

Optional Protocol to the Convention on the Rights of the Child  
on the involvement of children in armed conflict

Replies to the list of issues to the consideration of the initial report of Japan

April 2010

Question 1

1. The Ministry of Foreign Affairs of Japan co-organized, with the UNICEF Tokyo Office and the Japan Committee for UNICEF, the Symposium on the Convention on the Rights of the Child "Challenges for the Rights of Children," in Tokyo in March 2010, for the purpose of promoting the realization of the rights in the Convention on the Rights of the Child and its two Optional Protocols and widely disseminating information on the Convention and the Optional Protocols to the public.

The Ministry and the co-organizers invited a Child Protection Advisor from the UN Assistance Mission in Afghanistan to a session entitled "Children and Armed Conflict." During the session, the Director of the UNICEF Tokyo Office served as the moderator. In this session, discussions took place among a Japanese staff member of UNICEF, an expert on international law and humanitarian law, and an official member of the Ministry from a division in charge of human security. The discussants exchanged views on roles that Japan should play against the backdrop of serious violations of children's rights in armed conflicts from the standpoint of international cooperation.

The summary of the symposium is soon to be uploaded to the website of the Ministry of Foreign Affairs of Japan.

2. In 2005, or the year following the ratification of the protocol, the leaflet that was mentioned in Paragraph 41 was distributed in a conference assembling officials of prefectural governments/designated cities who were either members of or affiliated with boards of education (Prefectural governments/designated cities Liaison Conference for Directors of Student Instruction) in Japan.

Question 2

Japan's Penal Code does not stipulate the acts mentioned in the question as independent crimes. However, it is possible to address these acts in accordance with the Penal Code, should a case in question be deemed as one of the following crimes stipulated in the Penal Code: preparations or plots for insurrection, accessoryship to insurrection, preparations or plots for private war, preparations for homicide, and unlawful assembly with weapons.

### Question 3

With respect to the provisions of punishment of the Child Welfare Law and the Labour Standards Law which can be applicable to the act of conscripting or enlisting children into the armed forces or using them to participate actively in hostilities, extraterritorial jurisdiction cannot be exercised.

### Question 4

Neither the Ministry of Defense nor the Self-Defense Forces give training on the Optional Protocol when members of the Self-Defense Forces participate in UN peacekeeping operations.

It is stipulated that the minimum age of recruitment as a member of the Self-Defense Forces should be eighteen years or over, in the Enforcement Regulation on the Self-Defense Forces Law. Consequently children cannot participate in UN peacekeeping operations as members of the Self-Defense Forces. It is fully recognized among officials involved in recruitment and employment of the Self-Defense Forces that the Enforcement Regulation on the Self-Defense Forces Law provides the minimum age for recruitment.

When the Cabinet Office gives training to members of the International Peace Cooperation Corps, it does not offer a programme specially focused on provisions of the protocol or their application. (At this point, the Cabinet Office does not recognize the need for an additional curriculum besides the training offered by the Ministry of Defense and the Japanese Self-Defense Forces.)

### Question 5

1. Please refer to the table below for the number of applicants for refugee status and persons recognized as refugees between 2005 and 2009. We do not disaggregate data of applicants and persons recognized as refugees by whether or not the person in question is accompanied or unaccompanied and, likewise, a child or not.

(Persons)

	Applicants	Recognized refugees
2005	384	46
2006	954	34
2007	816	41
2008	1599	57
2009	1388	30

2. Japan does not have physical and psychological recovery and social reintegration programs for asylum-seeking and refugee children who may have been used in conflicts abroad. The Government of Japan, however, provides, regardless of nationality and age, those applicants who are struggling to make ends meet with actual medical fees. In addition, the Government provides various counseling services for recognized refugees.

#### Question 6

While the term "military assistance" that is used in the question is not defined specifically, Japan's Official Development Assistance Charter declares that any use of ODA for military purposes or for aggravation of international conflicts must be avoided and that full attention should be paid to, among other matters, the situation regarding the protection of basic human rights and freedoms in the recipient country. Japan's export control system is based on the Foreign Exchange and Foreign Trade Act. Regarding "arms" exports, the Government of Japan has been carefully dealing with "arms" exports in accordance with the Three Principles on Arms Exports and the related policy in order to avoid any possible aggravation of international conflicts. Given the significance of the Optional Protocol on the involvement of children in armed conflict in improving the situation in which a great number of children in many regions of the world are becoming the victims of armed conflicts, Japan, as a State Party to the Optional Protocol, rightfully acts in accordance with the object and purpose of the Optional Protocol.