six children, were established to encourage social independence of children by building favourable relationships with local communities and caring for children in a home environment.

247. The Ministry of Health, Labour and Welfare provides financial aid to relevant projects such as training provided by municipalities and exchange events between potential foster parents and children, organized by the National Foster Parent Association. In 1999, it also started to provide financial aid and advisory services for foster parents at children's homes.

248. In August 1999, a new procedure was announced in view of social changes, including the increasing number of double income families, so that families with both spouses working can receive a child as foster parents using day-care centres.

H. Adoption (art. 21)

1. Ensuring the utmost consideration of the child's best interests in adoption

249. See paragraphs 132-136 above. As for ordinary adoption, ex post facto remedies are guaranteed with the provision of dissolution by agreement (Civil Code, art. 811), dissolution by judgement (art. 814) and court decision on withdrawal of parental authority (art. 834) and, for special adoption, with the provision of court decision on withdrawal of parental authority (art. 834) and dissolution (art. 817-10). Dissolution by court decision is allowed only if substantial harm is inflicted on the interests of the adopted child, such as abuse by the adoptive parents, his/her natural parents ability to take reasonable care of the child, and when it is deemed necessary in the interests of the adopted child.

250. The director of a child guidance centre recommends that those who intend to adopt should take care of a child to be adopted for at least six months as a foster parent.

2. Intercountry Adoption

Intercountry adoption as an alternative means in cases where a child cannot be taken care of in his/her country

251. Under the Japanese legal system, both the adoption of foreign children by Japanese nationals and the adoption of Japanese children by foreign nationals are allowed:

(a) *Adoption of foreign children by Japanese nationals*

252. The law applicable in this case is Japanese law and the Civil Code of Japan. If the law of the country of the adoptive child sets requirements for the protection of adoptive children, for example, the approval or consent of the adoptive child or a third party, permission from public authorities, and other procedures, these requirements need to be satisfied as well (Law concerning Application of Laws in General, art. 20, para. 1).

253. Thus, in ordinary adoption, the family court facilitates the welfare of a child by considering the childcare situation in the country of the foreign minor in granting permission for adoption. In special adoption, the childcare situation in the country of the child to be adopted is also taken into consideration, since the court ruling for adoption is made only when it is deemed necessary for the interest of the child, for instance, when the placing of the child in the custody of his/her natural parents is extremely difficult or inappropriate. Thus, when a foreign child is adopted under the international adoption system of Japan, the child is granted protection equivalent to, or greater than, protection granted in the case of a national adoption.

(b) *Adoption of Japanese children by foreign nationals*

254. In this case the law of the country of the adoptive parents is applicable. Nonetheless, requirements for the protection of children under the provisions of the Civil Code of Japan also need to be satisfied (Law concerning Application of Laws in General, art. 20, para. 1). Therefore, both in ordinary and special adoptions, as noted in (a) above, childcare situations of the child to be adopted in Japan are considered, and thus the child is ensured protection equivalent to protection ensured in the case of a national adoption.

Improper financial gain

255. As for measures to ensure the sufficient protection of the child's rights in cases of intercountry adoption, the Child Welfare Law prohibits acting as an intermediary for profit-making purposes, and anyone who violates these provisions is liable to punishment under the law.

Measures to ensure that the adoption of Japanese children by foreign nationals is conducted by competent authorities or organizations

Table 7
Children concerned by intercountry adoption: filings at all family courts

Year	Total filings for adoption	Ordinary adoption	Special adoption
1996	412	382	30
1997	426	403	23
1998	479	450	29
1999	472	446	26
2000	534	500	34

Notes: Intercountry adoption is defined as an adoption where all or any of the applicants, other party, principal party, and person intervening are foreigners.

Figures show the number of filings for adoption from January to December of each year. Ordinary adoption and special adoption are recorded separately, according to the nature of a request.

Data as from 2001 are not available.

I. Periodic review of placement (art. 25)

Correctional institutions

256. There is a system of release on parole both from juvenile prisons for juveniles serving prison sentences or penal servitude, and from juvenile training schools. These systems allow a periodic review of the circumstances of placement and intend to help a juvenile rehabilitate and return smoothly to society.

257. The authority to determine whether to permit release on parole from juvenile prisons or juvenile training schools lies with the eight Regional Parole Boards. These Boards constitute panels of three Board members which begin discussing the request for a release on parole made by the head of a correctional institution. This is followed by the deliberation by an assigned Board member, who then normally interviews the inmate and advises the panel on the appropriateness of release on parole, parole period, and special conditions to observe during the parole period. The decision on whether to approve the release on parole is taken by the panel based on these findings. The head of a correctional institution is required to examine the application for release on parole (Ordinance for Parole and Probation, art. 17), and the examination shall be completed by the day when the release on parole can be legally permitted. A review examination is required to take place at least every six months (art. 19), based on which the appropriateness of the application is periodically reviewed. In this examination, external specialists, psychiatrists, psychologists, judges and prosecutors are asked to give their opinions (art. 18) to ensure that the examination is conducted properly.

Child welfare institutions

258. Article 46 of the Child Welfare Law provides for the authority of administrative agencies to make inquiries and inspections in order to maintain the Minimum Standards for Child Welfare Facilities, and this article, as well as article 12, paragraph 2, of the Ordinance for the Enforcement of the Child Welfare Law require the governor to carry out inspections

more than once a year. Revisions of the Child Welfare Law in 1997 included the following conditions, which are also subject to inspection:

- (a) Prefectures shall hear a child's view when taking measures to place him/her in an institution;
- (b) Prefectures, or authorized child guidance centres shall hear opinions of the Prefectural Child Council with legal and medical experts if the will of a child or his/her guardian(s) is not concurrent with the measures decided concerning his/her placement.

J. Abuse and neglect (art. 19); physical and psychological recovery and social reintegration (art. 39)

1. Legislative and administrative measures pursuant to article 19

259. See paragraphs 107-110 of the initial report.

Child Abuse Prevention Law

260. In May 2000, the Child Abuse Prevention Law was enacted with the aim of promoting measures against child abuse, and it was enforced on 20 November of the same year. The Law defines child abuse under the following four categories; physical abuse, sexual abuse, neglect of protection, and psychological abuse, and provides that nobody shall abuse a child.

261. The police recognize that child abuse is a serious problem that can severely affect a child in the critical period of development of his/her personality. In addition to the protection of a child's life and body, they regard this problem as one of the most important issues in juvenile protection and they enhance efforts aimed at preventing a child from starting problematic behaviour, by helping him/her to recover psychologically from abuse.

262. Specifically, the police have been making efforts to handle this problem by applying the following measures of the Child Abuse Prevention Law: (a) early detection of child abuse and reporting; (b) proper assistance to spot inspection by the director of a child guidance centre; (c) proper handling of abuse as a crime and support for abused children; (d) enhancement of the system and stepped-up association with competent organizations; and (e) sufficient guidance and education for child guidance centre staff.

263. The Law imposes the obligation to identify child abuse early on those who are in a position to identify child abuse relatively easily, such as schoolteachers and school staff, juvenile welfare institution staff, doctors, public health nurses, lawyers and others involved in child welfare. The Ministry of Education, Culture, Sports, Science and Technology disseminates information on this obligation to school and social education communities.

Child Welfare Law

264. Under the Child Welfare Law, if a guardian abuses his/her child, conspicuously neglects the child, or if the child's welfare is substantially harmed by leaving him/her in the care and custody of the guardian, and if the guardian disagrees with the measures proposed by

a prefectural governor to place the child with foster parents or a child welfare facility, the governor may take such a measure with the approval of a family court.

Civil Code

265. The Civil Code of Japan stipulates that a family court may order the withdrawal of parental authority when a parent abuses his/her parental power. If there has been gross misconduct of the guardian of a minor, the family court may discharge him/her from his/her guardianship.

Procedures for complaints

266. When a child is abused, a child guidance centre helps the child based not only upon his/her complaint but also on information provided by his/her neighbours and acquaintances, and persons engaged in welfare, education, public health and medical services.

Procedures for intervention by the authorities

267. Child guidance centres give temporary protection to an abused child if necessary under the Child Welfare Law and the Child Abuse Prevention Law, and send him/her to a child welfare institution if it is determined to be in the best interests of the child.

Educational and other measures to promote positive discipline, care and treatment of a child

268. See paragraphs 208-210 above.

Public relations and educational campaigns

269. See paragraphs 129 and 131 above. In addition, to contribute to the prevention of child abuse and to child protection, the Government organizes public relations campaigns and educational activities on topics such as “Relief from anxieties about child-rearing”, “Reporting duty of the general public who identify child abuse” and “Thorough dissemination of the Child Abuse Prevention Law” through television, radio, newspapers, magazines, posters and leaflets.

2. Information about article 19, paragraph 2, of the Convention

Social programmes to provide necessary support for the child

270. When an abused child who is to be sent to a children’s home has a severe trauma and needs psychotherapy, professional staff provide psychotherapy to deal with the child in a proper way for his/her mental condition. The Child Welfare Law and the Child Abuse Prevention Law provide that guardians are obliged to receive guidance from child welfare officer(s) in certain cases to encourage the recovery of healthy parental relations and family reunification.

Measures to identify and report maltreatment

271. See paragraph 269 above. Pursuant to the objectives of the Child Abuse Prevention Law, the police try to focus on early identification of child abuse, and police officers promptly try to report identified child abuse to child guidance centres. The police have also been strengthening substantial and effective cooperation with child guidance centres, public health institutions, schools, and private groups and organizations involved in providing assistance to victims.

272. The Child Abuse Prevention Law provides that, where necessary, a police officer assists the head of a child guidance centre who checks the safety of a child, in providing temporary protection and conducting spot inspections. When required, the police try to provide proper assistance in particular incidents to prevent abusive acts and fully ensure the protection of an abused child.

273. Furthermore, together with the Ministry of Health, Labour and Welfare and the Ministry of Justice, the police form part of the councils on the administration of the Child Abuse Prevention Law and the Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children, in order to protect child victims, and make efforts to strengthen ties with relevant authorities by holding liaison (coordination) councils as necessary.

Duty to report to child welfare specialists

274. Article 25 of the Child Welfare Law and article 6 of the Child Abuse Prevention Law provide that those who identify child abuse must notify child guidance centres. Article 5 of the Child Abuse Prevention Law provides that those involved in the child welfare business, such as schoolteachers and other staff, child welfare facility staff, doctors, and public health nurses, shall try to identify child abuse at an early stage.

Confidential hotline, advisory and counselling services for children victims of violence and abuse

275. The police prepare the conditions in which children feel free to ask for help by distributing leaflets with information on telephone numbers of counselling services for juveniles and the Young Telephone Corner service. The Ministry of Justice created a special telephone line, the “Victims’ Hotline” at District Public Prosecutors Offices nationwide open to victims for consultations and enquiries. Additionally, human rights organs have set up “Counselling Rooms for Children” and “Children’s Rights Dial 110” and give advice to children to enable early identification of, and solutions to, violations of children’s rights.

276. As for the child guidance centres established by prefectures, every central child guidance centre is equipped with temporary protection facilities and is prepared to give advice in urgent situations, at night or on holidays, and some of those centres operate a 24-hour telephone consultation service, to be able to respond to children’s requests for consultations. The “Urban In-Home Family Support Scheme” offered at children’s homes in urban areas and the Children and Families Supporting Centre also offer 24-hour consultation services.

Specialist training

277. Given the increasing number of consultations relating to child abuse, training programmes are organized for staff of child guidance centers and children's homes, and public health nurses, depending on their experience and the content of their job. The number of child welfare officers stationed at child guidance centres has been increased and staff specialized in psychiatry are assigned to children's homes.

3. Ensuring the recovery and social reintegration of child victims

278. See paragraphs 244-248 above. The police provide continued support related to child victims' psychology and the environment in which they are placed by adjusting the environment surrounding abused children, including families, in a way that helps them recover and by providing proper advice, guidance and counselling, since children, who are still immature both mentally and physically, are susceptible to much more severe psychological damage when they become victims of crimes than adults and their subsequent development may be adversely affected. At prefectural level, the police run juvenile support centres to improve the environment surrounding abused children. At these centres, juvenile guidance officials and counselling specialists play a central role in giving permanent psychological support by improving the environment surrounding abused children and providing proper advice and guidance, in cooperation with local volunteers such as the "Child Victim Counselling Advisers" and "Child Victim Supporters".

4. Progress and problems in implementing articles 19 and 39 of the Convention

Educational activities

279. The human rights organs of the Ministry of Justice consider child abuse a serious human rights issue that cannot be ignored, and make serious efforts to tackle the problem through various educational activities to eliminate child abuse. To facilitate the early identification and solution of child abuse cases, "Volunteers for Children's Rights Protection" are designated from among human rights volunteers to deal exclusively with problems affecting children's rights. Furthermore, if a child abuse case is detected, these institutions not only endeavour to protect the child victim from abuse in cooperation with the competent authorities, mainly child guidance centres, but also investigate the incident as a case of human rights violation and take appropriate measures.

Judicial precedents

280. There have been no court rulings with the issue of child abuse prevention referring to the interpretation or application of the Convention on the Rights of the Child.

Statistics

281. Statistically, child abuse is measured using data on the number of requests for consultations received at child guidance centres nationwide, available since 1990. These statistics show a yearly increase since then, with a sharp increase from 6,932 cases in 1998 to 11,631 cases in 1999.

282. Under these circumstances, the Child Abuse Prevention Law was enforced in November 2000 to facilitate the early identification of and solution to child abuse and proper protection of abused children.

283. The number of consultations requested at the police counselling service amounted to 1,342 cases in 2000, a 150 per cent increase over the previous year and a 520 per cent increase from 1996. In 2000, 186 abuse cases were solved by the police, 66 more than the year before, representing an increase of 55 per cent; the number of arrests in connection with child abuse increased by 60 per cent, with 208 in 2000, 78 arrests more than the year before. Out of 190 abused children, 44 children died.

Table 8
Consultations concerning child abuse registered by the police

Year	1996	1997	1998	1999	2000
Number of cases	257	511	413	924	1 342

Table 9
Cases of arrest by type of offence (2000)

Type of offence	Number of cleared case of arrest	As percentage of total number of cleared cases of arrest	Change over previous year (percentage)
Homicide, including attempted homicide	31	16.7	+12
Causing death through bodily injury	20	10.8	+5
Bodily injury	72	38.7	+45
Violence	4	2.2	+3
Rape including . injury	15	8.1	+3
Indecent assault, including injury	9	4.8	+6
Violation of the Child Welfare Law	1.7	9.1	+5
Violation of the Regulations on Delinquency Prevention and Youth Development	3	1.6	-4
Abandonment by a person responsible for protective custody or care, including death	1.3	7	-7
Gross negligence leading to injury, including death	2	11.1	-2
Total	186		+66

VI. BASIC HEALTH AND WELFARE

A. Children with disabilities (art. 23)

1. Status of mentally or physically disabled children

284. In Japan, the number of in-home physically disabled children was 81,000 in 1991 and 81,600 in 1996, showing stable trends. The number of mentally disabled children was 100,000 in 1990 but fell to 85,600 in 1995.

Table 10
Number of disabled children

	Total	Age 0-4	Age 5-9	Age 10-14	Age 15-17
Physically disabled (1996)	81 600	17 700	21 100	25 800	15 500
Mentally disabled (1995)	85 600	7 800	27 700	30 000	19 900

Source: Survey by the Ministry of Health, Labour and Welfare.

2. Ensuring that a child can enjoy a full and decent life in conditions which ensure dignity

In-home welfare services

285. See paragraph 170 of the initial report.

In-home childcare service programme (home-helper programme for disabled children/persons)

Table 11
Number of home helpers exclusively dealing with disabled children/persons

1998	1999
1 533	2 058

Source: Survey by the Ministry of Health, Labour and Welfare.

Children's day-care service programme (schooling programme for disabled children)

Number of children in disabled children schooling programmes

1998	1999
452	502

Source: Survey by the Ministry of Health, Labour and Welfare.

Institutional welfare services

286. See paragraph 171 of the initial report.

Table 13
Institutions for disabled children (as at 1 October 1999)

	Number of institutions	Capacity	Number of staff
Institutions for mentally disabled children	278	15 659	12 586
Institutions for autistic children	7	338	283
Schools for mentally disabled children	230	8 404	7 581
Institutions for physically disabled children	66	6 972	4 457
Schools for physically disabled children	83	3 400	2 614
Clinics for physically disabled children	7	400	264
Institutions for blind children	14	429	188
Institutions for children with speech and hearing disabilities	16	561	218
Schools for children with hearing difficulties	27	893	849
Institutions for severely handicapped children	88	8 887	8 629
National clinics for children suffering from myotonia (sickbed commission)	27	1 772	596
National clinics for persons with severe diseases (sickbed commission)	79	8 000	7 795
Rehabilitation centres for mentally disabled persons	1 250	84 083	83 027
Commuting-style centers	339	12 820	11 946
Maternity clinics for mentally disabled persons	226	14 200	13 927
Commuting-style centers	839	31 670	30 827
Dormitories for mentally disabled workers	119	2 805	2 628
Welfare homes for mentally disabled persons	68	856	708

Source: Survey by the Ministry of Health, Labour and Welfare.

School education

287. It is important that students with disabilities receive careful, specific education with particular attention given to the nature and degree of their disabilities, so that they may develop their capabilities to the fullest extent possible and their ability to participate independently in society. This education is carried out in various forms, including special schools for children with vision and hearing impairments, schools for mentally and physically disabled children and for children with health impairments as well as special classes and “resource rooms”. Lessons in these classes are designed for students with mild disabilities to improve and overcome them, and are integrated in the curriculum of elementary and lower secondary schools in these schools.

288. Only students of such elementary and lower secondary schools are given the opportunity to receive itinerant teaching, whereby schoolteachers for students with disabilities give lessons at homes and in medical institutions if the students have difficulties in attending schools. In 2000, the system for such students has been expanded to upper secondary schools.

289. Special schools and special classes promote programmes of joint activities with elementary and lower secondary schoolchildren and the local community, in order to improve experience and ability to mingle with the children’s community. During some subjects and special activities, children are given the opportunity to get together with other children, and participate in events of the community. These are ideal opportunities to foster fellowship and considerateness, and heighten the understanding of local residents towards children with disabilities and special education needs.

290. At schools for students with disabilities, curricula and textbooks are specially designed for each disability, classes are kept small, teachers with expert experience and knowledge are employed, and particular attention is paid to institutions and facilities. In order to offer equal educational opportunities and taking into account the special conditions of such schools, and in order to reduce the economic burden on parents and facilitate enrolment in such schools, the Government provides a special allowance to encourage this type of education, covering part or all of the expenses. This allowance covers textbooks (upper secondary schools) and school supplies, school meals, transportation to and from school, dormitories for boarders and school excursions, the amount of the allowance depending on the parents’ financial situation, set by the Law on Financial Assistance for Encouragement of School Attendance for Students with Disabilities.

291. The final report of the meeting of the Advisory Group on Special Education, which was held in January 2001, recommended that, in future, special education should focus on (a) the development of comprehensive consultation and a support system at an earlier stage of life; (b) the improvement of guidance on school attendance; (c) the improvement of education for students with learning disabilities in regular schools; and (d) the furtherance of the expertise of teachers and staff members working in special education, to provide truly required support with proper understanding of the special educational needs of each student, in consideration of changing situations surrounding special education, such as recent ever-progressing normalization.

Table 14
Schools for students with visual, hearing or physical impairments (as at 1 May 2000)

Type of school	Number of schools	Number of students
School for blind children	71	1 184
School for children with impaired hearing	107	3 512
School for students with other disabilities, of which:	814	44 496
Mental disabilities	523	29 517
Physical disabilities	196	11 971
Health impairments	95	3 008
Total	992	49 192

Table 15
Elementary or lower secondary schools with special classes

Type of disability	Number of schools	Number of pupils and students
Mental disabilities	16 431	48 712
Physical disabilities	1 446	2 518
Health impairments	801	1 766
Vision impairments	123	174
Hearing impairments	512	1 050
Speech impairments	345	1 193
Emotional disorders	6 598	17 508
Total	26 256	72 921

Students taught in resource rooms (as at 1 May 2000)

Type of disability	Number of students
Speech impairments	23 290
Emotional disorders	2 660
Vision impairments	146
Hearing impairments	1 420
Physical disabilities	7
Health impairments	24
Total	27 547

One hundred and forty children were permanently or temporarily exempted from enrolment at school due to their impairments. A total of 149,660 disabled children were enrolled, representing about 1.3 per cent of children enrolled in schools.

School enrolment of all children (as at 1 May 2000)

	Children	Percentage
Total number of children enrolled at all types of school	17 500 718	100
Of which children receiving special education for the disabled	190 572	1.09

Employment and vocational training

292. Under the Law for Employment Promotion of Persons with Disabilities and the Human Resources Development Promotion Law, public employment security offices (Hello Works), vocational centres for persons with disabilities, public human resources development institutions, and similar institutions provide vocational guidance and training, as well as placement opportunities to all persons with disabilities wishing to work, including children.

Measures to promote the exchange of information on preventive health care in international cooperation and to enhance Japan's experience in this area

293. See paragraphs 178-180 of the initial report. Up till 1999, the Government of Japan contributed a total amount of US\$ 5.31 million to the United Nations Voluntary Fund on Disability. It also provided financial aid to projects implemented by the Economic and Social Commission for Asia and the Pacific (ESCAP), amounting roughly to US\$ 450,000 in 2000.

B. Health and health services (art. 24)**1. Measures to implement provisions of articles 6 and 24*****Medical examinations at schools***

294. See paragraph 187 of the initial report.

Children with mental health problems

295. In order to deal with children's mental health problems, the general curriculum guidelines, called Courses of Study, which were revised in 1998, have expanded the scope of subjects taught by adding stress management as a new item in health and physical education curricula in lower secondary schools. Other measures have been taken, such as the preparation and distribution of reference materials for teachers, research and study on mental health and life habits, and training seminars for nurse-teachers. In 2001, the Government started to provide assistance for health counselling activities, including the sending of specialized doctors to schools by the boards of education of prefectures and certain cities.

Sexual education and AIDS education

296. As for sexual education and HIV/AIDS education at schools, the National Curriculum Standards revised in 1998 now provide that guidance on these subjects should be given to children in third/fourth and higher grades in the framework of health and physical education

classes, and guidance about AIDS and STDs should be given in the health and physical education classes at lower secondary schools. Other measures have been taken, such as the preparation and distribution of educational materials for students, reference materials for teachers, training opportunities for teachers and school staff, and practice and research in pilot schools. Reference materials about STDs for teachers will be prepared and distributed in 2001.

Guidance on nutrition

297. To deal with emerging food-related health problems, such as concerns over ever-increasing lifestyle-related diseases, the National Curriculum Standards revised in 1998 extended their guidance to all school education activities, including health, physical education and home economics classes, as well as extra-curricular activities, and recommended that dietitians should provide advice on healthy foods to students at schools. The Government has also taken several other measures, such as the preparation and distribution of reference materials for teachers and staff, symposiums, and practical research in pilot schools. In addition, in 2001, educational materials for students will be prepared and distributed.

Maternal and child health

298. See paragraph 181 of the initial report.

2. Measures to review changes after the initial report: impact on the life of children; indicators used to evaluate progress and problems in implementing the Convention

Measures to diminish infant and child mortality

299. Eighteen-month-old and 3-year-old children undergo medical examinations in order to detect diseases and abnormalities at an early stage (secondary prevention).

Distribution of general and basic public health-care services in local and urban areas

300. Under the Maternal and Child Health Law, maternal and child health services are organized according to the needs of the region. The Government endeavours to promote municipal health centres as bases to provide comprehensive health-care services such as health education, health consultations and medical examinations.

Information on children qualified to receive medical support

301. The Maternal and Child Health Handbook provides a list of major publicly funded medical services. Municipalities have been working on establishing maternity and child health centres to provide various types of consultation and guidance services on maternal and child health.

Measures to ensure vaccination

302. To prevent the outbreak or spread of infectious diseases, infants are vaccinated under the Preventive Vaccination Law.

Prevention of illnesses

303. Recently, the percentage of infants with a low birth weight (less than 2,500 g) in Japan has been increasing, owing partly to increased multiple childbirth caused by widely provided medical treatment for reproduction. The mortality rate of underweight infants has been declining thanks to improved prenatal, perinatal and post-natal care.

Table 18
Newborn infants with low birth weight (percentage of all infants)

	1975	1985	1990	1995	1998
Total	100.0	100.0	100.0	100.0	100.0
Less than 2 500 g	5.1	5.5	6.3	7.5	8.1
Less than 1 500 g	0.3	0.5	0.5	0.6	0.6
Less than 1 000 g	0.1	0.2	0.2	0.2	0.2

Appropriate prenatal and post-natal health care for mothers

304. Since pregnancy and delivery represent a major opportunity for assisting women in matters of health, the Ministry of Health, Labour and Welfare has been making efforts to ensure the safety and comfort of women during this period. More specifically, prenatal treatment networks have been improved to deal with premature infants who require emergency treatment, enabling mothers and their infants to be transferred from general clinics to advanced medical institutions to receive intensive care. The Ministry has been promoting the improvement of medical treatment for mothers before and after delivery, by improving medical institutions for children and for the prenatal period so that they may provide highly advanced treatment from pregnancy to delivery, and/or to childhood.

Campaigns to provide basic knowledge and information

305. Prefectures provide education and information on basic knowledge, for example, by organizing seminars on infant accident prevention.

Child health and nutrition and the benefits of breastfeeding

306. In accordance with the resolution on breastfeeding adopted by the twenty-seventh World Health Assembly in 1974, the Government of Japan has, since 1975, been promoting breastfeeding as part of measures to improve maternal and child health in cooperation with municipalities and competent private organizations, considering not only that mothers' milk contains the nutrients necessary for the healthy growth of babies in the best composition as well as disease-immune substances, but also that it has significant meaning in terms of the mother-baby interaction that is beneficial for the psychological and emotional development of babies.

Improvement of the education and training system for health staff

307. It is necessary to further improve the quality of staff engaged in maternal and child health services. It is particularly important to deal properly with more diversified problems such as parenting anxiety and to enhance follow-up guidance after medical examinations. In order for staff to acquire professional expertise in counselling techniques, seminars and training on such issues have been organized.

Family planning education

308. As part of administrative measures for maternal and child health, municipal health centres help women to decide independently on the use of contraceptives, for instance through “Programmes for Healthy Motherhood Development”, which disseminate information on sexuality and contraception and offer counselling and guidance on the effects of artificial abortion to adolescents. Public health nurses and/or midwives from public health centres, and family planning experts also offer this type of service.

Measures to prevent unwanted teenage pregnancies

309. Information about sexuality and contraception is widely disseminated to young adolescents. Measures are also taken to help women make independent decisions about contraception by, for example, providing guidance and information about sexuality and contraception through public health nurses and/or midwives from public health centres and consultants for planned parenthood.

3. The situation of HIV/AIDS and education on HIV/AIDS

Programmes and strategies for prevention

310. The number of measures to combat AIDS has increased following the adoption of the “Basic Principles of a Comprehensive AIDS Strategy” at the Ministerial Conference on Combating AIDS in 1987.

311. In December 1998 the “Law on the Prevention of Acquired Immune Deficiency Syndrome” (Law No. 2) was enacted. It stipulates that the prevention of the spread of AIDS should be carried out with consideration for human rights.

312. The “Seven-Year Plan to Stop AIDS” launched in 1994, under which the Government has taken measures such as the improvement of medical treatment, counselling, guidance and inspection systems, promotion of research and development and international cooperation, and education and dissemination of correct information, declares a commitment to (a) the development of drugs and vaccine; (b) the prevention of AIDS spreading in Japan; and (c) support for the prevention of AIDS in the Asian region and throughout the world.

313. In April 1999, the Law on the Prevention of Infectious Diseases and Medical Treatment for Patients with Infectious Diseases was passed, which promotes comprehensive measures for preventing infectious diseases and ensuring medical treatment for patients with

infectious diseases. In this law, AIDS is identified as one of four major infectious diseases. With the enactment of this new law, the AIDS Prevention Law was abolished, and in October of the same year, the “Principles for the Prevention of Specified Infectious Diseases in Relation to AIDS” were drawn up. They stipulate that the national Government, local governments, medical communities and NGOs, including patient organizations, should work together to carry out comprehensive measures for the prevention and treatment of AIDS, with full consideration given to the human rights of patients. It also provides that effective measures shall be taken for groups at risk (juveniles, foreigners, homosexuals, sex business workers and clients).

Monitoring of the AIDS pandemic

314. Since 1984, the AIDS Monitoring Committee has been assessing information about cases of AIDS detected in Japan, with proper understanding of information about its transmission, patients and HIV-positive persons, in careful consideration of the protection of their privacy. The Committee reported that by the end of December 2000, the total number of patients in Japan, excluding patients and HIV-positive persons infected through blood products, was 1,923, and that another 1,205 had died. Recent trends indicate that (a) the disease is spreading across the country; (b) the number of Japanese infected by the virus is increasing; and (c) sexual contact between members of the opposite sex is a major mode of transmission.

Treatment for children and parents

315. Hospitals for AIDS treatment have been established nationwide and provide the latest treatment so that patients and infected persons can feel safe to seek treatment.

316. Since April 1998, HIV-positive persons are recognized as physically disabled and receive public aid, for example, subsidized medical costs and income tax deductions.

317. Furthermore, the Government has prepared “Manuals to Prevent Mother-to-Child Transmission” to prevent HIV infection, and promotes their wide publication by distributing them to medical institutions, and through the web site of the AIDS Prevention Information Centre.

Campaigns to prevent discrimination against children with AIDS

318. In 1988, WHO proclaimed 1 December as World AIDS Day and proposed educational activities on AIDS to prevent its transmission at the global level and to eliminate discrimination and prejudice against patients and infected persons. In 1996, UNAIDS took over this programme. Japan has also approved the objectives of UNAIDS and, every year, organizes various educational activities on World AIDS Day. For example, campaigns were conducted during the Japan Professional Soccer League (J League) in 1993, professional baseball games in 1999, and the 79th National High School Soccer Championship in 2000, and various events are performed at school festivals and in the street.

319. In 1998, educational materials for AIDS prevention (e.g. videos and posters) were produced, distributed to prefectures, and made available to schools and NGOs. In 1999, the

AIDS Prevention Information Centre was established to widely disseminate AIDS information to the general public via the Internet. By promoting the dissemination of correct AIDS information through all these programmes, the Ministry has been making efforts to eliminate discrimination and prejudice against patients and infected persons.

AIDS education at schools

320. See paragraph 305 above.

5. Promoting international cooperation to achieve the rights specified in article 24

321. See paragraphs 46-57 above.

C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

Child allowance and child-rearing allowance

322. See paragraph 44 above.

Childcare services for children of working parents

323. Under the “Project of After-School Measures for Healthy Growth of Children” mentioned in article 6-2, paragraph 7, of the Child Welfare Law, the Government promotes the healthy development of children in the lower grades of elementary school whose parents or guardians work (after-school children), by offering children’s recreational facilities as proper places for life and play after school. There were 11,378 such facilities in May 2000. This project receives subsidies from the State, the prefectures and the municipalities, one third from each (subsidies for the Project of After-School Measures for Healthy Growth of Children).

324. If it is recognized that neither parent can take care of their children, for instance, because both of them regularly work in the daytime, and relatives living with them or other persons cannot take care of them either, municipalities are required to place and take care of the children in a day-care centre. In April 2000, there were 22,200 day-care centres, attended by 1,788,302 children. The costs for the day-care centres are borne half by the State, and one quarter each by the prefectures and the municipalities (share of management costs for day-care centres).

Progress and problems

325. See paragraphs 42 and 128 above.

D. Standard of living (art. 27, paras. 1-3)

Standard of living

326. See paragraphs 322-325 above.

Livelihood protection and housing aid under the Public Assistance Law

327. The Public Assistance Law is a general law for people living in poverty, under which assistance provided is the difference between a household's income and the minimum subsistence level set by the Minister of Health, Labour and Welfare. Livelihood aid is provided to meet the needs for clothing, food and other daily necessities, and living aid covers repairs and other housing maintenance costs. Both are provided in cash or, if necessary, in kind.

Follow-up to the Habitat Agenda

328. The Habitat Agenda, adopted by the Second United Nations Conference on Human Settlements (Habitat II) held in 1996 in Istanbul, contains the basic plan of action on human settlements. Paragraph 13 of the Habitat Agenda states that "special attention must be paid to the shelter needs of vulnerable children". The Japanese Government has also been making efforts to promote child protection in this aspect. Since 1996, the number of children's homes has been slightly increasing and the number of children placed in them has also increased by 3000 persons since 1996. The number of children placed in homes for infants has also increased, albeit only slightly.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**A. Education (art. 28)****1. Ensuring the right of the child to education*****Measures against bullying***

329. Bullying is hard to identify and bullies tend to have only a tinge of guilt even when such acts result in serious consequences. The police protect victims and, with the intention of giving guidance to bullies, make efforts to promptly identify bullying by improving child counselling services and asking for the cooperation of the community. They also attempt to provide appropriate treatment for the bully and follow-up guidance for the victim in a very careful manner, considering the victim's character, living environment, and level of psychological damage.

330. More specifically, they provide support to victims who have suffered serious psychological and physical damage through ongoing counselling services by juvenile counselling specialists and guidance officials and with the help of parents and/or guardians. Moreover, the police have been studying and promoting other measures, for example, providing reference materials to communities, such as background information on identified cases.

Support for families for education purposes

331. See paragraph 220 above. Under the Japan Scholarship Foundation Law, loans are granted to qualified students who have difficulties attending school for financial reasons. In addition, local governments and public corporations and others offer scholarship services.

Moreover, national, public and private universities exempt students from tuition fees or grant them reductions depending on their financial situation.

Guaranteed access of children to quality education

332. See paragraphs 220 and 224 above.

Ensuring a sufficient number of teachers

333. A quorum of teachers has been ensured under an ongoing improvement plan. For the five-year period from April 2001 to March 2006, the seventh quorum improvement plan of teachers and staff at public compulsory education schools will be carried out to increase the number of teachers and offer more careful tuition and better academic achievements for pupils and students, so that subjects with a high disparity in achievement levels are taught in smaller classes of about 20 students.

Non-regular education systems

334. Universities, colleges and junior colleges make active use of the “special register students” system, in which students can select certain subjects and get credits for them to meet various learning needs.

Changes in the selectivity system

335. In 1999, qualifications for the University Entrance Qualification Examination were made more flexible in order to institutionally open up opportunities to enter university by publicly evaluating students’ individual abilities. In the same year, qualifications to enter graduate schools were also made more flexible in order to open the road to graduate schools for those with research abilities by focusing on individual abilities.

Education for non-Japanese pupils and students

336. In Japan, non-Japanese students who learn at “schools” as defined by the School Education Law are basically educated in the same way as Japanese children. By accepting non-Japanese students, Japanese schools are making efforts and contriving to help them adapt to school life, in consideration of their native language and customs. Special lessons are provided individually to non-Japanese students outside their regular classes in accordance with their aptitudes and abilities, and at general schools “team-teaching” is practised with the cooperation of more than one teacher. The Government is also preparing and distributing teaching materials for studying the Japanese language and guidance materials about non-Japanese students, training teachers in charge of their education and sending those who speak the students’ native languages as collaborators to schools, and posting extra teachers to schools which admit them. The Government, moreover, designates some local governments as “pilot local governments” to promote the study of methods of accepting non-Japanese children. In extra-curricular activities, no restrictions have been imposed in offering non-Japanese students the opportunities to learn their own language and culture. Such opportunities are actually offered by several local governments.

Measures to establish proper educational facilities accessible to all children

337. In principle, stakeholders, local municipalities in the case of public elementary and lower secondary schools, manage their schools and provide the necessary funds. However, to ensure equal opportunities in compulsory education and to maintain and improve the level of such education, the Government also shares the costs required to improve educational facilities as one of the fundamental conditions of education.

338. Specifically, school buildings and gymnasiums have been improved, ensuring educational facilities nationwide for students who are guaranteed a compulsory education. Furthermore, the Government has encouraged the establishment and improvement of various types of school facilities with characteristics and features unique to each region, rather than uniform school facilities.

Kindergarten and compulsory education

339. See paragraphs 215-217 of the initial report, and paragraphs 219 and 220 above. In 1999, about 60 per cent of 5-year-old children enrolled in kindergarten and concerning pre-school education as a whole, about 95 per cent of them went to either kindergarten or nursery school.

Development of secondary education

340. Until 1998, secondary education was provided only at lower and upper secondary schools. To promote further diversification of secondary education and to realize more individual-oriented education, the integrated course system (of lower and upper secondary education) was introduced in 1999, enabling students and their guardians to choose opportunities to learn under the six-year integrated curriculum and learning environment.

341. Lower secondary schools and the lower division of secondary education schools are meant to provide general secondary education to students age 12 to 15, based on the fundamental knowledge learned at elementary schools and depending on their psychological and physical development level. Upper secondary schools and the upper division of secondary education schools are meant to provide general secondary education and special education. At lower secondary schools or the lower division of secondary education schools, elective subjects have been expanded under the newly revised Courses of Study. Upper secondary schools and the upper division of secondary education schools may offer various courses to respond to various abilities, aptitudes, interests, and future plans to maximize individuality growth, such as the general education course, specialized education courses (e.g. agriculture, industry, commerce and fisheries) and the comprehensive course in which students can select from both general and special courses. Under the new Courses of Study, selection-oriented curricula have been formulated.

Provision of secondary education

342. In Japan, every child age 12 to 15 has to attend a lower secondary school or its equivalent, or secondary school. The School Education Law provides that graduates from lower secondary school or its equivalent and those who are recognized to have equal

qualifications or an exceptional scholastic ability by the Ministry of Education, Culture, Sports, Science and Technology, are eligible to enter upper secondary schools, regardless of sex, race, nationality and any other factor. The integrated secondary education school introduced in 1999 should be established in the commuting range of an area. Approximately 500 schools will be established nationwide.

Free secondary education and financial assistance

343. Education at national and public lower secondary schools and the first half of the secondary schools is free of charge. In addition, Japan provides financial assistance for those who are unable to enter upper secondary school for economic reasons, through the Japan Scholarship Foundation etc., whenever necessary. Japan is taking measures to ensure equal access to upper secondary education, and consequently, about 97 per cent of eligible students entered upper secondary school in 1999.

Opportunities for higher education

344. Graduates from upper secondary schools or those who are recognized to have equal qualifications or exceptional scholastic abilities are eligible to enter universities, regardless of sex, race, nationality and any other factor. In 1999, the criteria of the University Entrance Qualification Examination were made more flexible in order to institutionally open up opportunities for non-Japanese students who are learning at schools for foreigners in Japan to enter universities, by publicly evaluating their individual scholastic ability. The same year, requirements to enter graduate schools were also made more flexible in order to open the road to graduate schools for those with research abilities by focusing on individual abilities.

345. Furthermore, the University of the Air was established in 1983 with the objective of providing people with greater opportunities to receive higher education by promoting a new type of university education through broadcasting, etc. The University offers higher education by effectively using diversified media, such as television and radio.

346. Moreover, in response to the development of information technology, classes provided via Internet were officially recognized in 2001. This revision enabled students at correspondence universities to take classes via the Internet and get all 124 credits required for graduation. It also enabled students at regular (commuting) universities to get up to 60 credits by taking classes via the Internet, thus making higher education more accessible.

Use of information on education and occupation

347. See paragraphs 220 and 221 of the initial report. In Japanese schools, guidance and counselling are offered to students to help them have a clear objective for their present and future life, and acquire the ability and will to determine their course of life according to their own wishes and responsibilities. The Government is endeavouring by specifying guidance/counselling in the general curriculum guidelines called Courses of Study, revised in 1998, to enhance the active adoption of work experience. In giving guidance and counselling, such activities as collecting and using information on future courses and carrying out educational events are conducted in an organized and planned manner. For this purpose,

various measures are implemented, including carrying out training activities, preparing guidance materials and promoting internships.

School non-attendance and school dropout

348. Although the causes and background for problematic behaviour are different in each case, a pattern seems to arise of factors such as discipline at home, the way schools are, and the ever-weakening sense of solidarity in local communities. To solve these problems every school has been advised to carry out concerted efforts with all teachers and staff members involved and in cooperation with parents and the local community, under the leadership of the school principal.

(a) School non-attendance

349. In compulsory education, there is a growing number of students who do not or cannot attend school more than 30 days in a year, mainly due to psychological, emotional, physical, or social factors and backgrounds, excluding cases of illness or financial reasons.

350. To solve this problem, the Ministry of Education, Culture, Sports, Science and Technology has been taking measures, for instance, (a) to create lively schools by helping students feel a sense of achievement through “easy-to-understand classes”; (b) to improve the education counselling system by increasing the number of school counselors; (c) to improve the adaptation assistance classes to help students who are absent from school for long periods return to school through the use of out-of-school environments; and (d) to expand the Lower Secondary School Equivalency Test and the University Entrance Qualification Examination, and to give special consideration to students, who are absent from school for long periods, in upper secondary school entrance examinations.

(b) Upper secondary school dropouts

351. To deal with the problem of high dropout rates at schools, the Ministry has been taking the following measures: (a) the improvement of guidance/counselling in lower secondary schools and in the school admission system; (b) the establishment of schools which allow students to enjoy multiple options such as integrated schools and comprehensive courses; (c) the promotion of more diversified and flexible curricula in upper secondary schools, personalized guidance, re-entry into high school; and (d) ensuring opportunities to enter universities through the University Entrance Qualification Examination.

(c) Bullying

352. Schools deal with this problem by guiding students to strongly recognize that “we, as human beings, must not allow bullying”, and by promoting cooperation between families and the local community, with the basic understanding that bullying can happen at any school, in any class and to any child.

353. In July 1996, the expert committee established by the Ministry of Education, Culture, Sports, Science and Technology published a report on comprehensive measures to be taken

against bullying, and has been informing boards of education of the report's aims and contents.

354. The Ministry has also been working on several measures to promote education on human life and respect for human rights: the improvement of *kokoro no kyouiku* (education of the heart), including further reinforcing children's sense of standards; the improvement of education and counselling systems by assigning school counsellors and advisers to classrooms in order to put children at ease; training opportunities to improve the quality of teachers dealing with bullying problems; and cooperation among schools, families and the local community.

2. School discipline and children's human dignity

School rules

355. See paragraph 182 above.

Disciplinary action

356. At Japanese schools, disciplinary measures may be taken against pupils or students when they are considered necessary for educational purposes. In taking disciplinary measures against pupils or students at school, however, the Government has been repeatedly instructing boards of education and other educational institutions to pay full attention to the circumstances surrounding each student by listening to his/her explanation and opinions, and ensuring that such disciplinary measures should have essential educational aims instead of serving merely as sanctions. On the prohibition of corporal punishment, see paragraphs 210 and 211 above.

3. International cooperation in matters relating to education

357. See paragraphs 46-56 above.

4. Activities and programmes to implement international cooperation

358. See paragraphs 46-56 above.

B. Aims of education (art. 29)

Prevention of stress and non-attendance

359. With regard to measures taken to prevent stress and school non-attendance and to improve school admission, the Government has been implementing the measures outlined below:

(a) Non-attendance

360. In 1999, the proportion of students who did not or could not attend school for more than 30 days was 0.1 per cent for elementary school students and 2.5 per cent for lower

secondary school students, but this number has been increasing since then. Measures taken by the Ministry of Education, Culture, Sports, Science and Technology to solve this problem are described in paragraph 350 above.

(b) Improvement of the school admission system

361. With regard to the system of admission to upper secondary school, the Government is making efforts to improve the current system which places a disproportionate emphasis on achievement tests, by introducing other systems such as interview tests or admissions upon recommendation by a school principal, which allow schools to evaluate students, their abilities and aptitudes from many perspectives. In order for students to enjoy education free of pressure, the Ministry also makes efforts to improve the contents and methods of education by revising the general curriculum guidelines, called the Courses of Study, selecting education contents, and emphasizing experience-oriented education.

362. The intensification of competition in upper secondary school entrance examinations had become a social problem as the number of students going on to upper secondary school rose. Competition in high school admission has, however, begun to slow down owing to the decrease in the population of those under 15 years of age.

Training for teachers

363. Since it is important to ensure opportunities for teachers to participate in necessary training throughout their careers, training opportunities are being organized systematically. Prefectural administrations organize various training programmes, including training for all new teachers, subsequent training corresponding to years of teaching experience, and special training on curriculum and student guidance.

364. The Government also conducts training for teachers who are expected to play a leading role in training offered by prefectural administrations as well as training to deal with urgent problems. Subjects of these training programmes include education on respecting human rights, environmental education, education for international understanding, and courses on student guidance.

New courses of study

365. The general curriculum guidelines as revised in 1998, called Courses of Study, stipulate that education with more consideration for human rights should be further promoted throughout the whole school period. The Ministry of Education, Culture, Sports, Science and Technology has conducted a human rights education seminar and other training programmes about human rights education and has designed projects for pilot schools designated for research into human rights education.

Development of the child's personality, talents, and mental and physical abilities to the fullest potential

366. Article 1 of the Fundamental Law of Education provides that "education shall aim at the full development of personality, striving for rearing of people who shall revere truth and

justice, esteem individual value, highly regard labour and responsibility, and who be imbued with an independent spirit and be sound both in mind and body, as members of a peaceful State and society”.

367. In order to further this goal, the general curriculum guidelines, called the Courses of Study, were revised in 1998, with the aim of developing in a student (a) talents for and ability to learn and think by him/herself, judge independently, and solve problems in a better way; (b) enriched humanity with self-discipline and sympathy for others; and (c) health and physical strength to live well, in receiving education which makes full use of the student's potential in a worry-free environment. The Government has made efforts to make the new Courses of Study, to be implemented in 2002, widely known, for example, by preparing and distributing information leaflets.

Promotion of respect for human rights and fundamental freedoms

368. In education, human rights are to be dealt with according to the specific stage of a child's development. More specifically, the Courses of Study specify that an elementary school student shall be guided towards treating others fairly and equally without any discrimination and prejudice and that a lower secondary school student shall be guided towards a deep recognition of respect for human beings by focusing on basic human rights.

Promotion of respect for civilizations different from the child's own civilization

369. School education stresses the development of the talent and ability to live independently, and to be aware of what it means to be Japanese in a global society. To this end, in classes on social studies and moral education, and all other school activities, pupils and students are taught to respect the culture and traditions of their own home town or country, to contribute to the creation of a new culture, to respect foreign persons and cultures, to try to befriend other people in the world, and to contribute to world peace and human well-being.

Preparation for responsible life in a free society

370. It is important for pupils and students to recognize that social responsibilities and duties always accompany individual rights and freedoms. Japanese school education also attaches importance to this point. Therefore, guidance is given through moral education and other school educational activities, to help students become more aware of their responsibilities, respect their own and others' responsibilities, and perform their duties. In social studies at lower secondary schools, teachers are advised to take up the relationship between freedom and rights and duties and responsibilities, through which pupils and students are expected to become aware of the importance of individual dignity and respect for human rights.

Promotion of respect for the natural environment

371. Environmental education is adapted to the level of each grade and in accordance with each course of subjects, at each stage of elementary, lower and upper secondary schools. At elementary and secondary levels, more environment-related contents are included in social

studies, science and other subjects. In addition, a “Period for Integrated Study” was created which enables students to deeply understand environmental issues in an interdisciplinary and comprehensive manner through hands-on experience and a problem-solving learning method.

372. In addition to improvements in educational contents, measures have also been taken to improve educational guidance ability and methods; and environmental education is promoted and developed in cooperation with schools, families and local communities.

Ensuring respect for the liberty of individuals and groups of people to establish and manage educational institutions

373. In Japan, only State and local governments and school juridical persons may be school founders. As for school juridical persons, the Private School Law prescribes necessary conditions to guarantee the public nature and continuity of school education. As long as a school juridical person is established according to the Private School Law, it is possible to establish schools under the School Education Law etc. Therefore, the freedom to establish and manage educational institutions is ensured.

Administration of educational institutions

374. The Government has minimum standards for establishing and operating a university or college. Universities and colleges should improve the quality of education and research by self-evaluation, the publication of findings, and the presentation of information on their activities. The Government established an external evaluation organization to help universities to improve themselves.

Ensuring adequate number of teachers and staff

375. The number of teachers and staff members at public schools is decided by each prefecture, based on the standard number prescribed by law, thus ensuring the proper number of teachers and staff members in each prefecture.

C. Leisure, recreation and cultural activities (art. 31)

Cultural activities organized by the police

376. The police teach Japanese traditional martial arts, judo and kendo, as sports activities to enhance the sound development of boys and girls, using training halls (dojos) at police stations. The police also organize baseball, softball and soccer games, as well as social participation activities such as art appreciation and visits to institutions.

Artistic activities

377. To help increase opportunities for children to appreciate and participate in arts and traditional culture, the Government sends excellent artistic and cultural groups to schools and cultural facilities throughout Japan to hold performances and workshops. In addition, national theatres give children opportunities to appreciate performing arts such as kabuki and opera, accompanied by simple programmes to arouse the children’s interest, at low rates. The

National Museum and the National Museum of Art organize travelling exhibitions in various places so that children have the opportunity to appreciate works of art and culture. Moreover, the Japan Arts Fund also supports various artistic and cultural activities conducted by artistic and cultural groups for children and young people.

Promotion of cultural activities

378. The National Cultural Festival for Secondary High School Students is held annually to improve cultural activities and deepen mutual understanding.

Promotion of sports

379. In accordance with the Basic Plan for the Promotion of Sports Activities developed in 2000, specific measures will be carried out to promote sports activities in 2001. The Plan, designed for a 10-year term, from the year 2001 to the year 2010, foresees, in particular, that:

- (a) At least one general regional sports club should be established in each municipality by the year 2010, so that the public, including children, can enjoy sports activities any time and anywhere;
- (b) A system should be developed to promote talented young players in a systematic and planned manner under an integrated guidance principle;
- (c) Sports instructors should at regional level be used to improve physical education at schools and after-school athletic clubs;
- (d) School gymnastics facilities should be improved, including the establishment of clubhouses.

380. In addition, the National Sports Recreation Festival, the Marine Sports Fair and the Outdoor Sports Fair are held annually to promote sports activities for the general public. Anybody can participate in these events.

Improvement of cultural and recreational facilities

381. Under the Social Education Law and other relevant laws and ordinances, the Government of Japan has been implementing comprehensive measures, including promoting projects to provide children with ample experiences and activities, and subsidizing social educational facilities, such as public halls, and working on the improvement of sites for learning activities. The following major recreation facilities exist:

- (a) *National Olympic Memorial Youth Centre*
This is the only youth education facility that functions as a national youth education centre. It was established at the site of the former Olympic athletes' village. Reconstruction work was started in 1991, to build facilities for training, accommodation, sports, culture and international exchange. As part of its activities, the Centre puts its facilities, together with guidance, advisory or cooperation services, at the disposal of such events as training sessions, culture/sports or

workshops/exchange activities, including international exchange, based on voluntary programmes carried out by organizations or groups. In 1999, a total of 940,000 people used the Centre. In order to achieve effective and flexible management, the Centre, formerly a national organization, became an independent administrative corporation in April 2001.

(b) *National youth house/children's nature houses*

National youth houses and children's nature houses are a youth education facility aimed at bringing up healthy young people through group training sessions etc. As of October 1999, 743 national or public youth houses exist throughout the country. Out of these, 27 houses are State-run, located in beautiful countryside, and equipped with sports facilities or accommodation with a capacity for 300-400 people, accepting youths for group lodging and training. In 1998, a total of 14,520,000 people used national and public youth houses. In order to achieve effective and flexible management, the national youth house, formerly a national organization, became an independent administrative corporation in April 2001.

(c) *Child cultural centres*

See paragraph 235 of the initial report. In 1998, a total of 2,420,000 people used these centres for various group activities.

(d) *National Youth Camping Site (South-Zao)*

See paragraph 236 of the initial report.

(e) *Public halls*

See paragraph 237 of the initial report. As at October 1999, there were 18,257 halls.

(f) *Museums*

See paragraph 238 of the initial report. As at October 1999, there were 1,045 museums.

(g) *Libraries*

See paragraph 239 of the initial report. As at October 1999, there were 2,593 libraries.

(h) *Sports facilities*

See paragraph 240 of the initial report. There are about 258,000 sports facilities throughout Japan, half of which are school physical educational facilities. For the rest, public sports facilities account for about 25 per cent and private sports facilities, including those owned by private companies, account for about 12 per cent.

Children's recreational facilities

366. Under the Child Welfare Law, the following children's recreational facilities have been established to provide children with safe playgrounds, to promote their health and to develop their emotional maturity:

- (a) *Children's halls/centres*
See paragraph 241 of the initial report. As at October 1999, there were 4,368 halls and centres.
- (b) *Children's recreation grounds*
See paragraph 242 of the initial report. As at October 1999, there were 4,143 recreation grounds.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

International and national laws applicable to children recognized as refugees and specific procedures applying to them

383. See paragraph 249 of the initial report. As at the end of December 2000, 13 children had applied for recognition of their refugee status and 86 children had been recognized as refugees.

Protection and assistance to refugee children

384. With regard to social life, nationality requirements have been eliminated from such laws as the Child Allowance Law, Child-Rearing Allowance Law and Special Child-Rearing Allowance Law, and consequently, refugee children are basically entitled to receive these benefits in the same way as Japanese nationals and other foreigners.

385. In addition, through the Refugee Assistance Headquarters of the Foundation for the Welfare and Education of the Asian People, the Government supplies funds to applicants for refugee status in difficult living conditions, including children.

Relevant international human rights instruments ratified by Japan

386. The relevant international human rights instruments to which Japan is a party include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, and the Convention on the Elimination of All Forms of Discrimination against Women.

National laws and procedures to determine refugee status and ensure the protection of the rights of refugee children

387. See paragraph 383 above.

Protection and humanitarian assistance to enjoy rights set forth in the Convention on the Rights of the Child

388. See paragraphs 250 and 251 of the initial report.

Search for parents and other family members of refugee children

389. See paragraph 253 of the initial report.

2. Children in armed conflicts; psychological and physical recovery and social reintegration (arts. 38 and 39)

International instruments ratified by Japan

390. Japan ratified the Geneva Conventions for the protection of war victims. The four Conventions, adopted on 12 August 1949, are:

- (a) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;
- (b) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;
- (c) Geneva Convention relative to the Treatment of Prisoners of War;
- (d) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Ensuring that children do not participate in hostile actions, protection of child rights during hostilities and mechanisms to monitor the status of the implementation of the Convention

391. Except for educational institutions (youth cadet programmes), only those who are 18 years old or over can apply and be recruited into the Self-Defence Forces (Enforcement Regulations of the Self-Defence Forces Law, art. 25, and Instructions for Assignment of Youth Cadets). Those who apply for the Self-Defence Forces are required to submit official documents identifying their date of birth (full copy of family register), to prevent those under 15 years of age from being recruited by mistake (Instructions for Personnel Records). If, after joining the Self-Defence Forces, the above-mentioned document reveals that an applicant did not qualify for examination, the decision on his/her recruitment is invalidated and he/she loses the place. These measures ensure that Japan refrains from recruiting any person who has not reached 15 years of age and from allowing them to participate directly in hostilities. Since ratification of the Convention in April 1994, no-one under 15 years of age has never been recruited into the Self-Defence Forces or participated directly in any hostile actions.

International cooperation

392. In November 1998, an international symposium entitled “Children and Armed Conflicts” was held in Japan to enhance civil society’s understanding of, and support for,

children in armed conflicts. The International Workshop/Symposium on Children and Armed Conflict-Reintegration of Former Child Soldiers in the Post-conflict Community was held in Tokyo in November 2000.

393. Furthermore, Japan has made a significant contribution to major relevant international organizations, such as the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the Office of the United Nations High Commissioner for Refugees (UNHCR), and has provided ODA on a bilateral basis for the protection and welfare of children victims of armed conflict. Recent examples include a contribution of about US\$ 16 million to the school reconstruction project in Kosovo in May 2000, and about US\$ 1.23 million to the elementary school renovation project in East Timor in July 2000, to help children reintegrate into society after the conflict.

B. Children in conflict with the law (arts. 40, 37 and 39)

1. Administration of juvenile justice (art. 40)

(a) *Measures to recognize and ensure the rights of the child in the administration of juvenile justice*

Investigation of juvenile cases

394. In investigating juvenile cases, it is necessary to clarify not only the misconduct or offence, but also the facts regarding the child's character and environment, or the necessity for protective measures. In interviewing juveniles, full consideration is given to time, place and circumstances of their conduct, etc.

Consideration for the age of the child

395. In Japan, those who are under 20 years of age are treated as juveniles (*shonen*) under the Juvenile Law. If a juvenile commits a crime, he/she is treated according to procedures different from those for adults (20 years or older) under the Juvenile Law as mentioned below, and appropriate measures are taken considering his/her age, in order to facilitate him/her playing a constructive role in future society. In addition, the Japanese Penal Code provides that those under 14 years of age are not criminally liable but are sent, in principle, to Facilities for Development of Self-Sustaining Capacity or a children's home under the Child Welfare Law.

396. Generally speaking, juveniles are highly malleable while they are immature. Therefore it is considered that protection and education contribute more to the sound development of juveniles who have committed crimes than criminal punishment. In Japan, when juveniles commit crimes, their cases are sent or reported to a family court in order to ensure the sound upbringing of the juveniles and the adjustment of their characters and environment.

397. The family court has not only a judicial function, including determining whether misconduct was committed or not, but also a welfare function, determining the necessity of protective measures regarding the causes of delinquency and other various factors for preventing its recurrence by ordering family court probation officers to look into the conduct,

career, temperament and environment of the juvenile, his/her guardians or other persons concerned, making use of medical, psychological, pedagogical, sociological and other fields of expertise. To make efficient use of these two functions, an ex officio hearing structure is adopted in juvenile judgement procedures: the family court conducts an investigation into a juvenile delinquent and organizes a hearing to determine the most appropriate and reasonable measures for the juvenile, since it is not desirable to have public prosecutors confront juveniles as criminals as in criminal procedures. Also an informal hearing structure is more appropriate, in that a judge asks them questions directly and gives them educational instructions with the help of the persons concerned.

398. It is also indispensable for juvenile proceedings to distinguish delinquency and clarify the case, in order to pursue the original objective of juvenile justice, which is to find appropriate protective measures for the juvenile for his/her sound growth. On the other hand, it is important both for the judicial system and the interests of the child to prevent a non-delinquent child from being treated mistakenly. Thus, new procedures have been introduced into the Law Amending Part of the Juvenile Law to carry out fact-finding procedures more appropriately while maintaining the structure of the law. Specifically, a discretionary collegiate court system has been introduced in the area of juvenile proceedings (Court Organization Law, art. 31-4, para. II (1)). Though hitherto all juvenile cases had been heard by one single judge, more and more complicated and difficult cases have led to the recognition that a system in which a juvenile is heard and judged by a panel of several judges was needed. Furthermore, given that in certain cases it is difficult to establish the facts of the offence, it is necessary to ensure multiple viewpoints while collecting and examining evidence, in order to avoid a confrontational situation between a judge and a juvenile, and to ensure the trust of the general public, including the victim, in the investigative procedure in a juvenile hearing.

399. Based on what has been stated above, prosecutors may be involved in juvenile hearings. When it is deemed necessary, the family court may decide to call prosecutors to participate in hearing procedures. In such cases, prosecutor(s) may be present in hearings for as long as it is beneficial to establish the facts of the offence (art. 22-2 of the Juvenile Law). Prosecutors participate in juvenile hearings to cooperate in the hearing in order to assure the appropriate fact-finding process, as the representative of public interest while observing a family court's right to hold proceedings, not as a prosecutor or a representative of the plaintiff, thus continuously ensuring the ex officio hearing structure under the revised Juvenile Law. When a prosecutor is involved in a juvenile trial procedure, it is appropriate to appoint a lawyer to defend the juvenile's interests and to keep the balance with the presence of the prosecutor. When a juvenile does not have a lawyer, a family court may ex officio assign one (art. 22-3 of the revised Juvenile Law).

400. It is important to adopt protective measures towards a juvenile but also to make the juvenile's parents aware of their responsibility and try to rehabilitate him/her, in order to prevent the recurrence of delinquency and encourage his/her sound development. Thus, the Law Amending Part of the Juvenile Law now stipulates that a family court may take appropriate measures such as warnings (admonition) and guidance, or may order a family court probation officer to take such measures during the investigation and hearing, in order to make guardians aware of their responsibility and contribute to preventing delinquency (art. 25-2 of the revised Juvenile Law).

401. As all juvenile cases are to be handled initially by a family court, this court judges whether to take protective measures or not. In this respect, under the previous Juvenile Law, the family court could only send a juvenile to a prosecutor to be subjected to criminal procedures as an adult, if he/she was 16 years old or older, and if the investigation concluded that it was justified in the light of the juvenile's criminal disposition, the nature of the crime and the circumstances of an offence punishable by the death penalty, imprisonment or penal servitude.

402. However, recent years have witnessed many heinous and serious crimes committed by young children. In the revised Juvenile Law, the minimum age of criminal liability has been lowered to 14 years, since it is necessary to make the juvenile aware of his/her responsibility in society and encourage the sound development of the juvenile by explicitly stating that even children age 14 and 15 may be punished if they commit serious crimes (art. 20, para. 1, of the revised Juvenile Law). It is also important to explicitly state the principle that a juvenile who has committed a crime causing death resulting from an intentional criminal act, such as murder, murder on the occasion of robbery, and rape resulting in death, is criminally liable, because of the serious antisocial, immoral nature of the offence, and in order to develop a juvenile's sense of standards and encourage his/her sound development. Thus, under the revised Juvenile Law, a family court has to determine whether a juvenile is referred to a prosecutor, when a victim dies as a result of his/her intentional criminal act and the offender is older than 16 years of age at the time when the crime was committed. In principle, the cases mentioned above should be determined for referral to a prosecutor. However, a family court may decide not to send a juvenile to a prosecutor, if it considers that measures other than criminal procedures are more appropriate in the light of the motivation and manner of the offence, circumstances after the crime, the child's character, age, behaviour, environment and other facts revealed by the family court investigation. It is possible to adopt protective measures considering the specific nature of the case and the child's personality (art. 20, para. 2, of the revised Juvenile Law).

403. If a family court does decide to refer a juvenile to a prosecutor for criminal proceedings, exceptions are granted, such as the alleviation of the death penalty and life imprisonment for juveniles under 18 years of age; separating juveniles from adults in prisons. and earlier release on parole, taking into account the character of juveniles. Furthermore, if a juvenile is condemned to pay a fine, detaining him/her at a house of correction as a substitution for punishment is prohibited.

Promoting the child's reintegration and its assumption of a constructive role in society

404. As mentioned in paragraphs 257 to 260 of the initial report, correctional institutions pay full attention, as elements in the healthy upbringing of juveniles, to promoting the juvenile's awareness of human dignity and value and reinforcing the juvenile's respect for the human rights and fundamental freedoms of others, and to treating juveniles fairly and appropriately in accordance with their age and in a way that will encourage their social reintegration and prepare them for a constructive role in society.

405. Since the initial report was submitted, vocational training to help juveniles reintegrate society has been further improved and expanded in juvenile prisons and includes new subjects

such as fork-lift truck operation training. Vocational training and guidance have also been actively provided in juvenile training schools. In 2000, 1,817 out of 5,484 released juveniles had acquired qualifications and certificates at the schools, and 256 juveniles had obtained junior high school diplomas.

406. The revision of the Juvenile Law has lowered the age of criminal liability to 14 years, and accordingly, juveniles who are 14 years of age or older not only may receive protective measures but may also be punished for criminal offences. Juveniles under 16 years of age who are sentenced to imprisonment or penal servitude may get correctional education in a juvenile training school until they attain 16 years of age (Juvenile Law, art. 56, para. 3). A juvenile who is sent to a juvenile training school to serve a sentence receives compulsory education, in case he/she has not completed it, and medical treatment, under the control of a medical doctor if necessary, in conformity with the objectives of the Convention on the Rights of the Child. In addition, life guidance is to be provided thoroughly, focusing on helping a juvenile to recognize the seriousness of his/her offences and awaken to a sense of guilt, as well as on fostering enriched humanity by making him/her recognize the value of human life, and developing a sympathetic and thoughtful heart.

407. Juveniles placed in juvenile prisons are also highly malleable because of their mental and physical development, but are highly likely to be corrected through a proper approach. Thus, new measures have been introduced to target several goals and treat them systematically, specifically, to promote the juvenile's respect for human dignity and value and reinforce the juvenile's respect for the human rights and fundamental freedoms of others, by analysing and clarifying the underlying problems that led to the commission of the crime and by developing a personalized treatment plan in accordance with the juvenile's personality. Such a treatment plan includes individual counselling including a personal interview, diary writing, etc., guidance by type of treatment and other guidance with the use of various treatment techniques, guidance to make them understand the mental pain of the victims and awaken their sense of guilt. Thus efforts are made to diversify counselling subjects and methods adapted to a child's age and, in particular, to enhance educational activities and encourage inmates to make use of vocational training so that, once released, they may play a constructive role in society.

408. Furthermore, in a juvenile classification home and a detention house, consideration is given to providing learning opportunities to juveniles of the age of compulsory education, by ensuring self-study time as long as they do not disrupt the implementation of classification and the purpose of detention, providing textbooks and other learning materials, and giving consideration to interviews with teachers at the school the juvenile attended (see also paragraph 261 of the initial report).

(b) *International instruments in the field of juvenile justice and other measures to ensure the implementation of article 40, paragraph 2, of the Convention*

Provisions of relevant international instruments

409. The "relevant provisions of international instruments" as specified in article 40, paragraph 2, of the Convention include the International Covenant on Civil and Political Rights, 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), and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Appeal procedures in the Juvenile Law

410. See paragraph 268 of the initial report. Under the revised Juvenile Law, when there are serious errors in the investigation leading to a ruling by a family court in a case in which a prosecutor is involved, the prosecutor may make an appeal and the High Court may accept it if it finds it justifiable to accept it as an appellate instance (art. 32-4 of the revised Juvenile Law).

411. Before the revision of the Juvenile Law, even after a ruling on protective measures, if a family court had found new information proving that such measures were taken and that the family court had no jurisdiction over the juvenile, such measures would be revoked. Under the revised Juvenile Law, even after the completion of protective measures and when a family court has new information proving that protective measures were taken, whereas there were no reasons for bringing the matter to a juvenile trial, the family court that adopted the protective measures has to revoke such measures by a ruling (art. 27-2, para. 2, of the revised Juvenile Law).

Notification of charges

412. The Code of Criminal Procedure requires public prosecutors to file information including the name of the accused and the facts constituting the offence etc., when instituting a public prosecution (Code of Criminal Procedure, art. 256). The Code also requires the court to serve the accused a copy of the information without delay when public prosecution has been instituted (ibid., art. 271, para. 1). Thereby, the accused is informed of the offence for which he/she is prosecuted.

413. With respect to juvenile hearing procedures, the Rule of Juvenile Proceedings provides that, at the beginning of the proceedings of the commitment to a juvenile classification home or of the initial hearing, a juvenile shall be informed of the charges brought against him/her (arts. 19-3 and 29-2). In addition, it has become a general practice that the family court probation officer informs the juvenile of the charges when he/she begins the investigation which precedes the hearing before the judges.

Prohibition of compelling juveniles to testify against themselves

414. See paragraph 266 of the initial report. The Rules of Juvenile Proceedings require judges to explain plainly to a juvenile that he/she is not obliged to testify in the proceedings of the commitment to a juvenile classification home and at the beginning of the initial trial term (arts. 19-3 and 29-2).

Right to cross-examine witnesses

415. Regarding the criminal procedure, article 37, paragraph 2, of the Constitution provides that “he or she (the accused) shall be permitted full opportunity to examine all the witnesses,

and he or she shall have the right to request witness for him/herself as a compulsory process at public expense". In line with this, the Code of Criminal Procedure guarantees the accused or defence counsels the right to request the cross-examination of witnesses, the right to be present at such cross-examinations, and the right to cross-examine witnesses. The Code also restricts the validity of an investigator's record of an oral statement which had not been through cross-examination.

416. The Juvenile Law states that the provisions concerning the questioning of witnesses in the Criminal Procedure Law should also be applied to juvenile proceedings, as long as they are not against the nature of juvenile protective cases. Therefore, a juvenile's right to question and cross-examine witnesses is also fully guaranteed in juvenile trials.

417. Because the Juvenile Law adopts the ex officio hearings structure, as described in paragraph 397 above, regarding the request for witness attendance, the Law has no provisions on a juvenile or his/her counsel's direct right to request questioning of witnesses. The juvenile, his/her guardians and counsel, however, may request the examination of evidence (cross-examination of a witness, etc.) (art. 29-3 of the Rule) and, additionally, in some cases, a family court may be requested ex officio to examine evidence. If a judge fails to cross-examine witnesses without justifiable reasons, and this affects the determination of protective measures, the failure to examine witnesses may be grounds for an appeal.

(c) *Establishment of laws especially applicable to children alleged as, accused of, or recognized as having infringed the penal law*

418. As mentioned above, the Criminal Law of Japan provides that persons over 14 years of age are considered criminally liable. Juvenile hearing proceedings, which are not criminal proceedings, are described in paragraphs 394 to 403 above.

(d) *Care and guidance*

419. See paragraph 261 of the initial report.

(e) *Training activities developed for all professionals regarding relevant international instruments including the Beijing Rules*

420. See paragraphs 61-69 above.

(f) *Progress and problems*

421. See paragraphs 395 to 403 above. Data for article 40, paragraph 2 (b) (iv), of the Convention are as follows.

Table 19
Interpreters/translators engaged in general incidents which were closed, and subtotals
corresponding to nationalities

	Nationality Presence of interpreters/ translators	Total	USA	Viet Nam	Republic of Korea	Columbia	Thailand	China	Philip- pines	Brazil	Peru	Other
1996	Total	1 090	16	30	729	18	9	146	23	52	17	50
	No	913	13	17	222	2	2	79	20	14	8	36
	Yes	177	3	13	7	16	7	67	3	38	9	14
1997	Total	1 404	29	26	778	34	12	305	32	105	17	66
	No	1 085	21	15	769	9	6	146	25	37	10	47
	Yes	319	8	11	9	25	6	159	7	68	7	19
1998	Total	1 437	14	26	787	8	13	290	49	160	23	67
	No	1 092	8	15	771	6	6	150	30	47	12	47
	Yes	345	6	11	16	2	7	140	19	113	11	20
1999	Total	1 368	14	38	710	9	6	291	41	178	24	57
	No	1 006	9	23	697	1	4	128	36	60	12	36
	Yes	362	5	15	13	8	2	163	5	118	12	21
2000	Total	1 219	16	28	619	10	11	172	47	220	36	60
	No	934	10	22	613	4	6	110	41	76	14	38
	Yes	285	6	6	6	6	5	62	6	144	22	22

2. Children deprived of liberty in any form of detention or confinement, including accommodation under protection (art. 37 (b) (c) and (d))

(a) Detention, imprisonment, or placement in custody

422. See paragraphs 274 and 275 of the initial report. Furthermore, during investigation, consideration is given to the character of juveniles detained, for instance no juvenile may be detained without unavoidable reason; if he/she is to be detained, the juvenile classification home may be designated as a detention place, and detention and shelter care may be considered an alternative measure to detention.

423. In juvenile protection proceedings, it is provided that protective detention, to place a juvenile in a juvenile classification home, can be decided by a family court. The term of detention and shelter care shall be two weeks in principle, and renewable every two weeks. However, no matter how complicated the crime is, the term shall not exceed eight weeks (art. 17 of the revised Juvenile Law).

424. The previous Juvenile Law provided that the term of protective custody should not exceed four weeks. However, some juvenile offence proceedings require a considerable amount of time for hearings, including many evidence examinations, and it is often extremely difficult to finish such proceedings within a period of four weeks. Under the previous system,

a juvenile would in such a case have to be released while the proceedings continued, which could lead to the juvenile escaping or attempting to commit suicide. Therefore, it is considered that the extension of the detention and shelter care term was needed in order to prevent such situations. Consequently, the revised Juvenile Law made it possible to extend the period of detention and shelter care to eight weeks at the longest. Also, since the previous system did not foresee an appeal procedure, the revisions to the Juvenile Law included provisions for an appeal against decisions on detention and shelter care and its renewal, in order to make more unblemished judgements. Under the new procedures, an appeal may be made to the family court by the juvenile, or his/her legal representative or counsel (art. 17-2 of the revised Juvenile Law). See also paragraphs 279 and 280 of the initial report.

Detention

425. See paragraphs 274 and 277 of the initial report. There is a system of release on parole both from juvenile prisons for juveniles serving prison sentences or penal servitude, and from juvenile training schools. These systems allow a periodic review of the circumstances of placement and intend to help a juvenile rehabilitate and return smoothly to society.

426. The average detention period of juveniles who were released on parole from juvenile training schools in 2000 was 148 days in the case of those who received general short-term treatment intended for juveniles with relatively simple or minor problems, 80 days in the case of those who received special short-term treatment intended for juveniles with light problems who can receive treatment in an open environment, and 380 days in the case of those who received long-term treatment intended for difficult juveniles for whom correctional education in the short-term does not show sufficient results.

(b) Existing treatment taken in place of the deprivation of juveniles' liberty

Table 20
Number of juveniles sentenced to general protective disposition
and measures for detention and shelter care

Year	Total	Measures for detention and shelter care	
		Taken	Not taken
1994	203 217	14 249	188 968
1995	188 409	13 865	174 544
1996	188 683	14 739	173 944
1997	204 824	16 839	187 985
1998	214 304	18 865	195 439
1999	78 186	15 939	62 247
2000	76 737	18 072	58 665

Notes: As of 1999, data exclude cases of bodily injury or death caused by (gross) negligence in the business of driving and minor crimes referred to the family court in summary procedure, and crimes which were referred to another family court or consolidated with the existing case.

427. After a trial is completed, the family court, by means of a ruling, decides on one of the following measures: suspension of disposition, transfer to a prefectural administration or child guidance centre, referral to a prosecutor, or protective measures. In addition to the transfer to a reform school, probation and transfer to one of the Support Facilities for Development of Self-Sustaining Capacity or children's home are also considered protective dispositions.

Table 21
Number of juvenile cases by type of decision

	Total		Referred to prosecutors			Protective measures		
			Total	Criminal Punishment	Over age	Total	Probation	Transfer to Support Facilities for Development of Self-Sustaining Capacity
1994	Total number of juveniles	328 083	21 926	16 256	5 670	58 308	53 989	255
	General protection	203 217	4 038	1 520	2 518	26 076	22 140	254
	Road traffic	124 866	17 888	14 736	3 152	32 232	31 849	1
1995	Total number of juveniles	297 007	17 324	12 648	4 676	55 473	51 314	268
	General protection	188 409	3 672	1 321	2 351	26 004	22 181	268
	Road traffic	108 598	13 652	11 327	2 325	29 469	29 133	0
1996	Total number of juveniles	295 296	16 343	12 009	4 334	56 092	51 522	270
	General protection	188 683	3 320	1 182	2 138	26 477	22 349	268
	Road traffic	106 613	13 023	10 827	2 196	29 615	29 173	2
1997	Total number of juveniles	313 093	16 278	11 850	4 428	59 648	54 277	289
	General protection	204 824	3 095	1 055	2 040	28 661	23 763	288
	Road traffic	108 269	13 183	10 795	2 388	30 987	30 514	1
1998	Total number of juveniles	319 298	15 714	11 218	4 496	60 373	54 545	343
	General protection	214 304	3 120	1 040	2 080	30 221	24 855	343
	Road traffic	104 994	12 594	10 178	2 416	30 152	29 690	0
1999	Total number of juveniles	302 937	14 977	10 631	4 346	59 936	54 022	337
	General protection	201 872	2 948	917	2 031	29 825	24 452	337
	Road traffic	101 065	12 029	9 714	2 315	30 111	29 570	0
2000	Total number of juveniles	284 998	14 072	9 665	4 407	58 176	51 635	380
	General protection	197 223	3 240	1 034	2 206	32 650	26 653	377
	Road traffic	87 775	10 832	8 631	2 201	25 526	24 982	3

		Protective measures	Transfer to child guidance centre	Suspension of disposal	Not started	Transferred, returned or consolidated cases
		Transfer to reformatory				
1994	Total number of juveniles	4 064	170	88 122	124 374	35 183
	General protection	3 682	169	44 508	106 449	21 977
	Road traffic	382	1	43 614	17 925	13 206
1995	Total number of juveniles	3 891	151	78 033	114 800	31 226
	General protection	3 555	151	39 895	98 696	19 991
	Road traffic	336	0	38 138	16 104	11 235
1996	Total number of juveniles	4 300	155	74 617	117 085	31 004
	General protection	3 860	155	37 848	101 431	19 452
	Road traffic	440	0	36 769	15 654	11 552
1997	Total number of juveniles	5 082	146	72 553	132 139	32 329
	General protection	4 610	145	36 196	116 180	20 547
	Road traffic	472	1	36 357	15 959	11 782
1998	Total number of juveniles	5 485	170	71 095	138 063	33 883
	General protection	5 023	168	36 883	121 881	22 031
	Road traffic	462	2	34 212	16 182	11 852
1999	Total number of juveniles	5 577	175	66 911	127 625	33 313
	General protection	5 036	175	36 464	111 082	21 378
	Road traffic	541	0	30 447	16 543	11 935
2000	Total number of juveniles	6 161	193	61 908	116 513	34 136
	General protection	5 620	191	36 913	100 770	23 459
	Road traffic	541	2	24 995	15 743	10 677

(c) ***Relevant statistics on the number of children deprived of their liberty, unlawfully, arbitrarily and according to the legal procedure***

428. No case regarding “children deprived of liberty, unlawfully or arbitrarily” has been observed in Japan. Data on children deprived of liberty following legal proceedings are as follows:

Table 22
Average daily population in juvenile classification homes

Year	Male	Female	Total
1996	873	120	993
1997	1 026	138	1,164
1998	1 119	147	1,267
1999	1 181	140	1,321
2000	1 309	164	1,473

Table 23
Average daily population in juvenile training schools

Year	Male	Female	Total
1996	2 576	369	2 945
1997	2 977	381	3 358
1998	3 509	407	3 916
1999	3 784	414	4 198
2000	4 052	476	4 528

Table 24
Average daily population of juvenile prisoners

Year	Male	Female
1996	21	0
1997	25	1
1998	17	0
1999	23	0
2000	25	1

Note: "Juvenile prisoner" refers to a person kept in a penal institution under article 56 of the Juvenile Law.

- (d) *Ensuring that children deprived of their liberty are treated in accordance with the norms outlined below*

Treatment in correctional institutions

429. It is mentioned in paragraphs 107-110 of the initial report that juveniles placed in correctional institutions are not to be subjected to inhumane treatment. In correctional institutions, in line with the purpose of the Juvenile Law which aims at the sound development of juveniles, officials treat juveniles in accordance with their age, taking into account the promotion of the juvenile's sense of dignity and value, as well as the reinforcement of the juvenile's respect for the human rights and fundamental freedoms of others. See also paragraph 277 of the initial report.

Supervision and inspection of correctional institutions, and complaint procedures

430. In its concluding observations on the initial report of Japan, the Committee recommended that attention should be paid to monitoring and complaints procedures (para. 48). As a system of supervision of correctional institutions, inspections are made nationwide by the Ministry of Justice (the Correction Bureau), and regionally, by the Regional Correction Headquarters responsible for the correctional institutions under its jurisdiction. Senior officials from these offices inspect the institutions, monitor treatment conditions, and provide proper guidance for the institutions. The results of the national inspection are transmitted to the Minister of Justice and those of the regional one to the Director-General of the Correction Bureau. The issues pointed out for improvement by the inspectors are promptly dealt with.

431. In relation to the complaints procedures, a juvenile placed in a correctional institution may use administrative remedies such as a petition, reporting of human rights violations, etc. and judicial remedies such as civil suit, complaint and accusation of criminal procedure, etc.

432. Moreover, the director of a juvenile training school should interview juveniles from time to time in order to listen to their opinions on their treatment or personal affairs (Juvenile Training School Treatment Regulations, art. 4). During this interview, a juvenile may make complaints on treatment. As instructors in juvenile training schools always try to keep good contacts with juveniles, with tenderness and care and understand their mental condition, these may consult with the instructors without feeling any constraint and express their opinions freely.

433. In penal institutions, a juvenile has the right to request an interview with the warden to complain about treatment or personal affairs (Prison Law Enforcement Regulations, art. 9). Also, if an inmate is dissatisfied with the dispositions of the prison, he may address a petition to the Minister of Justice or an official visiting the prison for inspection (Prison Law, art. 7).

434. In regard to juvenile classification homes, since terms of detention are rather short, a system to deal with petitions on treatment in homes is not provided in the regulations. However, in practice, the same opportunities exist as in juvenile training schools, such as free consultations with staff, for the possibility of a petition, and consideration for the juvenile's opinion on conditions and treatment, etc.

(e) Regular review of children's conditions

435. See paragraph 256 above.

(f) Education and health-care services

436. Juvenile training schools have education facilities and equipment such as classrooms for lower/upper secondary school education and preparatory classes so that juveniles can sit for the University Entrance Qualification Examination; books, textbooks, equipment and stationery; laboratories, machines, vehicles, materials and tools for practical training to

improve vocational skills and obtain technical qualifications; computers and laboratories for school education and job qualifications, etc. As part of efforts to ensure learning opportunities for juveniles in juvenile classification homes, computers are also being distributed in all of these.

437. In addition to education programmes such as curriculum-based school education, correspondence courses and life guidance, juvenile prisons provide special counselling for certain groups of law offenders, including drug abusers and *boryokudan*, or gang members, and are equipped with classrooms, books including textbooks, equipment and stationery used for such programmes. They also provide various vocational training courses which enable inmates to obtain certificates, or acquire special vocational skills, and for this purpose also have training facilities and equipment for such training.

438. As for medical care, juvenile training schools and juvenile classification homes have full-time or part-time doctors and are equipped with medical facilities for primary care to provide treatment for juveniles. Among juveniles in juvenile training schools, those who need special treatment are placed in medical juvenile training schools which have the appropriate staff and equipment for particular treatment. In an emergency, the juvenile is treated at an outside medical institution.

439. Juvenile prisons are also staffed with full-time or part-time doctors and adequate treatment is given, upon the inmate's request, on the basis of a proper examination. Those who need special treatment or are in need of long-term treatment are placed in medical prisons and other prisons, which are capable of providing intensive care or appropriate treatment. All possible measures are taken to provide sufficient medical care, so that an inmate may go to or stay in an outside special medical institution when necessary.

(g) *Ensuring that every child deprived of liberty has the following rights*

440. Procedures to guarantee the right to meet defence attorneys or attendants is described in paragraph 279 of the initial report. Furthermore, considering the importance for judicial proceedings of such meetings with defence attorneys or attendants, inmates are also permitted to meet them on non-working days, under certain conditions, in every correctional institution.

- (h) *Information on the overall situation, as well as on the percentage of cases where legal or other assistance has been provided, and where the legality of the deprivation of liberty has been confirmed; disaggregated data on the children concerned*

Table 25
Number of persons who made interlocutory appeals to protective measures

Year	Total number of protective measures being ruled (total number of transfers to reform schools)	Interlocutory appeal	
		Number of people	As percentage of total protective measures (percentage of transfers to reform schools)
1994	58 308 (4 064)	392	0.7 (9.6)
1995	55 473 (3 891)	372	0.7 (9.6)
1996	56 092 (4 300)	452	0.8 (10.5)
1997	59 648 (5 082)	565	0.9 (11.1)
1998	60 373 (5 485)	604	1.0 (11.0)
1999	59 936 (5 577)	661	1.1 (11.9)
2000	58 176 (6 161)	792	1.4 (12.9)

Notes: “Interlocutory appeal” includes the appeals filed against the ruling of quasi-juvenile protection cases.

3. Sentencing of juveniles, and in particular, the prohibition of capital punishment and life imprisonment (art. 37 (a))

441. Article 51, paragraph 1, of the revised Juvenile Law provides that “in case a person who is under 18 years of age at the time of committing of an offence is to be punished with the death penalty, he/she shall be sentenced to life imprisonment”. Paragraph 2 of the same article provides that “in case he/she is to be punished with imprisonment for life, he/she can be sentenced to imprisonment with or without labour for not less than 10 years but not more than 15 years”. In addition, article 58 provides that a person under 20 years of age at the time of sentence to life imprisonment shall be eligible for parole after seven years, except for the provisions contained in article 51, paragraph 1, or the case of a person who was under 18 years of age at the time of committing the offence and had been sentenced to death. It also stipulates that in the case of article 51, paragraph 1, or in the case that a person is over 20 years of age at the time of sentence, the person concerned shall be eligible for parole after 10 years. This way, according to the administration of justice concerning juveniles, no person under 18 years of age can be condemned to death or to life imprisonment without the possibility of parole.

442. Before the revision of the Juvenile Law, article 51 provided that “if a person who is under 18 years of age commits a crime which is to be punished with the death penalty, he/she shall be sentenced to life imprisonment, and if a person is to be punished with the latter, he/she shall be sentenced to imprisonment with or without labour for not less than 10 years

but not more than 15 years". As for life imprisonment, it is also stipulated that a person under 20 years of age shall be eligible for parole after seven years and a person over 20 years of age after 10 years. However, the Juvenile Law was revised in such a way that the court can decide whether to impose life imprisonment or imprisonment for a definite term. When a person who was under 18 years of age at the time the offence was committed is to be punished with the death penalty and the sentence is reduced to life imprisonment, and if the period until he/she is eligible for parole is reduced, it leads to a double reduction of the penalty. This allows a prisoner who originally should have been executed to return to society in quite a short period of time, which would be considered inappropriate in terms of a balance between crime and penalty, and against the sentiment of the injured party and the Japanese people. Therefore, it was decided that the special provision should not apply for parole when a death penalty sentence had been commuted to life imprisonment.

4. Physical and psychological recovery and social reintegration of a child (art. 39)

Protection of juvenile victims

443. In April 1999, the National Police Agency created an office for the protection of juveniles within its Juvenile Division in order to consolidate juvenile protection. This office plays a major role in protecting juvenile victims.

444. Juvenile Support Centres, which are run by the prefectural police to help juvenile victims of crimes, promote counselling activities offered by their juvenile counselling specialists and guidance officials as well as other assistance activities in cooperation with parents, guardians and other persons concerned.

445. The police conduct location and protection activities for runaway persons. With regard to runaway juveniles who could be in danger of death or injury or of becoming victims of welfare crime, the police make intense efforts to find and protect them as early as possible. Particularly as the number of runaway cases is expected to increase at certain times of the year, like just before entering school or employment when children become psychologically unstable, or during the summer vacation when they gain a greater sense of freedom, the police step up protective activities, focusing on runaway children.

Table 26
Number of runaway juveniles found and protected by the police

	1996	1997	1998	1999
Runaway children found by the police	26 139	27 649	26 957	25 372

Care provided under the Child Welfare Law

446. With regard to juveniles who violate penal laws, care is given at Support Facilities for Development of Self-Sustaining Capacity in order to achieve physical and psychological recovery according to the condition of the child.

C. Children in situations of exploitation; physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation and child labour (art. 32)

(a) *Prohibition of economic exploitation*

447. The Labour Standards Law prohibits employers from forcing workers to work against their will by means of violence, intimidation, imprisonment, or under any other means of constraint on the mental or physical freedom of the workers. Also, it provides that, unless permitted by law, no person shall obtain profit by intervening in the employment of others, as a business.

Employment in hazardous occupations, employment jeopardizing a child's education, or harmful to a child's health or physical, mental, spiritual or social development

448. The Labour Standards Law prohibits employing persons who have not attained 18 years of age in such activities as: dangerous work, work involving the handling of heavy materials, work in places which are dangerous or unsafe or unhealthy, or in mining. The scope of dangerous or injurious occupations is specified in the Regulations on Child Labour Standards.

449. Moreover, the Fundamental Law of Education provides that persons who employ children must not prevent them from receiving compulsory education because of their employment.

Prohibited activities in the entertainment business

450. Article 34 of the Child Welfare Law prohibits employers from having persons under 15 years of age singing and performing in streets or other public places as well as serving at parties. It also prohibits the act of placing a child under control with the aim of making the child perform such acts that have harmful effects on his/her mind or body.

451. As concerns the Law on Control and Improvement of Amusement and Entertainment Businesses, see paragraph 302 of the initial report.

Harmful occupations considered as welfare crimes

452. There are 25 laws and ordinances which contain provisions on welfare abuse, exploitation, and other offences that harm the welfare of juveniles or have a negative influence on them, such as the Child Welfare Law, the Labour Standards Law, the Employment Security Law, the Prostitution Prevention Law, and the Law on Control and Improvement of Amusement Businesses.

453. In particular, concerning the protection of juveniles from harmful work, the police is continuously enforcing regulations under these laws. They also provide protection for juveniles who have been exposed to harmful environments, through dangerous work or employment in sex industries. For these juvenile victims, the police offer counselling

activities by juvenile counselling specialists and guidance officials to reduce psychological or physical damage and promote the speedy recovery of these children.

Table 27
Number of arrests of welfare crime offenders related to the protection of children from harmful environments

	1996	1997	1998	1999	2000
Labour Standards Law	281	349	303	158	115
Law on Control and Improvement of Amusement and Entertainment Businesses	1 062	1 018	856	937	506

Notes: Persons arrested under the Labour Standards Law were charged with employing juveniles under the minimum age, in night work and in hazardous occupations.

Persons arrested under the Law on Control and Improvement of Amusement and Entertainment Businesses were charged with employing juveniles to receive and wait on customers in the amusement and entertainment industry.

Inspection and guidance conducted by the Labour Standards Inspection Office

454. The Labour Standards Law provides that labour standard inspectors are authorized to inspect workplaces and to question employers and workers. Through these activities, the Labour Standards Inspection Office provides supervision and guidance to ensure the observance of laws. On the other hand, this Law also stipulates that in the event of a violation at a workplace, a worker may report such a fact to the administrative office or to a labour standards inspector. In addition, employers have the obligation to make known the content of labour laws and ordinances to their employees.

Vocational training

455. In conformity with the Human Resources Development Promotion Law, public human resources development facilities have been established at national and local levels to provide vocational training. Junior high school graduates receive long-term vocational training with the aim of acquiring the necessary expertise for becoming qualified workers in the future.

(b) Measures adopted in consideration of the relevant provisions of international instruments

Minimum employment age for workers

456. The Labour Standards Law provides that children shall not be employed as workers before 31 March of the school year in which the day following his/her 15th birthday falls. See also paragraph 81 above.

Working hours and conditions

457. The Labour Law stipulates that a person under 18 years of age shall not be subject to provisions about flexible working hours, overtime work, and work on holidays. Furthermore, those over 15 years of age, who may be employed with the permission of an administrative

office, shall not work more than seven hours a day, or a total of 40 hours per week, including study hours at school, before 31 March of the school year in which the day following his/her 15th birthday falls. In addition, night work (from 10 p.m. to 5 a.m.) is forbidden for any person under 18 years of age.

458. With regard to safety and health matters, the Labour Standards Law stipulates that employers shall not employ persons below 18 years of age in activities such as hazardous work, work involving the handling of heavy materials, work in places which are dangerous or harmful to the safety, health or welfare of children, and mining.

Penalties, inspection systems and petition procedures

459. The Labour Standards Law stipulates that violations shall be subject to imprisonment or other penalties; see also paragraph 454 above.

Entertainment businesses

460. See paragraph 450 above.

International conventions ratified by Japan

461. Among other relevant international conventions, Japan has, in particular, acceded to the following instruments related to the condition of children:

- International Labour organization (ILO) Convention concerning Minimum Age for Admission to Employment (Convention No. 138);
- ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182).

2. Drug abuse (art. 33)

(a) Protecting children from narcotic drugs and psychotropic substances as defined in related international conventions

462. Japan has acceded to the following conventions:

- Single Convention on Narcotic Drugs 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;
- Convention on Psychotropic Substances 1971;
- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

(b) Preventing the use of children from the illicit production of psychotropic substances

Cooperation with the United Nations International Drug Control Programme (UNDCP)

463. Japan continues to cooperate with UNDCP, not only financially, but also in terms of human resources.

464. Criminal offences related to substance abuse, stimulant drugs and cannabis are frequent and the Japanese mafia, called *boryokudan* or *yakuza*, contributes to aggravating delinquency by smuggling illicit substances as defined in international conventions, such as organic solvents in particular, e.g. paint thinner, to juvenile drug abusers to acquire funds for their activities.

465. Since juvenile drug abuse, including the use of stimulants and paint thinner, still represents a serious problem, the Government is promoting comprehensive measures such as implementing strict control over drug trafficking routes including drug dealers, detecting juvenile drug abusers at the earliest stage possible, strengthening cooperation with relevant organizations including schools, and promoting public relations and awareness-raising activities, in order to prevent drug abuse among juveniles.

466. The police are making collective efforts to prevent worsening juvenile drug abuse, with the aim of “cutting off supply routes” and “eliminating drug demand”.

467. First, in “cutting off supply routes”, the police implements strict controls over illicit trafficking by drug abusers, by strengthening cooperation with relevant organizations, and making efforts to regulate supply routes by cracking down on imports by drug dealers.

468. Secondly, in “eliminating drug demand”, the police are actively arresting users, endeavouring to find and put such juveniles into custody through protective custody activities on the streets or through juvenile counselling. Also, juveniles are helped to recover at the earliest stage possible and are continuously provided with protective custody measures, if necessary.

469. For juveniles to become aware of the harmful effects and dangers of drug abuse, the police use loudspeaker cars for their anti-drug campaigns and are active in holding “anti-drug abuse lessons”, as well as staging broad public relations and awareness-raising activities in schools and local societies.

470. In 2000, 1,137 juveniles were arrested for stimulant drug-related offences, 102 juveniles for marijuana-related offences and 3,417 juveniles for use of organic solvents such as paint thinners. The number of juveniles arrested for stimulant drug-related offences has increased for the first time since 1997. Particularly significant is the increase in the number of arrests among junior or senior high school students, indicating that juvenile drug-abuse situation remains serious.

Establishment of a Five-Year Drug Abuse Prevention Strategy

471. In January 1997, in view of the worsening situation, the Cabinet decided to upgrade the status of the Headquarters for Promotion of Measures to Prevent Drug Abuse, which was established at the Prime Minister's Office and chaired by the Chief Cabinet Secretary; it designated the Prime Minister as Chair and transferred the Headquarters to the Cabinet.

472. In May 1998, the Headquarters launched a "Five-year Drug Abuse Prevention Strategy" outlining the objectives Japan was to attain in the coming five years, in order to promote, among ministries and government agencies concerned, anti-drug abuse measures for people including juveniles. The basic objective of this strategy is to implement "urgent measures for early ending of the third post-war peak in stimulant drug abuse" and "international contribution to solve the global problem of drug abuse". Its specific objectives are as follows: "To stop the juvenile's tendency for drug abuse by making young people, making secondary school students aware of the danger of drug abuse", "to implement strict control over *boryokudan* gangs and foreigners' drug trafficking syndicates by taking proper measures against the increasingly sophisticated trafficking", "to take measures to prevent drugs from entering Japan at the borders and to promote international cooperation in supporting regulatory activities in drug producing areas", and "to prevent the return to drug abuse, by assisting in medical care for addicts and people suffering from dependence on drugs and by promoting their rehabilitation". As for specific measures, probation officers and other competent officials, conduct public relations and awareness-raising activities in a crime prevention campaign called the "Movement for a Brighter Society".

Drug abuse education at schools

473. The Government has instructed the prefectural boards of education to hold "anti-drug abuse lessons" under the guidance of external specialists, for instance police officers, at all secondary schools and high schools, at least once a year, and to deal with this issue in close cooperation with local communities. In addition, the general curriculum guidelines revised in 1998, called the Courses of Study, now provide that physical education (in the area of health education) at elementary school should include guidance on the prevention of smoking, drinking and drug abuse.

474. The Government is also implementing the following measures; conducting a survey on juvenile awareness of drug abuse, promoting anti-drug abuse lessons, preparing and distributing educational materials and pamphlets for pupils and students and reference materials and videos for teachers, holding seminars for teachers, public relations and awareness-raising activities, such as installing large monitors at arenas, holding symposiums, maintaining a web site, promoting practical research in designated areas, etc.

Anti-drug abuse education at juvenile training schools and other correctional institutions

475. Juvenile prisons are providing guidance according to types of treatment, by classifying inmates into groups requiring the same type of treatment, paying attention to criminal behaviour and elements which lead to crime. Stimulant drug-abuse prevention is part of such guidance.

476. In juvenile training schools, guidance on problem behaviour is provided as a part of life guidance to solve juveniles' personal problems and to foster sound perspectives, thinking and attitudes, thereby making the inmates aware of bad conduct and problems concerning their attitude and conduct. As guidance for juveniles' problems, a class deals with drug problems by organizing group discussions and using audio-visual materials.

477. In addition, measures against drug abuse such as education leading to proper knowledge concerning drugs are implemented for juvenile probationers and juvenile training school parolees who have committed drug-related offences.

478. Probation offices are working to consolidate anti-drug abuse measures for juvenile probationers and juvenile training school parolees, by strengthening cooperation with relevant organizations including medical institutions and private organizations such as self-help groups for drug addicts.

(c) Effects of measures taken to prevent the use by children of alcohol, tobacco and other harmful substances

Control

479. Since problem behaviour linked to a lifestyle involving drinking, smoking or going out at night often precedes serious offences, proper measures are to be conducted at the earlier stages of such behaviour.

480. When the police find juveniles drinking or smoking, they give them a warning and advice. If a vendor sells alcohol or tobacco to a juvenile, knowing that the juvenile will drink or smoke it, the police take measures in conformity with the relevant laws.

481. In December 2000, the revised Law on the Prohibition of Minors' Drinking Alcohol and the Law on the Prohibition of Minors' Smoking, with harsher provisions for penalties, was enforced in order to contribute to the sound and healthy development of children by prohibiting them from drinking or smoking.

482. The Government is promoting awareness among distributors of alcohol and tobacco, and other information activities to prevent juveniles from drinking and smoking, in cooperation with relevant ministries, organizations and groups.

Healthy Japan 21

483. In April 2000, the Ministry of Health, Labour and Welfare launched a campaign called "Building a Healthy Japan in the Twenty-First Century" aimed at "eradicating juvenile smoking and drinking" by the year 2010, and intends to promote this campaign nationwide and to invite municipalities and the private sector to participate in it in the future.

484. In December 2000, the Ministry, together with the National Police Agency and the Ministry of Finance, issued a notice to liquor and tobacco distributors to pay attention to selling such products in order to prevent juvenile smoking and drinking. It also intends to step up efforts to realize the target of "eradicating juvenile drinking and smoking", by providing

accurate information about the effects of smoking and drinking on health and provoking a national debate on such issues, using all possible means such as symposiums, pamphlets and the Internet.

3. Sexual exploitation and sexual abuse (art. 34)

(a) *Enlightenment and education campaign*

485. See paragraphs 110 and 112 above. The Ministry of Justice has been carrying information about the Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children, on its web site. In addition, seminars for prosecutors are repeatedly held under such themes as “Enactment of the Child Prostitution Prevention Law and consideration for children and women” for further understanding of children’s rights.

486. The police have organized awareness-raising activities through various advertising media, such as distributing posters or leaflets, with the aim of preventing sexual exploitation and sexual abuse. The above-mentioned Law, as well as an English translation of it, can also be found on the web site of the National Police Agency. Training sessions and education concerning dissemination of the said Law and prevention of sexual exploitation and sexual abuse are also provided for police personnel.

(b) *Domestic measures*

Laws on preventing sexual exploitation

487. The Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children stipulates, for the prevention of sexual exploitation of children in sex industries, that the following acts are subject to punishment: procurement, prostitution through embarrassment, contracts to make a person prostitute him/herself, furnishing a place for prostitution, providing funds for such activities or engaging in the business of prostitution. Child prostitution and procurement or solicitation of child prostitution are also subject to punishment under this Law. Moreover, the Child Welfare Law prohibits the act of inducing a child to practise indecent behaviour and that of keeping a child in one’s custody with the aim of making the child perform such an act that has injurious effects on the child’s mind and body.

488. To prevent the exploitation of children for obscene performances and publications, this Law further stipulates that the act of distributing child pornography and its production for purposes of distribution are subject to criminal charges. The Penal Code provides for the punishment of such acts as public indecency and distribution of obscene literature, etc. The Child Welfare Law stipulates that the act of keeping a child under one’s control for the purpose of inducing him/her to perform an act that has harmful effects on the child’s mind and body shall be punished.

489. The Law on Control and Improvement of Amusement and Entertainment Businesses prohibits owners of entertainment businesses showing nude persons to employ persons under 18 years of age as hosts/hostesses, and foresees criminal charges for the violation of the law.

490. Prefectural ordinances concerning the protection of young persons (Municipal Ordinances on Juvenile Protection) provide for the prohibition of obscene and indecent acts against young persons, and these ordinances are promulgated regionally. The Government is thus promoting the effective application of these ordinances.

491. The police classify crimes that harm the welfare of children as “welfare offences”, including sexual exploitation and sexual abuse of children, and engage in continuously control of such offences. While protecting children from harmful environments (for instance, dangerous work or the sex business), juvenile guidance officials and counselling specialists give counselling to victimized children to repair psychological damage and assist them in a prompt recovery.

492. The National Police Agency has launched the regulation of telephone clubs, which are recognized as hotbeds of child prostitution, under the Law on Control and Improvement of Amusement and Entertainment Businesses. As mentioned in paragraph 9 above, Japan has launched a “National Action Plan Against Commercial and Sexual Exploitation”.

Table 28
Arrests in connection with welfare offences, sexual exploitation and abuse

	1996	1997	1998	1999	2000
Child Welfare Law (indecent acts)	332	385	392	443	251
Prostitution Prevention Law	321	224	184	147	121
Juvenile Protection Municipal Ordinances (indecent acts)	2 781	2 493	2 583	2 521	1 334

Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children

493. This Law penalizes activities mentioned in paragraphs 487 and 488 above. Furthermore, it stipulates criminal charges for the following activities related to trade and trafficking in child prostitution and pornography: the import or export of child pornography for the purpose of distribution; trafficking in children for the purpose of child prostitution or production of child pornography; international trafficking and sale of children. A Japanese national who commits any of the above-mentioned acts outside Japan is also punishable.

494. The same Law stipulates that those who are officially involved in investigations or trials relating to those crimes shall, in performing their official duties, give special consideration to the rights and characteristics of children (art. 12). The police are advised to conduct hearings in such a way as to inflict the least possible mental burden on child victims suffering mental anguish, given not only the child’s personality but also the gravity of the offence. Female police officers who are specifically suited for this work are appointed to deal with such children; when necessary, hearings are conducted in cooperation with experts who assess the mental and physical condition of child victims, or with female police officers, depending on the nature of the offence and the condition of the child. Moreover, prior to or during questioning, juvenile counselling specialists and guidance officials with medical and

psychological expertise and experience in treating children provide counselling for child victims. When conducting an investigation, the police and prosecutors give due consideration to the mental and physical damage the children have suffered from such crimes, their mental condition, as well as to the time and frequency of interviews in order to avoid disturbing their school education. Furthermore, if it is considered beneficial for the child, a female police officer or his/her parents may escort the child on his/her way to and from the prosecutor's office, and the interview with the child may be conducted by a female prosecutor or assistant.

495. The Law partially amending the Code of Criminal Procedure and the Law for the Inquest of Prosecution was enacted on 12 May 2000. This Law introduced:

- (a) A system of allowing the witness to be accompanied by an appropriate person when a victim of sexual crime, a child etc., is examined as a witness. This seeks to ease the witness' mental and psychological burden (art. 157-2);
- (b) A system of allowing the witness to testify behind a screen, so that he/she cannot be seen by the accused or the spectators (art. 157-3);
- (c) A video interview system in which the witness is allowed to be in a separate room and be examined through a TV monitor (art. 157-4).

The court will conduct the trial by using the provisions mentioned above giving careful consideration to children.

496. In 2000, 1,155 cases were cleared and 777 suspects were arrested under the Law. Of these, 985 cases and 613 suspects concerned child prostitution cases, 170 cases and 164 suspects child pornography, and 143 cases and 85 suspects were related to the use of the Internet for such purposes.

Child Abuse Prevention Law

497. With the increase of consultations on child abuse including sexual abuse, it is certain that child abuse is growing into a serious problem. Therefore, the Child Abuse Prevention Law which entered into force in November 2000 promotes measures such as early detection, response and appropriate protection for abused children.

Consolidation of the counselling system

498. Public concern over the problem of sexual exploitation of children has been growing in Japan. Considering the issue too serious a problem to be ignored, the human rights organs of the Ministry of Justice have endeavoured to consolidate their system of counselling services through "Counselling Rooms for Children", "Children's Rights Dial 110" and the like. When an incident of child sexual exploitation is detected, competent human rights authorities make every effort to solve the problem by trying to provide relief to the child victim and education on respect for human rights to the offender and other persons involved.

On-site inspection

499. It is stipulated in the Child Welfare Law and the Child Abuse Prevention Law that the director of a child guidance centre may give temporary protection to children when necessary and child welfare commissioners may conduct on-site inspections at the homes of juveniles.

Relevant international conventions

500. Japan has acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications.

501. Because it relates to sexual exploitation and sexual abuse (art. 34) and sale, trafficking and abduction (art. 35), the Government intends to consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, with a view to protecting and promoting the rights of children.

502. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted at the fifty-fifth session of the General Assembly, along with the above-mentioned Convention, aims at establishing a universal and effective legal framework for promoting cooperation in preventing and combating international trafficking in persons, including women and children, and for protecting victims of trafficking. In particular, it obliges State parties to criminalize the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation, including prostitution or other forms of sexual exploitation, forced labour or services, irrespective of the means used for these acts. The scope of criminalization is wider than that for adults, and accordingly, the Protocol provides for greater protection of children. Japan signed the Convention on 12 December 2000, and will make preparations for its implementation as soon as possible, including the examination of necessary domestic legal measures. The Government is also undertaking the necessary study of the Protocol, bearing in mind its purpose, regarding such matters as its contents and consistency with domestic legislation.

Ensuring rehabilitation and improvement

503. The Government provides treatment adapted to the condition of abused children accommodated in children's homes. For example, in cases where an abused child's mental damage is so severe that he/she needs psychological treatment, a psychotherapist is involved in the treatment.

Number of consultations at child guidance centres

504. The number of consultations at child guidance centres was 11,631 in 1999, of which 590 were related to sexual abuse. The number of children, victims of child prostitution or child pornography, undergoing counselling at a child guidance centre reached 210 in the period from November 1999 to December 2000.

Second World Congress against Commercial Sexual Exploitation of Children

505. See paragraph 10 above. Prior to this Congress, the Ministry of Foreign Affairs drew up a national action plan, laying down the Government's measures against commercial sexual exploitation of children, and published it on its web site.

4. Sale, trafficking and abduction (art. 35)

(a) *Measures taken to prevent the selling, buying or trading of children*

Legislative measures

506. Japan is party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. With regard to human trafficking for the purpose of prostitution, the Government is promoting investigative and judicial cooperation and a system for exchange of information on contraventions of the Convention among signatory States. Concerning domestic legislation, the Penal Code punishes kidnapping of a person for the purpose of profit or obscenity, as well as selling and buying a person for the purpose of transporting him/her overseas. The Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children, which was enacted on 1 November, 1999, stipulates that a person who buys or sells a child for the purpose of prostitution or production of pornography, and a Japanese national who transports a child, resident in a foreign country out of that country and who has been abducted, kidnapped, sold or bought, for any of the purposes mentioned above, shall be punished. For crimes such as these, the Government is promoting judicial cooperation and exchange of information with foreign countries.

507. Article 34 of the Child Welfare Law prohibits the act of transferring custody of a child to a person who is feared may commit a criminal act against the child.

Training sessions for Prosecutor's Office staff

508. The Government has provided training sessions with the theme "Enactment of the Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children and consideration for women and children".

(b) *Bilateral, multilateral, or international agreements prohibiting the purchase or sale of children*

509. See paragraph 500 above.

5. Other forms of exploitation (art. 36)

Reducing the influence of boryokudan on juveniles

510. As mentioned above, article 34 of the Child Welfare Law prohibits the act of keeping a child under one's custody with the aim of inducing the child to perform acts that have harmful effects on its mind and body.

511. Moreover, as mentioned in paragraph 302 of the initial report, the law concerning prevention of unlawful activities by *boryokudan* (or “Anti-*Boryokudan* Law”) prohibits members of gangster organizations from forcing juveniles to join a gang or to undergo tattooing.

512. By applying these regulations, a suspension order against a gangster who had forced a 15-year-old boy to join an organized crime group was enforced (February 2000, Hokkaido); a suspension order against a gangster who had prevented a 16-year-old boy from withdrawing was enforced (July 2000, Kumamoto). The protection of juveniles against organized crime groups is thereby being attempted.

Table 28
Number of injunction orders enforced pursuant to the Anti-*Boryokudan* Law

	1996	1997	1998	1999	2000
Forced admission, prevention of withdrawing	58	36	53	51	50
Forced tattooing					2

Note: Boryokudan, or an antisocial group in Japan commonly called “Yakuza”, is defined by the Law as “any organization likely to facilitate its members to collectively or habitually commit illegal acts of violence”.

513. In 2000, the number of juvenile victims of welfare offences in which organized crime groups were involved reached 967, which is 11.7 per cent of the total number of juvenile victims of welfare crimes. It was revealed that gangster organizations are involved in highly malignant crimes, such as drug trafficking or prostitution of girls and the like. In order to reduce the influence of these groups on juveniles, the police implement measures such as regulating welfare crimes in which *boryokudan* and the like are involved, helping juvenile gang members leave the organizations and preventing juveniles from joining them.

D. Children belonging to a minority or an indigenous group (art. 30)

1. Ensuring the identity of minority or indigenous groups to which children belong

514. See paragraph 108 above. During Human Rights Week, the human rights organs of the Ministry of Justice run a campaign with the slogan “Deepen your Understanding of Ainu People” as one of the priority themes for promotional activities across the country, and carry out various awareness-raising activities in order to impress upon people the importance of recognizing and deepening their understanding of Ainu people, preserving their culture and respecting their dignity.

Measures to ensure the rights provided under the conventions

515. See paragraphs 109-112 above.

Progress and problems

516. Among cases of human rights violations involving minorities and indigenous groups handled by human rights organs of the Ministry of Justice, there have been cases of slandering and defaming of the Ainu people and discrimination against them in marriage. Human rights organs have been actively engaged in combating such abuses through human rights counselling services, and investigating such cases of human rights violations.