



Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.942
9 February 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

SUMMARY RECORD OF THE 942nd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 28 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

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GE.04-40204 (E) 090204 090204

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Japan (CRC/C/104/Add.2; CRC/C/Q/JPN/2; CRC/C/RESP/50; HRI/CORE/1/Add.111)

1. At the invitation of the Chairperson, Mr. Aizawa, Mr. Endo, Mr. Fuke, Mr. Hamada, Mr. Hayashi, Ms. Ito, Mr. Itoh, Ms. Kaji, Mr. Kamai, Mr. Kameda, Mr. Kusume, Ms. Matsuoka, Mr. Oshima, Mr. Shibuya, Mr. Shigematsu, Mr. Sobashima, Mr. Sugio, Mr. Tsukada, Mr. Wada and Ms. Yamada (Japan) took places at the Committee table.
2. Mr. OSHIMA (Japan) said that, since the consideration of Japan's initial report in May 1998, the Government of Japan had taken a number of steps to follow up the Committee's concluding observations (CRC/C/15/Add.90). Youth development had been identified as one of the key issues to be coordinated by the Cabinet Office. The Headquarters for Youth Development, chaired by the Prime Minister, had been set up to monitor implementation of policies regarding children and young people. Under the National Youth Development Policy, all policies likely to have an impact on children should be implemented in accordance with the provisions of the Convention on the Rights of the Child and other relevant human rights instruments.
3. In addition to the Child Welfare Law, the Government had adopted the Child Abuse Prevention Law which, besides containing a definition of child abuse, set forth the responsibilities of central and local governments regarding prevention. Implementation of the Law had led to an improvement in early-response mechanisms and a heightened awareness of child abuse. Consequently, the number of cases reported to child guidance centres had more than doubled since 1999.
4. A law to protect children from prostitution and pornography, enacted in 1999, had achieved significant results. Nevertheless, a draft amendment to enhance some of its provisions with a view to ratifying the Optional Protocol on the sale of children, child prostitution and child pornography and the Council of Europe Convention on Cybercrime had been submitted to the Diet. He expected the Diet to adopt the draft amendment in 2004. The Government had drawn up a national plan of action to combat the commercial sexual exploitation of children. Japan had ratified the International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and was preparing to ratify the United Nations Convention against Transnational Organized Crime.
5. In April 2002, the Government had introduced a five-day school week with a view to ensuring that children had more time for learning at home and in their local communities. The rules for university entrance had been changed to guarantee equal opportunity for everyone, regardless of gender, race or nationality. Graduates of schools for foreigners were equally eligible to apply to university, provided that they had attained the same academic standards as graduates of Japanese schools.

6. The Volunteers for Children's Rights Protection system had been extended by the appointment of approximately 100 new candidates. The Government intended to devolve responsibility for the child counselling system to the municipalities in order to focus efforts on the most difficult cases of child abuse and juvenile delinquency. A forthcoming draft amendment to the Child Welfare Law had been designed to allow family courts to cooperate with child guidance centres in the provision of counselling.

7. Since the Government had harmonized domestic law with the provisions of the Convention, courts rarely needed to invoke the Convention. Nevertheless, many judges had referred to the provisions and principles of the Convention during legal proceedings.

8. The Government had enhanced its cooperation with civil society and non-governmental organizations (NGOs). For example, a number of meetings had taken place between NGOs and government representatives during the preparation of the second period report. The Ministry of Foreign Affairs planned to hold a symposium to commemorate the tenth anniversary of the ratification of the Convention. The Government also produced brochures and posters and organized seminars and workshops with a view to disseminating the Convention.

9. Japan was very active in the field of international cooperation to promote the rights of the child. In cooperation with the United Nations Children's Fund (UNICEF) and two international NGOs, it had hosted the Second World Congress against Commercial Sexual Exploitation of Children in December 2001. It had organized an international symposium on child trafficking in South-East Asia, and sponsored a regional meeting, in cooperation with the Government of Sudan, on the eradication of female genital mutilation. The Government allocated 30 per cent of its official development assistance to basic human needs, such as primary education, health care and water. Japan had been an active partner in the Bali process to prevent human trafficking in the Asia-Pacific region.

10. Ms. LEE said that Japan should consider ratifying the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography as soon as possible. She noted that Japan had not yet submitted its initial report to the Committee against Torture.

11. She asked what changes the Government had made to address the concerns expressed by the Committee in its concluding observations concerning the initial report. In particular, she wished to learn more about efforts to improve coordination and monitoring mechanisms at the national level. She enquired whether the initiative to appoint ombudsmen was limited to the local level.

12. The delegation should explain why Japan had not withdrawn its reservations and declarations regarding the Convention. She wished to know how NGOs and children had been involved in preparing the report. She asked how new legislation had incorporated the twin principles of the best interests of the child and respect for the views of the child. Lastly, she asked what the Government had done to curb the rising number of child deaths caused by suicide and accidents.

13. Mr. CITARELLA requested specific examples of legal decisions in which judges had invoked the provisions of the Convention. He wished to know whether the Convention took precedence over domestic law in the event of a conflict of laws. The legal age of majority was 20, which was very high in comparison with most other countries. He asked whether persons under the age of 20 were allowed to receive medical assistance without parental consent.

14. Discrimination against women, young girls and minorities, in particular Koreans and refugees, was fairly widespread as a result of traditional social practices. There were also discriminatory laws, such as those that deprived children born out of wedlock of some of the rights enjoyed by other children, and the limitations on the acquisition of nationality that applied to children born to non-Japanese parents.

15. Ms. CHUTIKUL wished to know whether the Cabinet Office and the Headquarters for Youth Development had sufficient time to deal with children's issues. She asked how those two bodies were linked to local governments and municipalities and how they ensured the participation of NGOs in policy-making. It was unclear whether the National Youth Development Policy constituted a national plan of action that covered all areas of the Convention. She wished to know how the Development Policy provided for government mechanisms to ensure that the views of the child were taken into account.

16. She enquired whether one of the five members of the proposed national human rights commission would be a specialist in children's rights and whether the commission would deal with children's complaints. She asked how the Commission would interact with regional and local governments, and pointed out that one of its tasks should be to encourage the establishment of local branches of the children's ombudsman. She wondered whether any measures had been taken to ensure that knowledge about the Convention led to true understanding, a change in attitudes and respect for children's rights.

17. Ms. OUEDRAOGO wished to know whether and to what extent children would participate in the symposium to be organized by the Ministry of Foreign Affairs to celebrate the tenth anniversary of the ratification of the Convention. She encouraged the Government to continue its commendable efforts to promote children's rights through international cooperation.

18. She enquired whether any steps had been taken to evaluate the effectiveness of the government campaign to eradicate non-discrimination, particularly against disabled and minority children. She wished to know how discrimination was reported, how perpetrators were dealt with and what remedies were available to victims. She wished to know whether the proposed human rights commission had been established, what its functions were and how its independence was ensured.

19. Mr. LIWSKI said that he wished to know to what extent the concerns expressed by the Committee on the Elimination of Racial Discrimination in paragraphs 15, 16 and 17 of its concluding observations (CERD/C/304/Add.114) on the initial and second periodic reports of Japan (CERD/C/350/Add. 2) had been addressed in recent education reforms.

20. He enquired whether strategies had been developed to relieve the intense pressure and competitiveness that often characterized Japanese academic institutions and had a negative impact on children's mental health and development.
21. He requested information on measures to ensure that children's opinions were duly considered in disciplinary actions taken by schools. He wondered whether the application of such measures had resulted in an overall improvement in the participation of children.
22. Ms. KHATTAB said that the delegation should furnish statistics on the incidence of teenage suicide, domestic violence, sexual harassment and the sexual exploitation of children. She wished to know why the age of criminal responsibility had been reduced from 16 to 14. Noting that children under the age of 13 could be employed in motion picture production and theatrical performance enterprises, she asked whether protective regulations had been established with regard to artistic content and working hours.
23. The delegation should comment on the concern expressed by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/304/Add.114, para. 12) that racial discrimination as such was not explicitly and adequately penalized in criminal law. The delegation should also comment on reports that children of Korean origin had been urged by government officials to change their names to Japanese names. She enquired whether any action had been taken to address discriminatory attitudes towards women that still persisted in Japanese society. She requested an explanation for the minimum age requirement of 18 for admission to universities by graduates of schools for foreigners. She wished to know what steps the Government had taken to encourage children to express their views at home and in school.
24. Ms. SMITH said that Japan's overall approach to children seemed to be more welfare-oriented than rights-oriented. She urged the Government to replace the old-fashioned expressions used in the second periodic report; for example, the term "illegitimate children" should be changed to "children born out of wedlock". In order to be an effective catalyst for change, the Government should promote children's rights more vigorously.
25. The report did not contain specific information on measures taken to give effect to the Convention, particularly with respect to the child's right to express his or her views. She wished to know to what extent children were free to join religious societies and choose religious education in schools.
26. Ms. AL-THANI enquired whether the New Angel Plan applied to services other than day care. She wondered whether the Government had evaluated the success of the Plan and, if so, what indicators had been used. She asked whether human rights education in schools was based on the Convention or on human rights in general. She wished to know whether any studies had been conducted to ascertain whether children were familiar with their rights. The delegation should explain why health-care workers were not included among the professionals receiving education on the Convention and why such training was not compulsory.

27. Mr. AL-SHEDDI said that good coordination of children's policy measures was essential. He requested information on the meetings, staff and resources of the Cabinet Office, which was the primary body for coordinating children's measures in Japan. He enquired whether the Government planned to increase its budget for youth policy which, at 8.4 per cent, was insufficient. The delegation should explain what process was used to determine the amounts allocated to children's services. He wondered whether such services were available to all children since children's services offered by the private sector were not likely to be free. He wished to know how data on children was collected and whether such data was made available to the public.

28. Ms. SARDENBERG wished to know why the Government's relationship with NGOs was considered to be less than ideal. She wondered whether the Government had considered establishing a programme of work with NGOs. She wished to know whether the human rights volunteers mentioned in the report were government officials or members of NGOs, and how their independence was ensured.

29. The second periodic report did not provide sufficient information on measures taken to comply with the Committee's concluding observations concerning Japan's first periodic report, and she urged the Government to review them. The Government's youth policy did not seem to be based on an integrated strategy, and the links between data collection, policy formulation and government action were not readily apparent. The delegation should comment on the Government's apparent failure to view the Convention as a comprehensive political instrument for improving the overall status of children.

30. She asked whether the Government had considered introducing a white paper for children and requested further information about the role of the Diet. She also wished to know more about the proposed system for international cooperation. The delegation should provide additional information on the situation of women, particularly women's access to high-level positions. She asked why the Government had stated that its budget for youth policy was sufficient, since there was no way to monitor the effectiveness of that policy. She asked whether the Government had considered adopting an innovative approach to budget allocation.

31. She requested further information about discrimination against indigenous minorities, particularly the Buraku and Okinawan communities. She asked whether the Japanese Government planned to introduce measures to ensure the preservation of the Okinawan language and culture. She wished to know the impact of the foreign military presence on Okinawan children and requested information on the Government's policies to protect Amerasian children.

32. In the light of testimonials from children indicating that they did not feel that their views were taken into account, she requested more information on measures taken to enhance children's participation in the areas of education, legal proceedings, policy development and the administration of juvenile justice.

33. Mr. KOTRANE asked what steps the Government had taken to ensure that children were the first to benefit from the high level of economic, social and cultural rights enjoyed by most Japanese. It was important that children involved in legal proceedings should be given the opportunity to express their views. He asked what plans the Government had to ensure that parents and teachers respected children's privacy.

34. Mr. KRAPPMANN asked whether pupils were represented in the central administration of schools and whether children were involved in school disciplinary proceedings. He also asked whether school pupils had participated in the drafting of amendments to the School Education Law and in the reorganization of the Tokyo night-school system. If children participated in policy-making, he wished to know what form their involvement took, in what fields they were asked to participate and what permanent bodies existed in that regard.

35. Ms. ALUOCH asked whether Japan had any plans to raise the age of sexual consent from 13, which was very low. She also noted that Japan had not implemented the Committee's recommendation (CRC/C/15/Add.90, para. 35) that the minimum age for marriage should be the same for boys and girls. The education reforms did not contain any provision on the right of children to be heard in connection with disciplinary measures. She asked whether it was true that children could appeal against such measures only in a juvenile court.

36. Mr. FILALI wished to know more about progress in adopting measures that improved the everyday lives of children. He asked the Japanese Government to reconsider its decision to maintain its reservations and declarations concerning the Convention. He wished to know whether or not the Convention on the Rights of the Child would have precedence over domestic law in the event of a conflict of laws.

37. He wished to know whether the proposed national human rights commission would have the right to conduct inquiries. A body should be established to address the regional disparities in the implementation of the Convention. The report did not contain any information on children's views concerning the extent to which their opinions were taken into account in schools. Children in penitentiary institutions must have access to people outside of such institutions so that they could complain about any difficulties that they were experiencing.

The meeting was suspended at 11.45 a.m. and resumed at 12 p.m.

38. Mr. ITOH (Japan) said that the Cabinet Office, which had been established in 2001, was responsible for comprehensive coordination and policy development in matters of importance, which included youth policy. In June 2003, the Headquarters for Youth Development, which was headed by the Prime Minister, had been established within the Cabinet Office. The Headquarters for Youth Development was responsible for coordinating the youth policies of the various government agencies. The Director-General of the Cabinet Office was responsible for overseeing the policies implemented, and the Cabinet Office organized meetings between the central Government and local governments in order to ensure vertical coordination of youth policy.

39. Every year, the Cabinet Office compiled a “youth white paper” on the situation of young people; the extensive data that it collected on a variety of youth issues was analysed and used to formulate Government policy. In recent years, the Government had begun to invite comments from the general public, which included children, when formulating policies. The National Youth Development Policy regulated consultation with young people in policy formulation and implementation. In April 2002, the Cabinet Office had introduced a youth electronic monitoring system, which used the Internet to solicit the views of young people between the ages of 12 and 24.

40. Mr. KAMEDA (Japan) said that schools had been instructed to carry out disciplinary action in a prudent and effective manner and to take account of the views of the student concerned. The Government of Japan did not interpret the Convention to mean that children’s views had to be taken into account when school curricula and rules were established.

41. Mr. HAMADA (Japan) said that there was no legal minimum age for child witnesses in civil and criminal court proceedings. Decisions to use child witnesses were made on a case-by-case basis. Measures had been taken to amend the Code of Criminal Procedure in order to protect children who testified in court. Such measures included the possibility of giving evidence by a satellite video link. In juvenile training schools, interviews with family members were usually held in the presence of several staff members, unless the family requested otherwise.

42. It was compulsory to consider the views of children over 15 involved in parental custody cases. The views of children under 15 involved in such cases were heard as often as possible.

43. Mr. KAMAI (Japan) said that the bill to establish a national human rights commission had been dropped owing to the dissolution of the Diet in 2003. Efforts were being made to reintroduce the bill. The national human rights commission would investigate human rights violations, provide relief and protect children’s rights. The commission would consist of a central body and secretariat, and regional human rights protection bodies. All members of the commission would be specialists in human rights. The commission would be completely independent.

44. Ms. LEE wished to know why children were not allowed to participate in political activities. She requested further information on violations of the right to privacy. She asked why corporal punishment, which was prohibited by law, was still being used in schools. She wondered why the police had been made responsible for preventing suicide among adolescents, and how the police were able to detect suicidal tendencies in children. She wished to know what measures were being taken to reduce discrimination against children with disabilities.

45. She enquired why so many children did not attend or dropped out of school. She wished to know whether the Convention was taken into account in the “education of the heart” programme. She requested further information on the deregulation and privatization of early childhood education. She wondered whether measures had been taken to prevent young girls from being sexually exploited by older men. She wished to know whether young girls who were victims of sexual exploitation were treated as delinquents and, if so, whether measures would be taken to change that situation.

46. Mr. CITARELLA wished to know why the birth certificates of children born out of wedlock contained the word “illegitimate”. He asked what measures were being taken to prevent corporal punishment in schools and in the home. He wished to know why Japan did not have a monitoring system for intercountry adoption. He also wished to know what measures were being taken to address the high suicide rate among young Japanese. He wondered whether the stress caused by the highly competitive education system was a factor in the high suicide rate.
47. Ms. SMITH wished to know whether any programmes to prevent bullying had been introduced in Japan.
48. The CHAIRPERSON asked whether efforts were being made to create a school environment in which children were not afraid to talk about bullying.
49. Ms. VUCKOVIC-SAHOVIC asked why children in State institutions were not allowed to keep their personal belongings with them. Efforts should be made to make society more aware of the child’s right to privacy. She wished to know to what extent children were prohibited from expressing their views. She wondered what measures were being taken to strike a balance between granting children access to information and protecting them from certain media influences.
50. Ms. KHATTAB asked whether schools that had a large number of pupils from ethnic minorities provided instruction in minority languages. She wished to know how the Convention was taught in school. The Committee had been informed that, in order to reduce stress among schoolchildren, the school week had been reduced to five days; she wished to know whether the content of the curriculum had also been reduced. She enquired whether children’s schoolwork was assessed by examination only. She asked whether measures were being taken to investigate cases of child abuse by parents, and how much support was given to the victims of such abuse.
51. Mr. LIWSKI wished to know whether any proactive measures were used to promote membership of youth associations. The delegation should provide information on the results of measures to protect children from torture and other cruel, inhuman or degrading treatment or punishment in correction institutions. He wished to know what was being done to prevent mental health problems among schoolchildren, and whether the Convention was included in training programmes for mental health professionals.
52. Mr. KRAPPMANN wished to know whether measures were being taken to involve parents in school life. He also wished to know whether schoolchildren were involved in bullying-prevention programmes. He wondered what was being done to provide history textbooks that presented a more balanced view of events.
53. Ms. AL-THANI asked whether mothers exclusively breastfed their babies. She wondered whether measures would be taken to increase the duration of paid child-rearing leave. She wished to hear the delegation’s opinion on the problem of obesity in Japan. She asked whether the number of children under the age of 18 with HIV was increasing. She requested information on the outcome of the seven-year plan to combat HIV/AIDS, and asked whether a

new plan had been introduced. She wondered whether updated information was available on the prevention of mother-to-child HIV transmission. She enquired whether drug abuse was increasing among children and adolescents, and what measures were being taken to prevent it. She wished to know why the number of underweight newborns was increasing.

54. Ms. SARDENBERG asked whether the Government solicited the views of children under the age of 12 in its policy-making decisions. She wished to know how the views on government policies expressed in the public comment procedure were followed up. She enquired whether there were any independent monitoring bodies for adolescent mental health studies.

55. The CHAIRPERSON asked how the public comment procedure was advertised and whether many children knew of its existence. Since parental consent was required in order for persons under the age of 20 to receive medical treatment and counselling, he wondered what measures were taken to protect the privacy of adolescent girls seeking information on reproductive health.

The meeting rose at 1 p.m.