



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-fourth session

25 May – 11 June 2010

## Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

### Concluding observations: Japan

1. The Committee considered the initial report of Japan (CRC/C/OPAC/JPN/1) at its 1513th meeting (CRC/C/SR.1513), held on 28th May 2010, and adopted, at its 1541st meeting, held on 11 June 2010, the following concluding observations.

#### Introduction

2. The Committee welcomes the submission of the State party's initial report, as well as its written replies to the list of issues (CRC/C/OPAC/JPN/Q/1/Add.1), and appreciates the constructive dialogue with a multi-sectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on 11 June 2010 on the State party's third periodic report under the Convention (CRC/C/JPN/CO/3) and on its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JPN/CO/1).

#### I. Positive aspects

4. The Committee welcomes the State party's financial contributions to international organizations working in the field of children's rights, particularly the rights of children involved in or affected by armed conflict.

5. The Committee commends the State party's accession to or ratification of, respectively:

(a) Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) on 31 August 2004;

(b) Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) on 31 August 2004;

(c) The Rome Statute of the International Criminal Court, on 17 July 2007.

## **II. General measures of implementation**

### **Dissemination and training**

6. While noting the State party's information to the effect that events involving the dissemination of human rights and international humanitarian law are organized for the benefit of the armed forces, the Committee notes with concern that the State party does not offer training on the principles and provisions of the Optional Protocol to its Self-Defence Forces either as part of regular training or in preparation for participation in international peacekeeping forces. The Committee is also concerned that certain categories of professionals working with children who may have been recruited or used in hostilities do not receive sufficient training and that awareness of the Optional Protocol among the general public is low.

**7. The Committee recommends, in light of article 6, paragraph 2, of the Optional Protocol that the State party:**

**(a) Ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public and State officials;**

**(b) Ensure that all military personnel receive training on the principles and provisions of the Optional Protocol;**

**(c) Develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children who may have been recruited or used in hostilities, notably teachers, medical professionals, social workers, police officers, lawyers, judges and journalists.**

### **Data**

8. The Committee regrets that the State party does not collect data on the number of refugee children, accompanied or unaccompanied, nor on the number of these children present in the jurisdiction of the State party who have been recruited or used in hostilities. It also notes the absence of information on the socio-economic background of the Youth Cadet recruits.

**9. The Committee urges the State party to establish a central data system in order to identify and register all children present within its jurisdiction who have been recruited or used in hostilities, in order to identify root causes and put in place preventive measures. It also recommends that the State party ensure that data, disaggregated by age, gender and country of origin, is available regarding refugee and asylum-seeking children who have been victims of such practices. It invites the State party to provide information on the socio-economic background of persons recruited into the Youth Cadets in its next periodic report under the Convention.**

### III. Prevention

#### Human rights and peace education

10. The Committee notes with concern the absence of detailed information on specific human rights education provided by the State party, including in relation to peace education, in the curricula of all schools at all levels.

**11. The Committee recommends that the State party ensure the provision of human rights education and, in particular, peace education, for all children in school and train teachers with respect to including these themes in children's education.**

### IV. Prohibition and related matters

#### Legislation

12. The Committee notes the State party's information that legislation such as the Child Welfare Law, the Family Registration Law and the Labour Standards Law may be used to prosecute acts violating the Optional Protocol. It also takes note of information provided by the State party to the effect that such acts can be charged under various offences in the Penal Code. The Committee, nevertheless, remains concerned that there is no legislation explicitly criminalizing the recruitment of children into armed forces or groups or their use in hostilities, nor is there a definition of direct participation in hostilities.

**13. In order to further strengthen international measures for the prevention of the recruitment of children and their use in hostilities, the Committee urges the State party to:**

- (a) Revise the Penal Code and include a provision which explicitly criminalizes the recruitment of children into armed forces or groups and their use in hostilities in violation of the Optional Protocol;**
- (b) Ensure that all military codes, manuals and other military directives are in accordance with the provisions of the Optional Protocol.**

#### Jurisdiction

14. The Committee notes that there is no provision, under the State party's legislation, for the assumption of extraterritorial jurisdiction for acts violating the Optional Protocol in the State party.

**15. The Committee recommends that the State party review its legislation in order to establish extraterritorial jurisdiction for acts constituting offences under the Optional Protocol.**

### V. Protection, recovery and reintegration

#### Assistance for physical and psychological recovery

16. The Committee regrets the insufficient measures taken to identify children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities abroad, as well as inadequate measures taken for their physical and psychological recovery and social reintegration.

**17. The Committee recommends that the State party provide protection for asylum-seeking and refugee children arriving in Japan who may have been recruited or used in hostilities abroad by taking, inter alia, the following measures:**

(a) Identifying, at the earliest possible opportunity, refugee and asylum-seeking children who may have been recruited or used in hostilities;

(b) Carefully assessing the situation of these children and providing them with child-sensitive, multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3, of the Optional Protocol;

(c) Ensuring the availability of specially trained staff within the migration authorities and ensure that the best interests of the child and the principle of non-refoulement are primary considerations in the decision-making process regarding the repatriation of a child. In this regard, the Committee recommends that the State party take note of the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, in particular paragraphs 54-60.

## **VI. Follow-up and dissemination**

18. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Ministry of Defence and other relevant Government Ministries, members of the Diet and other relevant authorities for appropriate consideration and further action.

19. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to promote awareness of the Optional Protocol, its implementation and monitoring.

## **VII. Next report**

20. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and these concluding observations in its combined fourth and fifth periodic report under the Convention on the Rights of the Child, due on 21 May 2016, in accordance with article 44 of the Convention.

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