

# **THE THIRD REPORT OF JAPAN**

**UNDER ARTICLE 44, PARAGRAPH 1  
OF THE CONVENTION ON THE RIGHT OF THE CHILD**

**April, 2008**

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## **【OVERVIEW】**

### **I. GENERAL MEASURES ON IMPLEMENTATION**

Following the submission of the Second Report of Japan on the Convention on the Rights of the Child (hereinafter referred to as "the Convention"), Japan has made real headway in its efforts to improve domestic systems for the implementation of the Convention, in addition to the progress it has accomplished in each of the areas of the Convention on the Rights of the Child.

For instance, Japan set up for the first time in June 2003 the Headquarters for Youth Development with the membership of all Cabinet ministers, in order for the entire government to strongly promote measures for the development of youth including children, taking the Convention into consideration. In December of the same year, the said Headquarters formulated the National Youth Development Policy at the Headquarters for Youth Development in order to indicate the government's basic principles and the direction of the medium- and long-term measures in relation to the development of youth.

In October 2006, the Education Rebuilding Council was established to deliberate on fundamental policies to rebuild education from a broad perspective. In the meeting, the Council has discussed rebuilding public education, as well as the educational function of families and communities to guarantee that all children have the opportunity to acquire a high academic ability and sense of discipline. Consequently the first report was submitted in January 2007, followed by the second report in June of the same year.

In addition, in order to reverse the rapidly advancing declining birthrates in Japan, and to create a society that allows for the sound upbringing of children, the Basic Law on Measures for Society with a Decreasing Birthrate was established in July 2003. Based upon this Law, the Government of Japan developed an Outline of the Measures for Society with a Decreasing Birthrate in June 2004, and later put together the Child Care Support Plan, a specific implementation plan of the Outline. Now, the Government is engaged in discussions towards formulation of a focused strategy 'Japan That Supports Children and Families' (provisional title)

Moreover, with almost 10 years having passed since Japan ratified the Convention, efforts based upon the Convention are reaching at local levels, and several changes have also been seen among local governments, including adoption of an ordinance that contains topics such as the right of children to express their views freely, their social participation and relief of their rights as provided for in the Convention and

establishment of ombudsmen for children.

Furthermore, Japan has actively been engaged in international cooperation, including through ODA to promote the protection and welfare of children around the world. In recent years in particular, it has introduced the concept of human security, which is the fundamental principle for the development and humanitarian assistance for the Government of Japan. The concept aims at the development of a society where a life with dignity is secured for each and everyone through individual protection and capacity building, placing individual human beings at the centre. Based upon this concept, Japan has been reinforcing its support in response to the growing needs for relief of children around the world who have been affected by conflicts and/or natural disasters.

## **II. DEFINITION OF THE CHILD**

In Japan, although the age of maturity is generally recognized as being 20 years of age, a child is defined to be a person who has not reached 18 full years of age under several laws including the Child Welfare Law.

## **III. GENERAL PRINCIPLES**

As in the past, Japan has been addressing issues related to children while giving utmost consideration to the four general principles described in this chapter.

With regard to the prohibition of discrimination against children (Article 2), during the reporting period, measures based upon the following plans were promoted comprehensively: the Basic Plan for Human Rights Education and Encouragement (formulated in March 2002), the Basic Law for Persons with Disabilities (adopted in December 2002), and the Basic Plan for Gender Equality (amended in December 2005). In addition, the Government of Japan is continuing to review the Human Rights Protection Bill, whose aim is to establish a new system that will provide effective relief for victims (including children) of human rights violations such as discrimination and abuse.

Moreover, in response to growing concerns in Japan regarding suicides among children and crimes against children, efforts have been promoted through, for example, the Government-wide measures addressing prevention of suicides including those of children and protection of children from criminal offences, which were formulated and summarized in December 2005.

## **IV. CIVIL RIGHTS AND FREEDOM**

In the concluding observations of the Committee on the Rights of the Child in

response to the previous report of Japan, the Committee recommended that children born out of wedlock be treated equally as those born in wedlock. Subsequently, regulations were amended in 2004 to ensure that both children born in and out of wedlock are designated in the same manner in the family register. Furthermore, with regard to other issues of civil rights and freedoms as addressed in this chapter, measures are carried out based upon ongoing deliberations in line with social changes.

Meanwhile, the protection of children from harmful information such as information related to sex and violence is an issue of particular concern in Japan. Efforts have been undertaken to respond to this situation through activities to eliminate illegal and harmful advertisements, promotion of media literacy education of the youth, and requests to relevant industries for the full implementation of self-imposed regulations.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

In Japan, family situations surrounding children have recently been undergoing significant changes, such as decreased numbers of siblings due to declining birthrates, increased cases of divorce and remarriage, and rising percentage of unmarried people. The Government of Japan is thus promoting various measures such as assistance to guardians of children and enhanced support given to children who are less fortunate in terms of family situations. During the reporting period, increases in the number of child abuse cases constituted an issue of particular concern. In 2004, the Child Abuse Prevention Law and the Child Welfare Law were partially amended, and measures such as encouraging the development of a careful child guidance system at the local level have been promoted.

## **VI. BASIC HEALTH AND WELFARE**

With regard to children with disabilities, comprehensive efforts have been promoted, in the light of the formulation of the Basic Plan for Disabled Persons in December 2002, and the amendment of the Basic Law for Persons with Disabilities in May 2004. Particularly in school education, there is an increasing need for further special educational support for students with severe and/or multiple disabilities and developmental disabilities, such as learning disabilities (LD) and attention-deficit/hyperactivity disorder (ADHD). In order to meet the special educational needs of these children, efforts are underway to establish, in cooperation with relevant organizations, a comprehensive support system. Other plans include institutional revisions of the entire teaching and assistance system for children with disabilities.

Among the many measures taken to ensure the health of children, progress was seen in the field of food education, which represented a new approach. In fact, the Basic Law on Food Education was formulated in June 2005 to raise the awareness of the entire population including children regarding food and to promote healthier dietary habits. The promotion of food education as a national movement, mainly in families, schools, and local communities is to be continued.

In order to protect children whose parents work, efforts have been made to reduce the number of children waiting for admission to day-care centers by enhancing day-care centers, and to improve and expand the Project of After-School Measures for Healthy Growth of Children, which targets early elementary school children.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

With regard to school education, courses of study have been implemented since 2002-2003, whose purpose is for students to foster a rich humanity and a zest for living including the strength to learn independently and to think and act on one's own initiative. Human rights education has also been given particular attention in accordance with the spirit of this Convention. Other efforts aim to ensure that children have the opportunity to receive appropriate education through measures such as ensuring a sufficient number of teachers, enriching the scholarship system, and providing adequate teaching materials.

Recent endeavors include particular focus on the promotion of career education that allows students to have a sense of purpose in terms of their way of life or personal future, and to choose their life path. In addition, non-attendance, upper secondary school drop-outs, and bullying remain significant educational issues, against which various measures are being adopted.

With regard to leisure and cultural activities, after-school and weekend programmes involving hands-on activities in school playgrounds and classrooms are carried out nationwide with the cooperation of local adult residents.

## **VIII. SPECIAL PROTECTION MEASURES**

In the light of the importance of international efforts to protect children from armed conflicts and sexual exploitation, the Government of Japan co-hosted the Second World Congress against Commercial Sexual Exploitation of Children in December 2001 in Yokohama, Japan, together with the United Nations Children's Fund (UNICEF), the ECPAT International and NGO group for CRC. In the same vein, Japan ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of



children in armed conflict in August 2004 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in January 2005, and has been working on their implementation.

With regard to the administration of juvenile justice, the Government of Japan has been working on the promotion of collaborative efforts among the relevant organizations for the protection and guidance of juveniles with problems. An amendment bill of the Juvenile Law was passed by the Diet on May 25, 2007, which entered into effect on November 1 of the same year. The amended law allows juveniles with serious problems, such as those who have committed heinous or serious crimes, to be sent promptly to a juvenile training school to receive correctional education even if the juvenile is under 14 years of age (approximately 12 years of age or above).

Concerning measures against juvenile drug abuse, endeavors include the establishment of the Five-Year Drug Abuse Prevention Strategy in July 2003. In addition, even regarding measures against sexual exploitation and sexual abuse of children, progress has been made as seen in the formulation of the Online Dating Site Regulation Law in June 2003 and partial amendment to the Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children in June 2004. As for measures against trafficking in persons including children, the Government of Japan developed an action plan in December 2004, and efforts have been made, such as improving relevant domestic laws.

## INTRODUCTION

*The child shall be respected as a human being*

*The child shall be esteemed as a member of society*

*The child shall be raised in a good environment*

**(excerpt from the Children's Charter of Japan enacted in 1951)**

1. Ever since Japan ratified the Convention on the Rights of the Child in May 1994, the country has been endeavoring to protect and promote the rights of the child in line with the spirit of this Convention. The Government of Japan has, in accordance with the provisions of Article 44, Paragraph 1 of this Convention, submitted a First (1996) and a Second (2001) Report of Japan in relation to this Convention, in which were introduced Japan's basic legal systems regarding the implementation of this Convention and efforts made during the corresponding reporting periods.

2. Japan's population of children (those below the age of 18 years) as of October 2004 stands at 21, 677,000 (see note), accounting for 17.0% of the total population. The number of birth has been rapidly declining in recent years, and with the birthrate of about 1,111,000 in 2004 being 13,000 less than the previous year and the total fertility rate being 1.29, both the birthrate and total fertility rate recorded the lowest ever figures.

3. In a climate of significant changes in social environment surrounding children and families due to the influence of an increasingly complex society and development of an information-based society, such as globalization, development of a consumer society and trends toward nuclear families, problems such as child prostitution, child pornography, child abuse, drug abuse, and delinquency are becoming serious issues. In order to respond to such changes in social conditions, the Government of Japan developed the National Youth Development Policy in 2003, and has been, with the cooperation of relevant ministries and agencies,

strongly promoting efforts for the protection of the rights of the child and their sound upbringing. In addition, protection of the rights and sound growth of the children who will be major players in the next generation are the responsibility of the international society, and Japan takes part in various international cooperation endeavors to fulfill its international responsibility in the area of human rights.

4. A better environment for children is realized through efforts by persons involved at various levels including daily life, and thus not only the Government but activities of civil society also play an important part. In order to implement this Convention effectively, it is important that the Government and civil society, based on mutual trust, cooperate constructively while fulfilling their respective roles, and that each citizen deepens his / her understanding of the Convention and makes efforts toward its implementation.

5. This Third Report of Japan presents the measures the Government of Japan has taken, based on these conditions and recognitions, for the implementation of this Convention, and their progress for the period from the submission of the Second Report in May 2001 up to March 2006 (up to July 2007 regarding notable measures and legal amendments).

(Note) Estimated population as of October 1, 2004

## **INTRODUCTION**

### **I. GENERAL MEASURES OF IMPLEMENTATION**

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

6. In response to the Initial Report of Japan submitted in May 1996, the Government of Japan received the concluding observations of the Committee on the Right of the Child in which the Committee encouraged the State party to review its reservation to Article 37 (c) and its declaration on Article 9, paragraph 1 and Article 10 with a view to their withdrawal. Japan also received the concluding observations in response to the Second Report of Japan submitted in November 2001, in which the Committee recommended the State party withdraw its reservation and declarations. Although the Government of Japan considered the possibility of reviewing its reservation and declarations, we do not have any plan to withdraw the reservation and declarations at this moment for the following reasons:

(Reservation to Article 37 (c))

7. (1) In Japan, persons deprived of liberty, those who are under 20 years of age are to be generally separated from those who are 20 years of age and over under its national law. Therefore, in applying of Article 37 (c) of the Convention on the Rights of the Child, the Government of Japan reserves the right not to be bound by the provision in its second sentence, whereby “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so”.

(2) The reason behind the above reservation is that, under the Juvenile Law of Japan, persons under 20 years of age is treated as “juvenile” (Article 2 of the Juvenile Law), and this applies to persons deprived of liberty as well. The persons who are under 20 years of age (so called, “juveniles”) are, in principle, shall be separated from persons who are 20 years of age or over (adults) (Article 49 and Article 56 of the said Law).

(3) This measure can be regarded as one step further advanced than the provision of this Convention under which a person under 18 years of age is to receive careful protection as a “child”, since the Japanese system includes persons even up until under 20 years of age among those who are subject to protection. This conforms to the aim and objective of the provisions of Article 37 (c), namely, to protect young people from harmful influence by separating them from older persons. With regard to the actual treatment of juveniles in Japanese correctional institutions, those who do not vary significantly in

aptitude and ability and who are recognized to require common treatment are treated in groups, so that individual juveniles are not negatively affected by other inmates who have advanced criminal tendencies. This system is considered to conform to the aim of the Convention.

(Declarations on Article 9, paragraph 1 and Article 10, paragraph 1)

8. With regard to Article 9, paragraph 1 of the Convention, that the provision stipulates that State Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities decide in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child, in such cases as abuse or neglect of the child by the parents or where the parents are living separately. It is therefore clear that the child(ren) and parent(s) can be separated as a result of actions carried out by a State Party such as deportation, detention or imprisonment of the child or one or both parents stipulated in Article 9, paragraph 4 of the Convention.

9. In addition, regarding Article 10, paragraph 1 of the Convention, the word “positive” refers to the intent to ban negative treatment such as rejecting immigration and emigration applications; as a matter of principle; “humane” means that when humanitarian considerations are judged to be necessary in immigration and emigration procedures, such humanitarian consideration shall be paid; and “expeditious” means such procedures are carried out appropriately, so that they do not cause unnecessary delay. Based on this, it can be understood that the provision in Article 10, paragraph 1 “...shall be dealt with in a positive, humane, and expeditious manner” does not prejudge and bind the outcome of the immigration and emigration applicants examinations.

10. The Government made the following declaration because the above-mentioned interpretations are not necessarily clear:

‘The Government of Japan declares that Article 9, paragraph 1 of the Convention on the Rights of the Child be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law. The Government of Japan declares further that the obligation to deal with applications to enter or leave a State Party for the purpose of family re-unification “in a positive, humane, and expeditious manner” provided for in Article 10, paragraph 1 of the Convention on the Rights of the Child be interpreted not to affect the outcome of such applications’.

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

(a) Comprehensive reviewing of national laws to ensure consistency with the Convention

11. See Paragraphs 12 and 14 of the Initial Report of Japan

(b) New legislations and partial amendments of relevant laws to ensure the implementation of the Convention

12. The followings are the main new legislations for the promotion of the rights of the child which have been enacted and relevant laws that have been partially amended during the reporting period (details are included in each of the corresponding sections of this report).

(Partial amendments to the Law Prohibiting Consumption of Tobacco Products by Minors and to the Law Prohibiting Consumption of Alcoholic Beverages by Minors)

13. The Law that Partially Amends the Law Prohibiting Consumption of Tobacco Products by Minors and the Law Prohibiting Consumption of Alcoholic Beverages by Minors has been enacted since December 2001, which stipulates that the distributors shall adopt necessary measures, such as age verification, for the prevention of consumption of tobacco products and alcoholic beverages by minors. Relevant ministries and agencies are requesting relevant industries to enhance their voluntary measures that will ensure the prevention of consumption of tobacco products and alcoholic beverages by minors.

(Law about Regulation of the Acts Inducing Children Using the Internet Dating Services and Other Matters)

14. In June 2003, the Law about Regulation of the Acts Inducing Children Using the Internet Dating Services and Other Matters (hereinafter referred to as the "Online Dating Site Regulation Law") was enacted and in December of the same year, all of the provisions began to be implemented. The said Law prohibits the act which induces children to become involved in sexual intercourse using Online Dating sites, and prescribes measures to prevent children from using Online Dating sites, with the aim to protect children from child prostitution caused by the use of Online Dating sites and to ensure the wholesome education and development of children.

(Partial amendment to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children)

15. See Paragraph 9 of the Second Report of Japan.

16. In relation to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (hereinafter referred to as “the Act against Child Prostitution and Pornography”), taking into consideration the status of implementation of the Act and international trends on protection of the rights of the child, partial amendments were made in June 2004 such as increasing the statutory penalties for crimes involving child prostitution and child pornography as well as criminalizing the act of offering electro-magnetic records of child pornography through telecommunication lines. These partial amendments have been implemented since July of the same year.

(Establishment of the Basic Law on Measures for Society with a Decreasing Birthrate and of the Law for Measures to Support the Development of the Next Generation)

17. In Japan, with birthrate declining rapidly, demographic trends of aging have serious and considerable impact on the lives of its people in the 21<sup>st</sup> century, and there is concern that further declines in birthrates may lead to a society that does not facilitate the sound upbringing of children. To cope with these problems, the Basic Law on Measures for Society with a Decreasing Birthrate was established in July 2003 with the aim to articulate basic principles on measures for society with a decreasing birthrate and to appropriately and comprehensively promote the principles. In addition, the Government of Japan has taken measures aiming at reversing the declining birthrates and developed an Outline of the Measures for Society with a Decreasing Birthrate in June 2004, based upon the said Law. In December of the same year, subsequently, the Parenting Support Plan was formulated, a specific implementation plan of the Outline. In July 2003, furthermore, the Government of Japan established the Law for Measures to Support the Development of the Next Generation to ensure that local governments and business owners develop and implement respective action plans to promote efforts toward the development of the next generation.

(Partial amendment to the Child Abuse Prevention Law and to the Child Welfare Law)

18. In order to respond to the recent rapid increase in the number of cases of child abuse, the Child Abuse Prevention Law was partially amended in April 2004. The amendments include: the definition of child abuse was reviewed, the responsibilities of national and

local governments were clarified, the obligations to report cases of abuse were expanded, the request for assistance from the police to ensure the safety of children has become compulsory, and provisions in relation to guidance offered to abusive parents and to support abused children for their access to higher education and employment have been included. The Child Welfare Law was also partially amended in November of the same year, whereby child guidance is legally defined as a service to be offered by local governments, the role of Child Guidance Centers is focused on the response to difficult cases that require higher expertise, and local governments are allowed to establish local councils on measures for children who need protection with the cooperation of relevant organizations, with a view to improving a local child guidance system.

19. Furthermore, based on a supplementary provision of the said amendments in 2004 under which the Law would be revised, the Child Abuse Prevention Law and the Child Welfare Law were reviewed in May 2007. Consequently, the following measures have been taken to enforce the safeguard against child abuse (to take effect in April 2008);

(1) Entry into premises with the act of unlocking for the purpose of ensuring child safety has been newly permitted upon the authorization by a judge, in addition to the on-site inspection already authorized to the Child Guidance Centers.

(2) Restrictions on meeting and communication by legal guardians are tightened and the Governors are authorized to prohibit stalking to a child or hanging around the child's residential area by legal guardians. Punishment is established for violating the restriction/prohibition order.

(3) Precautions such as temporary shelter or enforced admission to the Child Guidance Centers are articulated in case where legal guardians do not follow the instruction.

(Enactment of Relevant Laws to Prevent Trafficking in Persons)

20. The Government of Japan developed an Action Plan against Trafficking in Persons (December 2004) as a means of achieving close cooperation among all of the government ministries and agencies concerned, in order to promote measures towards the prevention and elimination of trafficking in persons including children, and the protection of victims of trafficking. Based upon the said Action Plan, the Penal Code was partially amended in June 2005 (which entered into effect in July 2005) whereby the conduct of buying and selling of persons was criminalized. At the same time, the Immigration Control and Refugee Recognition Act was partially amended (adopted in



June 2005 and implemented since July of the same year) whereby legal systems were introduced to ensure that victims of trafficking in persons are not subject to deportation even if they have been engaged in prostitution. Moreover, the Law on Control and Improvement of Amusement and Entertainment Businesses was partially amended (adopted in October 2005 and implemented in May 2006) whereby the crime of buying and selling of persons was added to the grounds for disqualification of entertainment and amusement business licenses, with the aim of responding to the situation of foreign female victims of trafficking in persons being exploited in such ways as being coerced into prostitution in adult entertainment businesses.

### **C. Status of the Convention in the national jurisdiction**

(Respect of rights provided for by the Constitution and other national laws)

21. See Paragraph 11 of the Second Report of Japan (Paragraphs 2-3 of the Initial Report of Japan)

(Relationship between treaties and national laws)

22. See Paragraph 12 of the Second Report of Japan (Answer 2 to the question put by the Committee on the Rights of the Child in its consideration of the Initial Report of the Government of Japan). The same applies to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

(Possibilities of direct application of the Convention to national judicial decisions)

23. See Paragraph 13 of the Second Report of Japan.

### **D. Relationship between the Convention and national laws and other international laws (Article 41)**

(National laws that further contribute to the realization of the rights of the child)

24. See Paragraph 14 of the Second Report of Japan (Paragraphs 4-8 of the Initial Report of Japan)

25. Education is vital to enable children to realize their potential and to create human beings capable of adapting to society. The Government has endeavored to disseminate education under the Basic Act on Education and the School Education Law, and today has achieved almost 100 per cent in school enrolment in compulsory education. The Basic Act on Education intends to spread education esteeming personal dignity. The

Basic Act on Education was revised in December 2006. It inherits the principle in educational field from the original law.

#### **E. Precedents of the application of the principles or provisions of the Convention to judicial judgments in Japan**

26. There are no precedents in Japan where, in relation to cases brought to courts, the principle and provisions of the Convention were directly applied to judicial judgments.

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

27. The Human Rights Organs of the Ministry of Justice receive inquiries on children's rights issues including violence against children through the human rights counseling offices and the "Children's Rights Hotline", which specializes in children's rights issues.

28. In addition, when the human rights organs receive a complaint about violation of a child's rights or obtain information about such violation through human rights counseling or other sources, they investigate the case and if they find the fact of human rights violation, which includes abuse of the child, to be substantiated, they take various measures depending on the needs of the case to relieve the child victim, such as giving a warning to the perpetrator to cease the conduct and making a request to those who are able to protect the victim to take appropriate measures; as well as carrying out human rights education for the parties concerned to prevent recurrence of the violation. The human rights organs have strengthened cooperation with local networks of other related organizations whose aim is to prevent child abuse.

29. With regard to Volunteers for Children's Rights Protection, see Paragraph 17 of the Second Report of Japan. In 2005, the number of the volunteers was increased to 954 (as of July 1, 2005) to deal with the children's rights issues more effectively.

30. Specific administrative relief measures against violation of rights in respective fields are described in each of the corresponding sections of this report.

#### **G. Comprehensive national strategy on children's rights within the framework of the Convention on the Rights of the Child, including National Action Plan to realize the rights of the child**

(Efforts in Relation to the World Summit for Children and the World Congress against Commercial Sexual Exploitation of Children)

31. In accordance with the Plan of Action for Implementing the World Declaration adopted during the World Summit for Children held in September 1990, a national plan of action was formulated in December 1991. In addition, the Government prepared its national report with the aim to review our government's efforts following the World Summit for Children, in the occasion of the General Assembly Special Session on follow-up to the World Summit for Children held in September 2001. Furthermore, in accordance with the Declaration and Plan of Action adopted during the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in August 1996, furthermore, the Government of Japan developed in February 2001, the National Plan of Action Against the Commercial Sexual Exploitation of Children, and prepared report on the progress of the said National Plan of Action for the follow-up Conference of the Second World Congress against Commercial Sexual Exploitation of Children.

(Formulation of the National Youth Development Policy)

32. In order to indicate the government's basic principles and the direction of the medium- and long-term measures in relation to the development of youth and to comprehensively and effectively promote youth development measures in a wide range of areas including healthcare, welfare, education, labor, and measures against delinquency, the Government of Japan formulated in December 2003 the National Youth Development Policy at the Headquarters for Youth Development chaired by the Prime Minister (See Paragraph 36 for details on the background of the formulation). The government has thus promoted measures based upon this policy, taking into consideration the perspective of promoting respect and protection of the rights of the youth as provided in the Convention.

(Establishment of the Education Rebuilding Council)

33. In October 2006, the Cabinet Office set up the Education Rebuilding Council with a view to deliberating on fundamental policies to rebuild education from a broad perspective. In the meeting, the Council deliberates rebuilding of public education, as well as the educational function of families and communities to guarantee that all children have the opportunity to acquire a high academic ability and sense of discipline. According to the first report submitted in January 2007, and the second in June of the same year, measures formed on the basis of these two reports have been duly implemented.

(Formulation of the Focused Strategy ‘Japan That Supports Children and Families’)

34. In June 2006, ‘New Policies to Cope with the Declining Birthrate’ was adopted by the Government Council on the Declining Birthrate Society to drastically enhance, strengthen and revisit measures to tackle the declining birthrate. The policies were accommodated in the budget for FY2007. Furthermore, the Estimates for the Future Population of Japan (as of December 2006) showed a grim prospect that the decline in birthrate and the aging of society will progress even further. Based upon this future outlook, the Government presented an interim report towards formulation of the Focused Strategy ‘Japan That Supports Children and Families’ in June 2007, with a view to rebuilding and implementing effective policies focusing on how to realize the Japanese people's wishes regarding marriage and child birth. The Government intends to continue reviewing the concrete measures and to present the overall Focused Strategy by the end of 2007, while keeping eyes on discussions on tax reform and other related issues.

#### **H. National scheme for implementation of the Convention**

(a) Authorities responsible for respective parts of the Convention, coordination of activities proceeded with by each authority, and measures for the monitoring of the progress of all such activities.

35. As mentioned in Paragraph 24 of the Second Report of Japan (Paragraph 26 of the Initial Report), the measures related to children cover a wide range of areas, including healthcare, welfare, education, and measures against delinquency, and many relevant administrative organizations are involved. Therefore, the Cabinet Office coordinates youth-related measures as enforced by relevant authorities in order to ensure the comprehensive and effective implementation of measures (See the Answer B5 to the question from the Committee on the Rights of the Child in Consideration of the Initial Report).

36. In June 2003, the Headquarters for Youth Development chaired by the Prime Minister was set up with all Cabinet ministers within the Cabinet Office on board as a framework to further promote youth development and to achieve closer cooperation among relevant administrative organizations. In addition, the mandate of the Minister of State for Youth Affairs and Measures for Declining Birthrate was established, and under the supervision of the said Minister, committees comprised of the deputy chairpersons (ministers who are particularly involved with youth development) of the said

Headquarters have been held as appropriate to achieve further cooperation. In December 2003, the said Headquarters formulated the National Youth Development Policy in order to indicate the government's basic principles and the direction of the medium- and long-term measures in relation to the development of youth.

37. Based upon the above structure, the Government of Japan has promoted youth development measures in a comprehensive manner, while taking into consideration this Convention and the concluding observations of the Committee on the Rights of the Child in consideration of the Second Report of Japan. The state of implementation of measures in accordance with the National Youth Development Policy will be announced through the White Paper on Youth. At the same time, follow-up measures will be undertaken mainly by the Headquarters for Youth Development, and the said Policy is scheduled to be reviewed in 2008. With regards to the concluding observations of the Committee on the Rights of the Child on the Second Report of Japan, the current status of implementation by the Government according to the recommendations is regularly reviewed and followed up, under the cooperation between the Ministry of Foreign Affairs and the Cabinet Office, which are responsible for implementation of various Conventions.

38. As regards the mechanism of monitoring the implementation of the Convention, see Paragraph 28 of the Second Report of Japan (i.e. the Answer 6 to the questions from the Committee on the Rights of the Child in consideration of the Initial Report)

(b) Measures for coordination between the central and local governments

(Ensuring coordination among the central and local governments)

39. See Paragraphs 29-31 of the Second Report of Japan and the Answer 4 to the questions from the Committee on the Rights of the Child in consideration of the Initial Report)

(Formulation by local governments of ordinances in relation to the rights of the child)

40. Some local governments are, in accordance with this Convention, formulating provisions that include the right to express their views freely, social participation, and relief of rights of children as provided for in the Convention. As far as the Cabinet Office is aware of, there are currently 10 local governments that have formulated such ordinances concerning the rights of the child, and 18 currently taking ongoing formulation of such provisions (as of January 2006).

(c) Relationship between the governmental organizations responsible for children's rights and NGOs

41. In Japan, each ministry promotes the rights of the child by way of various measures, and these ministries and agencies work in cooperation with relevant governmental organizations on such responsibilities.

42. See Paragraph 33 of the Second Report of Japan for the government's counseling services and organizations concerning youth issues (Paragraph 28 of the Initial Report of Japan).

43. For the effective implementation of the Convention, it is necessary that the whole society works together. In this light, the government fully recognizes activities by civil society organizations to promote protection and facilitation of children's right, and duly acknowledges the significance of such activities and their contribution to the implementation of the Convention. Therefore, the government pays much attention to the effective utilization of expertise of non-governmental organizations in implementing the Convention. Some of the successful examples of the government's cooperation with a non-governmental organization are as follows.

(1) Discussions with civil society and NGOs concerning the Convention

In implementing the Convention of the Rights of the Child, the Ministry of Foreign Affairs held discussions with civil society and NGOs that have an interest in the government's measures related to the Convention. In the process of preparing this report, meetings were taken place to hear opinions and have those opinions contribute to the report when considered necessary and appropriate.

(2) Symposium on the Convention on the Rights of the Child in commemoration of the tenth anniversary of its ratification co-hosted with the United Nations Children's Fund (UNICEF)

In addition, as a follow-up to the consideration by the Committee on the Rights of the Child of the Second Report of Japan held in January 2004, the Ministry of Foreign Affairs held a Symposium on the Convention on the Rights of the Child in commemoration of the tenth anniversary of its ratification in March 2004, which it co-hosted with UNICEF. This symposium contributed to enhance public awareness of the significance and purposes of the Convention, as well as to the discussions among various stake-holders concerned with issues relating to children in Japan.

(3) Cooperation for the protection of children from commercial sexual exploitation

The Government of Japan works in cooperation with relevant NGOs, including the Japan Committee for UNICEF and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), and undertakes educational activities that support the eradication of child prostitution, with a view to protecting children from sexual exploitation and abuse. In December 2001, the Government of Japan, together with UNICEF, ECPAT International, and NGO Group for the Convention on the Rights of the Child, hosted the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama. In advance of the Congress, the Japan Committee for UNICEF worked closely with ECPAT International and held a seminar designed for children which allowed them to participate in the process. Similarly, the said Committee and relevant NGOs closely collaborated in the preparations for the Tokyo International Symposium on Trafficking of Children held by the Ministry of Foreign Affairs in February 2003. Meanwhile, in addition to sponsoring the Symposium on Damages of Online Child Pornography held in March 2005 by ECPAT Japan, the Ministry of Foreign Affairs offered its cooperation by inviting the lecturers to Japan.

Furthermore, every year since 2002, Japan's National Police Agency invites representatives of law-enforcement agencies, judicial institutions, and NGOs from South East Asian countries that work on the issue of commercial sexual exploitation of children to hold a Seminar on Commercial Sexual Exploitation of Children in Southeast Asia and an Investigators' Council (4<sup>th</sup> event in November 2005), where opinions are exchanged on the status of efforts in relation to commercial sexual exploitation of children in Southeast Asia and the protection of child victims.

(4) Cooperation with NGOs involved in the support of developing countries

The Government of Japan also supports activities of NGOs, local public organizations, educational institutions, medical institutions and other private organizations engaged in projects to improve child welfare including education and maternal / child healthcare in developing countries, by providing fund through the Grant Aid for Japanese NGO Projects, the subsidy system for NGO projects, and the Grant Aid for Grass-roots Human Security Projects.

(5) Cooperation with stake-holders involved in the protection of the rights of the child such as measures against child abuse

See Paragraph 34 of the Second Report of Japan.

Child Guidance Centers exist as administrative agencies that aim at responding to inquiries made by families, accurately understanding the problems a child is facing or an environment in which the child is placed, offering the most effective support suited to individual children or families, considering the welfare of the child, and protecting their rights. Meanwhile, the central government in its Guidelines for the Management of Child Guidance Centers advises local governments that in order to provide detailed assistance and effective support to a child or family, it is necessary to work together with agencies such as private organizations that are able to offer support tailored to individual needs. In order to identify child abuse at an early stage and promptly deal with it, relevant ministries, agencies, and organizations involved in measures against child abuse have gathered and organized a Consultative Committee Against Child Abuse aiming at facilitating comprehensive efforts such as promoting notification and information sharing regarding child abuse and reinforcing cooperation with relevant organizations. In addition, the central government has encouraged the establishment of regional conferences on measures for children in need of protection (network for the prevention of abuse) to allow relevant local organizations (composed of entities in the fields of healthcare, medical services, welfare, education, police, and legal organizations) to share information and thoughts related to the child and to establish proper collaboration.

(d) Independent organizations including ombudsmen for the protection of the rights of the child

(Establishment of the national human rights mechanism)

44. See Paragraph 35 of the Second Report of Japan.

45. In March 2002, the Government of Japan submitted to the Diet the Human Rights Protection Bill, which provided for the establishment of a Human Rights Commission as an independent administrative commission under Article 3, paragraph 2 of the National Government Organization Law. Under the Bill, the Human Rights Commission is ensured a high degree of independence through the process of appointing a chairman of the Commission and Commission members, guaranteeing their status, and guaranteeing independence in the exercise of their authority so that their decision is not influenced either by the Cabinet or ministers concerned. The commission has the authority to submit opinions to the government and the Diet, as well as responsibility for human rights promotion and effective relief for human rights violations. Given these features the Human Rights Commission under the Bill is



considered to be a national human rights institution in compliance with the Paris Principles. Although the Bill was not passed due to dissolution of the House of Representatives in October 2003, the Government is currently reviewing the bill.

(Establishment of ombudsmen at the local level)

46. Some local governments have, in accordance with this Convention, established independent organizations to bring relief when human rights have been violated, such as in the case of a child being bullied, physically punished, or abused. As of January 2006, there are five local governments that have introduced an ombudsman for children as far as the Cabinet Office is aware of.

(e) Collecting of data and promoting the effective utilization of statistics

47. See Paragraph 36 of the Second Report of Japan (the Answer 5 to the question from the Committee on the Rights of the Child in consideration of the Initial Report of Japan) and Answer B3 to the question from the Committee on the Rights of the Child in consideration of the Second Report of Japan.

48. Every year, the Government of Japan drafts budgets related to the development of youth, systematically collects data on the present situation of the youth including children in a variety of fields such as population, health and safety, education, labor and problematic behavior including delinquency, and discloses such compiled data in government publications such as the White Paper on Youth, various reports, and through its website. These data ensure that the public has an accurate understanding of the situation in which the youth is, and are used for planning and developing relevant measures.

(f) Measures for the regular evaluation of the implementation of the Convention

49. Although the Government has not adopted any specific measures to regularly evaluate the implementation of the Convention, reports on the government's undertakings regarding the recommendations included in the Concluding Observations of the Committee on the Rights of the Child in response to the Second Report of Japan have been put together in July 2004 and March 2005, and follow-up actions were made through several means including reporting these to interested Diet members and NGOs.

### **I. Joint implementation of youth policy with non-governmental organizations and other civil society groups**

50. As mentioned in the previous paragraph of this Report, the Government of Japan put together in July 2004 and March 2005 reports on the progress on issues raised in the Concluding Observations of the Committee on the Rights of the Child in response to the Second Report of Japan, and reported them at discussion meetings held in July 2004 and September 2005 where Diet members, relevant ministries and agencies, NGO and Civil Society group also gathered to exchange opinions on the progress of relevant measures.

### **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)

51. The general account budget of the Japanese central government for fiscal year 2006 was 46,366 billion yen (the initially settled budget excluding the expense for government bonds), of which approximately 3,309.8 billion yen or 7.1 % was allocated for youth policy. The Government is confident that the resources necessary for the protection of the rights of the child in accordance with the provisions of the Convention are properly distributed. Of the budget for youth policy, approximately 15.7 billion yen was set aside for healthcare measures such as promotion of health, sports and maternal / child healthcare, while about 1,856.6 billion yen was allocated for education-related measures such as promotion of study programs, the promotion of home education, improvement of school education and occupational training programs for young people. Besides, approximately 546.1 billion yen was to be used for social services such as child-rearing support services, maternal and welfare services, measures for children with disabilities, child allowance, and measures to improve child welfare institutions. It is to be noted that the above-mentioned budgets are the total of budgets presumably related, directly or indirectly, to the sound growth of juveniles including children. Some of them include those allocated for social services for the general public where it is difficult to calculate the exact amount used for juveniles only, since such budgets benefit all generations including children.

52. With regards budgets for local governments, the central government does not grasp the details concerning the whole budgets, but understands that every prefecture allocates sufficient budget for youth policy, just as central ministries and agencies do, to the

maximum extent of each organization's available resources, as set forth in Article 4 of the Convention.

(Trends in budget allocations for youth policy)

53. The following table shows the recent trends in the above-mentioned budget for youth policy, as compiled by the Cabinet Office.

(Reference) Data on the budget for youth policy

| <b>Fiscal Year</b> | <b>Total budget (initially allocated) (excluding expenses for government bonds) (in thousands of Yen)</b> | <b>Budget allocated for youth policy (in thousands of Yen)</b> | <b>Ratio of the youth policy budget (%)</b> |
|--------------------|---|--|---|
| 2001               | 65,481,845,457  | 5,373,492,321  | 8.2   |
| 2002               | 64,558,780,945  | 5,298,962,101  | 8.2   |
| 2003               | 64,991,008,956  | 5,064,419,310  | 7.8   |
| 2004               | 64,542,344,348  | 4,024,749,000  | 6.2   |
| 2005               | 63,740,743,212  | 3,500,660,000  | 5.5   |

Notes:

\* For the reasons below, simple inter-annual comparisons cannot be performed with the above-mentioned budgets and ratios.

(1) The compilation method for budgets has changed since 2004, and thus there is no continuity between the data compiled up to 2003 and those compiled from 2004 onward.

(2) Currently in Japan, steps toward reducing subsidies from the central government to local governments and shifting of tax revenues from the national to the regional level are advancing. As a result, some of the budgets for youth policy are no longer included in the above general accounting budgets.

(3) In relation to (2), due to the integration of subsidies from the central government to the local governments, some of the amounts that were used to be calculated as budgets allocated for youth policy could no longer be calculated as such and are thus not included in the above budgets.

(Respect for the best interests of the child in the process of the government's budget settlement)

54. See Paragraphs 52-53.

55. In view of possible ill effects on the sound growth of children from the falling birth rates in recent years, a range of activities are currently being undertaken based upon the Child Care Support Plan, which is a five-year plan that started in 2005. This plan takes the contents of the New Angel Plan, the previous five-year plan, one step further by even more strengthening the measures in the Plan, including expansion of supporting services for child-rearing such as day-care services, and establishment of the working environment which allows work and child-rearing to be compatible. Based upon this plan, budgets are appropriated selectively on items related to the child and family such as the improvement of nursery care services and the promotion of after-school children's clubs.

(Efforts to eliminate the disparities among regions / groups in the opportunities to receive social services)

56. Under the Child Care Support Plan, the government has worked on the improvement of day-care services and other services to assist child-rearing in a manner to improve both quality and quantity of such services nationwide. Specifically, the Plan aims to expand the capacity for low-age children at day-care centers, promote the introduction of an extended nursery care and holiday nursery care, and promote after-school children's clubs to support working parents.

(Protection of children from being subject to an undesired influence from the government's economic measures)

57. Japan has the Child Allowance and Child-Rearing Allowance in terms of a social benefit system for the support of child rearing. The Child Allowance scheme, which was introduced in 1972, aims to stabilize family life by relieving the household's economic burden arising from child rearing and to support the sound growth of children upon whom rests the next generation's society. An amendment was introduced to this scheme in 2004 and the age range of beneficiaries has been extended to before the child completes the third year of elementary school (in other words, the term of allowance expires on the first day of the fiscal year after a child reaches 9 years of age). This amendment was introduced to respond to the recent accelerated decline in birth rates and changes in the social environments of children and families in Japan, aiming to enhance the economic support for families engaged in child rearing. The Child-Rearing Allowance scheme, on the other hand, aims to enhance the economic stability and

independence of single-mother families due to divorce or separation of parents, and the allowance is provided for qualified children under the policy to facilitate their welfare.

(Reference)

(Outline of Child Allowance)

|   |   |
|---|---|
| Eligibility for receiving allowance               | Any child   |
| Term of allowance                                 | Until the completion of third year of elementary school   |
| Amount (monthly)                                  | First or second child: 5,000 yen per month<br>Any child born after the second child: 10,000 yen per month   |
| Conditions regarding household income             | Annual income should not exceed 4,150,000 yen (per 4-person household)  |
| Special allowance                                 | Of the employees or public employees regarded as ineligible for Child Allowance due to the above-mentioned conditions, those whose annual income is below 5,740,000 yen (per 4-person household) are eligible for a benefit equivalent to the amount of Child Allowance paid by their employers or public offices to which they belong. |
| Number of children qualifying for Child Allowance | 9,644,674 (as of 28 February 2005)  |

(Outline of Child-Rearing Allowance)

|                                     |   |
|-------------------------------------|---|
| Eligibility for receiving allowance | A mother or legal guardian of a child, whose father lives in a separate household and thus not responsible for supporting the child, with such mother or legal guardian being eligible for this Allowance until the first end of March after the child reaches 18 years of age (in the case of a child with disabilities, until such child reaches 20 years of age) |
| Amount (monthly)                    | In the case of 1 child:<br>(full allowance) 41,880 yen<br>(partial allowance) between 41,870 yen and 9,880 yen<br>In the case of 2 children: 5,000 yen added<br>In the case of 3 children: 3,000 yen added per child  |

|   |  |
|---|--|
| Number of children qualifying for the Child-Rearing Allowance | 911,852 (as of 31 March 2006; preliminary figures) |
|---|--|

58. The Public Assistance Law serves as a general law to provide welfare benefits for those in poverty who are unable to maintain the minimum standards of living guaranteed under the Constitution of Japan. Under this scheme the allowances are provided for eligible households to the extent that the income of such households does not cover the minimum demands, which are estimated in accordance with the standard set by the Minister of Health, Labor, and Welfare. Living aid allowances are provided in the form of money or, where appropriate, in kind in order to satisfy the need for food and clothes and as well as other daily necessities, while housing aid allowances are provided in the form of money or, where appropriate, in kind in order to satisfy the need for housing, house repair work and other maintenance works for housing.

#### **K. International cooperation to ensure the implementation of the Convention**

(Cooperation through UNICEF)

59. UNICEF is one of the core United Nations agencies whose purpose is to offer relief for the children of the world and to promote the protection of the rights of the child, and the Convention on the Rights of the Child serves as the principle for its activities. The Government of Japan has been actively supporting the activities undertaken by UNICEF, and in 2004, Japan's contribution to UNICEF amounted to about US156,000,000 dollars and in 2005, the amount was US184,000,000 dollars.

(Financial assistance to related sectors)

60. Japan has actively provided Official Development Assistance (ODA) in the social development sector. In 2005, 20.0% of the bilateral ODA was allocated to this sector.

(1) Education

61. Japan recognizes the importance of promoting education to allow personal development and supports efforts toward nation-building. Based upon the ODA Charter and its Medium-term Policy, the Government has placed particular importance on education in its implementation of international cooperation. In 2004, the total amount

contributed to education-related projects including grants, loans and technical assistance was about 0.9 billion USD, which consists of 5.1% of the bilateral ODA.

62. With regard to the promotion of children's education, in order to protect the rights of the child concerning education as provided for in the Convention on the Rights of the Child and to realize the Dakar Framework for Action on Education for All (EFA) (adopted at the World Education Forum held in April 2000) which includes ensuring by 2015 that all children have access to primary education, and the Millennium Development Goals (MDGs) related to education, the Government of Japan has enhanced its activities that support education. This is based upon its own experience of considering education as the basis of nation-building, as well as the spirit of "*kome hyappyo*" (100 bags of rice) (a phrase coined from an anecdote whose theme is the importance of supporting education for the future of the people of Japan). In particular, in addition to providing over 250 billion yen in a span of five years to low-income countries, the Japanese Government announced the Basic Education in Growth Initiative (BEGIN) at the Kananaskis Summit held in June 2002, with the aim of supporting the realization of the Dakar Framework for Action for developing countries. Japan supports efforts toward the achievement of Education for All in developing countries, based on BEGIN, focusing on the following three priority areas: (1) support for ensuring opportunities of basic education, (2) support for enhanced quality of education, and (3) improved management of education. Some of Japan's concrete measures included building and repairing schools, training teachers with a focus on science and mathematics, developing and promoting teaching methods that focus on the needs of children, and enhancing local educational administration. In the fiscal year 2003, about 41.9 billion yen was provided in the field of basic education through bilateral ODA and trust funds set up in international organizations. This figure includes contributions to the Back-to-School Campaign in countries such as Iraq and Afghanistan supported by UNICEF, which aims at providing children affected by conflicts or disasters with an opportunity to receive education.

63. Furthermore, Japan has extended its cooperation in the area of education through the following trust funds at UNESCO: (1) the Japanese Funds-in-Trust for the Promotion of Literacy (44.4 million yen in fiscal year 2001) and the Japanese Funds-in-Trust for the Community Literacy Centers (20.87 million yen in fiscal year 2001) under the Asia-Pacific Program of Education for All (APPEAL), which assists in extending education to illiterate people and making primary education available to all children in

the Asia Pacific region; as a result, the Japanese Funds-in-Trust for the Education for All that combines both of the above-mentioned Trust Funds amounted to a total of 411 million yen in fiscal years 2002 to 2005; (2) the Japanese Funds-in-Trust for the Mobile Training Teams (total of 70.85 million yen in fiscal years 2001 to 2005) under the Asia and the Pacific Program 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, contents and methods of education on their own; (3) the Japanese Funds-in Trust for Preventive Education against HIV / AIDS (total of 35.08 million yen in fiscal years 2001 to 2005); and (4) the Japanese Funds-in-Trust for the Education for sustainable development which aims at supporting programs related to education for sustainable development (200 million yen in fiscal year 2005).

64. In addition, from the perspective that nurturing of human resources is vital for sustainable growth in developing countries, Japan has established and provided contributions to the Japanese Funds-in-Trust for the Capacity-Building of Human Resources in UNESCO (established in 2000, total contributions of 40 million dollars). Through contributions to this Trust Fund, the government has actively offered support with a view to the realization of the Dakar Framework for Action on Education for All (EFA) and achievement of the Millennium Development Goals (MDGs) in the field of education, among other objectives. Japan not only works on literacy education projects in countries including Afghanistan, but is also providing assistance in basic education such as elementary and secondary education in many countries in Africa and Central and South America (in particular, teacher training and education designed for the prevention of HIV / AIDS).

65. Moreover, based on the final report of the Committee for International Cooperation in Education (submitted in July 2002), which is a consulting group comprised of eminent persons set up by a decision of the Minister of Education, Culture, Sport, Science and Technology, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) works on the following project. The Cooperation Bases System (a project where universities and NGOs work together to systematize Japan's international cooperation experiences and skills acquired in the field of education and to strengthen domestic support systems) develops educational cooperation models using what Japan has learned from its experiences in the field of elementary and secondary education, and



contributes to the activities of incumbent teachers who are dispatched as Japan Overseas Cooperation Volunteers.

66. Regarding Japan Overseas Cooperation Volunteers, in order to promote cooperation that takes advantage of Japan's educational experiences, a Special Participation System for In-Service Teachers in the Japan Overseas Cooperation Volunteers' scheme was established in 2001, and measures have been taken to promote the participation of in-service teachers in the cooperation activities abroad. In addition, Japan commenced activities for its Support and Coordination Project for University Cooperation in International Development in 2003, with the aim to promote international contributions by universities, which are part of Japan's intellectual resources. Furthermore, for post-conflict countries including Afghanistan, a project team has been formed within the Ministry of Education, Culture, Sports, Science and Technology, to extensively discuss such issues.

## (2) Healthcare

67. Japan provides assistance to children in the health and population sectors, placing priority on the issues such as infectious diseases, mother and child health, population and family planning, and polio eradication.

68. Japan announced the Okinawa Infectious Diseases Initiative (IDI) at the G8 Kyushu-Okinawa Summit in 2000 with its plans to contribute 3 billion dollars in a span of 5 years to combat mainly HIV / AIDS and tuberculosis, malaria, parasites, and polio under this initiative. Japan provided 5.8 billion US dollars under the IDI. Following completion of the IDI, Japan announced in June 2005 the Health and Development Initiative (HDI), with its plans to make comprehensive contributions aiming at achieving health-related MDGs, with a particular emphasis on human security and interdisciplinary efforts. More specifically, Japan aims to contribute to health related MDGs by providing direct support for reducing child and maternal mortality rates and measures against infectious diseases including HIV/AIDS, malaria tuberculosis and polio as well as by providing comprehensive assistance from the viewpoint of cross-sectoral approach which includes strengthening of health systems, human resources development, water, basic education and infrastructure.

69. Japan also provides assistance in the field of reproductive health including prenatal and postnatal mother and child health and family planning, through the United Nations

Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF). In 2000, Japan established the Japan Trust Fund for HIV / AIDS in the IPPF with the aim to support the prevention of HIV / AIDS at the grass-roots level, contributing a total of about 6.08 million US dollars by 2005. To cite a few examples, this trust fund has facilitated the provision of information and knowledge on the prevention of HIV / AIDS to about 450,000 youth living in rural areas in China, and has undertaken advocacy activities designed for officials of the Ministry of Education and legal guardians to children, with the aim of supporting HIV / AIDS services offered in schools in Kenya.

70. At the G8 Kyushu-Okinawa Summit held in July 2000, the then Prime Minister Mori advocated the importance of measures against infectious diseases, which led to the idea of establishing a fund for measures against infectious diseases. Following the discussions in UN General Assembly Special Session on HIV / AIDS, and the G8 Genova Summit, the Global Fund to Fight AIDS, Tuberculosis, and Malaria (Global Fund) was established in January 2002. Japan has so far contributed a total amount of US\$346.5 million dollars (as of January 2006) to the Global Fund and is taking active part in the management of the Board of the Fund. In addition, Prime Minister Koizumi increased the amount of contribution at the end of June 2005, giving his pledge to contribute in the coming years the amount of US\$500 million dollars to the Global Fund. Moreover, with regard to measures against HIV/AIDS, Japan has contributed a total amount of about US\$52.7 million dollars to the Joint United Nations Programme on HIV / AIDS (UNAIDS) ever since its establishment, to offer assistance in measures against AIDS in developing countries.

### (3) Gender

71. Since the Initiative on Women in Development (WID) was announced in 1995 in response to gender issues, Japan has been actively providing support with a focus on three areas, namely women's education, health, and economic and social participation. During the 8 years from 1996 to 2003, it provided development assistance of more than some 900 million dollars on average every year.

72. The situation surrounding women in developing countries has been recently changing, as the international community has attached importance to mainstreaming gender in development processes. Therefore, the Government of Japan reviewed the Initiative on WID, and formulated the Gender and Development (GAD) Initiative in March 2005, in order to further strengthen mainstreaming of gender in ODA. The GAD

Initiative not only serves to define Japan's fundamental approach to gender mainstreaming in ODA, but also comprehensively presents specific efforts from the perspective of gender, regarding poverty reduction, sustainable growth, addressing global issues, and peace-building, all of which constitute priority issues in the ODA charter. Japan intends to further strengthen its assistance to developing countries' efforts to achieve gender equality and women's empowerment in the future.

73. Furthermore, Japan provides development assistance that incorporates the perspective of gender through the United Nations Development Programme (UNDP). In 1995, Japan set up the Japan WID Fund within UNDP with the aim of supporting women's empowerment in developing countries, and has contributed a total amount of about US\$15.5 million dollars up until the WID Fund was reorganized as the Japan/UNDP Partnership Fund in 2003. The WID Fund served to support programs that promote gender equality and women's empowerment, and contributed to the sustainable development of human resources and poverty reduction in developing countries. In relation to children, for example, the Government of Japan worked with UNDP and contributed to the achievement of gender equality in primary education in Guatemala. UNDP used the WID Fund to create a girls' education support program and provided assistance in the educational system reform that complied with the policies of the Government of Guatemala and in the formulation of the five-year strategy for girls' education. In accordance with these policies, Japan promoted the establishment of schools and educational methods through the local language, and provided grass-roots assistance including training for the development of human resources. This program greatly contributed to gender equality in Guatemala's primary education.

#### (4) Trust Fund for Human Security

74. In order to incorporate the concept of human security into the activities undertaken by UN agencies which support projects that address diverse threats which the international community faces, including poverty, environmental degradation, conflicts, landmines, refugee issues, illicit drugs and infectious diseases such as HIV / AIDS, and to actually secure people's lives, livelihoods, and dignity, Japan founded the Trust Fund for Human Security in March 1999 in the United Nations. Through this Trust Fund, the government of Japan has been providing assistance for projects that contribute to the protection and promotion of the rights and welfare of children in such fields as education, prevention of trafficking, and measures against HIV / AIDS. The list of main projects involving children between 2001 and 2005 is shown below.

(5) Support to NGOs

75. Japan has been providing financial assistance to Japanese NGOs which are engaged in grass-roots activities in healthcare, educational fields that contribute to the improvement of maternal and child health, welfare, and education for children. They are implemented under such programs as Grant Aid for Japanese NGO Projects and the NGO Project Subsidy. Those programs help NGOs provide fine-tuned assistance that directly contributes to local communities in recipient countries. In the fiscal year 2006, 428.10 million yen was spent for Japanese NGO projects (total from projects related to healthcare and education) and in the fiscal year 2006, about 33.7 million yen was spent as NGO Project Subsidy (total from projects related to the development of human resources, health services, and medical projects). In addition, in fiscal year 2005, Japan contributed an amount of about 14.3 billion yen through the Grass-roots Human Security Grant Aid to foreign bodies such as local NGOs in developing countries and international NGOs.

(Reference) List of Projects Supported by the Trust Fund for Human Security (Projects related to the child)

| Country               | Title of Project  | Total budget (USD) | Executing agency | Date of UN approval |
|-----------------------|---|--------------------|------------------|---------------------|
| Philippines           | Preventive Actions and Early Interventions Against Child Abuse and Exploitation in Urban Poor Communities                         | 214,747            | UNICEF           | Aug 2001            |
| Cambodia              | Non-formal Basic Education and Vocational Skill Training for Children and Youth at Risk   | 609,248            | UNESCO           | Oct 2001            |
| Indonesia             | The Development of Schools and Teaching to Improve the Ability of Children and their Communities to Maintain their Human Security | 1,007,475          | UNICEF           | Feb 2002            |
| Viet Nam/<br>Cambodia | Support for Urban Youth at Risk: "House for Youth"  | 360,628            | UN-HABITAT       | May 2002            |

|  |  |           |        |          |
|--|--|-----------|--------|----------|
| Afghanistan, India, Nepal, Bangladesh, Pakistan          | Adolescent Girls, Trafficking and HIV/AIDS: Strengthening Responses in South Asia  | 1,030,000 | UNDP   | Dec 2002 |
| Cambodia, Viet Nam                                       | Prevention of Trafficking in Children and Women at a Community Level in Cambodia and Viet Nam  | 1,214,465 | ILO    | Apr 2003 |
| Lao People's Democratic Republic                         | Girl's Education and Community Development for Awareness Raising and Prevention of Girl Trafficking in Lao PDR   | 506,669   | UNICEF | Jun 2003 |
| Cambodia   | Seth Koma - Survival and Development of Children in Rural Areas of Cambodia Through Village Action Plans   | 1,027,425 | UNICEF | Nov 2003 |
| Zimbabwe   | Promotion of HIV/AIDS Prevention, Care and Support for Children and Adolescents Affected by HIV/AIDS   | 1,030,000 | UNICEF | Nov 2003 |
| Tanzania   | Basic Education and HIV/AIDS & Life Skill for Out of School Children   | 711,263   | UNICEF | Nov 2003 |
| Swaziland  | Prevention of Mother to Child Transmission of HIV in Rural Communities in Swaziland - Happy Baby Healthy Family Initiative   | 1,122,722 | UNICEF | Dec 2003 |
| Kazakhstan, Kyrgyz, Tajikistan, Turkmenistan, Uzbekistan | "Every Child Has a Right to Grow up in a Family Environment" Providing Support for Alternative Care Arrangements for Children without Family Care in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan | 2,160,000 | UNICEF | May 2004 |

|                                  |  |           |        |            |
|----------------------------------|--|-----------|--------|------------|
| East Timor                       | 100 Schools Project: Improving the Quality of Primary Education in East Timor  | 1,169,964 | UNICEF | Nov 2004   |
| Angola                           | Support to Primary Education in Huambo and Kuanza Sul Provinces: School Feeding Programme including HIV/AIDS Awareness | 1,138,601 | WFP    | April 2005 |
| Democratic Republic of the Congo | Girls' Development and Education   | 1,063,824 | UNICEF | Sep 2005   |

(Reference) Data on past performance of the Government of Japan in aid projects in the fields of healthcare and education

| Fiscal Year | Grant Aid (In 100 million yen) | Yen loan (In 100 million yen) | Technical assistance (number of persons)              |  |   |
|-------------|--------------------------------|-------------------------------|---|--|---|
|             |                                |                               | Number of participants in technical training programs | Number of experts dispatched to developing countries | Number of Japan Overseas Cooperation Volunteers (JOCV) dispatched to developing countries |
| 2000        | 272.54(25.1)                   | 15.08(1.7)                    | 2,184(12.5)   | 558(16.5)  | 243(17.7)   |
| 2001        | 218.43(20.4)                   | 0(0)                          | 2,286(10.9)   | 593(18.3)  | 187(16.4)   |
| 2002        | 195.46(19.5)                   | 0(0)                          | 2,515(12.8)   | 560(20.0)  | 197(16.0)   |
| 2003        | 214.06(25.9)                   | 262.18(4.7)                   | 2,397(14.7)   | 537(18.2)  | 198(15.1)   |
| 2004        | 243.34(30.2)                   | 92.09(1.4)                    | 3,303(16.4)   | 581(13.4)  | 267(18.8)   |
| 2005        | 213.03(25.5)                   | 18.05(0.3)                    | 2,405(9.8)  | 551(15.8)  | 301(16.7)   |

\* Figures in parentheses in the column of grant aids indicate the ratio (%) of the value of projects in the fields of healthcare and education to that of the entire projects, but exclude relief of liabilities, non-project aid programs, grants for grass-roots aid projects and grants for students studying abroad.

(Reference) Data on past performance of the Government of Japan in aid projects in the field of education

| Fiscal Year | Grant Aid (In 100 million yen) | Yen loan (In 100 million yen) | Technical assistance (number of persons)              |  |   |
|-------------|--------------------------------|-------------------------------|---|--|---|
|             |                                |                               | Number of participants in technical training programs | Number of experts dispatched to developing countries | Number of Japan Overseas Cooperation Volunteers (JOCV) dispatched to developing countries |
| 2000        | 134.54(12.4)                   | 63.47(0.7)                    | 457(2.6)  | 283(8.4)   | 270(19.7)   |
| 2001        | 183.54(17.2)                   | 307.22(4.6)                   | 800(3.8)  | 184(5.7)   | 219(19.3)   |
| 2002        | 169.76(16.9)                   | 275.04(4.3)                   | 2,508(12.7)   | 204(7.3)   | 268(21.7)   |
| 2003        | 148.89(18.0)                   | 344.17(6.2)                   | 549(3.4)  | 228(7.7)   | 258(21.8)   |
| 2004        | 150.57(18.7)                   | 143.58(2.2)                   | 2,128(10.6)   | 290(6.7)   | 304(21.4)   |
| 2005        | 140.12(16.8)                   | 231.70(4.1)                   | 2,279(9.3)  | 346(9.9)   | 361(20.0)   |

\* Figures in parentheses in the column of grant aids, indicate the ratio (%) of the value of projects in the fields of education to that of the entire projects, but exclude relief of liabilities, non-project aid programs, grants for grass-roots aid projects and grants for students studying abroad.

(International database on child pornography)

76. See Paragraph 569.

(Follow-up of the World Summit for Children)

77. See Paragraph 31.

#### **L. Public relations activities for the Convention (Article 42)**

(a) Public relations activities for the Convention

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

78. See Paragraph 58 of the Second Report of Japan.

(Public relations through various activities including designated month/week)

79. The National Youth Development Policy contains the commitments to properly promoting measures based upon the perspectives of respecting and protecting the human rights of the juvenile as provided for in this Convention, and to undertaking public relations and promotional activities regarding this Convention aiming at providing accurate knowledge and achieving public awareness. The Government of Japan actively pursues public relations and awareness-raising concerning this Convention in line with the contents of this Policy. In the same vein, the Cabinet Office is promoting public relations and public awareness to all the concerned parties by incorporating public relations and public awareness about this Convention into the issues that must be worked on during the National Sound Upbringing of Youth Month (every year in November).

80. In order to enhance public awareness of the principle of child welfare and to raise awareness of the issues surrounding children, the Ministry of Health, Labor and Welfare named the week of May 5 to 11 the Child Welfare Week and addresses Public Awareness of the Convention on the Rights of the Child as one of its issues, to further promote the said Convention.

(Public relations through websites)

81. See Paragraph 59 of the Second Report of Japan.

82. The Japan Committee to UNICEF translated the Convention in a simple Japanese to ensure that children, who are at the core of the Convention, can understand its content, and a link on the Internet has been posted on the *Kids Gaimusho* (Ministry of Foreign Affairs for kids) homepage to allow children to access the Japan Committee to UNICEF website.

(Public relations through publications)

83. In May 2004, an article on the Convention was published in *Sekai No Ugoki* (Global Trends), a monthly publication for junior high school and high school students for which the Ministry of Foreign Affairs offers editorial assistance (20,000 issues published monthly). In addition, in March 2005, 20,000 copies of leaflets on the Convention on the Rights of the Child in which were included the integral texts of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights



of the Child on the Sale of Children, Child Prostitution and Child Pornography, which Japan ratified, were published and distributed to persons and institutions concerned.

84. Since 1998, the year when the Concluding Observations of the Committee on the Rights of the Child in response to the Initial Report of Japan were issued, the Cabinet Office has been including every year a summary of this Convention and the entire text of the concluding observations of the Committee in the White Paper on Youth. Moreover, it has recently been seeking to raise public awareness by distributing the booklet on the Convention in meetings where chiefs responsible for youth administration in prefectures or designated cities gathered.

85. The Human Rights Organs of the Ministry of Justice created a leaflet entitled “The Convention on the Rights of the Child and Children’s Rights” in 2005 to explain the contents of the Convention in simple terms so that children can understand. One hundred thousand copies of the leaflet were printed and distributed in schools to children and their guardians. In addition, a promotion video entitled “Our Declaration of Human Rights: the New Student is a Grandma!?” , dealing with the Convention on the Rights of the Child, was produced and distributed to legal affairs bureaus, district legal affairs bureaus and local governments nationwide in order to raise public awareness.

(Public relations through events)

86. In March 2004, Japan invited Diet members concerned, experts on children, and prominent figures and held a Symposium on the Convention on the Rights of the Child in commemoration of the tenth anniversary of its ratification (about 3,000 attended). This symposium contributed to promoting awareness of the Convention on the Rights of the Child to a broad audience and to deepening its understanding.

87. The Ministry of Foreign Affairs has been providing support in the form of sponsorship of events related to the Convention on the Rights of the Child held by civil NGOs with the participation of the members of the Committee on the Rights of the Child. In October 2005, the Ministry of Foreign Affairs invited some members of the Committee on the Rights of the Child to participate in a meeting that the Ministry co-hosted with civil society and NGOs to exchange opinions on the Convention on the Rights of the Child among Diet members, ministries, agencies, and civil NGOs.

(b) Introduction of lectures on human rights into curricula of school education

88. At schools in Japan, students are expected to learn 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 Courses of Study partially amended in 2003 articulate in its general rules that ‘a feeling of deep respect for human life and dignity must be reflected in the family, schools, and specific aspects of everyday life in society’. In this amendment, the Courses were revised to further promote human rights education through overall school activities, according to the specificities of each subject, ethics, special activities, and the period of integrated studies. For example, the ideas of respect for fundamental human rights, significance of the international law concerning human rights, and life without discrimination, are incorporated in elementary school social studies, lower secondary school social studies (civics), upper secondary school modern society, politics, and economics, and elementary and lower secondary school ethics classes, while details concerning this Convention are also discussed in these subjects.

(c ) Educating public servants who have duties concerning children  
(Teachers)

89. With regard to training of in-service teachers, prefectural boards of education offer training designated by law to newly employed teachers and education on human rights to experienced teachers according to their years of experience. In addition, the National Center for Teachers' Development, an independent administrative institution responsible for implementation of government-controlled training programs, provides training involving lectures on human rights to teachers and other key staff who are expected to play a leading role at the local level, with the aim to further enhance human rights education in school education.

(Officials in charge of child welfare duties)

90. Child Welfare Officers working at Child Guidance Centers, which constitute administrative organs that play a central role in the field of child welfare, are encouraged to deepen their understanding of the aims of the Convention during training sessions for newly-employed officers held by various training organizations. In addition, training sessions that address issues involving children such as child abuse are offered at the Children's Rainbow Center. Similarly, those involved in the establishment and management of child-care centers (local governments, social welfare corporations, and the like) are instructed to provide employees with training on the principles and provisions of the Convention. Furthermore, organizations that offer training to

employees working in child-care centers including nursery teachers are instructed to provide training on the principles and provisions of the Convention. Those working in National Homes for Juvenile Training and Education and other workers engaged in social welfare activities are offered reformatory education and in-service training at the Training Institute for Special Staff of the Institute Supporting Development of Self-Sustaining Capacity of Children Affiliated with Musashino Gakuin. These training sessions are also designed to allow trainees to deepen their understanding of the aims of the Convention.

(Police officers)

91. Newly employed police officers or those promoted police officers receive, at police academies, education on human rights and on activities to protect youth, while police officers engaged in juvenile policing and juvenile officers receive special education that ensures proper duty performance that takes the protection of the rights of the child into account. In addition, with regards employees working in detention facilities, those responsible for performing detention duties receive guidance in line with the principles and provisions of the Convention in corresponding police academies. Furthermore, workplaces such as police stations are instructed to provide education that ensures proper duty performance that takes the protection of the rights of the child into account through means such as group discussions.

(Prosecutors)

92. With regard to prosecutors, lectures are given on such themes as due consideration to be given to children, and international human rights during training sessions in accordance with the years of experience of the prosecutors, to allow them to deepen their understanding of the contents of the Convention. The results of these training sessions commensurate with experience given to the prosecutors are believed to be reflected in the performance of duties of those who have completed the training and to contribute to prosecutors' enhanced awareness of the rights of the child.

(Judges and other law administering officers)

93. The Government of Japan is of the understanding that at the time of Japan's ratification of the Convention, the Supreme Court sent a notification entitled "Promulgation and Entry into Force of the Convention on the Rights of the Child" to the high courts, district courts and family courts, with the aim of making judges and other concerned officers aware of the contents of the Convention. Furthermore, judges are

deepening their understanding of children's rights through the curricula of various training programs for judges held by the Judicial Research and Training Institute, including joint research on juvenile delinquency cases and problems concerning custody of children, and lectures on the current state and issues of treatment in juvenile training school. In principle, any person who is to become a judge, public prosecutor or attorney needs to participate in the judicial training conducted by the Judicial Research and Training Institute in order to obtain a license of the legal profession (judge, public prosecutor or attorney). During this judicial training, lectures are given on children's rights, references are made to implementation of the Convention as well as its contents and aims, and curricula are implemented on precedents of juvenile delinquency cases or cases of disputes over the custody of children. Trainees are thus given opportunities to learn about the rights, protection and welfare of children. It is expected that the Supreme Court further raise awareness of the Convention utilizing various opportunities.

(Officials of correctional institutions)

94. Various training programs on international rules regarding the human rights of inmates including the Convention on the Rights of the Child are provided for correctional officers at the Training Institute for Correctional Personnel and its branches (eight around Japan) in order to further their understanding of the conventions. For example, training is provided on international rules related to correction including the Convention on the Rights of the Child and the Beijing Rules to instructors of juvenile training schools and juvenile classification homes and classification specialists of juvenile classification homes as part of the training programs for newly recruited officials. Moreover, subjects such as psychology, pedagogy and sociology are included in the training program (30 hours in total), and topics of child development are also dealt with in each of these subjects.

(Probation officers)

95. See Paragraph 66 of the Second Report of Japan. Probation offices that offer various training programs to volunteer probation officers provide education that takes the rights of the child into consideration for the treatment of juveniles on probation.

(Officers involved in human rights administration)

96. In terms of the training of officers involved in human rights administration, the Ministry of Justice offers specialization courses in human rights to officers working in legal affairs bureaus and regional legal affairs bureaus nationwide every year. The

courses include subjects related to children's rights. In addition, legal affairs bureaus and regional legal affairs bureaus nationwide also offer workshops on human rights practices to workers involved in human rights administration, where lectures on the Convention and on children's rights are given. Moreover, the Ministry of Justice offers workshops on the training of human rights instructors for employees working in the human rights departments of local governments, where lectures on children's rights and on the Convention are given.

97. At the Ministry of Foreign Affairs, in recognition of the importance of international efforts to solve human rights issues, lectures are given on human rights including the main aims of conventions related to human rights, as part of training programs designed for newly-employed officers and officers of ministries and agencies that are scheduled to work in diplomatic missions abroad.

(Officials at the Immigration Bureau)

98. Officials at the Immigration Bureau receive education from external instructors (such as university professors) on conventions related to human rights, including the Convention on the Rights of the Child, as part of the training programs for newly-employed officials and experienced officials.

(Local government workers)

99. With regard to local government workers, a training program consisting of 5 courses on "human rights administration" is offered every year at local autonomy colleges. These courses are: 1<sup>st</sup> section course (for those working for prefectural governments, designated cities, and core cities), 1<sup>st</sup> section special course (same as the 1<sup>st</sup> section course), 2<sup>nd</sup> section course (those working for local authorities), 2<sup>nd</sup> section special course (same as the 2<sup>nd</sup> section), and 3<sup>rd</sup> section course (those working for prefectural governments and local authorities). These courses also include training on contents related the rights of the child.

(Instructors in schools of the Self-Defense Forces)

100. Training in relation to the Convention on the Rights of the Child is offered for instructors of schools where youth cadets of the Self-Defense Forces receive education and training. Efforts will be made to further enhance these training programs and raise awareness of the Convention.

(d) Extent to which the Convention on the Rights of the Child is incorporated into professional training and service regulations

(Professional training)

101. See Paragraphs 103-104.

(National Police Academy and other police schools)

102. The National Police Academy offers seminars on the protection of children's rights to executive officers from prefectural police forces as part of its special training course. Regional Police Schools also have similar seminars which are offered to assistant police inspectors and police sergeants from prefectural police as part of their special training course on juvenile delinquency. In addition, law-enforcement agencies also organize group study programs designed for juvenile guidance officials from the Juvenile Support Centers of prefectural police departments, where lectures on counseling techniques are offered by professionals such as university professors and counselors.

(Universities)

103. See Paragraph 72 of the Second Report of Japan.

245 universities cover subjects related to the rights of the child (as of 2004). These figures consist of 55 national universities, 17 public universities, and 173 private universities.

(e) Participation of NGOs in educational programs and campaigns on the Convention and the support for NGO activities

104. See Paragraphs 86 and 87.

(f) Participation of children in public relations activities

105. In the Second World Congress against Commercial Sexual Exploitation of Children organized by Japan and held in December 2001, ninety children from Japan and abroad attended and actively participated in the discussions concerning efforts by the government and the international community based upon the spirit of the Convention on the Rights of the Child.

## **M. Dissemination of information on the Convention to the public (Article 44, Paragraph 6)**

(Preparation of this report)

106. Ministries and agencies which took part in the preparation of this report include the Cabinet Secretary, Cabinet Office, National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport, Ministry of the Environment and Ministry of Defense. As mentioned in Paragraph 43 of this report, public meetings were held four times with interested Members of the Parliament, government officials and NGO members in the process of preparing this report.

(Making the reports and concluding observations widely available to the public)

107. See Paragraph 59 of the Second Report of Japan.

This report is also scheduled to appear on the website of the Ministry of Foreign Affairs in due course. In addition, the concluding observations of the Committee on the Rights of the Child are shared during meetings held with members of the Diet, ministries, agencies, civil society and NGOs that show interest in the issue, and opinions are exchanged regarding the progress of the government in response to these concluding observations and regarding the periodic reports of Japan (July 2004, October 2005). Furthermore, every year, the entire text of the Concluding Observations of the Committee on the Rights of the Child in response to the Second Report of Japan is included in the White Paper on Youth.

## **II. ARTICLE 1 (Definition of the child)**

A. Difference between the definition of "child" in the Convention and that in Japanese domestic laws

108. In Japan, although the age of maturity is generally recognized as being 20 years of age, under the Child Welfare Law and the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children, a child is defined to be a person who has not reached 18 full years of age.

B. Age limitation applied to legal competency in Japan

(Minimum age required to sign a contract related to legal or medical consultation)

109. In Japan, the Civil Code provides that at the age of 20 years or over a person is able to independently perform juristic acts. For this reason, in cases where a person under 20 years of age (i.e., a minor) signs a contract related to legal or medical consultation without the consent of his/her statutory representative the said contract is technically valid, but when the act is not simply to acquire a right or to be relieved of a duty, such minor or also the statutory representative of the minor is able to annul the contract.

110. Under the Civil Code of Japan, a person under 20 years of age may effectively sign a contract related to legal or medical consultation even without the consent of his or her statutory representative. From the viewpoint of protecting a person under 20 years of age, his/her representative may annul such contract *ex post facto*.

111. Japan received the recommendation in the concluding observations of the Committee on the Rights of the Child in response to the Second Report of Japan that it should revise the legislation so that a child under 18 years of age may seek medical consultation or access medical records without the consent of the parents. However, in Japan, there is no legislation that forbids a child under 18 years of age to seek medical consultation or access medical records without the consent of the parents as it is mentioned in the recommendation. It is not necessarily clear if such medical consultation or access to medical records constitutes a 'legal action', and even when it is deemed as a legal action, it is actually common that a child under 20 years of age receives medical treatment independently, without the consent of the parent. As already expressed during the consideration of the Second Report of Japan, a child's freedom to seek medical consultation or access medical records is ensured.



(Minimum age required to sign a contract related to medical treatment or surgery)

112. In Japan, the Civil Code provides that at the age of 20 years or over a person is able to independently perform juristic acts. In cases where a person under 20 years of age signs a medical contract or contract related to surgery with a hospital without the consent of his/her statutory representative the said contract is technically valid, but when the act is not simply to acquire a right or to be relieved of a duty, such minor or also the statutory representative of the minor is able to annul the medical contract. Under the Civil Code of Japan, a person under 20 years of age may effectively sign a contract related to legal or medical treatment and surgery even without the consent of the legal representative. From the viewpoint of protecting a person under 20 years of age, his/her representative may annul such contract ex post facto.

(Age at which compulsory education ends)

113. See Paragraph 80 of the Second Report of Japan. (Paragraph 39 of the Initial Report of Japan)

(Minimum age required to engage in work involving risks, part-time work, or full-time work)

114. See Paragraph 81 of the Second Report of Japan.

(Age of marriage)

115. See Paragraph 82 of the Second Report of Japan. (Paragraph 38 of the Initial Report of Japan)

(Sexual crime)

116. See Paragraph 83 of the Second Report of Japan and Paragraph 43 of the Initial Report of Japan.

117. The Government of Japan received the recommendation in the concluding observations of the Committee on the Rights of the Child in response to the Second Report of Japan that it should raise the minimum age of sexual consent (13 years old). Regarding this issue, the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children enacted in 1999 stipulates that, based upon the understanding that child prostitution infringes upon the rights of the child and causes the child to suffer psychologically and physically, the act of child prostitution involving any child who has not yet reached 18 years of age shall be

punished. In accordance with the said law, the act of offering compensation to a child or making such a promise and entering into sexual intercourse with such child may be appropriately punished, even in cases where the child is 13 years of age or older and the requirements of rape under the Penal Code are not satisfied for lack of violence or threat.

(Voluntary enlistment in the army and conscription)

118. See Paragraph 84 of the Second Report of Japan.

(Participation in a hostile act)

119. See Paragraph 85 of the Second Report of Japan.

120. See Paragraph 4 of the Section 2 of the Report of Japan on the "Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict".

(Criminal liability)

121. See Paragraph 86 of the Second Report of Japan.

(Detention during investigation)

122. See Paragraph 87 of the Second Report of Japan.

(Transfer to a correctional institution)

123. See Paragraphs 88-90 of the Second Report of Japan.

(Immigration detainees)

124. There is no age limitation for immigration detainees in cases where the grounds for deportation under the Immigration Control and Refugee Recognition Act apply, and a written detention order or a written deportation order pursuant to the said Act has been issued. However, efforts are made to avoid placing children in an immigration detention facility by granting provisional release, in view of the child's age and health conditions, even when enforcing a written detention order or a written deportation order issued to the child. Furthermore, in cases where the child is placed in an immigration detention facility, consideration is given to ensure that the child stays in such facility for as short a time as possible.

(Capital punishment and imprisonment for life)

125. See Paragraph 91 of the Second Report of Japan.

(Witness at a civil trial)

126. See Paragraph 92 of the Second Report of Japan.

(Witness at a criminal trial)

127. See Paragraph 93 of the Second Report of Japan.

(Minimum age required to file a lawsuit)

128. In principle, in order for a person to be able to individually perform a procedural act such as filing a lawsuit in a civil action, he/she must attain maturity (20 years of age or over) (see Article 28 of the Code of Civil Procedure). Although a minor may be a party involved in a civil action, the procedural act such as the filing of a lawsuit shall, in principle, be performed by a statutory representative such as a person with parental authority. However, with regard to personal status actions, a person may perform a procedural act even if such person is a minor (see Article 13, Paragraph 1 of the Code of Procedure Concerning Cases Relating to Personal Status). With regard to criminal proceedings, no private individual, even over 20 years of age, is allowed to instigate prosecution.

(Minimum age required to participate in an administrative or judicial litigation)

129. See Paragraph 95 of the Second Report of Japan.

(Minimum age for being charged with a criminal offence)

130. See Paragraph 96 of the Second Report of Japan.

(Minimum age required to make a change in one's status in the family register)

131. See Paragraph 97 of the Second Report of Japan.

(Minimum age required to access the family register)

132. See Paragraphs 73, 76, 77, 78 of the Initial Report of Japan and Paragraph 98 of the Second Report of Japan.

(Legal capacity in relation to inheritance and asset disposal)

133. See Paragraph 99 of the Second Report of Japan.

(Foundation of an organization and enrollment in an organization)

134. In Japan, the Civil Code provides that at the age of 20 years or over a person is able to independently perform juristic acts. For this reason, in cases where a person under 20 years of age (i.e. a minor) performs a juristic act relating to the founding of or enrolling into an organization without the consent of his/her statutory representative, the said action is technically valid, but when the act is not simply to acquire a right or to be relieved of a duty, such minor or also the statutory representative of the minor is able to annul the act.

(Freedom of choice of religion and enrollment in a religious school)

135. See Paragraph 101 of the Second Report of Japan (i.e. Paragraph 100 of the Initial Report of Japan)

(Consumption of alcohol and other restricted substances)

136. See Paragraph 102 of the Second Report of Japan.

(Relationship between age at which compulsory education ends and minimum age required to employment; impact of such relationship on the right of the child to receive education; consideration of relevant treaties)

137. See Paragraph 103 of the Second Report of Japan.

(Gender differences in the legal age of marriage)

138. See Paragraphs 104-105 of the Second Report of Japan.

139. Article 731 of the Civil Code provides that a man may not marry until he has reached 18 years of age nor a woman until she has reached 16 years of age. This provision was established for the reason that a family formed through marriage constitutes a fundamental unit of society and that permission to marry should not be granted to juveniles who are still physically and mentally immature. It is generally maintained that a difference exists between men and women in terms of the speed at which they develop physically and mentally, and a gap in the marriageable age between the two was established taking such difference into consideration, and therefore the gap is based upon reasonable grounds. However, it goes without saying that if social situations regarding this issue change, there will be a need to revise this system of marriage according to such changes. From such perspective, in February 1996, the

Legislative Council of the Ministry of Justice submitted an outline of a Bill to Revise Part of the Civil Code suggesting among other things that the marriageable age should be 18 years of age for both men and women. This issue regarding partial revision of the Civil Code constitutes an important subject that involves the institution of marriage and the concept of family. Since there are various opinions across all levels of civil society and from all parties concerned, close attention is currently being paid to trends in public opinion.

(Gender-related differences in the legal provisions for sexual offenders)

140. See Paragraph 106 of the Second Report of Japan. (Note: this Paragraph 106 wrongly cited the provision regarding rape on the occasion of robbery resulting in death as being “Article 214” of the Penal Code, but this should be read as “Article 241” of the said Code.)

141. While it is true that the offenses under Article 177 (rape), Article 178, paragraph 2 (quasi-rape), Article 178-2 (group rape), Article 181, paragraphs 2 and 3 (rape resulting in death or bodily injury), Article 182 (inducement to sexual intercourse) and Article 241 (rape on the occasion of robbery resulting in death) of the Penal Code can only be perpetrated against females, both males and females can commit these offenses. Also, it is a reasonable distinction to limit the protection of these offenses to females, considering that, from the perspective of criminology, such indecent acts are generally committed by a male against a female and that there are physical and physiological differences in composition, structure and function between the sexes which justify such distinction. Furthermore, when a male becomes a victim of sexual violence, the offender may be punished for offenses that can be perpetrated against both sexes, such as those under Article 176 (forcible indecency), Article 178, paragraph 1 (quasi-forcible indecency), Article 181, paragraph 1 (forcible indecency resulting in death or bodily injury) of the Penal Code and under the Act on punishment of Activities Relating to Child Prostitution and Child Pornography.

(Definition of adolescence)

142. See Paragraph 107 of the Second Report of Japan.

### **III. GENERAL PRINCIPLES**

#### **A. Article 2 (Non-discrimination)**

(a) Measures taken to indiscriminately guarantee the rights stipulated in the principles of the Constitution or the child-related domestic laws

143. See Paragraph 108 of the Second Report of Japan and Answer 14 to the question from the Committee on the Rights of the Child in consideration of the Initial Report.

144. In accordance with the provisions of Article 7 of the Act for Promotion of Human Rights Education and Encouragement, as the general framework for the government's policy on comprehensive and systematic promotion of human rights education and encouragement, the Basic Plan for Human Rights Education and Encouragement was formulated at a Cabinet meeting in March 2002. In line with the Basic Plan, measures related to human rights education and human rights encouragement are being comprehensively and systematically promoted in order to ensure an early realization of a society that guarantees respect for human rights.

145. The Ministry of Education, Culture, Sports, Science and Technology has made an announcement to relevant ministries and agencies to the effect that human rights education in school education and social education should be conducted more appropriately, according to the said Basic Plan.

(b) Measures to cope with cases of discrimination

146. See Paragraph 109 of the Second Report of Japan (Paragraphs 51-53 of the Initial Report of Japan)

147. When a case of discrimination is found, the Human Rights Organs of the Ministry of Justice are to promptly take appropriate measures for relief. In private law, if such an act is found to be unlawful under the Civil Code, the person who performed the act will be held liable for damages. In cases where the discriminatory act runs contrary to public policy or good morals as stipulated in Article 90 of the Civil Code, which is a provision restricting personal autonomy in general, the act may be null and void. If the discriminatory act infringes upon penal laws and regulations, the offender will be punished.

(c) Prevention of discrimination against children in the most disadvantageous positions (Human rights education, activities to raise awareness and related issues)

148. See Paragraphs 110 (the Answer 15 to the question from the Committee on the Rights of the Child in Consideration of the Initial Report) and 112 of the Second Report of Japan, and the Answer 14 to the question from the Committee on the Rights of the Child in Consideration of the Initial Report.

149. What is important is that discrimination against a child deeply affects the development of his / her personality. In other words, there should be no discrimination whatsoever in order to ensure the full and balanced development of the child's personality. To this end, the Government of Japan has been making efforts in promoting education that would raise awareness in relation to the respect for human rights in the spirit of the Constitution and the Basic Education Law, and educating students through educational activities in elementary, lower secondary and upper secondary schools, particularly in social studies and moral education, to respect human rights, to neither discriminate nor have prejudice against anyone, and to understand correctly issues related to human rights including the "Dowa issue".

(Refugees)

150. See Paragraph 114 of the Second Report of Japan.

(Children with disabilities)

151. In order to further support independence and social participation of persons with disabilities, the Basic Law for Persons with Disabilities was partially amended in 2004 to clearly stipulate as a fundamental principle that no one shall be allowed to discriminate against persons with disabilities or violate their rights and benefits on the basis of disabilities (Article 3, paragraph 3). In addition, a new provision was included whereby the people shall make efforts to contribute to the realization of a society where persons with disabilities can participate in all activities and are respected for their rights without discrimination (Article 6, paragraph 2). Furthermore, the amended law stipulates that the Government of Japan and local governments have responsibilities to promote welfare of persons with disabilities through taking measures for protecting the rights of persons with disabilities, protecting them from discrimination and supporting their independence and social participation (Article 4).

152. With regard to school education, stepped-up exchanges and joint learning of children with disabilities and without disabilities and people in the local community are carried out, for which significant educational effects are expected in the process of

cultivating an enriched humanity among all children. These also serve as important activities for people in the local community for the promotion of correct understanding and awareness in regards to children with disabilities and education for them. In order to promote such educational activities, a handbook was produced and distributed in March 2004. Furthermore, meetings are held around the country and booklets are produced and distributed to promote the understanding and awareness in regards to children with disabilities.

(Eligibility for university entrance)

153. Eligibility to apply for entrance in Japanese universities - regardless of nationality, race, and gender - has been granted by graduating from a Japanese upper secondary school, or passing an exam called the Japan's Upper Secondary School Equivalency Examination. In 2003, the Japanese educational system was amended to allow universities to grant this eligibility to any student, including graduates of non-Japanese upper secondary schools, whose academic ability is deemed equivalent or higher than graduates of Japanese upper secondary schools.

(Education for foreigners)

154. Children of foreign nationality wishing to enter a public compulsory education school receive the same treatment as the Japanese children with free tuition, free textbooks, and school expense subsidies.

(d) Measures to eliminate the discrimination against girl child, and follow-up to the 4<sup>th</sup> World Conference on Women

155. In June 1999, the Government of Japan enacted the Basic Law for Gender Equality, one of the basic principles of which is respect for the human rights of men and women, including: respect for the dignity of individual men and women as individuals; no gender-based discriminatory treatment of men and women; and the securing of opportunities for men and women to exercise their abilities as individuals. In December 2000, based upon the basic Law, the Government stipulated the Basic Plan for Gender Equality and implemented it in a comprehensive and systematic manner.

156. The Government updated the Basic Plan in December 2005 in consideration of various changes in situations and with the purpose of further improving the relevant measures. In accordance with the updated Plan, efforts have been made toward realization of comprehensive and systematic measures. The Basic Plan also refers to the



Convention on the Rights of the Child, and from the perspective of eliminating all forms of violence against women stipulates that the government will take measures against child abuse and child prostitution to which girls are often most vulnerable. Moreover, the Basic Plan now includes provisions for taking practical actions in all fields and nationwide making full use of the results and experiences of international efforts to realize a gender-equal society.

157. Education based upon the principle of gender equality in all aspects of society including school, at home and in the community is important in the process of forming a gender-equal society. In school education, relevant courses are set to educate about gender equality and importance of the understanding and cooperation between genders.

158. At the 49<sup>th</sup> Session of the Commission on the Status of Women (CSW) ("Beijing + 10" high-level meeting) held as part of a follow-up to the Beijing Conference, the Parliamentary Secretary of the Cabinet Office served as the representative of Japan, while the other participants included a Government Representative, the Ministry of Foreign Affairs, the Cabinet Office, the Ministry of Health, Labor and Welfare, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Agriculture, Forestry and Fisheries, and NGO representatives (three persons), which formed a group of representatives composed of 24 members. The representative of Japan presented a report on the government's measures adopted and results obtained toward the formation of a gender-equal society since the Beijing Conference, spoke about the developments in relation to measures against trafficking in persons and about international cooperation (announcement of its Gender and Development (GAD) Initiatives), and declared the government's strong intentions to further promote measures toward the formation of a gender-equal society. Japan participated and contributed actively through negotiations in relation to draft declarations and resolutions, as well as during panel discussions and high-level round table meetings held during the session. In addition, the Ministry of Foreign Affairs held a side event during the session where it actively promoted the GAD Initiatives and declared its intentions to have Japan focus on gender in the context of its ODA.

(e) Measures taken for the collection on data regarding various discriminated groups

159. See Paragraph 117 of the Second Report of Japan (the Answer 5 to the question from the Committee on the Rights of the Child in Consideration of the Initial Report).

(f) Prevention and elimination of attitudes and prejudices to children that contribute to social and ethnic tension, racism, and xenophobia

160. See Paragraph 118 of the Second Report of Japan.

(g) Protection of children from discrimination and punishment

161. See Paragraph 119 of the Second Report of Japan.

(h) Major problems in implementing Article 2, the plan for solving those problems, and the evaluation of progress in discrimination prevention

162. See Paragraphs 121-124 of the Second Report of Japan.

163. With the aim of establishing a new human rights protection system on the basis of the recommendations put forward by the Council for Human Rights Promotion, the Government of Japan submitted a Human Rights Protection Bill to the Diet in March 2002. The major purpose of the bill was to establish a Human Rights Commission as an independent administrative commission, specifying its structure and authority, in order to provide adequate and prompt relief to the victims of human rights violation and to effectively prevent human rights violation. The bill also contained provisions on a new relief process mainly conducted by the Commission. The bill was not passed, however, due to dissolution of the House of Representatives in October 2003. The Government of Japan is presently reviewing the bill.

### **B. Article 3 (Best Interests of the Child)**

(a) Reflecting the principle of "the best interests of the child" in the Constitution, relevant domestic laws, and regulations

(Child Welfare Law)

164. See Paragraph 125 of the Second Report of Japan.

165. The administration takes the best interests of the child into consideration when the Child Guidance Center takes measures under the said Law:

(1) When the intention of the child or the legal guardian does not coincide with the policy of the Child Guidance Center, or when the Child Guidance Center deems it necessary, the Center shall hear the opinion of a sub-group of a council composed of experts in medicine, law and other fields.

(2) For increased specialization and objectivity in the case when a Child Guidance Center takes such action as placing a child in an institution, the Center shall listen to the child's own intention.

(Promotion of the Child Care Support Plan)

166. See Paragraph 17.

(Partial amendment to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children)

167. See Paragraph 126 of the Second Report of Japan.

168. In June 2004, the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children was partially amended. In the light of international trends related to the protection of the rights of the child, and in order to clarify the intention to further protect the rights of the child, Article 1 of the said law stipulates that “the purpose of this Act is to protect the rights of children by punishing activities relating to child prostitution and child pornography, and providing measures for the protection of children who have consequently suffered physically and/or mentally in light of the fact that sexual exploitation and sexual abuse of children seriously infringe upon the rights of children, and taking into account international trends in the rights of children. In addition, the said law increased the statutory penalties of crimes related to child prostitution and child pornography, and made it clear that such crimes that significantly impair the rights of children are highly censurable.

(Action Plan to realize a crime-resistant society)

169. In December 2003, the Action Plan for Achieving a Crime-Resistant Society was adopted during a ministerial meeting on measures against crimes hosted by the Prime Minister. Based upon this Plan, the Government as a whole is undertaking measures to ensure the protection of juveniles, by tackling the issue of prevention of juvenile crimes on which the entire society is to work, along with other important measures to be adopted. Following these, the National Police Agency prepared the Outline on Comprehensive Measures for the Prevention of Juvenile Delinquency and for Protection of the Youth, and is promoting comprehensive measures in relation to the prevention of juvenile delinquency and the protection of youth.

(b) Consideration for the principle of "the best interests of the child"

(Child welfare facilities)

170. See Paragraph 127 of the Second Report of Japan.

(Family trials)

171. See Paragraph 129 of the Second Report of Japan.

(Juvenile hearings)

172. See Paragraph 130 of the Second Report of Japan.

173. On May 25, 2007, an amendment bill of the Juvenile Law was passed by the Diet, which entered into effect on November 1 of the same year. Under previous laws, since juvenile training schools were only allowed to accept admission of children who were 14 years of age or above, the family courts were not able to send children who were under 14 years of age to a juvenile training school and the only options were either for them to be placed on probation or to be sent to a child welfare institution. However, there were some cases where it was deemed difficult to deal with children under 14 years of age by placing them on probation as a form of non-institutional treatment or by placing them in a welfare institution where the primary policy was of open treatment, when such juveniles had extremely serious and complicated character disorders which were the root cause of them committing heinous or serious crimes, or repeatedly committed acts of malicious delinquency despite frequent placement in institutions. In such cases, under the amended laws, for the purpose of giving juveniles the most appropriate form of treatment, the family court is now able to send children under 14 years of age (approximately 12 years of age or above) to a juvenile training school if the court deems it especially necessary, so that such children may receive corrective education at an early stage for the purpose of rehabilitation.

(Correctional institutions)

174. See Paragraph 131 of the Second Report of Japan.

(Adoption)

175. See Paragraphs 132-134 of the Second Report of Japan.

(Application for asylum)

176. Any person seeking to apply for recognition of refugee status must submit an application as required by law. However, with regard to those who cannot submit an

application for some particular reason, Article 55, paragraph 1 of the Immigration Control and Refugee Recognition Act Enforcement Regulations stipulates that “with respect to a person who is unable to fill in the application because of illiteracy, disability or other special reasons, the submission of the application may be substituted by orally stating the matters to be written in the application”. This provision is based upon consideration for children who are unable to fill out application forms. In addition, in cases where a child under 16 years of age seeks to apply for recognition of refugee status, Paragraph 3 of the same Article provides that “on the occasion of the application in Paragraph 1 [of Article 55], if the foreign national is under 16 years of age or cannot personally appear due to illness or some other reasons, the application may be submitted by the father, mother, spouse, child, or any other family member of such person”. This provision is also based upon consideration for the best interest of the child.

(Detention in an immigration detention facility)

177. When enforcing a written detention order or written deportation order issued to a child, in view of the child's age and health conditions, efforts are made to avoid placing the child in an immigration detention unit by granting provisional release, or, if the child is placed in an immigration detention unit, to ensure that the child stays as short time as possible in such unit.

(International cooperation)

178. Following the World Summit for Children held in 1990, Japan developed a domestic plan of action in 1991, and in December 2000 put together a National Report on Follow-up to the World Summit for Children. Japan is aware that the relief of children around the world who require support due to poverty and disasters and the promotion of the welfare of children are extremely important issues, and thus has actively supported the activities of the United Nations Children's Fund (UNICEF). In particular, with regard to the Indian Ocean Earthquake and Tsunami Disaster which occurred in December 2004, Japan contributed 70 million US dollars to UNICEF based on the recognition that the relief and protection of the quake-stricken children were urgently needed. In combination with the funds contributed to other international agencies, Japan implemented the Child Support Plan for Tsunami Victims (total amount of about 86 million US dollars), focusing on child protection and survival.

(c) Ensuring protection and care of children

179. See Paragraphs 137-139 of the Second Report of Japan.

(d) Measures taken based upon Article 3, paragraph 3 (Setting Standards in the Fields of Security and Health, and their Compliance)

180. See Paragraph 140 of the Second Report of Japan (Paragraph 104 and Paragraph 56 of the Initial Report of Japan).

(e) Integration of the principle of "the best interests of the child" into the training programs for experts involved in the rights of the child

181. See Paragraphs 89-103.

### **C Article 6 (Right to Life, Survival and Development)**

(Creation of an environment where the right of a child to life is guaranteed, and survival and development of a child are ensured)

182. See Paragraph 142 of the Second Report of Japan.

(Prevention of child suicide and its monitoring)

183. In July 2005, the Resolution on Urgent and Effective Promotion of Comprehensive Measures against Suicide was adopted at the Upper House's Committee on Health, Welfare and Labor. It was resolved to ensure a system where relevant ministries and agencies work together towards solving the issue of suicide, in order for the Government of Japan to promote comprehensive measures related to the issue. Following this, an inter-Ministerial/Agency Liaison Group against Suicide was set up at the Cabinet Secretariat in September 2005, which put together in December 2005 measures to be taken by the Government of Japan.

184. See Paragraphs 143-145 of the Second Report of Japan.

185. It is inadmissible for a child to take his/her own life, whatever the reason may be. It is thus important to recognize the value of life and to develop the strength necessary to overcome crises and difficulties. The value of life is taught in schools throughout all educational activities including moral class, and efforts have been made to enrich the education provided through experiential activities among other activities so that children can learn to truly love life. In addition, aiming at the enhancement of systems in which a child with worries can feel free to ask for advice at any time, the Ministry of Education, Culture, Sports, Science, and Technology intends to improve counseling systems at schools by placing school counselors and expert advisors for parent and

children. Prefectures are also striving for the improvement of counseling systems in the communities by establishing advisory institutions for children at education centers, along with other measures.

(Measures to protect children from being crime victims)

186. In December 2005, relevant ministries and agencies set up a liaison group for measures to protect children against crime and are reinforcing their efforts in the fight against crimes through measures in schools and communities including the measures to ensure safety of children's commuting to and from school.

187. See Paragraphs 146-147 of the Second Report of Japan.

188. With a view to protecting children from falling victims to crimes, the National Police Agency is reinforcing measures for protecting children from crimes, based upon the Program of Measures for Protecting Women and Children established in December 1999 and the Guidelines to Promote Measures for Protecting Children from Crimes developed in May 2005.

189. Specifically, the Agency is engaged in the following measures:

- (1) Reinforcing the precautionary activities such as patrolling, focusing on school zones and times when children commute to and from school;
- (2) Actively providing community safety information to local residents;
- (3) Providing support for spontaneous crime prevention activities such as "Dial 110 Home for Children" that serves as an emergency shelter for children and establishing a damage prevention network for local children;
- (4) Appointing retired police officers as so-called "school supporters" whose duty would be to ensure the safety of children in schools; and
- (5) Lending crime-preventing tools such as crime-preventing buzzers and giving lectures on crime prevention.

190. As projects on emergency support measures to protect children, in 2003, emergency call units were installed in school zones and parks nationwide, which allow children to call the police in cases of an emergency, with a view to promoting a safer neighborhood with less risk for crimes. Furthermore, a textbook for children on crime prevention was produced so that children can acquire measures for crime prevention on their own and that parents and school officials can use them as teaching material to

confer upon children crime prevention skills. The textbook is being distributed to schools and police departments nationwide. Moreover, a new system has been adopted since June 2005, whereby information on the release of people who are serving time in prison for violent sexual crimes involving children, such as the expected date of release and destination after release, is used by the police to prevent further crimes and expedite investigations in case of a crime, while consideration is given not to prevent the rehabilitation and social reintegration of the released person.

(Preventive measures at school against sexually transmitted diseases)

191. In accordance with the Courses of Study, preventive measures at school against sexually transmitted diseases are taken throughout all educational activities, particularly in physical and health education, with the aim of conferring sex education from a scientific perspective in accordance with the child's development, and having children act accordingly. In addition, efforts have been made to improve sex education through various measures, including workshops for school personnel, production and distribution of manuals for teachers and textbooks for children, practical studies on effective teaching methods, and cooperative projects between schools and experts on physical and mental health education. Other measures include the production and distribution of collected case studies regarding sex education at schools, and of textbooks that comprehensively analyze various issues that concern children including sexually transmitted diseases, as well as organizing training sessions for school personnel involved in sex education.

#### **D. Article 12 (Respect for Views of the Child)**

(a) (Considerations on respect for views of the child)

(Ensuring opportunities for children to express their views)

192. See Paragraph 149 of the Second Report of Japan (Paragraphs 61 and 62 of the Initial Report of Japan) and see the Answer 18 to the question from the Committee on the Rights of the Child in Consideration of the Initial Report.

(Disciplinary actions in school and suspension of attendance)

193. In taking disciplinary actions against students at schools, the Government of Japan has been instructing boards of education and others concerned to pay full attention to the circumstances surrounding each student by listening to his / her explanations and views as well as to consider whether such disciplinary actions will have educational benefits, instead of just serving as sanctions. Meanwhile, suspension is a measure that



directly involves the rights and duties of the student while ensuring the rights of other students to education, and therefore it is important to follow the proper procedures when giving a suspension. The Ministry of Education, Culture, Sports, Science and Technology partially amended the School Education Law in 2001, which clarifies the requirements and procedures of the suspension system, such as listening to the opinions of the guardians and delivering a document stating the reasons and period of suspension before ordering the suspension, and provides provisions on educational support of suspended children until they go back to school.

(Universities)

194. See Paragraph 103.

(Placement in facilities)

195. In cases where the prefectural governor is seeking to place a child in a child welfare facility, opportunities for such child to express his / her intents must be guaranteed, and when their intents are not compatible with the measures the prefectural governor is seeking to take, the prefectural governor shall hear the opinion of the prefectural child welfare council. In accordance with the Social Welfare Law, in addition, managers of social welfare businesses are under the obligation to make efforts in providing information, taking measures to improve the quality of welfare services through self-evaluations and third-party evaluations, and solving complaints. Each prefecture is required to set up a committee for proper management in the Social Welfare Council to provide a mechanism where they offer users consultation services regarding complaints they have and serve as mediators in the efforts to solve such issues of complaints. Meanwhile, child welfare facilities are required to set up a complaint counter in accordance with the Minimum Standard of Child Welfare Institutions (1948, Ministerial Ordinance of the Ministry of Health, Labor and Welfare, No. 63) to ensure that complaints from a child placed in a child welfare facility or the guardians regarding treatment at the facility are promptly and appropriately dealt with.

(Measures in child guidance centers)

196. See Paragraph 155 of the Second Report of Japan.

(Correctional institutions)

197. See Paragraph 151 of the Second Report of Japan.

(Procedures for applications for asylum)

198. See Paragraph 176.

(b) Opportunities to hear the opinions of the child in judicial and administrative proceedings

(Participation in litigation)

199. A minor, regardless of his/her age, may be an interested party of civil or administrative litigation. In addition, even with regard to litigation where the minor is not personally an interested party, in cases where such minor has an interest which may be affected by the results of the suit, the minor may intervene in order to assist either party (Article 42, Civil Procedure Code). However, procedural acts such as the filing of a suit are, in principle, to be performed by a statutory representative such as a person with parental authority, except personal status actions, for which a person may perform a procedural act even if such person is a minor (see Article 13, Paragraph 1 of the Code of Procedure Concerning Cases Relating to Personal Status).

(Hearing of opinions)

200. See Paragraphs 156-158 of the Second Report of Japan.

201. With regard to procedures for family affairs, a hearing is required under the law for children who are 15 years of age or older, when examining a family affairs case that directly involves the welfare of the child (for instance, cases related to the designation or disposal of the person with child custody, or cases related to the designation or change in the person with parental authority; with handover of the child and negotiations over meeting with the child included in the former). In addition, even with regard to children who are under 15 years of age, a hearing is convened as much as possible while making sure that such hearing session does not place an excessive psychological burden on the child and ensuring that the child can properly formulate and present his/her opinions. Moreover, in personal status actions, when the trial involves designation of the person to have parental authority over a child who is 15 years or older in a divorce proceeding, a hearing for the child's opinions is mandatory (Article 32, paragraph 4 of the Code of Procedure Concerning Cases Relating to Personal Status).

(Juveniles detained in correctional institutions)

202. See Paragraphs 159-160 of the Second Report of Japan.

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

203. See Paragraphs 161-162 of the Second Report of Japan.

(Participation in schools)

204. See Paragraph 162 of the Second Report of Japan.

205. Aspects such as the formulation of school regulations and organization of curricula do not personally involve individual children and are not considered to be subject to the right of expressing their opinions as provided for in Article 12, paragraph 1. However, policies that take children's opinions into consideration are being formulated where needed, such as conducting surveys or creating opportunities for discussions through class councils and student councils when reviewing school regulations, or finding ways to organize lower secondary school and upper secondary school curricula that reflect the choices of the students as much as possible, according to the children's stage of development.

(Participation in facilities offering children's activities)

206. Standards for the facilities offering children's activities such as citizens' public halls and museums were respectively revised to promote the participation of juveniles in the projects implemented in such facilities. Similarly, libraries have been improving the services they offer for juveniles by enriching the variety of books and other materials available.

(d) Training for experts in child-related issues

207. See Paragraphs 89-103.

(e) Reflection of children's view obtained from the evaluation of public opinion, consultation, and petition in legislature, politics, and judicial decisions

(Partial amendment to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children)

208. See Paragraph 165 of the Second Report of Japan.

209. Even after the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children was enforced in November 1999, cases involving child prostitution continued to rise and cases involving child pornography also showed no signs of significant decline. Therefore, the said law was amended in June 2004 in order to raise the statutory penalties for crimes involving child prostitution and child pornography.

(Response to children's needs in child welfare facilities)

210. See Paragraph 164 of the Second Report of Japan.

(Hearing of opinions from juveniles)

211. In promoting measures and policies for juveniles, as a scheme that allows for hearing the personal opinions of juveniles regarding issues involving Japanese society and youth, the Cabinet Office introduced in 2002 a 'Youth Electronic Monitoring System' which used the Internet to solicit the view of young people. With this system also being used when formulating the National Youth Development Policy, efforts are made to hear the views and requests directly from juveniles and reflect them in relevant documents.

#### **IV. CIVIL RIGHTS AND FREEDOMS (Articles 7, 8, 13-17, and 37 (a))**

##### **A. Name and nationality (Article 7)**

(Registration of birth)

212. See Paragraph 166 of the Second Report of Japan (i.e. See Paragraphs 72, 73 of the Initial Report of Japan).

(Notification of Birth)

213. See Paragraphs 167-168 of the Second Report of Japan.

(Appropriate training of personnel involved in the birth registration of a child)

214. See Paragraph 169 of the Second Report of Japan.

(Elements required for the registration of birth)

215. See Paragraph 170 of the Second Report of Japan.

(Rights of children born out of wedlock)

216. See Paragraphs 172 (a) and (b) of the Second Report of Japan.

217. When heirs include children who are born in and out of wedlock, the portion of the inheritance for a child born out of wedlock is half of that of a child born in wedlock (proviso of Article 900, item 4 of the Civil Code). Such provision is established for the purpose of balancing both respect for legal marriages and protection of children born out of wedlock by means of respecting the position of a child born between a legally married couple and also taking into consideration the position of a child born out of wedlock through recognizing the right of a child born out of wedlock to be entitled to one half of the share in inheritance of that of a child born in wedlock. Therefore, the Government of Japan is of the view that this provision does not constitute an unreasonable discrimination and is not considered to violate this Convention.

218. However, in the event of changes in social circumstances regarding the above provision on inheritance, the system will need to be reviewed accordingly. From such perspective, in February 1996, the Legislative Council of the Minister of Justice submitted an outline of a Bill to Revise Part of the Civil Code suggesting among other things that the inheritance shares for children born in and out of wedlock be made equal. This issue regarding partial revision of the Civil Code is an important subject that involves the institution of marriage and the concept of family, and because there are

various opinions across all levels of civil society and from all parties concerned, close attention is currently paid to trends in public opinion before proceeding further.

219. With regard to family registers in which the legal relationship with the father and mother is to be described (Article 13 of the Family Registration Law), the Enforcement Regulations of the Family Registration Law were partially amended on November 1, 2004, resulting in the family register recording the “first-born son / daughter” for both children born in and out of wedlock. Meanwhile, regarding the remaining differences in the description in family registers, the purpose of a family register is to accurately register and notarize the status of each child and its relations as determined by private law, and the distinctions are entered based on the legal facts in view of such objectives. The Government of Japan therefore does not consider this to constitute an unreasonable discrimination.

(The right of a child to know one's parents and the right to be cared for by the parents)

220. See Paragraphs 76-79 of the Initial Report of Japan, and Paragraph 174 of the Second Report of Japan.

(Ensuring the right of a child to acquire nationality)

221. See Paragraphs 175-178 of the Second Report of Japan.

#### **B. Preservation of identity (Article 8)**

(Preservation of identity)

222. See Paragraphs 179-180 of the Second Report of Japan.

#### **C. Freedom of expression (Article 13)**

(Ensuring the right to freedom of expression)

223. See Paragraph 181 of the Second Report of Japan (Paragraph 83 of the Initial Report of Japan).

(School rules)

224. See Paragraph 182 of the Second Report of Japan.

#### **D. Freedom of thought, conscience, and religion (Article 14)**

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

225. See Paragraph 183 of the Second Report of Japan.

(Relations between classes and religion at public schools)

226. See Paragraph 184 of the Second Report of Japan.

(Ensuring freedom of thought, conscience and religion in correctional institutions)

227. In all correctional institutions, consideration is taken to ensure treatment that respects freedom of thought, conscience and religion as guaranteed by the Constitution of Japan. In particular, in juvenile training schools and penal institutions, narrative literature and religious services are provided by private religious volunteers at the request of juveniles.

#### **E. Freedom of association and of peaceful assembly (Article 15)**

(Restrictions on exercising the rights that conform to the provisions of Article 15, paragraph 2)

228. See Paragraph 185 of the Second Report of Japan.

(Freedom of expression and association / assembly)

229. In Japan, freedom of expression and of association and assembly for students is already guaranteed under the Constitution of Japan. Meanwhile, in schools, guidance can be provided to students if it is, within reasonable range, necessary to achieve educational objectives.

#### **F. Protection of privacy (Article 16)**

(Protection of privacy)

230. See Paragraph 186 of the Second Report of Japan (Paragraphs 102-103 of the Initial Report of Japan).

(Protection of honor and reputation)

231. See Paragraph 187 of the Second Report of Japan (Paragraph 105 of the Initial Report of Japan).

(Schools)

232. In Japan, the right of children to privacy is to be respected. However, in dealing with cases where schools concerned recognize under their responsibility and judgment that a search through personal belongings was inevitable under the given circumstances,

schools are advised to explain the purpose, reasons, and necessity to do so to the guardians and students and to seek their understanding before taking appropriate measures according to respective circumstances. For example, such necessity may arise when there is a high possibility of someone having brought a dangerous object to school.

(Child welfare facilities)

233. When child guidance centers impose measures under the Child Welfare Law on children, they are to confirm the intents of the children and guardians pursuant to Article 27, paragraph 4 of the Child Welfare Law. When improving facilities such as orphanages, efforts are made to increase private rooms or double-bedded rooms where possible in line with the government subsidy standards. Furthermore, starting 2000, child welfare facilities are required to set up a complaint window to ensure that complaints from a child placed in a child welfare facility or the guardians regarding treatment at the facility are promptly and appropriately dealt with.

(Protection of privacy and reputation of a child during investigation)

234. See Paragraph 188 of the Second Report of Japan.

235. Under the Code of Criminal Investigations, which constitute National Public Safety Commission's Rules, a juvenile's individuality is taken into consideration when an investigation is conducted by a law enforcement agency, and efforts are made to avoid capturing the attention of others, to be careful with language and behavior, to show compassion and understanding, and to ensure that the juvenile's feelings are not hurt. In addition, with regard to juvenile cases, facts such as the juvenile's name, address, school name, or company name that would allow the general public to determine the identity of such juvenile shall not be disclosed in newspapers or other forms of media nor shall the juvenile's picture be provided. Even in cases where the juvenile is the victim or during press releases, the juvenile's privacy is carefully respected.

(Correctional institutions)

236. See Paragraphs 189-191 of the Second Report of Japan.

(Immigration detention facilities)

237. In cases where a child is placed in an immigration detention facility, although there are no provisions to the effect that authorities are to contact the child's school or board



of education, the school will be contacted if deemed necessary from a humanitarian consideration. However, if the child or the guardian requests that the school or board of education not be notified thereof, their request will be respected.

**G. Access to appropriate information (Article 17)**

(a) Creating and distributing children's books, providing beneficial information, and ensuring international cooperation

(Enriching school libraries)

238. Each school is equipped with a school library. Efforts have been made to enrich school libraries by training and allocating qualified librarians and enhancing the variety and volume of books and materials.

(Recommendation of cultural assets for children)

239. See Paragraph 87 of the Initial Report of Japan and Paragraph 193 of the Second Report of Japan.

240. In 2001, the Welfare and Culture Subcommittee of the Social Security Council was set up, composed of experts and members of the academic and scientific community. The Subcommittee recommends superior cultural assets with which children can enjoy interacting, cultivate aesthetic sentiments, and develop various abilities. The numbers of items recommended in 2005 were 80 publications, 24 items of theatrical art, and 29 visual materials and media.

(International cooperation)

241. See Paragraph 194 of the Second Report of Japan (Paragraphs 92-93 of the Initial Report of Japan).

242. Subsidies to the Asia / Pacific Cultural Center for UNESCO

| Year | Amount of Subsidy<br>(In thousand yen) |
|------|--|
| 2001 | 269,809                                |
| 2002 | 244,389                                |
| 2003 | 220,492                                |
| 2004 | 188,816                                |
| 2005 | 171,511                                |

(b) Protection of children from information and documents harmful to the welfare of the child

(Formulation of the ‘Guidelines for the Improvement of Environment Surrounding Youth’)

243. In order to ensure the measures against various harmful information surrounding youth as provided for in National Youth Development Policy, the Government of Japan formulated the Guidelines for the Improvement of Environment Surrounding Youth in April 2004 in which the government summarized the items it must work on and items for which the government is to request local authorities and industry groups. With regard to efforts to be made in accordance with the said Guidelines, follow-up is to be undertaken every year, and the results of the follow-up work are to be shared with relevant ministries and agencies, local authorities and industry groups to ensure sharing of information and further enhancement of efforts.

244. Efforts undertaken by Japan, based upon the said Policy, include conducting educational publicity that would further reinforce environmental cleanup activities against harmful information, supporting examinations by third parties that would secure the effectiveness of controls imposed by relevant industries themselves, promoting education toward improved media literacy (ability to communicate through media) of youth, reinforcing controls in accordance with applicable laws and regulations, and creating opportunities for relevant industry groups to exchange opinions. In addition, local authorities are requested to effectively enforce ordinances related to the protection and development of youth and to ensure strict control in accordance with relevant laws and regulations.

245. Moreover, concerned industry groups are requested to work on the transmission and provision of information that takes into consideration its impact on youth, to ensure strict self-imposed regulations based upon the rating of the information provided and appropriate complaint handling, and to promote efforts toward media literacy of youth. The situations surrounding self-imposed regulations of relevant industries are as follows:

(Reference) State of Self-Control by Relevant Business Circles

| Business Circles | Details   |
|------------------|---|
| Mass Media in    | ○ Business circles corresponding to newspapers, broadcasting, |

|  |   |
|--|---|
| <p>general</p>                                 | <p>publication, movies, advertising signs, and records established the National Council to Promote Ethics of the Mass Media, which held meetings for research into the desirable relationship between the mass media and youth.</p>   |
| <p>Publishers</p>                              | <ul style="list-style-type: none"> <li>○ Publishing Ethics Council has implemented independent self-imposed regulatory measures in handling harmful publications (Four organizations which belong to the Council have respective ethical principles).</li> <li>○ Conference of Publishing Ethics (organized by 37 companies that publish adult entertainment magazines) has set up ethical principles for self-imposed regulation editing with consideration for protection and nurturing of youths, and acts in accordance with these principles.</li> <li>○ Regarding comics and books with explicit sexual description for young boys and girls, paper-bands are placed around book jackets so that they can be distinguished at stores.</li> <li>○ Indications of "for adults only" warnings on magazines and "not for viewers under 18 years of age" warnings on other publications</li> <li>○ Establishing areas restricted to adults</li> <li>○ Face-to-face sales</li> <li>○ Establishment of an Ethics Ad Hoc Committee in the Editing Ethics Committee of the Japan Magazine Publishers Association, and overview twice a month of magazines affiliated with the Association</li> </ul> |
| <p>Movies, videos, computer software, etc.</p> | <ul style="list-style-type: none"> <li>○ Administration Commission of 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 of those considered to affect youth as R-18 (no admittance for those under 18 years of age), R-15 (no admittance for those under 15 years of age), and PG-12 (a parent or guardian should desirably accompany a child under 12 years of age).</li> <li>○ Nihon Ethics of Video Association (self-examination organization of the video industry) has established the "Visual Software Code of Ethics" for activities on video software ethics, implementing</li> </ul>   |

|              |   |
|--------------|---|
|              | <p>examinations voluntarily (e.g. classification of those materials considered to affect youth as NC-18 (no showing, lending or selling of video software to those under 18 years of age), R-15 (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"> <li>○ In addition, the following organizations have set ethical principles and act accordingly: <ul style="list-style-type: none"> <li>▪ Council of Video Ethics (formed by Administration Commission of Motion Picture Code of Ethics and Nihon Ethics of Video Association) for original videos for general audience and videos that have not yet been shown at movie theaters</li> <li>▪ Computer Software Ethics Organization for personal computer software</li> <li>▪ Japan Amusement Machinery Manufactures Association for game machines installed at game arcades and their software</li> <li>▪ Computer Entertainment Supplier's Association for home video game machines software</li> </ul> </li> </ul>  |
| Broadcasting | <ul style="list-style-type: none"> <li>○Japan Broadcasting Corporation (NHK) and the National Association of Commercial Broadcasters in Japan (NAB) have enriched TV programs for juveniles, increased media literacy, conducted surveys regarding youth and broadcasting, actively used third-party agencies, taken consideration to broadcasting hours, and improved the contents of information provided regarding the programs offered. In 2000, they have established "Broadcasters Council for Youth Programs"(which was reorganized to "Broadcasting Ethics and Programs Improvement Organization" in 2003) a third-party organization to receive opinions from audiences on desirable broadcasting for youth or broadcasted programs, and announcing the results or measures to be adopted by broadcasting stations. In addition, special programs on the relationship between youth and television have been created and broadcasted twice a year since 1999.</li> <li>○ The NAB has, in addition to establishing broadcasting standards (careful consideration shall be given to the children and decided on</li> </ul> |

|               |   |
|---------------|---|
|               | <p>measures for issues on broadcasting and young people and announced them, including through newly establishing broadcasting standards (careful consideration shall be given to the children and young people watching/listening to the program at each broadcasting time), presented "broadcast programs that aim to enhance children's knowledge and intelligence and to foster their sensibility" twice a year, and voluntarily promoted measures for solving issues related to broadcasting and youth. Regarding media literacy, the NAB has conducted practical studies in cooperation with commercial televisions in 4 areas in Japan and local schools and also held debriefing sessions.</p> <ul style="list-style-type: none"> <li>○ For CS digital broadcasting, the Satellite Broadcasting Association has set up an ethics committee, and established the "Standards of Entertainment Broadcasting for Adults", as well as added provisions on the protection of youth in the "Guidelines for Commercial Broadcasting" in an effort to promote broadcasting ethics.</li> <li>○ The Satellite Broadcasting Adult Program Ethics Committee of Japan (organized by CS broadcasters that provide programs for adults) has established a "Broadcast Programs Code of Ethics", a "Program Examination Standards", "Guidelines for Program Examination", and "Guidelines for Program Promotion and Advertising" for self-screening. It has also set up specialized subcommittees in an effort to maintain and promote ethical standards. In addition, it has adopted standards on the examination of adult programs, and created and distributed "Samples of Mosaics by the Ethics Committee on Adult Programs".</li> </ul> |
| Advertisement | <ul style="list-style-type: none"> <li>○ Each related organization has its own self-imposed regulatory 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 advertisement including those from a viewpoint on problems for youth.</li> </ul>   |
| Show business | <ul style="list-style-type: none"> <li>○ The Japan Association of theater owners (formed by business circles of motion pictures, theatrical performance, and variety</li> </ul>   |

|                                    |  |
|------------------------------------|--|
|                                    | <p>entertainment) has set up self-imposed regulatory items to observe, including: prohibition on double feature of a movie for general audiences and one with restrictions such as PG-12, R-15, and R-18, posting of a notice for attention set by the union when showing a movie with restrictions, and no admittance for those that fall under the restrictions.</p> <ul style="list-style-type: none"> <li>○ The Federation of Japanese Film Industry, Inc. (organized by film-related organizations) has established the "Agreement on Late Night Shows" which includes prohibition on viewing of movies with restrictions by those that fall under the restrictions, and entering of late night performance theaters by persons under 18 years of age.</li> </ul> |
| “Karaoke Boxes”<br>(karaoke cells) | <ul style="list-style-type: none"> <li>○ Japan Karaoke Studios Association has established self-imposed regulatory standards such as restrictions on time used by youths, prevention of drinking and smoking by minors, prevention of drug abuse, not installing locks from inside, and furnishing a window through which the inside of the room can be seen from outside, lecture classes are offered across the nation for managers, among other measures.</li> </ul>  |
| Internet                           | <ul style="list-style-type: none"> <li>○ The Telecommunications Carriers Association announced the "Guidelines for the Provision of Internet Access Services".</li> <li>○ The Telecom Services Association announced the "Guidelines for Measures by Businesses Related to Internet Access Services" and "Model Provisions on the Conditions of Contract on Internet Access Services".</li> <li>○ The Internet Association Japan has set up the special website of filtering (the selective blockade function of browsing illegal or harmful contents among Internet websites) and provided filtering software free of charge.</li> </ul>  |
| Internet Cafes,<br>Comic Cafes     | <ul style="list-style-type: none"> <li>○ The Japan Complex Café Association has formulated guidelines on running cafes. Those that satisfy the standards such as imposing time restrictions on juveniles are issued a grade AA café plate.</li> </ul>  |
| Mobile phones,                     | <ul style="list-style-type: none"> <li>○ Each of the concerned companies obtain the consent of the person</li> </ul>   |

|     |  |
|-----|--|
| PHS | with parental authority when setting up a contract with a minor. Other measures include the formulation of guidelines on the provision of official contents, reminders to users in catalogs or on websites, provision of functions that restrict Internet access, requests to providers of official contents to confirm the contents of discussion boards. |
|-----|--|

(Source: Cabinet Office)

(Activities of law enforcement agencies for the protection of children from illegal and harmful information)

246. See Paragraph 195 of the Second Report of Japan.

247. The provisions on the protection of children from illegal and harmful information are provided for in the National Youth Development Policy and the Action Plan for the Realization of a Society Resistant to Crime. In accordance with these provisions, law enforcement agencies are working in cooperation with local residents to promote activities such as eliminating vending machines that sell harmful books as well as illegal and harmful advertisement (such as leaflets stuck onto public telephone booths for the purpose of soliciting prostitution).

248. In addition, given crimes caused by illegal and harmful information on the Internet, law enforcement agencies work in cooperation with schools and use opportunities such as classes on delinquency prevention to protect children from illegal and harmful information disclosed on the Internet, based upon the measures formulated during the IT Security Conference (liaison conference among relevant ministries and agencies on illegal and harmful information on the Internet). The concrete advocacy activities targeting youth and their parents include: dissemination and promotion of the use of filtering systems at home; and measures aimed at increasing the ability to selectively use information on the Internet by will or choice and at enhancing moral education.

249. Furthermore, in order to protect children from illegal and harmful information available in places such as the Internet Café, the Japan Complex Café Association is offering advice on the formulation of self-imposed regulations such as requesting juveniles to show identification and using computers with a filtering system.

250. In addition, due to the seriousness of the problem of websites offering harmful contents such as online dating sites, which have a tendency to become a breeding ground for child prostitution, law-enforcement agencies provide cooperation to private organizations that request those responsible for these websites to take necessary measures to prevent access from juveniles and their efforts to call for the attention of the juveniles who access these sites (started in June 2004). Furthermore, law enforcement agencies have implemented cyber patrol against illegal and harmful contents such as child pornography.

251. For details on the Online Dating Site Regulation Law, see paragraph 14, and for details on online child pornography, see paragraph 549-550 "Response to illegal and harmful information such as child pornography").

(Protection from harmful information in the field of broadcasting)

252. See Paragraphs 198 - 201 of the Second Report of Japan.

253. The Broadcasters Council for Youth Programming was reorganized and replaced by the Broadcasting Ethics and Program Improvement Organization.

(Protection from illegal and harmful information on the Internet)

254. The Ministry of Internal Affairs and Communications has, since August 2005, been holding "Study Groups on Measures against Illegal and Harmful Information on the Internet" with academic experts and providers, where voluntary measures by providers on illegal and harmful information on the Internet and policies to support these effectively are discussed along with other topics. An interim report was released on January 26, 2006, and a final report is expected in July including further discussions. In addition, the Ministry is currently working on developing technologies that will allow the use of the filtering system for harmful contents, which is already being used on computers, on mobile phones, and is expecting to report the final results by March 2006.

(Support of PTAs on measures against the negative influences of harmful information surrounding young people)

255. As part of measures against harmful information surrounding youth such as sexual



and violent contents in the media, the Ministry of Education, Culture, Sports, Science and Technology has, since April 1998, been requesting relevant ministries, agencies, and other bodies concerned to enforce strict self-imposed regulations, and has also been providing support for national monitoring studies on television programs implemented by the National Congress of Parents and Teachers Association of Japan. In addition, the Ministry conducted between 2001 and 2003 studies on Non-Profit-making Organizations in relation to the influence of television on children, the Internet on children and children and video games. Since 2004, it has been also conducting studies on advanced approaches taken in foreign countries in relation to measures against harmful information. Furthermore, from the perspective of promoting measures against harmful information in the media surrounding youth, it has been undertaking model projects where media literacy-related and educational activities are carried out with local children and their guardians, as well as educational activities nationwide.

(Ordinances related to the protection and nurturing of youth)

256. Pursuant to the ordinances related to the protection and nurturing of youth, prefectural authorities have forbidden children from viewing books which the governor or other person with authority designated as materials harmful to youth, and the act of buying, selling, lending, or distributing such books to juveniles. The Government of Japan aims at the effective application of the ordinances and at ensuring strict control of such books in accordance with relevant laws and regulations.

Trends in the number of cases designated as harmful under youth protection ordinances

| Subject \ Year | 2001   | 2002  | 2003  | 2004  |
|----------------|--------|-------|-------|-------|
| Total          | 14,007 | 6,947 | 3,829 | 5,357 |
| Movies         | 727    | 378   | 437   | 1,273 |
| Magazines      | 2,612  | 2,049 | 2,217 | 3,892 |
| Videos         | 10,722 | 4,518 | 1,171 | 192   |
| Others         | 16     | 2     | 4     |       |

The period for each year is between March and February of the following year.

#### **H. The Right not to be subjected to torture and other cruel, inhumane or degrading treatment or punishment (Article 37 (a))**

(Protection of children from torture)

257. See Paragraph 207 of the Second Report of Japan (Paragraphs 107-110 of the Initial Report of Japan).

(Corporal punishment at child welfare facilities)

258. With regard to heads of Child Welfare Facilities, the Minimum Standards for Child Welfare Facilities (1948, Ministry of Health, Labor and Ordinance No. 63) (Article 9-3) prohibits them from abusing their authority in relation to disciplinary actions such as corporal punishment. In addition, regarding personnel working in Child Welfare Facilities, the said Standards (Article 9-2) have added a new provision as of January 2005 whereby such staff are prohibited from abusing children staying at the facilities. Moreover, concerned parties are requested to strictly abide by such standard where acts corresponding to the abuse of the rights to take disciplinary actions such as corporal punishment are prohibited. Child Welfare Facilities, for instance, are instructed to particularly focus on the aspect of abuse of disciplinary actions such as corporal punishment when conducting administrative guidance on child welfare.

259. In accordance with the Social Welfare Law, managers of social welfare businesses are under the obligation to make efforts in providing information, taking measures to improve the quality of welfare services through self-evaluations and third-party evaluations, and solving complaints. In addition, each prefecture is required to set up a committee for proper management in the prefectural Social Welfare Council to provide a mechanism that offers users consultation services regarding complaints the users may have and serves as mediators in the efforts to solve such issues of complaints. Likewise, child welfare facilities are required to set up a complaint window in accordance with the Minimum Standard of Child Welfare Institutions (1948, Ministerial Ordinance of the Ministry of Health, Labor and Welfare, No. 63) to ensure that complaints from a child placed in a child welfare facility or the guardians regarding treatment at the facility are promptly and appropriately dealt with.

(Corporal punishment at schools)

260. Corporal punishment at schools is strictly prohibited under Article 11 of the School Education Law. The Government of Japan has been promoting their awareness on this matter at conferences of student guidance teachers held every year. At Japanese schools, disciplinary actions may be taken when they are considered necessary for educational purposes. In taking such disciplinary actions, however, the Government of Japan has been repeatedly instructing through training programs to pay full attention to the

circumstances surrounding each student by listening to his / her explanations and opinions, and to ensure that such disciplinary actions have essential educational benefits, instead of serving merely as sanctions.

261. At the National Center for Teachers' Development, an independent administrative institution responsible for unified and comprehensive implementation of government-controlled training programs, lectures in relation to education-related laws and regulations are offered in the training programs designed for teachers who are expected to play a leading role at the local level. The lectures also cover topics related to disciplinary action and the prohibition of corporal punishment on children and students. Moreover, in order to ensure that complaints from a child student who has been subject to corporal punishment are dealt with, works have been undertaken to set up education centers offering educational counseling services.

(Prohibition of torture in correctional institutions)

262. Paragraph 208 of the Second Report of Japan.

263. In correctional institutions for juveniles such as juvenile classification homes, juvenile training schools and juvenile prisons, torture and cruel punishment by any public official is prohibited under Article 36 of the Constitution of Japan. Similarly, through the penal sanctions provided for under Article 195, paragraph 2 of the Penal Code, acts of assault are forbidden. Based upon the Act on Penal Institutions and the Treatment of Sentenced Inmates, the Act on the Custody of Accused Inmates in Penal Institutions (note: due to take effect in 2006; currently the Prison Law), and the Juvenile Training Schools Act, appropriate living conditions for children in the correctional institutions are ensured and adequate measures for the maintenance of health are taken so as to realize humane treatment.

264. In order to ensure that children in correctional institutions are guaranteed their right not to be subjected to torture and other cruel, inhumane or degrading treatment or punishment, correctional officers are provided with necessary training and practical exercises in order to deepen their understanding of the human rights of detainees, and to ensure officers acquire and further increase the knowledge and skills which are necessary for appropriate treatment of the detainees. Moreover, correctional officers also learn about the contents of international rules on the human rights of children in correctional institutions including provisions related to the rights of children, as well as

the latest treatment methods such as nonviolent crisis intervention techniques. Further, inspections of institutions carried out by inspectors and a new grievance mechanism have been introduced. Under the Act on Penal Institutions and the Treatment of Sentenced Inmates, a new system has been established whereby independent organizations inspect penal institutions and report their views on management of the institutions to the wardens of the institutions.

(Act on Penal Institutions and the Treatment of Sentenced Inmates)

265. In May 2005, the Act on Penal Institutions and the Treatment of Sentenced Inmates (note: due to enter into force in 2006) was enacted, which clearly defines the standards for the prevention of all forms of physical and psychological violence. For example, the measures to be taken to properly maintain discipline and order in penal institutions “shall not exceed the limit necessary to ensure confinement of the inmates and to maintain an appropriate environment for their treatment and for safe and peaceful communal living” (Article 50, paragraph 2), and “disciplinary punishments shall not exceed the limit necessary to keep inmates from committing acts that constitute a breach of regulations” (Article 105, paragraph 3). In the event that an officer at a penal institution exercises illegal use of physical force or illegal and inappropriate use of restraining devices such as handcuffs in treating inmates, inmates may report this fact to the superintendent of the organization which is higher in the organizational structure than the penal institution where such an act took place, and the superintendent to whom the complaint was addressed shall, when he/she finds it necessary after confirming the fact, takes necessary measures to prevent its reoccurrence (Articles 118 and 119). In the event of taking measures where the conditions of detention are harsher than usual such as the use of disciplinary punishment that consists of confining an inmate to his/her room, an opinion shall be obtained beforehand from medical experts regarding the medical condition of the inmate (Article 111, paragraph 2).

(Complaint procedures in penal institutions)

266. The current complaint procedures available in correctional institutions have already been explained in paragraph 110 of the Initial Report of Japan and paragraphs 430-434 of the Second Report of Japan. However, the Act on Penal Institutions and the Treatment of Sentenced Inmates (Act No. 50 of 2005) established the following new complaint procedures for sentenced inmates housed in penal institutions:

(1) An inmate who has had certain measures taken against him/her by the warden of the penal institution and who is dissatisfied with them may apply for an examination to the

superintendent of the Regional Correction Headquarters. Moreover, if he/she is still dissatisfied with the decision on the application, he/she can apply for re-examination to the Minister of Justice.

(2) An inmate who has been subjected to illegal physical force by officers may report the facts to the superintendent of the Regional Correction Headquarters. Moreover, an inmate may submit a report of the facts to the Minister of Justice if he/she is dissatisfied with the results of the confirmation of the facts contained in the initial report.

(3) An inmate may file a complaint with the Minister of Justice, inspector or warden of a prison regarding treatment received.

(Measures taken to investigate those who physically punished children and to prevent them from going unpunished)

267. Between May 2001 and September 2005, there were 12 cases where officers were subjected to disciplinary sanctions under the National Civil Service Act for assault on a minor inmate in a juvenile training school, juvenile classification home or juvenile prison. In cases where such incidents occur the warden or superintendent of the institution takes necessary measures to prevent reoccurrence such as immediately issuing warnings to all of the officers and providing further staff training regarding the human rights of detainees.

(Court cases)

268. There have been no court rulings in which a child was acknowledged to have been a victim of torture.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance (Article 5)**

(Parental guidance)

269. See Paragraph 213 of the Second Report of Japan (Paragraphs 111, 112 of the Initial Report of Japan)

(Family counseling about child rights, educational programs for parents, awareness-raising activities for parents, and training programs for relevant specialist groups)

270. See Paragraph 214 of the Second Report of Japan.

(Expert consultation and assistance related to developmental disabilities)

271. In the developmental disabilities assistance centers under the Developmental Disabilities Assistance Act, expert consultation and advice are offered to persons with developmental disabilities, including children and their parents, to contribute to early detection of developmental disabilities and early assistance.

(Respect for the guiding principles of the Convention such as non-discrimination and respect for the best interests of the child. Progress and problems in implementing Article 5)

272. See Paragraph 217 of the Second Report of Japan (Paragraphs 106-110 of the Second Report of Japan)

### **B. Parental responsibilities (Article 18, paragraphs 1 and 2)**

(Legal aspects of parental responsibilities)

273. See Paragraph 218 of the Second Report of Japan.

(Obligation to have a child receive general education)

274. See Paragraph 219 of the Second Report of Japan.

(Assistance to persons with parental authority)

275. See Paragraph 57.

Moreover, municipalities must provide necessary aid to guardians whose children of school age can not attend school for financial reasons (Articles 25 and 40 of the School Education Law), so that compulsory education can be implemented smoothly. The Government of Japan also helps promote the smooth implementation of compulsory

education by providing necessary aid to municipalities which 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.

(Facilities for child welfare and their improvement)

276. See Paragraph 222 of the Second Report of Japan.

(Progress, problems and future goals in implementing Article 18)

277. According to the "Public Opinion Poll on a Gender-equal Society" conducted by the Prime Minister's Office in 2000, the ratio of those who support the view that fathers should get involved in raising, disciplining and educating their children increased from 38.7% in 1993 to 44.4% in 2000. According to the same public opinion poll conducted in 2004, the ratio of those who agree with the view that "The husband should be the breadwinner, the wife should stay at home" decreased from 57.8% in 1997 to 45.2% in 2004, indicating that stereotyped perceptions of gender roles are steadily changing among both men and women. In accordance with the Basic Law for Gender-Equal Society enacted in 1999 and the Second Basic Plan for Gender Equality approved in 2005, further efforts will be made to promote gender equality in domestic life.

### **C. Separation from parents (Article 9)**

(a) Ensuring that a child shall not be separated from his or her parents as provided for in paragraph 1 of Article 9

278. See Paragraph 225 of the Second Report of Japan (Paragraphs 123 and 124 of the Initial Report of Japan)

(b) Ensuring that all interested parties shall be given an opportunity to participate in the proceedings

(Domestic relations determination)

279. See Paragraph 226 of the Second Report of Japan (Paragraphs 126 and 127 of the Initial Report of Japan)

280. In personal status actions, during trials related to the designation of parental authority over children who are 15 years of age or older such as in a divorce proceeding, a statement from the child shall also be heard (Article 32, paragraph 4 of the Code of

Procedure Concerning Cases Relating to Personal Status). Moreover, in cases of the above trial, the court may examine the facts (Article 33, paragraph 1 of the said Code), which consequently makes the hearing of statements from children under 15 years of age also possible.

(Measures by Child Guidance Centers)

281. Article 27, paragraph 4 of the Child Welfare Law provides that when a Child Guidance Center takes measures in relation to a child in accordance with the Child Welfare Law, the intention of the guardian of such child shall be heard.

(c) 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 either or both of his / her parents on a regular basis

282. See Paragraphs 228-233 of the Second Report of Japan.

(d) Ensuring the provision of information about the whereabouts of the absent member(s) of the family

283. See Paragraph 234 of the Second Report of Japan (Paragraph 129 of the Initial Report of Japan).

(e) Progress and problems in implementing Article 9, and relevant information about arrest, imprisonment, deportation, repatriation, and death

284. See Paragraph 235 of the Second Report of Japan.

#### **D. Family reunification (Article 10)**

(Ensuring family reunification)

285. See Paragraph 236 (Paragraphs 130 to 132 of the Initial Report of Japan), and Paragraph 237 of the Second Report of Japan.

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

286. See Paragraph 238 of the Second Report of Japan (Paragraphs 131, 132 of the Initial Report of Japan).

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



287. See Paragraph 239 of the Second Report of Japan (Paragraphs 131 and 132 of the Initial Report of Japan).

(Progress and problems in implementing Article 10)

288. See Paragraph 240 of the Second Report of Japan.

#### **E. Illicit transfer and non-return of children from abroad (Article 11)**

(Elimination of Illicit transfer of children abroad and elimination of the non-return of children from abroad)

289. See Paragraph 241 of the Second Report of Japan.

290. Under the Penal Code of Japan, the acts of abducting, kidnapping, buying, and selling of persons abroad for the purpose of transfer are punishable. In June 2005, the Penal Code was partially amended whereby the acts of abducting, kidnapping, buying, and selling of persons for the purpose of transferring a person from the State where he/she resides became punishable, regardless of whether or not such act had taken place in Japan. This allows for the punishment of the acts of abducting, kidnapping, buying and selling of children even between foreign States (not involving Japan), when the offenders or victims are Japanese nationals. The revised Penal Code has come into effect as of July of the same year.

291. To improve measures against trafficking in persons in preparation for the ratification of the Protocol on Trafficking in Persons, the Immigration Control and Refugee Recognition Act was partially amended (entered into effect in July 2005), where a definition on the act of trafficking in persons (including provisions regarding acts for persons under 18 years of age) was provided in the provisions of Article 2, item 7 of the said Act, with the purpose of legally clarifying the fact that victims of trafficking in persons are subject to protection. At the same time, with regard to foreign offenders who have committed an act of trafficking in persons, grounds for denial of landing and grounds for deportation were newly established, which facilitated preventing foreign nationals from participating in trafficking related activities. In addition, victims of trafficking in persons are exempt from part of the grounds for denial of landing and grounds for deportation, whereby even if they fall under the grounds for denial of landing or grounds for deportation, it has been clearly stipulated that such victims are subject to special permission for landing and special permission for stay. Further, regardless of the “means” provided for in the definition of trafficking in

persons targeting persons who are 18 years or older, foreign nationals under 18 years of age are recognized as victims if they have been placed under the control of another person or handed over to another person for the purpose of trafficking in persons, thereby being aimed for further protection as victims.

#### **F. Recovery of Maintenance for the Child (Article 27, Paragraph 4)**

292. Maintenance for the child may be requested as: (i) part of marriage expenses during a matrimonial relationship; (ii) part of care-and-custody expenses for the child upon divorce; or (iii) performance of the parents' duty to maintain the child.

293. The means to recovery, as provided for in the Law for Adjudgment of Domestic Relations, include: (i) conciliation with regard to the said issues; (ii) claim for part of marriage expenses in a contentious case; (iii) claim for maintenance in a contentious case regarding the care and custody of the child; (iv) claim for maintenance in a contentious case concerning maintenance for the child; and (v) collateral claims upon a divorce suit under the provision of Article 32, paragraphs 1 and 2 of the Code of Procedure Concerning Cases Relating to Personal Status. In addition to judgments on the approval of collateral claims in divorce suits referred to in (v), records of conciliation and orders of determination ordering the issuance of maintenance have the same effect as an enforceable title of obligation. Therefore, maintenance may be recovered by compulsory execution if the obligor fails to perform his/her obligation voluntarily. In addition to the compulsory execution mentioned above, the Code of Procedure Concerning Cases Relating to Personal Status and the Act for Proceedings on Personal Status establish a framework to ensure that the obligor meets his/her domestic liabilities, under which the family court may recommend or order the performance of the duty as ruled by conciliation or orders.

294. In 2005, 14,481 domestic cases involving recommendations to meet financial obligations were settled, out of which 8,009 cases were implemented fully or partially.

295. With regard to cases where a child is to recover maintenance in Japan and at the same time his/her parents or other persons with financial responsibility for the child live in a different country from such child, see paragraph 136 of the Initial Report of Japan.

296. Regarding compulsory execution of monetary liabilities based on maintenance obligation, with partial amendment of the Civil Execution Act, a system was introduced

as of April 2004 which allows for collective seizure of the obligor's future income, including future maintenance (including child support) for which maturity dates have not yet come. As of April 2005, in addition to direct enforcement (method by which the obligor's assets are converted into money from which the maintenance is paid), indirect enforcement (method by which, in the event of the obligor failing to perform his/her obligation, the obligor is psychologically pressured to make the payment by himself/herself by being ordered to pay a certain amount of money) has become available.

### **G. Children deprived of a family environment (Article 20)**

297. See Paragraphs 244-248 of the Second Report of Japan.

### **H. Adoption (Article 21)**

(a) Ensuring that utmost consideration is given to the child's best interests in arranging adoption

(Consideration in arranging adoption)

298. See Paragraphs 132-134 and 249 of the Second Report of Japan.

299. Under the Civil Code of Japan, permission from the family court is required when adopting a minor as a general rule, to ensure that the adoption does not go against the welfare of the child. In cases where the minor who is to be adopted is a lineal descendant of either the adoptive parent or the adoptive parent's spouse, permission from the family court is not required by law. The reason for this, however, is that in such cases, because the lineal ascendant of the minor is the adoptive parent or the adoptive parent's spouse, adoption that goes against the welfare of the child such as giving up such child for adoption entirely for the parent's convenience is most unlikely.

(Responses at Child Guidance Centers)

300. When offering services of adoption, Child Guidance Centers obtain whenever possible the consent of the child or guardian. The superintendent of the Child Guidance Center recommends that those who intend to become an adoptive parent should take care of the child to be adopted for at least 6 months initially as foster parent.

(Guidance for businesses that offer adoption services)

301. Persons who are to engage in a business of arranging adoptions shall, in accordance with Article 69 of the Social Welfare Law, notify the prefectural governor

of the business location. Those who are engaged in such a business without submitting a notification as prescribed by the said Law are instructed through prefectural government to submit such a notification. Even with regard to those who have submitted a notification, prefectural governments are instructed to take necessary measures such as investigation in accordance with Article 70 of the Social Welfare Law and issuance of an order to either restrict or suspend the business in accordance with Article 72, paragraph 1 of the said Law, in cases where they have been recognized of inadequately running the business.

(b) Inter-country adoption

(Inter-country adoption as an alternative means in cases where a child cannot be taken care of in his/her country and the fact that a child subject to an inter-country adoption arrangement receives the same level of protection as a child subject to domestic adoption arrangement)

302. As provided for in paragraphs 252-254 of the Second Report of Japan, in the case of inter-country adoption, the child is granted the same level of protection as that granted in the case of domestic adoption.

(Ensuring that no improper financial gain is involved)

303. See Paragraph 255 of the Second Report of Japan.

(Statistical data on children involved in inter-country adoption) (Number of filings for adoption)

|                                    | Year | Filings for adoption | Ordinary adoption | Special adoption |
|------------------------------------|------|----------------------|-------------------|------------------|
| Total filings at all family courts | 2000 | 534                  | 500               | 34               |
|                                    | 2001 | 491                  | 460               | 31               |
|                                    | 2002 | 553                  | 507               | 46               |
|                                    | 2003 | 597                  | 574               | 23               |
|                                    | 2004 | 700                  | 665               | 35               |

\* The above figures show the number of filings for adoption from January to December of each year.

**I. Periodic review of circumstances relevant to the Juvenile's Placement (Article 25)**

(Correctional institutions and parole)

304. See Paragraphs 256-257 of the Second Report of Japan.

(Child Welfare Institutions)

305. See Paragraph 258 of the Second Report of Japan.

**J. Abuse and neglect (including physical and psychological recovery and social reintegration) (Articles 19 and 39)**

(a) Measures adopted to protect children from abuse, neglect, and exploitation

(Prohibition by law of any form of physical and psychological abuse)

306. See Paragraphs 260-262 ("Prohibition of corporal punishment and torture in correctional institutions") and Paragraph 259 of the Second Report of Japan (Paragraphs 107-110 of the Initial Report of Japan).

(Partial amendment to the Child Abuse Prevention Law)

307. With regard to the prevention of child abuse, following the implementation in November 2000 of the Child Abuse Prevention Law, a deeper understanding of the general public and increased awareness among concerned persons were discerned, and efforts were made in the promotion of various measures. Unfortunately, however, serious cases of child abuse show no signs of significant reduction, and thus child abuse still remains as a social issue that must urgently be addressed. In April 2004, the Child Abuse Prevention Law was partially amended, in light of the fact that child abuse significantly violates the human rights of the child. The amended Law defines the responsibilities of the government and local authorities in relation to prevention and early identification of child abuse and other preventive measures against child abuse, and provides provisions for expansion of the obligation of notification for early identification, for making requests to law enforcement agencies to provide the necessary assistance to protect the safety of children, for offering guidance to abusive parents, and for providing support to rehabilitation of children who have been victims of abuse. In addition, the definition of child abuse shall include situations where physical, sexual, or psychological abuse by a person, other than a guardian, living with the child is left unattended by the guardian, significant verbal abuse, significant rejection, as well as violence toward the spouse in the household where the child lives. In accordance with the said amended Law, the Government of Japan is undertaking various measures in the

fields of healthcare, medical care, welfare, and education. In addition, a Child Abuse Prevention Council, consisted of Ministries concerned and a wide range of relevant organizations concerned including guardians, was established to reinforce cooperation and consultations among them.

308. Furthermore, based on a supplementary provision of the said amendments in 2004 under which the Law would be revised, the Child Abuse Prevention Law and the Child Welfare Law were revised in May 2007. Consequently, the following measures have been taken to enforce the safeguard against child abuse (to take effect in April 2008);

- (1) Entry into premises with the act of unlocking for the purpose of ensuring child safety has been newly permitted upon the authorization by a judge, in addition to the on-site inspection already authorized to the Child Guidance Centers.
- (2) Restrictions on meeting and communication by legal guardians are tightened and the Governors are authorized to prohibit stalking to a child or hanging around the child's residential area by legal guardians. Punishment is established for violating the restriction/prohibition order.
- (3) Precautions such as temporary shelter or enforced admission to the Child Guidance Centers are articulated in case where legal guardians do not follow the instruction.

309. Law enforcement agencies are aware that child abuse is a critical issue that seriously affects children both physically and psychologically during a period while they are shaping their characters. Thus, in addition to protecting children's lives, they consider this matter as an important issue in the process of developing measures to protect the children and reinforce their efforts from the perspective of supporting psychological rehabilitation of children to prevent them from developing problematic behaviors. In accordance with the Child Abuse Prevention Law amended in April 2004, measures have been taken to ensure adequate response to situations, paying particular attention to the following issues: (i) early detection of a case of child abuse followed by prompt and accurate warning, (ii) appropriate response to requests for assistance from the superintendent of a Child Guidance Center to the chief of police, (iii) support for children and appropriate recognition of a case, (iv) improvement and reinforcement of the system and strengthening of cooperation with relevant organizations such as Child Guidance Centers, and (v) attention to aspects such as provision of thorough guidance and education to personnel.

310. Moreover, the Ministry of Education, Culture, Sports, Science and Technology has informed those in the field of education including schools of the purpose of the amended Law, since the new amendment has made it clear that schools and other organizations whose business is related to the welfare of the child assume the responsibility for early detection of child abuse.

(Partial amendment of the Child Welfare Law)

311. See Paragraph 264 of the Second Report of Japan.

312. Due to the recent rapid increases in the number of requests for consultation related to child abuse, there is a need for not only Child Guidance Centers, which provide guidance to children, but also other various organizations to offer more carefully tailor-made assistance. To this end, the Child Welfare Law was partially amended in November 2004. Under the amended Law, child guidance services have been legally defined as services offered to the residents by local authorities close by, the role of Child Guidance Centers has been clearly defined as one whereby priority is given to difficult cases requiring high expertise, and local authorities have been requested to have relevant organizations establish local councils on measures for children in need of protection, to ensure the improvement of local child guidance systems.

313. Furthermore, in accordance with the said amendment, a system has been introduced whereby the family court may intervene, if necessary, into the guidance given by the child guidance centers to the guardian of a child when ordering the placement of a child in a child welfare institution and the like. Moreover, revisions related to the involvement of the judiciary have also been made by the said amendment in order to also ensure appropriate responses to cases involving minors over 18 years of age, such as expanding the range of the authority of the superintendent of a child guidance center to request the loss of parental authority.

(Civil Code)

314. See Paragraph 265 of the Second Report of Japan.

(Procedures for complaints)

315. In cases where a child is believed to have been abused, municipal and prefectural welfare centers or Child Guidance Centers help the child not only based upon his / her

complaint but also upon the information from his / her neighbors and acquaintances, and persons engaged in welfare, education, public health, and medical services.

(Reinforcement of legal intervention)

316. See above Paragraphs 307-313 on Partial amendment of the Child Welfare Law and Paragraph 267 of the Second Report of Japan.

(Non-violent measures to ensure positive discipline of a child)

317. See Paragraphs 208-211 and 268 of the Second Report of Japan.

(Public relations and awareness-raising campaigns)

318. Every year, law enforcement agencies produce information leaflets targeting the general public to explain in an easy-to-understand manner the Child Abuse Prevention Law and distribute them with the purpose of informing the public about early detection of child abuse, as well as how and where to report a case. In addition, the police contact information for youth consultation services such as telephone number and email address can be found on their official website to promote their consultation services. For damage prevention, they announce examples of cases and statistics related to child abuse. Moreover, during the month of promotion of child abuse prevention, the law enforcement agencies work in cooperation with relevant ministries and agencies (including the Cabinet Office, Ministry of Health, Labor and Welfare, and Ministry of Education, Culture, Sports, Science and Technology) and make efforts in raising public awareness by putting up a poster on child abuse prevention on the bulletin board of police departments, distributing leaflets, and including public service announcements aiming at child abuse prevention in women's magazines.

319. See Paragraph 279 of the Second Report of Japan.

320. In April 2004, the official directives on investigation and resolution of human rights violations cases were completely revised in order to make relief procedures for human rights infringement more prompt, flexible, and appropriate. Based upon this revision, when a child abuse case is recognized, the Legal Affairs Bureaus and District Legal Affairs Bureau shall promptly initiate relief procedures and take appropriate measures after conducting an investigation in cooperation with relevant organizations, particularly child guidance centers. In addition, with the designation of the “Child Abuse Prevention Month” sponsored by the Cabinet Office and the Ministry of Health,



Labor and Welfare since 2004, the Human Rights Organs of the Ministry of Justice have been enhancing and reinforcing their efforts through events such as the National Conference of Volunteers for Children's Rights Protection, which focuses on the prevention of child abuse.

321. See Paragraphs 110 and 112 of the Second Report of Japan.

322. In order to widely inform the public on the fact that abuse constitutes a serious violation of the rights of the child, the Government formulated the "5 Points for the Protection of Children from Abuse", consisted of recommendations aimed at promoting correct attitude and concrete actions against abuse. It has also been carrying out information and awareness-raising activities using various media such as public relations magazines and posters. Since 2004, the month of November has been designated as the Month to Promote Prevention of Child Abuse, during which intensive public information and awareness-raising activities such as producing posters and organizing national forums are undertaken. Furthermore, home education handbooks which provide tips on child rearing and discipline at home include information such as "disciplining a child using means that emotionally or physically hurt the child not only has no educational benefits but may lead to child abuse", and are distributed to parents with small children

(b) Information about Article 19, paragraph 2

(Social program to provide necessary support for the child)

323. See Paragraph 270 of the Second Report of Japan.

324. Pursuant to the amendment made to the Child Welfare Law in 2004, provisions on services offered to children who have left a Child Welfare Institution have been established in the purpose of a Child Welfare Institution, which allows the child to receive support not only when entering an institution but also after leaving one.

(Enhanced efforts in schools)

325. The Ministry of Education, Culture, Sports, Science and Technology is aiming at the enhancement of activities toward the prevention of child abuse undertaken in schools and boards of education through efforts such as collecting and analyzing information on progressive approaches taken in Japan and abroad.

(Measures to identify and report maltreatment)

326. See Paragraph 271 of the Second Report of Japan.

327. In light of the purpose of the Child Abuse Prevention Law, the National Police Agency created in March 2002 a "Manual for the Prevention of Abuse" and distributed to prefectural police headquarters. The entire organization is working on thorough measures toward early detection of child abuse cases. In addition, in April 2004, the Child Abuse Prevention Law was partially amended, and it was newly stipulated that Child Guidance Centres shall request assistance from the chief of police where necessary, from the perspective of taking all possible means for superintendents of Child Guidance Centers to confirm and ensure the safety of children. Based upon the new provision, chiefs of police who receive such requests from the superintendent of a Child Guidance Center work on providing appropriate assistance such as taking measures necessary to promptly assist the performance of duties designed to prevent child abuse and ensure the protection of children.

(Duty to report to child welfare specialists)

328. Article 25 of the Child Welfare Law and Article 6 of the Child Abuse Prevention Law provide that those who identify a child who may have been a victim of child abuse shall notify Child Guidance Centers. Article 5 of the Child Abuse Prevention Law provides that those professionally involved in child welfare, such as schoolteachers and faculty members, child welfare facility personnel, physicians, and public health nurses, shall try to identify child abuse at an early stage. Meanwhile, with regard to Article 6 of the Child Abuse Prevention Law, with the partial amendment to the said Law in 2004, "a child who has been abused" has been amended to "a child who is thought to have been abused", thereby expanding the scope of responsibility to notify.

(Confidential hot line, and advice / counseling services to child victims of violence and abuse)

329. Law enforcement agencies ensure environments where children feel free to ask for help, through by distributing and publicizing leaflets for children with information on telephone numbers or counseling services for juveniles and so-called "Young Telephone Corners".

330. The Ministry of Justice has established a nationwide Victims Hotline at the District Public Prosecutors Offices as a special telephone line for consultation and inquiries made by victims. The Human Rights Organs of the Ministry of Justice have also set up

a Children's Rights Hotline and have been answering inquiries from children in order to facilitate early detection and resolution of violations of children's rights.

331. As for Child Guidance Centers established by each prefecture and designated cities, every Child Guidance Center equipped with temporary shelter facilities is prepared to offer advice for urgent situations at night or on holidays, and some of those centers establish a system of 24 hour telephone consultation services, to ensure services responsive to children's requests for consultations. In addition, the Children and Families Supporting Center adjacent to child welfare facilities such as Children's Homes offer 24-hours/365-days consultation services.

332. See Paragraphs 443-445 of the Second Report of Japan.

333. In terms of law enforcement agencies, juvenile support centers established in all prefectural police headquarters and juvenile sections at police departments serve as the contact for consultation requests from children or guardians regarding various concerns and problems. Those who offer the consultation services are specialists in juvenile guidance officials who have expert knowledge on the characteristics of juveniles and special skills on how to deal with juveniles, as they provide necessary advice and guidance. In addition, at law enforcement agencies, specialists in juvenile guidance officials work, mainly in juvenile support centers, in cooperation with outside experts and private volunteers where necessary, with the purpose to allow victim children to recover as soon as possible from the psychological damage they have suffered due to crimes. They offer carefully tailor-made counseling based upon the children's individual personalities or continuous support through environmental adjustments in collaboration with the guardian(s), among other support measures. As of April 2005, there are currently 190 juvenile support centers nationwide, of which 66 are placed in facilities other than police facilities to allow children and guardians to feel free to drop by. Moreover, prefectural police headquarters offer telephone counseling services called Young Telephone Corner, as well as free-dial and email counseling services, to provide an environment where children feel free to seek help.

334. The Ministry of Education, Culture, Sports, Science and Technology is working on improving the counseling systems in schools by placing school counselors and advisors for parents and children.

(Special training provided to relevant experts)

335. In April 2004, the Children's Rainbow Center was established to address issues related to children such as child abuse, and training has been offered to Child Guidance Center personnel. In addition, in 2004, practical training was provided to physicians, public health nurses, and caseworkers who are deeply involved in child abuse issues in local communities.

336. In law enforcement agencies, opportunities including training sessions for newly recruited police personnel, guidance and education on subjects such as the contents of the Child Abuse Prevention Law are offered from the perspective of early detection of a child abuse case. Moreover, police personnel engaged in the protection of children and in offering support to guardians receive education to increase expert knowledge and skills related to child abuse issues, such as characteristics of children who have suffered abuse and how to cooperate with relevant organizations. In particular, police personnel working at prefectural police headquarters and engaged in duties related to measures for the prevention of child abuse receive education on how to deal with child abuse including procedural cooperation with relevant organizations. Moreover, juvenile guidance officials working in prefectural police juvenile support centers receive education on special counseling skills by experts such as university professors and counselors.

(c ) Recovery and social reintegration of child victims

337. See Paragraph 278 of the Second Report of Japan.

338. In accordance with the Basic Law for Supporting Crime Victims which went into effect in April 2005, the Government of Japan formulated the Basic Plan for Crime Victims in December of the same year. In response to these, law enforcement agencies reinforce their cooperation with organizations involved in the protection of child victims of abuse, offer guidance and education vis-à-vis police personnel to contribute to the detection of child abuse, and work on increasing knowledge and skills related to characteristics of child abuse.

339. See the above paragraphs 311-313 on Partial amendment to the Child Welfare Law.

(d) Progress and problems in implementing Articles 19 and 39 of the Convention

(Judicial precedents)

340. See Paragraph 280 of the Second Report of Japan.

(Statistics)

341. See Paragraph 281 of the Second Report of Japan.

342. Statistical data about child abuse is calculated, using the number of requests for consultations received at Child Guidance Centers nationwide since 1990. The statistics show a yearly increase, with a rapid increase from 1,101 cases in 1990 to 33,408 cases in 2004. The number of consultations requested at the counseling service for juvenile at the police in 2004 amounted to 1,833 cases, an approximately ten-fold increase from 1995. In addition, the number of abuse cases handled and arrested by the police in 2004 reached 229, and that of arresters was 253, which presents an increase of 72 cases (45.9%) and of 70 arresters (38.3%) from the previous year. Of the 239 abused children, 51 died.

Trends in the numbers of consultations on child abuse at the Child Welfare facilities

| Year            | 2001   | 2002   | 2003   | 2004   | 2005   |
|-----------------|--------|--------|--------|--------|--------|
| Number of cases | 23,274 | 23,738 | 26,569 | 33,408 | 34,472 |

Trends in the numbers of consultations on child abuse at the police

| Year            | 2001  | 2002  | 2003  | 2004  |
|-----------------|-------|-------|-------|-------|
| Number of cases | 1,574 | 1,382 | 1,276 | 1,833 |

Trends in the numbers of arrested cases of child abuse classified by type of crimes  
(2001-2004)

| Year \ Type of act   | 2004 | 2003 | 2002 | 2001 |
|----------------------|------|------|------|------|
| Total no. of persons | 253  | 183  | 184  | 216  |
| Homicide             | 33   | 26   | 20   | 38   |
| Injury               | 142  | 98   | 101  | 109  |
| Injury causing death | 29   | 25   | 20   | 32   |
| Violence             | 16   | 6    | 5    | 9    |
| Arrest and           | 1    | 0    | 1    | 0    |

|  |    |    |    |    |
|--|----|----|----|----|
| imprisonment   |    |    |    |    |
| Rape   | 16 | 6  | 7  | 4  |
| Indecent assault   | 8  | 3  | 4  | 5  |
| Violation of the Child Welfare Law                                       | 17 | 18 | 21 | 14 |
| Violation of Regulations on Delinquency Prevention and Youth Development | 1  | 2  | 0  | 10 |
| Abandonment by a person responsible of protective custody and care       | 16 | 20 | 25 | 23 |
| Gross negligence and manslaughter  | 3  | 4  | 0  | 3  |
| Violation of the Stimulant Drug Control Law                              | 0  | 0  | 0  | 1  |

**VI. BASIC HEALTH AND WELFARE (Article 6, Article 18, Paragraph 3, Article 23, Article 24, Article 26, Article 27, Paragraphs 1-3)**

**A. Children with disabilities (Article 23)**

(a) State of Children with Intellectual or Physical Disabilities

343. In Japan, the number of in-home children with physical disabilities was 81,600 in 1996 and 81,900 in 2001, showing stable trends. Then number of children with intellectual disabilities was 85,600 in 1995 but became 93,600 in 2000, showing a slight increase. Hereinafter, the children with intellectual or physical disabilities are referred to as "children with disabilities".

Number of Children with disabilities

(Unit: persons)

|                                      | Total  | 0-4 years old | 5-9 years old | 10-14 years old | 15-17 years old |
|--------------------------------------|--------|---------------|---------------|-----------------|-----------------|
| Physically disabled (as of 2001)     | 81,900 | 13,500        | 23,100        | 28,900          | 15,400          |
| Intellectually disabled (as of 2000) | 93,600 | 12,400        | 30,100        | 33,100          | 18,000          |

Source: Survey by the Ministry of Health, Labor and Welfare

(b) Child's Enjoyment of a sufficient and appropriate life under conditions that ensure dignity

(Promotion of comprehensive and systematic measures for persons with disabilities)

344. The Basic Law for Persons with Disabilities, which provides for the fundamental principles of measures for persons with disabilities and obligations of the Government of Japan and local governments, was partially amended in 2004 with the purpose of further promoting the independence and social participation of persons with disabilities, and stipulated the concept of non-discrimination on the basis of disability (See Paragraph 151).

345. On December 24, 2002, the Government of Japan formulated the Basic Programme for Persons with Disabilities which sets out the basic direction of measures for persons

with disabilities, which was approved in a Cabinet meeting. At the same time, it also formulated the Five-Year Plan for Implementation of Priority Measures (adopted by the Headquarters for Promoting Measures for Persons with Disabilities), which sets out the priority areas, their goals, and strategies to implement the Basic Programme during the first five years of the Basic Programme. Based upon the Basic Programme and the Five-Year Plan, the Government of Japan is comprehensively and systematically promoting the measures for persons with disabilities.

(Law to Support the Independence of Persons with Disabilities)

346. In order for persons and children with disabilities to be able to live a self-supported life and a social life, benefits related to necessary welfare services and other support are to be provided for persons with disabilities, the Law to Support the Independence of Persons with disabilities, whose purpose is to further promote the welfare of persons and children with disabilities, was established in October 2005, based upon which the establishment of structures centered around local governments where relevant organizations in healthcare, welfare, education, employment work in cooperation to ensure that children with disabilities receive appropriate support within communities is being promoted.

347. In order to reinforce systems that support the independence of persons disabilities within communities, the Law to Support the Independence of Persons with Disabilities was established in October 2005, which includes provisions on the unification of disabled persons' welfare services, reorganization of facilities and business systems, revision of the burden on users, and the creation of community support projects. In accordance with the said Law, structures centered on local authorities where relevant organizations in healthcare, welfare, education, and employment work in cooperation are promoted, so that children with disabilities receive appropriate support within communities.

(Improvement of support systems for persons with developmental disabilities)

348. The Law to Support Persons with Developmental Disabilities, which provides for the obligations of the Government of Japan and local governments in relation to early detection of development disabilities and support thereof, went into effect in April 2005. Based upon this Law, projects aiming at the development of a consistent support system that offers assistance to persons with developmental disabilities at each stage of life, from infancy to adulthood are undertaken, and the Government enhances a



comprehensive support system whereby relevant organizations in healthcare, medical care, welfare, education, and employment work in cooperation.

(In-house welfare services)

349. In addition to group guidance such as mothers' classes and parents' classes at healthcare centers or individual health guidance in the form of house visits, which aim at responding to consultation requests from children with disabilities or their guardians, guidance on education under medical care is offered to allow for children with physical disabilities or those who may develop functional disabilities in the future to receive appropriate treatment at an early stage or to receive welfare support. In addition, with regard to in-house support of children with disabilities, services on which users personally select their plan and are contract-based, are provided. These services are based on a system that provides some financial assistance to users. Some of the services that are offered under this financial assistance system include in-house nursing care, day-care, and short-term placement in nursing-care facilities. However, with recent significant increases in the number of new users, the numbers are expected to continue growing.

(1) Benefits to cover costs of daily necessities

Service is rendered in the form of lending or providing necessary goods to accommodate the daily needs of children with disabilities

(2) In-house nursing care for children

In order to provide necessary assistance that allows such children (persons) with disabilities to go about their normal daily activities at home, home-care workers are sent to offer nursing care such as taking a bath. The purpose of this service is to promote the independence of children (persons) with disabilities and their social participation, as well as enhancement of their welfare.

Trends in the number of home-care workers

| 1999   | 2000   | 2001   | 2002   | 2003   |
|--------|--------|--------|--------|--------|
| 15,154 | 31,773 | 37,377 | 42,722 | 53,771 |

\* Until 2002, the number indicates that of home-care workers who exclusively deal with persons with physical disabilities and persons with intellectual disabilities.

\* As of 2003, the number indicates that of home-care workers who exclusively deal with persons with physical disabilities, persons with intellectual disabilities and children with disabilities and persons with psychological disabilities.

Source: Survey by the Ministry of Health, Labor and Welfare

Increasing rate of payments for in-house nursing care services for children (based on project costs)

A 280% increase from April 2003 to February 2005

(3) Children's day-care service program (schooling program for children with disabilities)

A schooling program is offered to children with disabilities, where guidance on basic movements necessary in daily activities and adaptive training for communal life is provided to encourage their growth.

Trends in the number of day-care service centers

(Number of day-care service centers)

| 1999 | 2000 | 2001  | 2002  | 2003  |
|------|------|-------|-------|-------|
| 793  | 918  | 1,052 | 1,164 | 1,164 |

\*Day-care centers that exclusively deal with persons with physical disabilities, children with intellectual disabilities and children with disabilities

Source: Survey by the Ministry of Health, Labor and Welfare

(Institutional welfare services)

350. Various institutions are available for the active remedy and training of children, as homes, in accordance with the degree of disability, and as centers for assisting with employment and promoting social participation. These include: facilities for children with intellectual disabilities and children with physical disabilities, nursery homes, institutions for children with auditory/speech disabilities, nurseries for infants with hearing difficulties, and facilities for children with severe disabilities. Admission to these child welfare institutions is free if the parents' income is below a certain level.

Current state of institutions for children with disabilities (as of October 1, 2003)

|  | Number of institutions (facilities) | Capacity (persons) | Size of staff (persons) |
|--|-------------------------------------|--------------------|-------------------------|
| Institutions for children with intellectual disabilities | 259                                 | 12,763             | 10,676                  |
| Institutions for autistic children                       | 7                                   | 332                | 213                     |
| Schools for children with intellectual                   | 247                                 | 9,068              | 8,669                   |

|   |       |        |        |
|---|-------|--------|--------|
| disabilities  |       |        |        |
| Institutions for children with physical disabilities              | 64    | 5,738  | 3,635  |
| Schools for children with physical disabilities                   | 93    | 3,650  | 2,671  |
| Clinics for children with physical disabilities                   | 6     | 360    | 237    |
| Institutions for blind children                                   | 12    | 309    | 131    |
| Institutions for children with auditory / speech disabilities     | 14    | 447    | 207    |
| Schools for children with hearing difficulties                    | 25    | 846    | 727    |
| Institutions for children with severe disabilities                | 103   | 10,144 | 10,246 |
| Rehabilitation centers for persons with intellectual disabilities | 1,430 | 94,097 | 92,734 |
| (Commuting-style centers)   | 426   | 16,830 | 15,811 |
| Maternity clinics for persons with intellectual disabilities      | 227   | 14,438 | 14,191 |
| (Commuting-style centers)   | 1,175 | 44,967 | 43,727 |
| Dormitories for workers with intellectual disabilities            | 125   | 2,977  | 2,808  |
| Welfare homes for persons with intellectual disabilities          | 76    | 965    | 788    |

(School Education)

351. It is important that children with disabilities receive carefully supervised education with appropriate consideration for the type and degree of their disabilities in order to exert their abilities and capabilities as much as possible for their independence and participation in society. To this end, at special schools such as Schools for the Blind, for the Deaf, for the Intellectually Disabled, the Physically Disabled and the Health Impaired, as well as in special classes in regular elementary and lower secondary schools, and in resource rooms (rooms where special instruction is given to children with disabilities who are enrolled in regular classes), efforts are under way to promote individualized lessons tailored according to the severity of disability and other factors

through special curricula, textbooks prepared with special consideration, education services for small-group classes, teachers with specialized knowledge and experience, and special facilities and equipment.

352. For children for whom it is difficult to commute to school due to their disabilities, elementary and secondary department of schools for special schools offer opportunity for Home-Tutoring and Hospital-Tutoring Education. In addition, in order to offer equal educational opportunities and taking the specific conditions of such schools into account, and in order to reduce the economic burden on parents and facilitate enrolment in such schools, the Government of Japan provides a special allowance to encourage this type of education, covering part or all of the expenses. This allowance covers textbooks and school supplies, school meals, transportation to and from school, dormitories for boarders and school excursions, and the amount of the allowance depends on the parents' financial situation.

353. Stepped-up exchanges and joint learning of children with disabilities and without disabilities and people in the local community are carried out for which significant educational effects are expected in the process of cultivating an enriched humanity among all children. These also serve as important activities for people in the local community for the promotion of correct understanding and awareness in regards to children with disabilities and education for them. In order to promote such educational activities, a handbook was produced and distributed in March 2004. Furthermore, meetings are held around the country and booklets are produced and distributed to promote the understanding and awareness in regards to children with disabilities.

354. Following the final report "Future Directions for Special Education in the 21<sup>st</sup> Century (January 2001)", the Enforcement Ordinance for the School Education Law was amended in April 2002 to make the national standards and procedures of assignment for children with disabilities more modernized and flexible reflecting the progress in medical science and technology. Under this amendment, boards of education can enroll a child with disabilities in a regular elementary or lower secondary school when there would be reasonable grounds that the child would be able to receive an appropriate education in that setting.

355. In the light of the trend that there is an increase in the number of children with severe/multiple disabilities, and that further educational support for children suffering

from learning disabilities (LD), attention-deficit hyperactivity disorder (ADHD), and high-functioning autism (HFA) is required, the research committee on special needs education compiled a final report in March 2003. This report recommended that conventional “special education” for children with disabilities should be turned into “special needs education,” which provides appropriate teaching and support according to the needs of each child. This report also asserts the necessity to establish framework in schools and boards of education to revise the system of Special Needs Education.

356. In response to the content of the said report, all prefectural authorities were requested as of 2003 to undertake projects with the purpose of ensuring a comprehensive support system for children with disabilities, including LD, ADHD, and HFA who attend regular elementary and lower secondary school classes, and to promote the development of a comprehensive support system in cooperation with relevant organizations. As of 2005, the obligations of the Government of Japan and local authorities in relation to early detection of developmental disabilities and support thereof were clearly defined, and based upon the enactment of the Law for Supporting Persons with Developmental Disabilities which provides for school education support and employment support, projects have been promoted not only for targeting elementary and lower secondary schools, but also for kindergartens and upper secondary schools, to ensure a consistent support system from infancy to adulthood. In addition, in order to improve the educational support system for children with LD, ADHD, or HFA, the “Draft Guidelines for Establishment of Education Support System for Children with Learning Disabilities (LD), Attention-Deficit/Hyperactivity Disorder (ADHD), and High-Functioning Autism” was formulated in January 2004 and distributed in elementary and lower secondary schools and boards of education nationwide.

357. Subsequently, with regard to institutional issues recommended in the said final report, the Central Council for Education started discussions in February 2004 and compiled a report in December 2005, recommending that:

- (i) Special Needs Education to provide appropriate teaching and necessary support, based upon the perspective that it encourages the voluntary efforts of children with disabilities toward independence and social participation,
- (ii) Responding to the diversification of disabilities, the current school system separated by types of disabilities, such as Schools for the Blind, for the Deaf, for the Intellectually

Disabled, the Physically Disabled and Health Impaired should be turned into “Schools for Special Needs Education” that can accept different disabilities,

(iii) The educational system be reviewed to meet the needs of appropriate teaching and support for children with disabilities including LD etc. in elementary and lower secondary schools.

358. In accordance with recommendations included in the report, the Ministry of Education, Culture, Sports, Science and Technology held discussions and reformed the educational system as follows:

(i) To make the resource room system more flexible in order to cover children with LD and/or ADHD who are enrolled in regular elementary and lower secondary schools with a view to ensuring appropriate educational support from FY 2006;

(ii) To amend the School Education Law (adopted at the 164<sup>th</sup> session of the National Diet in June 2006, entered into force from April 2007) providing the following measures: to convert the system of ‘special school’ into that of ‘Special Needs Schools’ that enables the provision of education for children with different types of disabilities at each school; to encourage ‘special needs schools’ to advise and support the education for children with disabilities enrolled in regular elementary and lower schools, upon request; and to promote special needs education in regular kindergartens, elementary schools, lower secondary and upper secondary schools.

Current situation of special needs education (compulsory education level)

\* Schools for the Blind, for the Deaf, for the Intellectually Disabled, the Physically Disabled and the Health Impaired (elementary and lower secondary departments) about 54,000 children

| Type of school                               |                         | Number of schools | Number of children |
|--|-------------------------|-------------------|--------------------|
| Schools for the Blind                        |                         | 71                | 1,164              |
| Schools for the Deaf                         |                         | 106               | 3,387              |
| Schools for students with other disabilities | Intellectually Disabled | 535               | 34,715             |
|  | Physically disabled     | 198               | 12,211             |
|  | Health impairments      | 92                | 2,853              |
|  | Subtotal                | 825               | 49,779             |
| Total  |                         | 1,002             | 54,330             |

(As of May 1, 2005)

\* Elementary and lower secondary schools

(Special classes) About 97,000 students

(Resource room) About 39,000 students

| Type of disability      | Number of classes | Number of children |
|-------------------------|-------------------|--------------------|
| Intellectual disability | 19,191            | 59,749             |
| Physical disability     | 2,202             | 3,748              |
| Health impairments      | 901               | 1,696              |
| Low vision              | 226               | 295                |
| Hard-of-hearing         | 632               | 1,158              |
| Speech impairments      | 359               | 1,241              |
| Emotional disturbance   | 10,503            | 28,924             |
| Total                   | 34,014            | 96,811             |

(As of May 1, 2005)

| Type of disability    | Number of children |
|-----------------------|--------------------|
| Speech impairments    | 29,907             |
| Emotional disturbance | 6,836              |
| Low vision            | 158                |
| Hard-of-hearing       | 1,816              |
| Physical disability   | 5                  |
| Health impairments    | 16                 |
| Total                 | 38,738             |

(As of May 1, 2005)

\* Number of students receiving Special Needs Education

189,879 (about 1.7% of children at compulsory education level)

91 children were accepted for extension or exemption of enrollment due to their impairments.

School enrollment of all children

|  |            |         |
|--|------------|---------|
| Total number of children enrolled at all types of school (kindergarten, elementary, lower and upper secondary level) | 16,276,161 | 100 %   |
| Of which children receiving some form of Special Needs Education   | 237,161    | 1.457 % |

(As of May 1, 2005)

(Employment promotion and vocational training)

359. See Paragraph 292 of the Second Report of Japan

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

360. Applying the knowledge and experience Japan has accumulated to measures for persons with disabilities in developing countries through Official Development Assistance (ODA) and private aid groups is extremely valuable and important in terms of international cooperation. With regard to the Revision of Japan's Official Development Assistance Charter in August 2003, ensuring fairness was raised as one of the basic principles of Official Development Assistance, and thus the conditions of the socially vulnerable is to be considered when formulating and implementing ODA measures. During the 5 years between 2001 and 2005, the Government of Japan contributed a total amount of US\$ 640,000 to the United Nations Voluntary Fund on Disability. It has also provided financial aid almost every year to projects implemented by the Economic and Social Commission for Asia and the Pacific (ESCAP) (about US\$ 10,000 in FY2005).

361. Japan participated actively in the negotiations of the Convention on the Rights of Persons with Disabilities. In September 2007 Japan signed the Convention and is currently making efforts to ratify it as soon as possible.

## **B. Health and health services (Article 24)**

(a) Measures to implement provisions of Articles 6 and 24

(Medical examinations at schools)

362. See Paragraph 294 of the Second Report of Japan (=See Paragraph 187 of the Initial Report of Japan).

(Dealing with children with mental health problems)

363. In order to deal with children's mental health problems, the general curriculum guidelines, called Courses of Study, 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 and training seminars for nurse-teachers. In addition, the Government of Japan undertakes pilot projects for providing health counseling and health education to children, including the dispatch of specialized doctors to schools upon request. Moreover, pamphlets targeting the guardians are produced and distributed.



(Sex education and AIDS education)

364. With regard to sex education and HIV/AIDS education at schools, children are, in accordance with the Courses of Study and according to their stage of development, given scientific knowledge regarding sex, and guidance on these subjects is woven throughout all school activities, in particular during health and physical education classes, with the purpose of facilitating the children to behave based on the guidance provided. Other efforts made toward improved sex education include training programs for school personnel, preparation and distribution of reference materials for teachers and student textbooks, practical research on effective guidance methods and projects where schools and medical experts work together on providing mental health education to students. Furthermore, case studies of practical examples of sex education in schools, or materials that comprehensively explain various issues involving students such as sexually transmitted diseases are to be prepared and distributed, and workshops for school personnel who provide sex education in schools will be conducted.

(Guidance on nutrition)

365. In order for people in Japan to develop physical and mental health throughout their life and to foster a rich humanity, the Basic Law on Food Education, whose purpose is to comprehensively and systematically promote food education, was enacted in June 2005 and went into effect in July of the same year. A Committee for the Promotion of Food Education chaired by the Prime Minister, consisted of relevant cabinet members and key figures in the private sector, adopted a Basic Plan on the Promotion of Food Education in March 2006. The said Basic Plan will serve as a basis for developing food education as a national campaign, which will be realized with cooperation between the Government of Japan, local administrative agencies, and persons involved in families, schools, and communities and so on. In particular, in light of the fact that the children who will be forging the future of Japan having a healthy diet is fundamental in developing physical and mental health throughout their life and cultivating an enriched humanity, and vital in continuing to develop a country that is dynamic and attractive, it is necessary for communities and societies to work on the food education for children. These efforts will contribute to the goal of realizing a society where the people of Japan will be able to develop physical and mental health throughout their life and to cultivate an enriched humanity.

366. In addition, with the changes in social environments surrounding dietary habits, increased cases of unbalanced diets and obesity trends among children, such as poor nutrition and skipping breakfasts, are observed, and thus the promotion of food education in schools is becoming an important issue in order to have these children adopt healthier diets. Through food education, children will also be introduced to local products and culture, which will allow them to learn more about these, and hopefully traditions will be passed on to the next generation. Under such circumstances, the diet and nutrition teacher system was introduced in April 2005 to develop a structure for the promotion of food education in schools. Future plans include smooth implementation of the diet and nutrition teacher system, projects to promote food education provided mainly by diet and nutrition teacher with the cooperation of schools, families, and communities, and practical studies on the encouragement of the use of local products and rice in school lunches.

(Maternal and child health)

367. See Paragraph 298 of the Second Report of Japan (Paragraph 181 of the Initial Report of Japan).

(b) 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

(Improvement of basic medical care and healthcare)

368. See Paragraphs 299 to 302, 303 to 308 of the Second Report of Japan.

(Measures against infectious diseases)

369. The current situation and trends relating to the occurrence of sexually transmitted diseases (syphilis, genital chlamydia infection, genital herpes virus infection, condyloma acuminatum, gonorrheal infection) and acquired immune deficiency syndrome (AIDS) are currently being studied in accordance with the Law Concerning the Prevention of Infectious Diseases and Medical Care for Patients with Infectious Diseases. Moreover, the Guidelines for the Prevention of Particular Infectious Diseases in Relation to Sexually Transmitted Diseases and the Guidelines for the Prevention of Particular Infectious Diseases in Relation to Acquired Immune Deficiency Syndrome were formulated based upon the said Law. In accordance with these Guidelines, preventive measures such as testing and dissemination of accurate knowledge are conducted in cooperation with local governments, medical experts and private sectors.

(Percentage of infants born prematurely)

370. Recently, the percentage of infants with a low birth weight (less than 2,500g) 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.

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

| Year             | 1975  | 1985  | 1990  | 1995  | 2000  | 2003  | 2004  |
|------------------|-------|-------|-------|-------|-------|-------|-------|
| Total            | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Less than 2,500g | 5.1   | 5.5   | 6.3   | 7.5   | 8.6   | 9.1   | 9.4   |
| Less than 1,500g | 0.3   | 0.5   | 0.5   | 0.6   | 0.7   | 0.7   | 0.8   |
| Less than 1,000g | 0.1   | 0.2   | 0.2   | 0.2   | 0.2   | 0.3   | 0.3   |

(Training provided to personnel involved in the healthcare of children including mental health issues)

371. The personnel working at Child Guidance Centers undergo training at the Children's Rainbow Center which was established in 2002 to address issues related to children such as child abuse. Those working in National Homes for Juvenile Training and Education and other workers engaged in social welfare activities are offered reformatory education and in-service training at the Training Institute for Special Staff of the Institute Supporting Development of Self-Sustaining Capacity of Children Affiliated with Musashino Gakuin. These training sessions also address the issue of mental health of juveniles. Those involved in the establishing of child-care centers (local governments, social welfare corporations, and others) are instructed to provide employees with training on how the workers should deal with juvenile mental health issues while taking paying attention to the child. Furthermore, organizations that offer training to employees working in child-care centers including nursery teachers are also instructed to provide training on how the workers should deal with juvenile mental health issues while taking the impact on the child into consideration. With regard to training provided by prefectural governments to community health-related personnel such as public health nurses, such community health-related personnel comprised mainly of municipal employees receive training in line with the actual local conditions from the prefectural governments.

372. In addition, personnel working as medical social workers are offered in-service training. Initial training and management training of medical social workers are conducted at the National Institute of Public Health, with the purpose of contributing to the promotion of medical social work through enhanced qualifications of medical social workers. Furthermore, physicians, public health nurses, psychiatric social workers working at Mental Health Welfare Centers and Public Health Centers receive training by experts of the mental health care of adolescent children.

(Measures to prevent unwanted teenage pregnancies)

373. See Paragraph 309 of the Second Report of Japan.

374. In terms of research on sexuality and reproductive health, a survey that would provide the basic data for considerations on measures to be adopted by the administration was conducted between 2002 and 2004 as part of the Ministry of Health, Labor and Welfare Research on the Development of an Effective Educational Program on Birth Control to Prevent Unwanted Pregnancies and Abortions.

(c) The situation surrounding the spread of HIV / AIDS, education on HIV / AIDS, and measures adopted for public information

(Programs and strategies for prevention)

375. See Paragraphs 310-313 of the Second Report of Japan.

(Monitoring of the AIDS pandemic)

376. See Paragraph 314 of the Second Report of Japan.

377. According to AIDS Surveillance Committee, the annual number of newly affected persons and reported patients exceeded 1000 in 2004, which is a first in Japan, and the total number of reports by April 2005 broke the 10,000 cases mark. Some of the characteristics of recent trends include the facts that (i) the route of infection is mainly through sexual contact, and that (ii) reports of infection are mostly received by young people in their 20's and 30's and rising generation.

(Treatment for children and parents)

378. See Paragraphs 315-317 of the Second Report of Japan.

(Campaigns to prevent discrimination against children with AIDS)

379. In 1988, WHO proclaimed December 1 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. Since 1998, UNAIDS has taken over this program. Japan has also approved the objectives of UNAIDS and, every year, organizes street campaigns and events, provides information through various media including newspapers, magazines, television, and the Internet, and also conducts various educational activities on World AIDS Day. For example, in order to raise awareness of HIV / AIDS among young people, poster contests have been held since 2001, where selected works, which are used as annual posters for raising public awareness regarding prevention of AIDS, are widely displayed at public offices, local governments, and public facilities or movie theaters nationwide.

380. Moreover, with the purpose of education on the prevention of AIDS from a scientific perspective and dissemination thereof according to the behavioral and developmental stage of young people in schools and communities, and of promotion of social division of labor among and cooperation between local schools, health administrations, and guardians, projects targeting junior high school and high school personnel and health care personnel on measures against juvenile AIDS that offer specific teaching techniques using behavior modification science are being undertaken. By enhancing the dissemination of correct AIDS information through all these programs, the Ministry has been making efforts to eliminate discrimination and prejudice against patients and infected persons.

(AIDS education at schools)

381. See Paragraph 320 of the Second Report of Japan.

(d) Promoting international cooperation to achieve the rights specified in Article 24

382. See Paragraphs 59-77 (International cooperation for ensuring the implementation of the Convention).

### **C. Social security and childcare services and facilities (Articles 26 and 18, Paragraph 3)**

(Child Allowance and child-rearing allowance)

383. See Paragraph 57 (Protection of children from being subject to an undesired influence from the government's economic measures).

(Childcare services for children of working parents)

384. See Paragraph 322-324 of the Second Report of Japan.

385. With regard to the Project of After-School Measures for Healthy Growth of Children, there were 15,184 recreational facilities undertaking such project as of May 2005, with 654,823 children registered to these programs. This project receives subsidies from the Government of Japan, the prefectures and the municipalities, one third from each (subsidies for the Project of After-School Measures for Healthy Growth of Children). Meanwhile, the number of day-care centers and the number of children admitted to these centers was 22,570 and 1,993,684, respectively as of April 2005. The costs for the day-care centers are borne half by the Government of Japan, and one quarter each by the prefectures and the municipalities (share of management costs for day-care centers).

\* Status of day-care centers

|                     | Number of day-care centers | Capacity of day-care centers | Number of children admitted |
|---------------------|----------------------------|------------------------------|-----------------------------|
| As of April 1, 2003 | 22,354                     | 1,991,145                    | 1,920,599                   |
| As of April 1, 2004 | 22,490                     | 2,028,045                    | 1,966,929,                  |
| As of April 1, 2005 | 22,570                     | 2,052,729                    | 1,993,684                   |

386. In addition, in order to solve the issue of children waiting for admission to day-care centers, a project is underway to increase the numbers of accepted children, particularly in cities with more children waiting for admission, to 50,000 by 2002 and 100,000 by 2004, for a total of 150,000 children, using day-care centers, child-care givers (service whereby persons with childcare qualifications caring for small numbers of children at their homes), various independent facilities run by local municipalities, and kindergartens. Increases of 54,000 children in 2002 and 58,000 in 2003 were planned. In 2004, the overall increase in the number of accepted children reached about 44,000 including the roughly 33,000 children accepted in day-care centers. A total increase of 156,000 accepted children was planned during the 3 years starting 2002, and the initial goals were achieved. The number of children waiting for admission in April 2005 decreased from the previous year for the second consecutive year, standing at roughly 23,000 children. However, despite such improvement tendency, there are still many

children waiting for admission, particularly in large cities, and thus in accordance with the Child Care Support Plan adopted at the end of 2004, the Ministry plans to focus on increasing the capacity of day-care centers during the following 3 years until 2007, particularly in municipalities with 50 or more children waiting for admission, and resolve this important issue.

**D. Standard of Living (Article 27, Paragraphs 1-3)**

(Standard of living; livelihood protection and housing aid under the Public Assistance Law)

387. See Paragraphs 326 and 327 of the Second Report of Japan.

(Follow-up to the Habitat Agenda)

388. See Paragraph 328 of the Second Report of Japan.

389. As of October 2004, the number of children's homes amounted to 556 and that of children placed in them reached 30,597.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (Articles 28, 29, 31)**

### **A. Education (including professional training and guidance) (Article 28) (a)**

Ensuring the right of the child to education

(Support for families for education purposes)

390. See Paragraph 275 (Assistance to persons with parental authority).

391. Under the Japan Students Services Organization Law, the Japan Students Services Organization (the Japan Scholarship Foundation until March 2004) gives loans of school expenses to qualified students who have difficulties attending school for financial reasons (regarding upper secondary schools, control of the scholarship has been transferred gradually to prefectural governments, starting with new students enrolled in 2005). In addition, local governments, public corporations and others offer scholarship services. Moreover, universities exempt students from tuition fees or grant them reductions depending on their financial situation.

(Ensuring a sufficient number of teachers)

392. A quorum of teachers has been ensured under the series of improvement plans. Since 2001, the seventh quorum improvement plan of teachers and staff at public compulsory education schools and the sixth quorum improvement plan of teachers and staff at public upper secondary schools have been carried out to achieve goals such as teaching in smaller classes of about 20 students, with methodologies adapted to the characteristics of each subject, and dealing with the development of diverse upper secondary school education. Implementation of these plans terminated as of March 2006. These plans enabled significant improvement to achieve the quorum during the five-year period between April 2001 through March 2006, with additional 26,900 teachers in compulsory education schools, and another 7,008 in public high schools.

(Measures to provide appropriate study materials accessible to all children)

393. See Paragraph 217 of the Initial Report of Japan and Paragraph 344 of the Second Report of Japan.

(Strengthening educational opportunities in universities)

394. See Paragraph 344 of the Second Report of Japan.

(Education for non-Japanese pupils and students)



395. See Paragraph 336 of the Second Report of Japan.

(Measures to establish proper educational facilities accessible to all children)

396. See Paragraphs 337-338 of the Second Report of Japan.

(Kindergarten and compulsory education)

397. See Paragraph 339 of the Second Report of Japan.

(Secondary education)

398. See Paragraphs 340-342 of the Second Report of Japan.

399. In Japan, education in public lower secondary schools and lower division of secondary schools is offered for free. For those upper secondary schools students in need for financial assistance, measures including scholarships are adopted. As of 2004, the enrollment rate of high schools reached 98%.

400. With regard to textbook authorization procedure in Japan, strict and adequate measures have always been adopted through meetings with the Textbooks Authorization and Research Council comprising of academic experts. The Council, bases its decisions upon authorization standards which include the following issues: (i) the procedure is in accordance with the official curriculum standards (Courses of Study), (ii) there are no error nor incorrect elements in the filed books, and (iii) the contents of the books are fair and balanced.

401. With regard to ensuring an appropriate number of public upper secondary schools including evening classes and appropriate disposition, local governments responsible for establishing schools are to make sound judgment while giving careful consideration to local circumstances and ensuring that students are given the opportunity to attend schools. In terms of restructuring evening classes of Tokyo Metropolitan upper secondary schools, due to the decreasing numbers of students, the Tokyo Metropolitan Board of Education works toward integrating the existing evening schools and establishing independent day and evening schools where the class system will be divided into morning, afternoon, and night classes to meet the diversified needs of students. This improvement plan aims at ensuring a capacity that accommodates the number of students who attend the soon-to-be abolished evening schools, and with certain consideration of the local characteristics and transportation convenience, efforts

are made to provide an appropriate number of schools when they are needed. In the concluding observations of the Committee on the Rights of the Child in response to the Second Periodic Report of Japan, the Committee recommended that the Government of Japan encourage the Tokyo authorities to reconsider the closing down of evening schools, and to expand alternative forms of education. However, the Government inquired the Tokyo Metropolitan Government on the circumstances and deems its current measures appropriate, therefore it has not made an instruction based on CRC's recommendations vis-à-vis the Tokyo Metropolitan Government.

402. Regarding upper secondary school night classes, to ensure an education that is adapted to social developments and changes in situations surrounding students, necessary measures have been implemented, including revisions of relevant systems. The Ministry of Education, Culture, Sports, Science and Technology would like to continue its efforts in promoting education in high school evening classes.

(Opportunities for higher education)

403. Eligibility to apply for entrance in Japanese universities – regardless of nationality, race and gender – was previously obtained by graduating from a Japanese upper secondary school, or passing an exam called the Japan's Upper Secondary School Equivalency Examination. In 1999, the criteria of the University Entrance Qualification Examination were amended 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 achievement. 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. Moreover, in 2003, the Japanese educational system was amended to the effect that qualification to apply for university entrance examinations would be granted to all those, including persons who have graduated from a foreign upper secondary school, whose academic ability is deemed equivalent or higher than graduates of Japanese upper secondary schools.

404. In addition, the improvement of the selection of university students is an important issue that must constantly be addressed, and a series of improvements have in fact already been made. From now on, continuing to consider the opinions of persons related to upper secondary schools and universities, the Ministry of Education, Culture, Sports, Science and Technology will work on further improving the selection of university

students to ensure that it is done using fair and valid methods and that opportunities of using upper secondary school education are not hindered by excessive competitiveness for entrance examinations.

405. Furthermore, the University of the Air was established in 1983 with the objective of providing people with wider opportunities to receive higher education by promoting a new type of university education through broadcasting, etc. The University offers higher education through a number of media, such as television and radio. Moreover, in response to the development of information technology, classes provided via the Internet have been officially recognized since 2001. This revision enabled students at distance learning universities to take classes via Internet and get all 124 credits required for graduation. It also enabled students at regular (commuting) universities to obtain up to 60 credits by taking classes via Internet, thus making higher education more accessible.

(Use of information on education and occupation)

406. See Paragraph 347 of the Second Report of Japan.

407. In order for each student to cultivate a view on a career and work, the report by the Consultative Council for Comprehensive Research and Study on the Promotion of Career Education published in January 2004 encouraged career education from elementary school, according to the children's stages of development. The said report recommends that career guidance and education should be conducted in all school activities such as experimental educational activities including work experience. Measures to achieve this have been adopted, such as various training programs, preparation of reference materials, work experience, and development of the contents and methods of career education that are consistent throughout elementary, lower secondary and upper secondary schools.

(School non-attendance and high school dropout)

(1) School non-attendance

408. In compulsory education, the number of students who do not or cannot attend school, mainly due to psychological, emotional, physical, or social factors and backgrounds, excluding cases of illness or financial reasons is still considerably high, which constitutes a major educational issue that needs to be addressed. To solve this problem, the Ministry of Education, Culture, Sports, Science and Technology has taken

measures, for instance, (a) to create safe and lively schools that will not lead to non-attendance of students, (b) to improve the education counseling system by increasing the number of school counselors; (c) to improve the education support centers (adaptation assistance classes), which play a central role in the measures against non-attendance within communities.

## (2) Upper secondary school dropouts

409. To deal with the problem of upper secondary school dropouts, the Ministry has taken the following measures: (a) improvement of guidance/counseling for future planning in lower secondary schools and in the admission system in upper secondary schools; (b) the establishment of schools which allow students to enjoy multiple options such as high schools with credit based system, unified lower and upper secondary schools, or integrated courses, etc.; (c) the promotion of more diversified and flexible curricula and of personalized guidance in high schools.

## (3) Bullying and school violence

410. Schools deal with the problem of bullying 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, upon the basic understanding that bullying can happen at any school, in any class and to any child. 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 informed boards of education of the report’s aims and contents. The Ministry has also worked on several measures to prevent bullying: the realization of lively schools with easy-to-understand classes, the improvement of *kokoro no kyouiku* (moral education) and training programs; the improvement of educational counseling systems by assigning school counselors and advisers for parents and children.

411. In addition, with regard to school violence including bullying, schools work with families and relevant organizations and instruct boards of education to deal with problematic behaviors, while schools, boards of education, and relevant organizations work together to promote measures against problematic behaviors of students.

412. See also Paragraphs 329-330 of the Second Report of Japan.

## (b) School discipline and children’s human dignity

(School rules)

413. See Paragraph 355 of the Second Report of Japan.

(Disciplinary action)

414. See Paragraph 356 of the Second Report of Japan. (Paragraph 193 of this report, “Disciplinary actions in school and suspension of attendance”).

415. When the Human Rights Organs of the Ministry of Justice obtain information on corporal punishment, they conduct the required investigation into the case such as interviewing the persons concerned and, from the perspective of protection of children’s rights, depending on the results of the investigation, they will take relief measures such as carrying out human rights promotion and requesting teachers, principals and others concerned to take appropriate measures to prevent the recurrence of such punishment. They also conduct promotion activities in cooperation with schools and communities.

416. Regarding prohibition of corporal punishment, see Paragraphs 260-261 (Corporal punishment at schools).

(c) International cooperation in matters relating to education and activities and programs to implement international cooperation

417. See Paragraphs 61-66.

## **B. Aims of education (Article 29)**

\_(Ensuring that the aims of education comply with Article 29 of the Convention)

418. See Paragraphs 366-372 of the Second Report of Japan.

419. The Courses of Study, which were partially amended in 2003, recommend the promotion of education sensitive to human rights throughout educational activities in schools. The Ministry of Education, Culture, Sports, Science and Technology has implemented several projects such as appointing schools to pilot human rights education, with a view to improving and enhancing educational methods on human rights education. In addition, the Study Group Meeting on Educational Methods on Human Rights issued its First Report on desirable forms of educational methods based upon the Courses of Study, and its second report on educational methods of human rights in January 2006, in order to promote human rights education in schools. Furthermore, the

National Centre for Teacher Development (an independent administrative body) carries out training courses for nurturing leaders to promote human rights education.

(Training for teachers)

420. Teachers are requested to seek training to accomplish their duties, and thus prefectural boards of education have been conducting various types of training to systematically improve the qualifications of teachers, including initial training and training for teachers with 10 years of experience. The Government of Japan has implemented the following measures at the National Center for Teachers' Development to maintain and increase the national educational standards: (i) training on school management offered to school principals and vice-principals, who play key roles in each community; and (ii) trainings such as those conducting training on urgent issues before teachers undergo additional training under the authorities of local governments. These training programs include contents related to human rights.

(Prevention of stress and non-attendance)

421. See Paragraph 359 of the Second Report of Japan.

(1) Non-attendance

422. See Paragraph 408 (School non-attendance and high school dropout (1) School non-attendance).

(2) Improvement of the school admission system

423. With regard to the system of admission to upper secondary school, the Government of Japan makes efforts, based upon local circumstances and characteristics of each school, to improve the current system by implementing admissions upon recommendation by a school principal, increasing the number of opportunities for students to take entrance examinations, and conducting interviews, tests consisting of short essays, and skill tests, which allow schools to evaluate the students' varied abilities, aptitudes, motivation, and results of activities performed during lower secondary school. The intensification of competition in upper secondary school entrance examinations became a social problem as the number of students going on to high school rose. Competition in upper secondary school admission, however, has begun to slow down owing to the decrease in the population under 15 years of age.

(Reexamination of curricula to alleviate the competitiveness in the school system)

424. The Ministry of Education, Culture, Sports, Science and Technology has been considering revision of the Courses of Study from the viewpoint of making basic and fundamental knowledge and skills firmly rooted in children as well as developing capacity to use and explore such knowledge, so that school education confers upon every single child the basis for leading an independent life in society and basic qualities required to act as a constituent of a nation and a society. Through such consideration, contents of the education on Japanese language, science and mathematics might well be enriched or increased. This is aimed at cultivating indispensable basis for children to sufficiently extend their personalities and capacities in society, and therefore does not merit any comment that this might create negative influence by exacerbating the competitive nature. When considering the revision of the Courses of Study, which form the standards for school education curriculum, the Ministry has requested opinions from the wide public, through public hearings from various groups concerned and procedures for public comments.

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

425. In Japan, only the Government of Japan and local governments and school juridical persons may in principle 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)

426. The Government of Japan has minimum standards for establishing and operating a university or college. Universities and colleges should improve the quality of education and research through self-monitoring and self-evaluation, the publication of findings, and the presentation of information on their activities. In addition, as of 2004, the Government introduced an evaluation system that obliges universities to regularly undergo evaluation by an external evaluation organization approved by the Minister of Education, Culture, Sports, Science, and Technology regarding the overall situation of educational development to help universities improve themselves.

(Ensuring adequate number of teachers and staff)

427. See Paragraph 375 of the Second Report of Japan.

### **C. Leisure, recreation and cultural activities (Article 31)**

(After-school and weekend hands-on activities)

428. Specific places such as school playgrounds and classrooms have been reserved for children, where, with the cooperation of the adults living in the community, they can participate in various after-school and weekend hands-on activities or exchange activities with the local residents safely and in security. In 2005, such activities were held in about 8,000 locations nationwide.

429. With regard to cultural activities organized by the police, see Paragraph 376 of the Second Report of Japan.

(Artistic activities)

430. In order to offer expanded opportunities for children to appreciate and participate in fine arts and traditional culture, the Government of Japan sends excellent artistic and cultural groups to schools and cultural facilities nationwide to hold performances and workshops. In addition, films are shown in movie theatres for children who would otherwise have limited chances to go to the theatres; and national theatres provide opportunities for children to appreciate performing arts such as kabuki and opera, showing simple plays with commentary to appeal to children's interests, at lower prices. National museums and the national museums of fine art organize traveling exhibitions of outstanding objects from their collections so that children can enjoy the opportunity to appreciate works of art and cultural properties. 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)

431. See Paragraph 378 of the Second Report of Japan.

(Promotion of sports)

432. See Paragraph 379 of the Second Report of Japan.

(Improvement of cultural and recreational facilities)

433. In the field of social education, the Government of Japan encourages a comprehensive approach by holding various events to provide children with ample



experience and activities, subsidizing social educational facilities, such as public halls, and providing places for learning activities under relevant laws including the Social Education Law.

434. The following are the major recreation facilities:

(1) National Institution for Youth Education (provisional name)

The National Olympic Memorial Youth Center, the National Youth House and the National Children's Center (See Paragraph 381 of the Second Report of Japan), which have promoted youth education have been integrated and will be transferred to the National Institution for Youth Education (provisional name) as of April 2006. This organization will serve as Japan's national center for promoting youth education, and will offer juveniles opportunities to participate in comprehensive and consistent hands-on activities, provide support in their educational training programs, and offer assistance in research studies related to youth education and in children's hands-on activities and book-reading activities carried out by youth organizations.

(2) Citizen's public halls

See Paragraph 237 of the Initial Report of Japan and Paragraph 381 of the Second Report of Japan. As at October 2005, there were 17,143 halls.

(3) Museums

See Paragraph 238 of the Initial Report of Japan and Paragraph 381 of the Second Report of Japan. As at October 2005, there were 1,196 museums.

(4) Libraries

See Paragraph 239 of the Initial Report of Japan and Paragraph 381 of the Second Report of Japan. As at October 2005, there were 2,979 libraries.

(5) Sports facilities

See Paragraph 240 of the Initial Report of Japan. There are about 240,000 sports facilities nationwide, of which more than 60% are school physical education facilities. For the rest, public sports facilities account for about 24% and private sports facilities, including those owned by private companies, account for about 11%.

(Children's recreational facilities)

435. See Paragraph 382 of the Second Report of Japan and Paragraphs 241 and 242 of the Initial Report of Japan.

(1) Children's halls/centers

See Paragraph 241 of the Initial Report of Japan. As at October 2004, there were 4,693 halls and centers.

(2) Children's playgrounds

See Paragraph 242 of the Initial Report of Japan. As at October 2004, there were 3,827 playgrounds.

## **VIII. SPECIAL PROTECTION MEASURES (Articles 22, 38, 39, 40, 37 (b)-(d), 32-36)**

### **A. Children in situations of emergency**

(a) Refugee children

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

436. See Paragraph 383 of the Second Report of Japan (Paragraph 249 of the Initial Report of Japan).

437. As of the end of January 2005, 41 children have applied for recognition of refugee status and 98 children have been recognized as refugees since the refugee status system was first launched in January 1982 (Note: these statistics include decisions at the appeal level).

(Protection and assistance to refugee children)

438. See Paragraphs 384-385 of the Second Report of Japan.

(Relevant international human rights instruments ratified by Japan)

439. See Paragraph 386 of the Second Report of Japan.

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

440. See Paragraph 176, and Paragraph 387 of the Second Report of Japan (Paragraph 249 of the Initial Report of Japan).

441. Involvement of actual guardians other than the parents or family members is also recognized in the procedures to determine the refugee status of children.

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

442. See Paragraph 388 of the Second Report of Japan (Paragraphs 250, 251 of the Initial Report of Japan).

443. 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 who are in difficult living conditions, including children. In addition, a

new policy on settlement support for Convention refugees was adopted in August 2002 on the decision of the Liaison and Coordination Council in the Cabinet Secretariat for Refugee Issues, which established a new framework for measures of settlement support for Convention refugees (including children), such as Japanese language education, vocational training, livelihood support funds, and settlement allowances.

(Measures adopted for protecting and ensuring the rights of unaccompanied children)

444. See Paragraphs 440-441 (\* See “National laws and procedures to determine refugee status and ensure the protection of the rights of refugee children” above).

(Detention in an immigration detainee unit)

445. See Paragraph 177. (\* See “Detention in an immigration detention facility”)

(Disseminating information and ensuring training on the rights of refugee children)

446. The Immigration Control and Refugee Recognition Act was partially amended and published in June 2004, in which provisions were provided to newly establish a system of granting asylum seekers a provisional permit to stay and a system of refugee examination counselors. These provisions have been implemented as of May 2005. In addition to preparing pamphlets in Japanese regarding the new refugee status system, this pamphlet is also available on the Immigration Bureau’s website in 13 other languages, including English, Turkish, Burmese, Chinese, and Pashto. These can also be accessed from the website of the Refugee Assistance Headquarters of the Foundation for the Welfare and Education of the Asian People.

447. Also see Paragraph 98.

(Search for parents and other family members of refugee children)

448. See Paragraph 389 of the Second Report of Japan (Paragraph 253 of the Initial Report of Japan)

(b) Children in armed conflicts; psychological and physical recovery and social reintegration

(International instruments ratified by Japan)

449. With regard to children involved in armed conflicts, explicit provisions are provided in the two optional protocols of the Geneva Conventions of August 12, 1949 relating to the protection of war victims, prepared in 1977. These two optional protocols

are the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Japan deposited instruments of accession in August 2004. In addition, Japan ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in August 2004, and efforts are being made on its implementation.

(Formulation of the Law to Protect the People)

450. To ensure due implementation of the international humanitarian laws applied to armed conflicts, the Law Concerning Measures for Protection of the Civilian Population in Armed Attack (the Law to Protect the People) was formulated in June 2004. In view of the importance of protecting, in the event of a situation involving an armed attack, the lives and assets of people from such as armed attack, and of minimizing the impact of the armed attack on the lives and economic situations of the people, the Law to Protect the People stipulates, in relation to these issues, provisions on the obligations of the Government of Japan and local governments, measures on the evacuation of residents, measures on the relief of the evacuated residents, measures on handling casualties resulting from armed attacks, and other measures to protect the people. With regard to children, the general provisions provide for consideration of vulnerable groups including children. Aiming at appropriate and smooth implementation of the said Law, the Government of Japan established, in accordance with Article 32 of the said Law, basic guidelines concerning the protection of the people in March 2005.

(Ensuring that children under 15 years of age do not participate in hostile actions, protection of child rights during hostilities and mechanisms to monitor the status of the implementation of the Convention)

451. See Paragraph 391 of the Second Report of Japan.

452. See Paragraph 2 and 5 (4) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

(Ensuring that children under 15 years of age are refrained from joining the armed forces)

453. See Paragraph 119.

(International cooperation)

454. Japan has not only implemented programs toward disarmament of child soldiers, but also it has been aware of the importance of providing such disarmed children with various basic services including education, medical care, and healthcare, and of offering assistance in all conflict zones. Japan has thus been offering financial assistance to the UN and other international organizations with necessary knowledge in these fields such as UNICEF and UNHCR as well as contributing through bilateral ODA. For details, see XII. Article 7 of the report of the Government of Japan on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

## **B. Children in the administration of juvenile justice**

(a) Administration of juvenile justice

(a-1) Measures to recognize and ensure the rights of the child in the administration of juvenile justice

(Standards of juvenile policing)

455. With regard to policing to ensure the sound development of the juveniles through prevention of juvenile delinquency and protection (hereinafter referred to as "juvenile policing"), the police rules of engagement for children, which constitute the National Public Safety Commission's Rules stipulating provisions on necessary matters, was established and went into effect as of January 2003. In this document, the following five rules are stipulated as the basis for juvenile policing: (i) To deal with the juvenile in a way that ensures his / her sound development and that the treatment contributes to the enhancement of the juvenile's respect for social norms and to his / her recovery, (ii) To deal with the juvenile with a deep understanding of his / her mentality, physiology and other characteristics, (iii) To gain a deep insight into the juvenile's behavior and environment, work on uncovering the causes of delinquency and conditions of crime victims, and to take the most appropriate measures for preventing delinquency and protecting juveniles, (iv) To ensure the case is kept confidential, and to take precautionary measures so that the juvenile or other persons concerned are not worried that information will be leaked, and (v) To take into consideration international trends on the prevention of juvenile delinquency and on the protection of the juveniles. Law enforcement agencies are promoting juvenile policing in accordance with these rules.

456. See Paragraph 394 of the Second Report of Japan.

457. When a law enforcement agency conducts an investigation under the Code of Criminal Investigations, although the fact that such investigation will contribute to family court proceedings is kept in mind, the sound development and individuality of the juvenile is taken into consideration. Efforts are made to avoid capturing the attention of others, to be careful with language and behavior, to show compassion and understanding, and to ensure that the juvenile's feelings are not hurt. In addition, the personnel speaks to the juvenile in an easy-to-understand terms according to his / her age, gender, and individuality, is a good listener, does not constrain the juvenile despite lies and hostility, instead tries to understand the reasons behind such attitude, encourages the juvenile to reflect on him / herself, and seeks to contribute to his / her recovery.

(Consideration for the age of the child)

458. See Paragraphs 395-403 of the Second Report of Japan.

459. A system was introduced in the revised Juvenile Act in 2000, which is the principle of referral to a public prosecutor, whereby a juvenile who is 16 years of age or older at the time of a crime will face criminal charges in extremely limited cases of the death of the victim occurring as a result of the juvenile's intentional criminal act. Such conduct, from the perspective that an irreplaceable life has been taken away in order to commit a personal crime, is a serious antisocial and immoral act. Therefore the said Act, as indicated in the deliberations held at the Diet by the proponents of the revised law (Diet members), which clearly specifies the principle whereby juveniles will also face criminal charges when such a grave act has been committed, is believed to be necessary in order to develop the juvenile's sense of standards and encourage his/her sound development. In addition, the family court may, as a result of investigation, take various factors into consideration and opt for protective measures. Thus, this system of having juveniles referred to public prosecutors does not contradict the purpose of the juvenile justice standards.

460. On May 25, 2007, an amendment bill of the Juvenile Law was passed by the Diet, which entered into effect on November 1 of the same year. Under the previous laws, an official attendant was appointed only for cases in which a public prosecutor was involved. However, under the amended law, in cases of certain serious crimes in which there is the possibility of a public prosecutor becoming involved, the family court may

appoint an official attendant who is an attorney for the juvenile if the juvenile does not already have one, even if the public prosecutor does not actually become involved in the case and when measures for protective detention have been taken at a juvenile classification home. (Regarding the investigative stage, the Code of Criminal Procedure was amended on May 21, 2004, introducing the system of appointing official defense counsel for suspects in detention when the suspect is charged with certain serious counts prior to the institution of prosecution, with this system also being applied to juveniles.)

(Consideration for promoting the child's reintegration and the child's assuming a constructive role in society)

(1) Correctional Institutions

461. As stated in Paragraph 404 of the Second Report of Japan, correctional institutions take into full consideration, as elements of the healthy upbringing of juveniles, promotion of the juvenile's awareness of human dignity and value and reinforcement of the juvenile's respect for the human rights and fundamental freedom of others, and treat juveniles fairly and appropriately in accordance with their specific age and in a way that will encourage them to reintegrate and play a constructive role in society.

462. To help a juvenile reintegrate and play a constructive role in society, vocational training has been further improved and expanded in juvenile prisons to include new subjects such as forklift operation training. Vocational training and guidance have also been actively provided in juvenile training schools. In 2004, 2,092 out of the 5,626 released juveniles acquired qualifications and licenses of various subjects learned at the schools. Those who were granted completion qualifications and certificates of junior high schools numbered 350 juveniles in 2004.

463. The revision of the Juvenile Act lowered the age at which a person may be subject to criminal disposition to 14 years of age, and accordingly, juveniles who are 14 years of age or older can, as well as being administered protective measures, be punished for criminal offenses. Juveniles under 16 years of age who are sentenced to imprisonment with or without work, may receive correctional education in a juvenile training school until he/she reaches 16 years of age (Article 56, Paragraph 3 of the Juvenile Act). A juvenile who is sent to a juvenile training school to serve his/her sentence is to have compulsory education, in cases where he/she has not completed it, and to have medical treatment under the supervision of a medical doctor if necessary, in consideration of 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 recognize the seriousness of his/her committed delinquencies and to be awakened to a sense of guilt, as well as fostering the juvenile's enriched humanity by making him/her recognize the preciousness of human life, and develop a sympathetic and thoughtful mind.

464. Juveniles housed in juvenile prisons are also highly malleable because of the development stage of their minds and bodies. They are very likely to be open to correction through the proper approach. Thus, new measures have been introduced to set up several goals and treat juveniles in a well-planned way, 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 analyzing and clarifying the underlying problems that have led to the committing of the crime and by developing a personalized treatment plan in accordance with the juvenile's personality. Such a treatment plan includes individual guidance including a personal interview, diary writing etc.; guidance by type of treatment and other forms of guidance with the use of various treatment techniques; and guidance to make juveniles understand the mental pain of the victims and to awaken their sense of guilt. Thus efforts are made to diversify the guidance subjects and methods, give consideration to the juvenile's age and, in particular, to enhance the educational activities and encourage juveniles to undergo vocational training so that juveniles who have been released will be able to play a constructive role in society.

465. Furthermore, in juvenile classification homes and detention houses, consideration is given to providing learning opportunities to juveniles at the age of compulsory education, by ensuring time for self-study as long as they do not disrupt the implementation of classification and the purpose of detention, and to preparing textbooks and other learning materials, and to giving consideration to meetings with teachers at the school that the juvenile attends.

## (2) Probation

466. See Paragraph 263 of the Initial Report of Japan.

467. With regard to juveniles on probation, effective treatment is provided where probation officers encourage juveniles to become good members of society by appropriately dealing with changes in delinquency levels or with each of their individual problems. These forms of treatment include the categorized treatment system,

which focuses on the type of problem the juvenile is suffering from, such as drug abuse, and social activities such as voluntary service in welfare institutions or cleaning parks in order to encourage the juvenile's social adaptation.

(a-2) 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)

468. See Paragraph 409 of the Second Report of Japan.

(Promotion of measures in line with the purpose of the juvenile justice standards)

469. In response to the Eighth International Joint Conference on the Prevention of Crimes and Treatment of Offenders, the juvenile justice system in Japan is run in line with the purpose of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), and with 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 as well, measures in line with the purpose of the standards will continue to be promoted while taking Japan's current social, political, and cultural conditions into account through reasonable efforts.

(Measures ensuring juveniles with problematic behavior are not treated as criminals)

470. In line with the police rules of engagement for juveniles, police officers offer appropriate advice and guidance to juveniles when delinquent behaviors such as midnight wandering and smoking are observed, and in order to prevent delinquency, they conduct patrol activities mainly in places where juveniles tend to gather such as busy downtown streets and parks. In addition, with the consent of the guardians, children who have been recognized as having delinquent behavior through patrol activities are provided with ongoing support for recovery. The purpose of these measures is to encourage the sound growth of juveniles through prevention of juvenile delinquency and protection of juveniles, and do not constitute ones where the police treats juveniles with problematic behavior as criminals.

(Notification of charges)

471. See Paragraphs 412-413 of the Second Report of Japan.

(Defense attorneys and other persons offering appropriate assistance)

472. In family court trials, juveniles and guardians have the right to appoint counsel (Article 10, paragraph 1 of the Juvenile Act). In the decision procedures of measures for detention and shelter care, the court judge explains this to the juvenile (Article 19-3 of the Rule of Juvenile Proceedings), and the court clerk in charge of the case issues or sends a document explaining the procedures and rights to the juvenile and guardians prior to the trial, which also contains information regarding the right to appoint counsel.

(Prohibition of compelling juveniles to testify against themselves)

473. See Paragraphs 270-271 of the Initial Report of Japan, and Paragraph 414 of the Second Report of Japan.

(Right to cross-examine witnesses)

474. See Paragraphs 415-417 of the Second Report of Japan.

(Appeal procedures in the Juvenile Act)

475. See Paragraphs 275-276 of the Initial Report of Japan, and Paragraphs 410-411 of the Second Report of Japan.

(Interpretation services)

476. In accordance with the Code of Criminal Procedure and the Code of Criminal Investigations, law enforcement agencies allow a foreigner who does not speak Japanese to have interpretation services in cases where a police officer other than one who understands the language of the said foreigner conducts an investigation or takes other measures necessary for the investigation.

(Respect of privacy)

477. See Paragraphs 186-188 of the Second Report of Japan.

478. Under the Code of Criminal Investigations, a juvenile's individuality is taken into consideration when conducting an investigation in a law enforcement agency, and efforts are made to avoid capturing the attention of others, to be careful with language and behavior, to show compassion and understanding, and to ensure that the juvenile's feelings are not hurt. In addition, with regard to juvenile cases, facts such as the juvenile's name, address, school name, or company name that would allow the general public to determine the identity of such juvenile shall not be disclosed in newspapers or

other forms of media nor shall the juvenile's picture be provided. Even in cases where the juvenile is the victim or during press releases, the juvenile's privacy is fully respected.

(a-3) Establishment of laws especially applicable to children alleged as, accused of, or recognized as having infringed the penal law

479. See Paragraphs 394-403 and 418 of the Second Report of Japan.

480. Although the minimum age a juvenile will be subject to criminal punishment has been lowered from 16 to 14 years of age pursuant to the Juvenile Act amended in 2000 (Article 20, paragraph 1 of the amended Juvenile Act), this does not intend to lower the minimum age of criminal responsibility, rather the minimum age a juvenile is subject to criminal punishment has been adjusted to conform with the minimum age of criminal responsibility as provided for in the Penal Code. In fact, before the said amendment, juveniles under 16 years of age were, although subject to criminal responsibility pursuant to the provisions of the Penal Code, not put on trial for criminal acts even if these acts consisted of heinous crimes. However, under the extremely grave circumstances that showed no signs of significant decline in the numbers of heinous crimes committed by 14 and 15-year old juveniles, it was considered that in order to contribute to the sound growth of juveniles, a clear stipulation of the situation that if they commit a crime they can be subject to punishment even if they are 14 or 15 years of age, was necessary in order to enhance their respect for social norms and to have them realize the responsibilities that come with social living. Such is the reason why the minimum age a juvenile is subject to criminal punishment has been adjusted to become consistent with the minimum age of criminal responsibility under the Penal Code and lowered to 14 years of age. This amendment does not contradict the purpose of the juvenile justice standards.

(a-4) Care and guidance

(Juvenile support team)

481. In view of the fact that the National Youth Development Policy and Action Plan for Achieving Crime-Resistant Society formulated in December 2003 contain initiatives such as further promotion of activities that form the juvenile support team through cooperation of relevant organizations in order to support individual juveniles with issues such as delinquency as well as the promotion of activities of the juvenile support team, the Government of Japan put together in September

2004 a report on the "Development of a Youth Support System through Cooperation between Relevant Organizations" at the Division Director Meeting on Youth Delinquency Countermeasures in order to promote adequate measures that focus on individual problems surrounding juveniles, through close cooperation between relevant organizations and appropriate division of roles. Meanwhile, law enforcement agencies cooperate with relevant organizations, and on the basis of these purposes, work, mainly at juvenile support centers set up at prefectural police departments, on offering guidance and advice to juveniles with problems such as delinquency and being victims of a crime, and on conducting activities to support their recovery.

(Probation)

482. See Paragraph 419 of the Second Report of Japan (Paragraph 261 of the Initial Report of Japan).

(a-5) Training activities developed for all professionals regarding relevant international instruments including the Beijing Rules

483. See Paragraph 420 of the Second Report of Japan.

(a-6) Progress and problems related to Article 40; relevant statistics

484. See Paragraph 468.

485. Data for article 40, paragraph 2 (b) (iv), of the Convention are as follows.

Interpreters/translators engaged in general incidents committed by juveniles who were of foreign nationality, and subtotals corresponding to nationalities

|      |       | Total | U.S.A. | Vietnam | Republic of Korea / North Korea | Columbia | Thailand | China | Philippines | Brazil | Peru | Others |
|------|-------|-------|--------|---------|---------------------------------|----------|----------|-------|-------------|--------|------|--------|
| 2000 | Total | 1,218 | 16     | 28      | 618                             | 10       | 11       | 172   | 47          | 220    | 36   | 60     |
|      | No    | 933   | 10     | 22      | 612                             | 4        | 6        | 110   | 41          | 76     | 14   | 38     |
|      | Yes   | 285   | 6      | 6       | 6                               | 6        | 5        | 62    | 6           | 144    | 22   | 22     |
| 2001 | Total | 1,436 | 28     | 39      | 594                             | 10       | 14       | 261   | 60          | 309    | 46   | 75     |
|      | No    | 986   | 16     | 25      | 583                             | 5        | 2        | 143   | 46          | 105    | 22   | 39     |
|      | Yes   | 450   | 12     | 14      | 11                              | 5        | 12       | 118   | 14          | 204    | 24   | 36     |
| 2002 | Total | 1,562 | 24     | 32      | 621                             | 19       | 19       | 275   | 62          | 324    | 71   | 115    |
|      | No    | 1,084 | 11     | 19      | 620                             | 7        | 13       | 142   | 51          | 131    | 36   | 54     |
|      | Yes   | 478   | 13     | 13      | 1                               | 12       | 6        | 133   | 11          | 193    | 35   | 61     |
| 2003 | Total | 1,460 | 16     | 56      | 507                             | 16       | 24       | 272   | 92          | 316    | 71   | 90     |
|      | No    | 997   | 9      | 36      | 501                             | 1        | 19       | 156   | 69          | 136    | 25   | 45     |
|      | Yes   | 463   | 7      | 20      | 6                               | 15       | 5        | 116   | 23          | 180    | 46   | 45     |
| 2004 | Total | 1,437 | 19     | 45      | 450                             | 16       | 14       | 295   | 104         | 300    | 71   | 123    |
|      | No    | 987   | 8      | 21      | 445                             | 6        | 9        | 187   | 78          | 135    | 34   | 64     |
|      | Yes   | 450   | 11     | 24      | 5                               | 10       | 5        | 108   | 26          | 165    | 37   | 59     |

Source: Supreme Court

The above figures only focus on nationalities. Therefore, even those who are fluent in Japanese because they were born in Japan and / or were raised in Japan for an extended period of time are also included in these statistics if they are of foreign nationality.

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

(b-1) Detention, imprisonment, or placement in custody

(Considerations regarding arrests)

486. Under the Code of Criminal Investigations, arrests, detention, and other forced measures by law enforcement agencies are to be avoided as much as possible with regard to juvenile suspects. In cases where forced measures are deemed necessary, the psychological consequence such an event may have on the juvenile is taken into account in view of such juvenile's age, personality, crime records, form of crime, and time of detention. Careful consideration is also made of the timing, place, and method of enforcement to ensure that the juvenile's feelings are not hurt.

(Placement in custody during investigation)

487. See Paragraph 274 and 275 of the Initial Report of Japan, and Paragraphs 422-424 of the Second Report of Japan.

488. During an investigation, a juvenile may not be detained without unavoidable reason; and protective detention of a juvenile pending proceeding is available as an alternative measure to detention (Article 43 of the Juvenile Act). As a result, the current percentage of detentions in juvenile crimes remains extremely low in comparison with that of adults, and alternative measures are also taken.

489. Moreover, the measures for detention and shelter care in family court proceedings are only taken when necessary to conduct the trial. Although the maximum term of the measures for detention and shelter care was extended from four to eight weeks by the partial amendment of the Juvenile Act in 2000, this system is used only in cases where a large amount of evidence needs to be examined in order to establish the facts, and such cases are extremely limited. Further, an appeal system for decisions on measures of detention and shelter care was introduced to guarantee the rights of the child.

(Detention)

490. See Paragraphs 274 and 277 of the Initial Report of Japan, and Paragraphs 425-426 of the Second Report of Japan.

491. The average detention period of juveniles who were released on parole from juvenile training schools in 2004 was 149 days in the case of those who received general short-term treatment intended for juveniles whose underlying problems were relatively simple or minor, 83 days in the case of those who received special short-term treatment intended for juveniles whose underlying problems were simpler than the aforementioned ones and who were suitable for treatment in an open environment, and 384 days in the case of those who received long-term treatment intended for juveniles who could not sufficiently show the effects of correctional education in a short-term treatment program.

(Immigration detention)

492. Persons detained in an immigration detention facility are those to whom the grounds for deportation under the Immigration Control and Refugee Recognition Act apply, and to whom a written detention order or a written deportation order pursuant to the said Act has been issued. However, a precautionary system has been established, which enables such person to file a complaint with regard to the deportation procedures after having been detained. When enforcing a written detention order or a written deportation order, efforts are made to avoid detention in an immigration facility by granting provisional release, and, consideration is given to make the detention as short as possible, in view of the detainee's age and health conditions.

(b-2) Existing treatment taken in place of the deprivation of juveniles' liberty (including statistics)

(Number of juveniles sentenced to general protective disposition and subtotals corresponding to existence/non-existence of measures for detention and shelter care)

| Year | Total  | Measures for detention and shelter care |           |
|------|--------|---|-----------|
|      |        | Taken                                   | Not taken |
| 2000 | 76,686 | 18,072                                  | 58,614    |
| 2001 | 79,928 | 17,803                                  | 62,125    |
| 2002 | 83,609 | 17,720                                  | 65,889    |
| 2003 | 81,511 | 17,818                                  | 63,693    |
| 2004 | 78,916 | 16,732                                  | 62,184    |

Source: Annual Report of the Bureau of Justice Statistics

Number of juveniles corresponding to cases by type of decision

(Note: After a trial has been completed, the family court, by means of a ruling, takes one of the following measures: suspension of disposition, transfer to the governor of a prefecture or superintendent of a Child Guidance Center, transfer to prosecutors, or protective measures. In addition to the transfer to a reformatory which deprives juveniles of liberty, probation and transfer to one of the Support Facilities for Development of Self-Sustaining Capacity or a children's institution are also considered as protective dispositions.)

| Year | Total number of juveniles | Total   | Transfer to |                             |          | Protective measures | Probation | Transfer to support facilities for development of self-sustaining capacity or to a children's institution | Transfer to reformatory | Transfer to Child Guidance Center | Suspension of disposal | Not started | Transferred, returned, or consolidated cases |
|------|---------------------------|---------|-------------|-----------------------------|----------|---------------------|-----------|---|-------------------------|-----------------------------------|------------------------|-------------|--|
|      |                           |         | prosecutors | Deserve criminal punishment | Over age |                     |           |   |                         |                                   |                        |             |  |
| 2000 | Total number of juveniles | 284,998 | 14,072      | 9,665                       | 4,407    | 58,176              | 51,635    | 380   | 6,161                   | 193                               | 61,908                 | 116,513     | 34136  |
|      | General Protection        | 197,223 | 3,240       | 1,034                       | 2,206    | 32,650              | 26,653    | 377   | 5,620                   | 191                               | 36,913                 | 100,770     | 23459  |
|      | Road traffic              | 87,775  | 10,832      | 8,631                       | 2,201    | 25,526              | 24,982    | 3   | 541                     | 2                                 | 24,995                 | 15,743      | 10677  |
| 2001 | Total number of juveniles | 285,094 | 13,859      | 9,668                       | 4,191    | 55,906              | 49,481    | 372   | 6,053                   | 144                               | 59,307                 | 121,603     | 34275  |
|      | General Protection        | 204,367 | 3,491       | 1,265                       | 2,226    | 32,400              | 26,509    | 370   | 5,521                   | 143                               | 36,952                 | 107,373     | 24008  |
|      | Road traffic              | 80,727  | 10,368      | 8,403                       | 1,965    | 23,506              | 22,972    | 2   | 532                     | 1                                 | 22,355                 | 14,230      | 10267  |
| 2002 | Total number of juveniles | 286,504 | 12,796      | 8,815                       | 3,981    | 54,883              | 43,568    | 336   | 5,979                   | 183                               | 55,635                 | 128,378     | 34629  |
|      | General Protection        | 210,854 | 3,327       | 1,122                       | 2,205    | 32,065              | 26,315    | 333   | 5,417                   | 183                               | 35,731                 | 114,757     | 24791  |
|      | Road traffic              | 75,650  | 9,469       | 7,693                       | 1,776    | 22,818              | 22,253    | 3   | 562                     | 0                                 | 19,904                 | 13,621      | 9838   |
| 2003 | Total number of juveniles | 274,299 | 12,295      | 8,419                       | 3,876    | 50,587              | 44,390    | 355   | 5,842                   | 178                               | 48,434                 | 129,469     | 33336  |
|      | General Protection        | 210,121 | 3,339       | 1,214                       | 2,125    | 30,339              | 24,684    | 350   | 5,305                   | 176                               | 33,057                 | 118,083     | 25127  |
|      | Road traffic              | 64,178  | 8,956       | 7,205                       | 1,751    | 20,248              | 19,706    | 5   | 537                     | 2                                 | 15,377                 | 11,386      | 8209   |
| 2004 | Total number of juveniles | 264,700 | 11,800      | 8,019                       | 3,781    | 46,443              | 40,789    | 344   | 5,310                   | 241                               | 44,188                 | 130,264     | 31764  |
|      | General Protection        | 207,032 | 3,184       | 1,097                       | 2,087    | 28,585              | 23,370    | 343   | 4,872                   | 241                               | 31,385                 | 119,386     | 24251  |
|      | Road traffic              | 57,668  | 8,616       | 6,922                       | 1,694    | 17,858              | 17,419    | 1   | 438                     | 0                                 | 12,803                 | 10,878      | 7513   |

Source: Annual Report of the Bureau of Justice Statistics



(b-3) Prevention of depriving children of their liberty in the process of arrest, detention, or imprisonment of applicants seeking refugee status

(Deportation procedures)

493. See Paragraph 484 (b-1 above).

494. The deportation procedures for a person are initiated while such person is placed in custody, and the same applies to minors. However, when a minor receives an order of deportation, while a balance between humanitarian consideration and realization of the deportation is sought, the minor is placed for as short a time as possible in custody by flexibly taking measures such as provisional release, in accordance with the purpose of the Convention.

495. The Immigration Control and Refugee Recognition Act was partially amended to stabilize the legal status of illegal foreign nationals applying for refugee status and entered into effect in May 2005. Those meeting certain requirements pursuant to the said amended law are granted provisional stay, deportation procedures are suspended, and procedures for refugee status recognition are initiated without the applicant being placed in custody. In addition, refugee status applicants who are illegal immigrants are without exception granted a status of residence if they meet certain requirements. Moreover, even with regard to those who do not meet the said requirements, after examining during refugee status recognition procedures whether or not they have particular reasons to be granted a status of residence, if such reasons exist, they may be granted a special residence permit.

(b-4) Relevant statistics on the number of children deprived of their liberty, unlawfully, arbitrarily and according to the legal procedure

496. 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:

Average daily population in juvenile classification homes

| Year | Male   | Female | Total  |
|------|--------|--------|--------|
| 2000 | 1, 309 | 164    | 1, 473 |
| 2001 | 1, 316 | 171    | 1, 487 |
| 2002 | 1, 311 | 168    | 1, 480 |

|      |        |     |        |
|------|--------|-----|--------|
| 2003 | 1, 316 | 169 | 1, 485 |
| 2004 | 1, 193 | 165 | 1, 357 |

Average daily population in juvenile training schools

| Year | Male   | Female | Total |
|------|--------|--------|-------|
| 2000 | 4, 052 | 476    | 4,528 |
| 2001 | 4, 280 | 526    | 4,807 |
| 2002 | 4, 291 | 502    | 4,794 |
| 2003 | 4, 267 | 459    | 4,726 |
| 2004 | 4, 124 | 462    | 4,586 |

Average daily population of juvenile prisoners

| Year | Male | Female |
|------|------|--------|
| 2000 | 25   | 1      |
| 2001 | 27   | 2      |
| 2002 | 41   | 1      |
| 2003 | 57   | 0      |
| 2004 | 61   | 0      |

\* A “juvenile prisoner” refers to a juvenile kept in a penal institution under Article 56, Paragraph 1 and Paragraph 2 of the Juvenile Act and to a juvenile placed in a juvenile training school under Article 56, Paragraph 3 of the same Act. Meanwhile, data prior to 2004 does not include data of placements in a juvenile training school under Article 56, Paragraph 3 of the same Act.

(b-5) Ensuring that children deprived of their liberty are treated in accordance with the norms outlined below

(Treatment in correctional institutions)

497. See Paragraph 285 of the Initial Report of Japan.

(b-6) Measures taken to ensure the followings:

(1) Separation of the child from adults unless not separating the child from adults has been recognized as being in the best interest of the child

(Detention house)

498. See Paragraph 429 of the Second Report of Japan.

499. The police also gives special consideration for the detention of an arrested juvenile under the Juvenile Act and the Rules for Detaining Suspects. For instance, juveniles must be kept in custody separately from adult suspects, and the detention rooms for juveniles must be structurally separated from those of adult by partitions. In detention rooms, contact between juveniles and adults is avoided by separating the time of bathing, exercise and entering/exiting detention rooms.

(Penal institutions)

500. As described in Paragraph 191 of the Second Report of Japan, a juvenile sent to a penal institution is housed in a single room because the Juvenile Act requires that the juvenile should be separated from adult inmates.

(2) Right to maintain contact with family members through communication and visits as long as not separating the child from adults is being recognized as being in the best interest of the child

(Detention house)

501. With regard to juveniles in custody, when requested by family members, visits are in principle permitted unless they would affect the investigation or security of the detention house. In addition, with regard to juveniles under detention, meetings with family members are permitted, unless the court or judge denies contact with family members or in cases where the visits are requested outside office hours when the management system of the detention house cannot deal with visits, such as at night, even if such juveniles have not been denied contact with family members.

(Correctional institutions)

502. The current system and situation regarding meetings and correspondence between a juvenile detained in a correctional institution and his/her family members are as provided for in Paragraph 229 of the Second Report of Japan. However, under the Act on Penal and Detention Facilities and the Treatment of Inmates (not yet enforced) approved in May 2005, with regard to inmates housed in a penal institution, in accordance with the idea that appropriate communication with people outside the institution contributes to the rehabilitation and successful social reintegration of sentenced inmates (Article 88 of the said Act), the number of visits was increased from once or more per month to not less than twice per month (Article 92, paragraph 2 of the said Act), and even with regard to the frequency of correspondence, the number was

increased from once or more per month to not less than four times per month, to increase the opportunities of communication with family members.

(3) Supervision and inspection of correctional institutions

503. See Paragraph 265.

(4) Complaint procedures

504. See Paragraph 266.

(5) Regular review of children's conditions

505. See Paragraph 257 of the Second Report of Japan.

(6) Education and health-care services

506. See Paragraphs 436-439 of the Second Report of Japan.

However, as part of efforts to ensure learning opportunities for juveniles in juvenile classification homes, computers have been distributed and are currently being used in all of these.

(7) General principles of the Convention

507. As provided for in Paragraphs 108 and 131 of the Second Report of Japan, with regard to Article 2 (Prohibition of discrimination), all forms of discrimination against the child by the State are prohibited, and whether it is in a juvenile classification home, a juvenile training school, or a juvenile penal institution, fair treatment of the juvenile constitutes the fundamental principle, and careful consideration is given so that no discriminatory treatment is made. In addition, with regard to Article 3 (The best interests of the child), juvenile classification homes ensure that juveniles are placed in a lively environment which allows them to be tried under peaceful conditions (Article 2 of the Rules on Treatment in Juvenile Classification Homes). Likewise, juvenile training schools take the juveniles' stage of physical and mental development into consideration and in a lively environment treat them in such a way that ensures a healthy physical and mental development of the juveniles (Article 1 of the Rules on Treatment in Juvenile Classification Homes). In juvenile penal institutions, education and vocational training are conducted according to the juveniles' stage of physical and mental development, measures that ensure their sound growth are taken. In the light of the purpose of the treatments each of the juveniles placed in the institutions is subjected to, the juveniles are dealt with while taking their best interests into consideration.

(b-7) Ensuring that every child deprived of liberty has the following rights

(1) Prompt contact with the attorney or other person who provides appropriate assistance

(Arrested juveniles)

508. Suspects arrested in accordance with the Code of Criminal Procedure may, without a witness, contact an attorney or person who seeking to be the attorney, or give and receive documents or objects. Arrested suspects are permitted to directly contact their attorney.

(Correctional institutions)

509. See Paragraph 429 of the Second Report of Japan.

(2) Legality of the deprivation of liberty

510. Any person whose liberty is unlawfully deprived may request relief to the court in accordance with the Habeas Corpus Act, and this also applies to juveniles housed in correctional institutions.

(b-8) 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; ratio of the children concerned

Number of persons who made interlocutory appeals against protective measures

| Year | Interlocutory appeal |            | Total number of protective measures being ruled (total number of transfers to the reformatory being ruled) |
|------|----------------------|------------|--|
|      | Number of people     | Ratio (%)  |  |
| 2000 | 792                  | 1.4 (12.9) | 58,176 (6,161)   |
| 2001 | 885                  | 1.6 (14.6) | 55,906 (6,053)   |
| 2002 | 828                  | 1.5 (13.8) | 54,883 (5,979)   |
| 2003 | 888                  | 1.8 (15.2) | 50,587 (5,842)   |
| 2004 | 911                  | 2.0 (17.2) | 46,443 (5,310)   |

Notes: 1. Source: Annual Report of the Bureau of Justice Statistics.

2. Ratio in parenthesis indicates the number of persons who filed interlocutory appeals to the total number of transfers to the reformatory that are being ruled.

3. Interlocutory appeals indicate the appeals filed against the ruling of quasi-juvenile protection cases.

(c) Sentencing of juveniles, and in particular, the prohibition of capital punishment and life imprisonment (Article 37 (a))

511. See Paragraphs 441-442 of the Second Report of Japan.

512. In Japan, a life sentence without parole does not exist, and thus a minor cannot be subject to such sentence. In cases where a person has been sentenced to life imprisonment or imprisonment without work, if such person expresses contrition, the Regional Parole Board may, pursuant to Article 28 of the Penal Code, after 10 years of imprisonment, allow the person to be released on parole in accordance with the provisions of the Offender Prevention and Rehabilitation Law. In addition, a special provision is stipulated for minors regarding the period before eligibility for parole. That is, a person under 20 years of age at the time of the sentence to life imprisonment shall, in view of the fact that juveniles are malleable and likely to be open to correction through a proper approach, be eligible for parole in 7 years instead of 10, pursuant to Article 58, paragraph 1 of the Juvenile Act, except for cases where the person has been sentenced to life imprisonment pursuant to Article 51, paragraph 1 of the Juvenile Act.

(d) Physical and psychological recovery and social reintegration of a child (Article 39)

(Protection of juvenile victims)

513. See Paragraphs 443-445 of the Second Report of Japan.

(Care provided under the Child Welfare Law)

514. Self-reliance support facilities (services for supporting juveniles to become independence) encourage social independence by providing guidance for community life and other forms of lifestyle guidance to children who have left National Homes for Juvenile Training and Education. With regard to the improvement and expansion of these self-reliance support facilities, the targets have been set in the Child Care Support Plan, and efforts are being made to achieve these.

### **C. Children in situations of exploitation; physical and psychological recovery and social reintegration**

(a) Economic exploitation and child labor (Article 32)

(a-1) Economic exploitation of children

(Prohibition of economic exploitation and employment hazardous to a child's development)

515. See Paragraphs 447-449 of the Second Report of Japan.

(Prohibited activities in the entertainment business)

516. See Paragraphs 450-451 of the Second Report of Japan.

517. The Law on Control and Improvement of Amusement and Entertainment Businesses prohibits entertainment and amusement traders from making persons under 18 years of age to engage in jobs involving entertaining guest or dancing with guests, and making persons under 18 years of age to attend to guests from 10pm until sunrise. The law also prevents activities harmful to the sound growth of the juvenile by prohibiting the trader of sex-related special business from making persons under 18 years of age to be engaged in jobs involving attending to guests in the place of business. In October 2005, the said Law was partially amended, which strengthened the penalties for these illegal acts.

(Harmful occupations considered as welfare crimes)

518. See Paragraphs 452-453 of the Second Report of Japan.

519. There are 30 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 Law Banning Child Prostitution and Pornography, the

Child Welfare Law, the Labor Standards Law, the Employment Security Law, the Prostitution Prevention Law, the Law on Control and Improvement of Amusement Businesses, and the Law on Control of Online Dating Sites, under which the police is enforcing regulations.

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

|  | 2001 | 2002 | 2003 | 2004 |
|--|------|------|------|------|
| Labor Standards Law                                    | 139  | 65   | 55   | 69   |
| Law on Control and Improvement of Amusement Businesses | 698  | 689  | 619  | 615  |

\* Persons arrested under the Labor 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.

(Dealing with child labor and vocational training)

520. See Paragraphs 454 - 455 of the Second Report of Japan.

(a-2) Measures adopted in consideration of relevant provisions of international instruments

521. See Paragraphs 456-460 of the Second Report of Japan.

(a-3) International instruments related to international conventions ratified by Japan, including instruments related to the International Labor Organization (ILO) Convention

522. See Paragraph 461 of the Second Report of Japan.

(b) Drug abuse

(b-1) Protecting children from narcotic drugs and psychotropic substances as defined in related international conventions



523. Japan has ratified to the following conventions, which are the international legal framework for measures against the use of drugs, namely the Single Convention on Narcotic Drugs of 1961, in 1964, the Convention on Psychotropic Substances of 1971, in 1990 and the United Nations Convention against Illicit Traffic in Narcotic and Psychotropic Substances of 1988, in 1992, and has made efforts toward their effective implementation. The Government of Japan has contributed to the UN Office on Drugs and Crime (UNODC) since 1991. Particularly for regions in South East Asia, the Government of Japan supports projects for reducing drug consumption including child education to prevent them from drug abuse.

(b-2) Preventing the use of children from the illicit production of psychotropic substances

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

524. See Paragraphs 463-470 of the Second Report of Japan.

(Establishment of a Five-Year Drug Abuse Prevention Strategy)

525. In May 1998, the Government of Japan formulated the Five-Year Drug Abuse Prevention Strategy, chaired by the Prime Minister, at the Headquarters for Promotion of Measures to Prevent Drug Abuse. Under a comprehensive strategy, relevant ministries and agencies worked together to promote measures, which resulted in achieving a certain brake on the worsening of drug abuse among juveniles in particular. However, the number of arrests of drug crime offenders among juveniles, particularly junior high and high school students, remains high. In fact, due to increasingly sophisticated sales of illicit drugs, the amounts of seized synthetic narcotics in tablet form such as marijuana and MDMA seized have rapidly increased. Under such stringent circumstances, the Headquarters launched a “Five-year Drug Abuse Prevention Strategy” in July 2003 in light of these issues.

526. The basic objectives of this strategy is to implement “comprehensive measures for ending the third period of stimulant drug abuse in Japan as soon as possible” and “to make a positive contribution to solve the global problem of drug abuse”. Its specific objectives are as follows: "To eradicate the juvenile's tendency for drug abuse by making young people, particularly junior high and high school students aware of the danger of drug abuse", and "to aim at the eradication of drug abuse among juveniles through further efforts in encouraging juveniles other than children to stay away from

drugs," in order to promote, among ministries and government agencies concerned, anti-drug abuse measures for people including juveniles.

(Regulatory control)

527. As provided for in Paragraphs 466-470 of the Second Report of Japan, law enforcement agencies are making collective efforts to prevent worsening juvenile drug abuse, with the aim of "cutting off supply routes" and "eliminating drug demand". Law enforcement agencies are further intensifying their cooperation with schools and other relevant organizations, and through patrolling activities, they work on early detection of juvenile drug abusers and on offering them adequate guidance.

(Drug abuse prevention education at schools)

528. Education at schools on the prevention of drug abuse is, in accordance with the Courses of Study, provided throughout all school activities, in particular during physical and health education. In addition, the Government of Japan has instructed the prefectural boards of education to hold "drug abuse prevention classes" under the guidance of external specialists, for instance police officers, at all junior high schools and high schools. The Government has also implemented the following measures: preparing and distributing pamphlets for students and reference materials for teachers, holding seminars for school personnel, public relations and awareness-raising activities such as installing large monitors at arenas, holding symposia, promoting practical research in designated areas, etc. Meanwhile, in addition to conducting a survey on the students' perception on drugs, future plans include the preparation and distribution of materials that comprehensively explains various issues students face including drug abuse.

(Education on drug abuse prevention in juvenile training schools and for children on probation)

529. See Paragraphs 475-478 of the Second Report of Japan.

530. Education on the prevention of drug abuse is provided as part of special group offered programs in juvenile prisons.

(Assistance in juvenile support centers)

531. Law enforcement agencies cooperate with relevant organizations and work, mainly in juvenile support centers, on providing continuous advice, guidance, and counseling to juveniles so that juvenile drug abusers can quit drugs at an early stage.

(Relevant statistics)

532. In 2005, 427 juveniles were arrested for stimulant drug-related offences, 174 juveniles for marijuana-related offences and 63 juveniles for use of synthetic narcotics-related offences such as MDMA. In terms of the current situation surrounding juvenile drug abuse, the number of juveniles arrested for stimulant drug-related offences, which was on a declining trend since 2000, has increased, and that of marijuana-related offences and those related to synthetic narcotics in tablet form such as MDMA has remained high. Thus, juvenile drug abuse situation remains serious, which includes concerns that their abuse may expand. Some of the reasons behind juvenile drug abuse include the facts that juveniles have a wrong perception of drugs, that they have reduced resistance to drugs, and that drugs have become more easily accessible due to the wide use of mobile phones. In addition, aside from the drugs defined in international conventions, there are also many offenses related to organic solvents such as paint thinners, and in 2005, 1,394 juveniles were arrested for such offenses.

Trends in the numbers of juveniles arrested for drug abuse-related offenses

|   | 2002  | 2003  | 2004  | 2005  |
|---|-------|-------|-------|-------|
| Stimulants                              | 745   | 524   | 388   | 427   |
| Marijuana                               | 190   | 185   | 221   | 174   |
| Synthetic narcotics such as MDMA        | 7     | 29    | 67    | 63    |
| Organic solvents such as paint thinners | 2,751 | 2,835 | 2,205 | 1,368 |

\* Sources: The National Police Agency, the Ministry of Health, Labor and Welfare, and the Japan Coast Guard. However, the source for offenses related to organic solvents such as paint thinners is the National Police Agency.

(b-3) Effects of measures taken to prevent the use by children of alcohol, tobacco and other harmful substances

(Health Japan 21 and ratification of relevant Conventions)

533. In April 2000, the Ministry of Health, Labour and Welfare launched a campaign called “Building Health Japan in the 21<sup>st</sup> Century” aimed at “eliminating underage smoking and drinking” by the year 2010, and has been since then conducting educational activities on subjects such as the effects of smoking and drinking on the health of juveniles, through symposia and workshops for staff members of local governments. In addition, the Government of Japan ratified in June 2004 the WHO Framework Convention on Tobacco Control (hereinafter referred to as the "Framework Convention on Tobacco Control"), which entered into force in February 2005. Furthermore, the Government set up a Liaison Committee among Ministries and Agencies on Measures against Tobacco to promote, under close cooperation between relevant ministries and agencies, measures against the use of tobacco, as well as a working group on measures to prevent juvenile smoking.

The Ministry intends to step up efforts to realize the target of “eliminating underage 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 various tools such as pamphlets and the Internet.

(Partial amendments to the Law on the Prohibition of Minors' Drinking Alcohol and the Law on the Prohibition of Minors' Smoking)

534. With regard to the partial amendments to the Law on the Prohibition of Minors' Drinking Alcohol and the Law on the Prohibition of Minors' Smoking, see Paragraph 13. Also, see Paragraph 479-484 of the Second Report of Japan.

535. To ensure that alcoholic beverages and tobacco are not easily accessible to minors, law enforcement agencies offer thorough guidance to and impose strict controls on vendors that sell and provide these to minors, and encourage relevant industries to voluntarily take regulatory measures.

Trends in the numbers of juveniles placed in custody under the Law on the Prohibition of Minors' Drinking Alcohol and the Law on the Prohibition of Minors' Smoking

|  | 2001 | 2002 | 2003 | 2004 |
|--|------|------|------|------|
| Law on the Prohibition of Minors' Drinking Alcohol | 159  | 133  | 170  | 158  |
| Not restrained by person with parental authority   | 9    | 10   | 13   | 8    |
| Sold by vendor knowing that it was a minor         | 150  | 123  | 157  | 150  |
| Law on the Prohibition of Minors' Smoking          | 6    | 12   | 18   | 31   |
| Not restrained by person with parental authority   | 3    | 9    | 6    | 26   |
| Sold by vendor knowing that it was a minor         | 3    | 3    | 12   | 5    |

Source: The National Police Agency

(Measures against alcohol)

(1) Guidance to alcohol retailers

536. The National Tax Agency set up standards for indications that contribute to the prevention of alcohol consumption by minors and provides guidance to alcohol retailers on subjects such as asking of personal identification to verify age. As of September 2003, stores that sell alcohol are required to indicate "Alcohol sold here" and "Consumption of alcohol by minors is forbidden by law" near places that sell alcohol. As of October 2005, the above indication of "Consumption of alcohol by minors is forbidden by law" has been amended to "Alcohol is not sold when the age of 20 years old or above cannot be confirmed".

(2) Education at schools on the prevention of alcohol consumption

537. Education at schools on the prevention of alcohol consumption is, in accordance with the Courses of Study, provided throughout all educational activities, particularly in physical and health classes. In addition, in 2004, reference materials for teachers in junior high and high schools were prepared and distributed. Moreover, in 2006, teaching materials that provide a comprehensive overview of various issues surrounding students such as alcohol consumption will be prepared and distributed.

(Measures against tobacco)

(1) Guidance to relevant industries

538. In light of the fact that the Framework Convention on Tobacco Control provides for appropriate measures to prohibit the sale of tobacco products to minors, the National Police Agency, the Ministry of Finance, the Ministry of Health, Labor and Welfare

jointly requested tobacco industries in June 2004 to make efforts toward preventing minors from smoking, such as installing tobacco vending machines in appropriate places and ensuring appropriate and thorough management of employees. Regarding the tobacco sales license, parallel establishment of a shop is required since July 1989 to install a vending machine, and even for those installed prior to that date, there are plans to provide guidance that will lead to improvements.

## (2) Advertising regulations

539. As part of domestic measures to conclude the Framework Convention on Tobacco Control, the guidelines for advertisement related to manufactured tobacco were partially amended in March 2004. As a result, measures contributing to the prevention of smoking by minors were taken, such as prohibiting in principle advertisement of tobacco on television, radio, Internet, and outdoors (including public transportation). In addition, as of July 2005, all manufactured tobacco packages must indicate the following new warning signs: "Smoking by minors increases the adverse effect on health and dependency. Minors should not smoke even if encouraged by others".

## (3) Education at schools on the prevention of smoking

540. Education at schools on the prevention of smoking is, in accordance with the Courses of Study, provided throughout all educational activities, particularly in physical and health classes. In addition, since 1996, posters and pamphlets for elementary school students, pamphlets for junior high and high school students, and reference materials for teachers in junior high and high schools were prepared and distributed. Moreover, surveys to monitor the implementation of measures to prevent passive smoking in schools will be conducted. In 2006, teaching materials that provide a comprehensive overview of various issues surrounding students such as smoking will be prepared and distributed.

## (c ) Sexual exploitation and sexual abuse (Article 34)

### (c-1) Relevant international laws and regulations

541. Regarding sexual exploitation of children, the Government of Japan ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in January 2005, and has worked on its implementation. In addition, signature to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (the TOC Convention) was

approved by the Diet in July 2005 (N.B. the TOC Convention as the principal part, has not yet been ratified due to the on going adjustment of relevant domestic law to the Convention, and therefore the said protocol has neither been ratified).

(c-2) Strategy aimed at protecting children from all forms of sexual exploitation and abuse

(Partial amendment to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children)

542. See Paragraphs 493-496 of the Second Report of Japan.

543. The Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children was partially amended in June 2004. As its purpose provided for in Article 1, the intention of protecting the rights of the child is described in more direct terms. In addition, the statutory penalties for crimes such as child prostitution, procurement of child prostitution, inducement of child prostitution, and provision of child pornography were increased. In line with the necessity for criminalization in accordance with the Optional Protocol to the Convention on the Rights of the Child and the Convention on Cyber Crime, and in order to further promote the protection of children, the act of offering electro-magnetic records of child pornography or storing these for such purpose, the act of offering these to a specific few people or manufacturing and possessing these for such purpose, and the act of inducing a child to practice obscene acts for the purpose of producing child pornography all have become subject to punishment. Likewise, the said Act and statutory penalties also apply to Japanese nationals who have committed the above activities outside Japan.

544. In 2004, 1,232 persons (1,845 cases) were arrested for violation of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children. Among them, 1,095 persons (1,668 cases) were arrested for child prostitution-related offenses, and 137 persons (177 cases) were arrested for child pornography, of which 76 persons (85 cases) were arrested for offenses using the Internet.

(Child Abuse Prevention Law and Child Welfare Law)

545. The Child Abuse Prevention Law stipulates that sexual abuse or sexual exploitation of a child is included in the definition of abuse and is prohibited to any

persons. In addition, the Ministry of Health, Labor and Welfare is actively involved in providing public information and offering educational activities for the prevention of child abuse. For instance, the Ministry prepared a handbook on how to handle child abuse, which provides elaborated guidance as to how to deal with children when they personally come to seek protection or how to deal with cases of sexual abuse, so as to ensure that personnel working in Child Guidance Centers and in Child Welfare Institutions make proper response to abuse incidents.

546. The Child Welfare Law was partially amended in November 2004, and the role of Child Guidance Centers has been clearly defined as one whereby priority is given to difficult cases requiring high expertise, with a view to ensuring the improvement of local child guidance systems. For the same purpose, child welfare facilities are required to set up a complaint window in accordance with the Minimum Standard of Child Welfare Institutions (1948, Ministerial Ordinance of the Ministry of Health, Labor and Welfare, No. 63) partially amended in 2000, to ensure that complaints from a child placed in a child welfare facility or the guardians regarding treatment at the facility are promptly and appropriately dealt with. In addition, the concept of "child rights advocacy" is incorporated in the in-service training programs for those engaged in projects to support the development of self-sustaining capacity of children, which are offered at the Training Institute for Special Staff of the Institute Supporting Development of Self-Sustaining Capacity of Children Affiliated with Musashino Gakuin.

547. In the concluding observations of the Committee on the Rights of the Child in response to the Second Report of Japan, the Committee recommended that the legal system regarding sexual exploitation and abuse be amended to ensure that girls and boys receive equal protection. However, relevant laws and regulations including the current Child Welfare Law contain no discriminatory provisions which might allow different protection measures depending upon gender of children.

(Online Dating Site Regulation Law)

548. In June 2003, the Online Dating Site Regulation Law was formulated and in December of the same year, all of the provisions began to be implemented (See Paragraph 14).

(Response to illegal and harmful information such as child pornography)



549. See Paragraphs 485-492 of the Second Report of Japan.

550. The Government of Japan is working on measures to protect juveniles by focusing on measures against harmful online contents and measures against cyber crimes through its Action Plan for Achieving Crime-Resistant Society. The National Police Agency developed in July 2005 the Information Security Priority Program 2005. This package contains measures against illegal and harmful online information including child pornography as one of the priority measures, and enforces strict controls on these offenses. In addition, the National Police Agency launched in 2002 the Child Pornography Automatic Searching System (CPASS) as a measure against online child pornography. Prefectural police departments save images of child pornography in the database managed by the National Police Agency, and this system automatically starts searching to see whether identical images exist on the Internet, and if there is a hit, the system automatically notifies the prefectural police that registered that image thereof, which is then used for investigating the case of child pornography. Moreover, the Law on Control and Improvement of Amusement and Entertainment Businesses stipulates that an order to suspend business operations may be issued in cases where a person engaged in a business of selling and renting out adult videos commits a crime such as the distribution of obscene material or distribution of child pornography.

(Education on the prevention of sexual exploitation and sexual abuse)

551. Persons involved in school education are informed about prevention of child abuse including sexual abuse through the issuing of notices and various meetings. Moreover, to promote physical and mental health of children, in addition to disease prevention and stress relief, a well-balanced lifestyle with adequate physical exercise, nutrition, rest, and sleep is important. Equally important are the awareness of the value of health, an attitude of taking good care of oneself, knowledge on stress management, and the development of the ability to voluntarily stay away from things that are harmful to the health. For such reasons, schools offer guidance on mental development, on finding a balance between mind and body, and on self-awareness in health and physical education classes. With the establishment of the Law About Regulation of the Act which Attracts Children Using Internet Dating Sites in June 2003, furthermore, a notification containing an outline of the law and points to consider was sent to each prefectural board of education.

(c-3) Enlightenment and education campaign

552. In December 2001, the Government of Japan held the 2nd World Congress against Commercial Sexual Exploitation of Children together with UNICEF, ECPAT International (NGO) and NGO group for CRC, where about 3,000 persons participated. During the said congress, which drew a high degree of attention from people in Japan and abroad, the message was delivered that all the people concerned should cope with this matter together.

553. The booklet prepared by the Ministry of Foreign Affairs on safety measures abroad for Japanese tourists specifies the existence of provisions that punish child prostitution-related offenses committed abroad. Using such tool, the Ministry is disseminating public information for the prevention of child prostitution abroad by Japanese nationals. In March 2005, furthermore, the Ministry supported the launch of the Code Project in Japan promoted by UNICEF and the ECPAT, and promoted the campaign against child prostitution by the travel industry in Japan.

554. See Paragraphs 485-486 of the Second Report of Japan.

555. With the enforcement of the Act on Punishment of Child Prostitution and Pornography and the Child Welfare Law partially amended in June 2004, the Ministry of Justice has, in addition to posting information regarding the said laws on its website, provided various training programs to prosecutors in accordance with their levels of experience. During the training programs, lectures were held on children's and women's issues, prosecutors' practices and human rights issues, through which consideration of the rights of the child was promoted.

556. As regards measures against trafficking in persons, promotional and educational activities are carried out, including such measures as putting up posters in regional immigration bureaus nationwide and distributing leaflets to related organizations such as the regional immigration bureaus that encourage victims of trafficking in persons to seek help from the police or the Immigration Bureau.

557. Law-enforcement agencies distributed, through prefectural police, leaflets to junior high schools nationwide regarding the dangers of using online dating sites which have a tendency to become a breeding ground for child prostitution as well as the contents of the Online Dating Site Regulation Law enacted in September 2003. They also distributed to prefectural police headquarters promotional and educational videos to

urge people not to use online dating sites. In addition, law-enforcement agencies post statistical data related to crimes related to child prostitution, child pornography and child abuse, and overviews of these crimes on their websites, and implement promotional and educational activities aimed at damage prevention. During the month to promote of child abuse prevention, moreover, they work in cooperation with relevant ministries and agencies and make efforts in raising public awareness by putting up a poster on child abuse prevention on the bulletin board of police departments, distributing leaflets, and publishing public service announcements aiming at child abuse prevention in women's magazines.

(c-4) Support of children who have suffered from damages and training of relevant personnel

558. With regard to children who have been victims of welfare crimes such as child prostitution, specialists in juvenile guidance and in juvenile counseling work, mainly in juvenile support centers set up in prefectural police headquarters, in cooperation with external experts and private volunteers where necessary, offer tailor-made counseling based upon children's individual personalities or continuous support, for example through environmental adjustments in collaboration with the guardians. In addition, juvenile guidance officials and specialists in juvenile counseling work receive education on special counseling skills by experts such as university professors and counselors. With regard to child abuse, similarly, guidance and education on subjects such as the contents of the Child Abuse Prevention Law are offered from the perspective of early detection of a child abuse case, using such opportunities as training sessions for newly recruited personnel. Moreover, police personnel engaged in the protection of children and in offering support to guardians receive education to increase expert knowledge and skills related to child abuse issues, such as characteristics of children who have suffered abuse and how to cooperate with relevant organizations. In particular, police personnel working at prefectural police headquarters who are engaged in duties related to measures for the prevention of child abuse receive education on how to deal with child abuse including procedural cooperation with relevant organizations.

(c-5) Relevant statistics

559. See the table below for data on arrests in connection with the main welfare offences related to sexual exploitation

Trends in the numbers of arrests of welfare crime offenders related to sexual exploitation

| Classification  | 2001 to 2004 |       |       |       |       |
|---|--------------|-------|-------|-------|-------|
|   | Year         | 2001  | 2002  | 2003  | 2004  |
| Child Welfare Law (indecent acts)   |              | 345   | 395   | 455   | 513   |
| Prostitution Prevention Law   |              | 126   | 134   | 94    | 118   |
| Juvenile Protection Municipal Ordinance (indecent acts)   |              | 1,265 | 1,291 | 1,281 | 1,211 |
| Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children |              | 1,026 | 1,366 | 1,374 | 1,232 |
| Child prostitution  |              | 898   | 1,201 | 1,182 | 1,095 |
| of which are related to online dating sites   |              | 237   | 493   | 568   | 498   |
| of which are related to telephone club services   |              | 357   | 356   | 174   | 135   |
| Child pornography   |              | 128   | 165   | 192   | 137   |
| of which are online child pornography   |              | 99    | 104   | 100   | 76    |

Arrests in connection with welfare offences related to sexual exploitation

Source: the National Police Agency

560. The number of consultations related to child abuse at Child Guidance Centers was 33,408 in 2004, and the number of consultations related to sexual abuse in the same year was 1,048. The number of children, victims of child prostitution, or child pornography undergoing counseling at a Child Guidance Center was 100 in 2004.

(d) Sale, trafficking and abduction

(Development of domestic laws for measures against trafficking in persons)

561. See Paragraphs 506-507 of the Second Report of Japan.

562. With regard to measures against trafficking in persons including children, Japan formulated in December 2004 the Action Plan of Measures to Combat Trafficking in Persons in relation to the prevention, control of trafficking in persons and protection of victims, in which are involved each ministry and agency. The followings are the main efforts undertaken in accordance with the said plan.

(1) The Penal Code was partially amended (entering into effect in July 2005) to introduce legislation such as establishment of the crime of trafficking in persons. The amended Penal Code punishes the acts of kidnapping or abduction for the purpose of obscenity, kidnapping or abducting for transportation to a foreign country, trafficking in persons, transporting a person who has been abducted or kidnapped in a foreign country out of that country, and handing over abductees. This amendment enhances protection of the rights of the child from the perspective of personal liberty. With regard to crimes similar to these acts, investigative cooperation, judicial assistance, and information exchanges with foreign countries have been further developed. In addition, an Ordinance of the Ministry of Justice was partially amended (March 2005) in such a way to tighten the examination and approval procedures for the status of residence of “Entertainer”. Measures to prevent trafficking in persons were also taken in Japan by having the Ministry of Land, Infrastructure and Transportation issue an instruction to members of the travel industry not to be complicit in sexual exploitation of children.

(2) The Immigration Control and Refugee Recognition Act was partially amended (adopted in June 2005 and implemented in July of the same year), whereby legal systems were introduced to ensure that victims of trafficking in persons are not subject to deportation even if they have been engaged in prostitution. A provision has been established where, with regard to persons who became illegal residents because they were placed under the control of another person through trafficking in persons for example, the Minister of Justice may exceptionally grant a status of temporary residence. Moreover, offenders of trafficking in persons have been made subject to refusal of landing and to deportation. By newly establishing the definition for trafficking in persons in the said Act (including the special definition on children under 18 years of age in accordance with the definition in the Protocol on Trafficking in Persons), measures have been taken to ensure that recognition of victims and identification of offenders of trafficking in persons can be achieved objectively and promptly.

(3) The Law on Punishing Acts related to Child Prostitution and Child Pornography, and on Protecting Children prohibits acts of having a child engage in child prostitution and act as the partner of sexual intercourse, and selling/buying children for the purpose of production of child pornography which represents child figure. It also prohibits transferring a kidnapped, abducted, or traded child living in a foreign country to another country for the purpose of child pornography. Law enforcement agencies are making efforts on strict control in accordance with the said Law. In addition, the Law on Control and Improvement of Amusement and Entertainment Businesses was partially

amended (approved in October 2005), whereby trafficking in persons newly established in the Penal Code has been added to the grounds for disqualification of entertainment and amusement business licenses and grounds for business suspension for those running a store-type sex-related special business.

(International cooperation)

563. In order to prevent trafficking in children, the Government of Japan has been providing assistance through the Human Security Fund. In June 2003, it made a contribution of about US\$500,000 through UNICEF to Laos for the education of girls and development of community for the prevention of trafficking of girls. In April 2003, it made a contribution of about US\$1,200,000 through ILO to Cambodia and Vietnam for the prevention of trafficking in children and women at a community level in Cambodia and Vietnam.

564. Furthermore, to promote efforts against the global issue of trafficking in persons, the Government of Japan dispatched a team of government investigators (the Philippines and Thailand in September 2004, Columbia, the United States in January 2005, Russia, Ukraine, Romania, France in July 2005) where information was exchanged with relevant organizations. In addition, in June 2005, Japan held the Bali Process Workshop on Developing a Coordinated Inter-Agency National Action Plan to Eradicate Trafficking in Persons and Transnational Crime, where it exchanged opinions with the government of each participating State, international organizations, and NGOs in order to promote international efforts in relation to this issue. Moreover, in February 2006, Japan held an international symposium in Tokyo concerning trafficking in persons and invited panelists from various countries including Thailand, Philippines, Indonesia and Columbia.

565. Furthermore, the Government of Japan has been offering financial contributions since 2003 to maintain and operate the Bali Process website, which contains a general description of the Bali Process and results obtained during the workshops, which has contributed to the promotion of information sharing between participating countries.

566. Following the tsunami disaster in the Indian ocean that occurred in 2004, the Government of Japan utilized about US\$86 million of the amount it contributed to international organizations for the "Plan to Support Children of the Tsunami", which

includes measures for the prevention of human trafficking of children living in stricken countries. Moreover, in October 2005, the Government of Japan contributed about US\$650,000 to UNICEF for a project on measures against trafficking in persons in Southeast Asia (the Philippines, Thailand).

567. In February 2003, Japan held the Tokyo International Symposium on Trafficking of Children in Tokyo, co-hosted by the Ministry of Foreign Affairs and UNICEF. The symposium raised awareness about the importance of working on the eradication of trafficking while having measures such as prevention of trafficking, protection, return and reintegration of child victims as well as legal measures interconnect with each other, and of seeking comprehensive and broad-based approaches from not only NGOs but also from the government and other relevant international organizations through cooperation.

568. In order to reinforce measures in response to increasingly globalizing child prostitution and child pornography offenses, the National Police Agency held a meeting on international investigation cooperation for offenses related to commercial sexual exploitation of children during the Second World Congress against Commercial Sexual Exploitation of Children held in Yokohama in December 2001. Every year since 2002, the National Police Agency invites representatives of National Police Agencies, judicial institutions, and NGOs from South East Asian countries who are working on the issue of commercial sexual exploitation of children to hold a Seminar on Commercial Sexual Exploitation of Children in Southeast Asia and an Investigator's Council (4<sup>th</sup> event in November 2005). Opinions are exchanged on the current status of efforts in relation to commercial sexual exploitation of children in Southeast Asia and the protection of child victims. Moreover, the Government of Japan attends Conferences of Experts on Crimes against Children hosted by the International Criminal Police Organization (ICPO), where it shares information with participating countries on child prostitution and child pornography through case studies, exchanged information with investigating authorities to foster cooperative relationships.

569. In 2003, following the approval of the G8 Child Protection Strategy aimed at the protection of children from sexual exploitation on the Internet at the Conference of the G8 Justice and Home Affairs' Ministers Meeting, the G8 countries including Japan have agreed to collect and share information, cooperate with industries and NGOs, and reach out to countries outside the G8 countries. As a part of these efforts, law-enforcement

agencies have been giving in-depth consideration to the establishment of an international database on sexual exploitation of children. In September 2005, although the duties involving the building of the said database have been handed over to the ICPO, which constitutes the main body, Japan will continue to be involved in the establishment of the said database.

(Educational campaigns)

570. The Headquarters for the Promotion of Gender Equality strengthen activities including social awareness-raising to eliminate violence against women (i.e. spousal violence, sex-related offenses, prostitution, trafficking in persons, sexual harassment, stalking, among others), in collaboration with local governments, private organizations, and other related organizations. Every year, the Headquarters conduct a campaign for eliminating violence against women for two weeks, from November 12 through November 25 (which is the International Day for the Elimination of Violence against Women). In addition, the Cabinet Office in close cooperation with other ministries and agencies (such as Cabinet Secretariat, National Police Agency, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Labor and Welfare) distributed nationwide some 30,000 posters to local governments, the Police and the Regional Immigration Bureaus.

571. The Ministry of Foreign Affairs prepared 5,000 copies of a pamphlet on the efforts of the Government of Japan in relation to trafficking in persons, and widely distributed these at symposia and on other occasions.

(Training sessions for Public Prosecutors Office staff)

572. Prosecutors are provided with various training programs in accordance with their levels of experience, during which they are offered lectures on children's and women's issues. Immigration officials receive, as part of various training programs, education from external instructors (such as university professors) on conventions related to human rights including the Convention on the Rights of the Child. In 2004, the training program on human rights offered to personnel engaged in duties related to immigration and treatment of foreign nationals focused mainly on measures against trafficking in persons, including trafficking in children under 18 years of age.

(Actions against abduction of Japanese nationals by the North Korean authorities)



573. Some victims of the Japanese nationals abducted by North Korea were children at the time of abduction. In order to solve this abduction issue, the Government of Japan has consulted with North Korea and addressed this issue on multilateral occasions such as the six parties talk and G8. Based on the recognition that this is a serious problem which directly affects the safety and peace of the Japanese including children, Government of Japan has made diplomatic efforts as co-sponsors of the resolution on the situation of human rights in the Democratic People's Republic of North Korea (hereinafter DPRK) along with EU and the United States of America. As a result, at the UN Human Rights Commission the resolution on the situation of human rights in DPRK has been adopted since 2003 for three years in a row. In December 2005, the UN General Assembly adopted for its first time the resolution on the situation of human rights in DPRK. The General Assembly resolution expresses its serious concern with the situation of human rights in North Korea including the abduction of foreigners. It urges North Korea to implement fully the measures set out in the resolutions of UN Commission on Human Rights which strongly urge to address the concerns on the human rights situation including by resolving, clearly, transparently and urgently all the unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance, including by ensuring the immediate return of abductees. In this regard, the resolution also urged North Korea to fully cooperate with the United Nations agencies. The Government of Japan has continued its strenuous diplomatic efforts to prevent reoccurrence of abductions victimizing children and to solve all remaining problems.

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

574. See Paragraph 501 of the Second Report of Japan.

575. As a follow-up to the report, conclusion of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was approved by the Diet on April 21, 2004. The Optional Protocol was ratified on January 24, 2005 and entered into force for Japan as of February 24 of the same year. On June 8, 2005, signature to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime(the TOC convention), was approved by the Diet. (The TOC Convention as the principal part has not yet been

ratified due to the fact that the relevant domestic laws are not yet to be amended. Thus, the said protocol has neither been ratified).

(e) Other forms of exploitation

(Eliminating the influence of *boryokudan* on juveniles)

576. See Paragraphs 510-513 of the Second Report of Japan.

577. 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. By applying these regulations, suspension orders against a gangster who forces a juvenile to join an organized crime group, or suspension orders against a gangster who prevents juveniles from withdrawing are some of the measures used to protect juveniles against organized crime groups.

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

|  | 2001      | 2002      | 2003      | 2004      |
|--|-----------|-----------|-----------|-----------|
| Juveniles forced to join and prevented from quitting | 80<br>(6) | 49<br>(2) | 60<br>(4) | 77<br>(6) |
| Juveniles forced to have tattoos                     |           | 5<br>(1)  | 2         | 4         |

\* The figures represent the numbers of injunction orders, and those in brackets the numbers of orders given to prevent recurrence.

578. In 2004, the number of juvenile victims of welfare offences in which organized crime groups were involved reached 675, which is 11.6 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.

(Search and protection of runaway juveniles)

579. Law enforcement agencies conduct activities that contribute to the search and protection of runaway juveniles, and make particular efforts to find and protect runaway

juveniles whose life or safety may be in danger or who may suffer damages from a crime that is detrimental to their well-being.

Trends in the numbers of runaways juveniles discovered or protected

|   | 2001   | 2002   | 2003   | 2004   |
|---|--------|--------|--------|--------|
| Runaway juveniles discovered or protected | 26,232 | 23,815 | 22,615 | 18,704 |

Source: the National Police Agency

**D. Children belonging to a minority or an indigenous group (Article 30)**  
(Educational activities)

580. See Paragraphs 112, 113, 514, 515 and 516 of the Second Report of Japan.

581. There have been slander and defamation cases against the Ainu people among cases involving minorities and indigenous groups which the Human Rights Organs of the Ministry of Justice deal with. The Human Rights Organs have been actively engaged in combating such issues through human rights counseling, and investigation and resolution of human rights infringement cases.

(Ensuring opportunities to receive education)

582. See Paragraph 50 of the Initial Report of Japan.