

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

**THE FIRST REPORT OF JAPAN**

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## **I. Introduction**

1. The Government of Japan ratified the "Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict" (hereinafter referred to as "the Protocol") on August 2, 2004, which entered into force in Japan as of September 2, 2005. Article 8, paragraph 1 of the Protocol stipulates that each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, in accordance to which this Government Report is submitted.

2. The implementation of the Protocol requires efforts of several ministries and agencies and cooperation at the community level. The present report will outline the current state of such efforts undertaken. The major relevant ministries include the National Police Agency, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labor and Welfare and the Ministry of Defense, as well as the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Land, Infrastructure and Transport. The present Government Report was written based upon reports from ministries and agencies on legislation and policies for the implementation of the Protocol with careful consideration of the purpose of the Convention on the Rights of the Child and of the opinions of the civil society and NGOs.

## **II. Article 1. Prohibition of a Child to Take a Direct Part in Hostilities**

3. The term "hostilities" as defined in the Protocol refers to acts, performed as part of international armed conflicts, whose nature and purpose are intended to inflict damage upon the opponents and their equipment.

"Direct participation" in "hostilities" refers to such acts of hostilities, where there exists a direct causal relationship between personal actions and the actual damages the opponents will likely suffer. However, detailed individual assessments are required to determine which acts specifically constitute "direct participation" in "hostilities" as defined in the present Protocol.

For example, acts that cause the death of an opponent or damage to its equipment are considered to be "direct participation" in "hostilities". Meanwhile, activities such as transport, supply, and sanitation are not considered to be "direct participation" in "hostilities".

4. "Members of the national armed forces" as defined in the Protocol refer in Japan to the

Japan Self-Defense Forces Personnel, and the Government of Japan recruits only those who are at and above the minimum age of 18 as the Japan Self-Defense Forces Personnel, with the exception of the cases of the students solely receiving educational training (hereinafter referred to as the "Youth Cadets"), in accordance with Article 25 of the Enforcement Regulation on the Self-Defense Forces Law and Article 1 of the Instruction Concerning the Recruitment of Youth Cadets, etc.

The Youth Cadets are the Japan Self-Defense Forces Personnel solely receiving educational training at the schools within the structure of the Japan Self-Defense Forces, who do not take a direct part in hostilities. On the occasion of the ratification of the Protocol, necessary amendments have been made for clarification regarding the Enforcement Regulation on the Self-Defense Forces Law (relevant sections including Article 24, paragraph 2) and the Instruction Concerning the Recruitment of Youth Cadets, etc. (relevant sections including Article 4).

Meanwhile, there are no reported cases of "Youth Cadets" who have in the past been made prisoners of war.

#### 5. ○ Enforcement Regulation on the Self-Defense Forces Law

(Military Ranks of the Japan Self-Defense Forces Personnel at the Time of Recruitment)

##### Article 24, paragraph 2

The Japan Self-Defense Forces Personnel who are candidates for the Japan Self-Defense Forces Officers whose military ranks are Second Lieutenant of the Japan Ground Self-Defense Force, Ensign of the Japan Maritime Self-Defense Force, or Second Lieutenant of the Japan Air Self-Defense Force and above (hereinafter referred to as "officers of the Japan Self-Defense Forces") are recruited as Sergeant Major of the Japan Ground Self-Defense Force, Senior Chief Petty Officer of the Japan Maritime Self-Defense Force, and Senior Master Sergeant of the Japan Air Self-Defense Force, respectively, while the Japan Self-Defense Forces Personnel who are candidates for Non-commissioned Officers of the Japan Ground Self-Defense Force, the Japan Maritime Self-Defense Force, or the Japan Air Self-Defense Force are, as determined by the Minister of Defense, recruited as Private of the Japan Ground Self-Defense Force, Seaman Apprentice of the Japan Maritime Self-Defense Force, or Airman third-class of the Japan Air Self-Defense Force, respectively. However, those of candidates for Non-commissioned Officers of the Japan Ground Self-Defense Force, the Japan Maritime Self-Defense Force, or the Japan Air Self-Defense Force, who solely receive educational training shall, as determined by the Minister of Defense, be recruited as Recruit of the Japan Ground Self-Defense Force, Seaman Recruit of the Japan Maritime Self-Defense Force, or Airman Basic of

the Japan Air Self-Defense Force, respectively.

(Range of age)

#### Article 25

The Japan Self-Defense Forces Personnel set forth in the following items shall be recruited from people whose age, which falls within the range specified in each of the corresponding items, shall be determined by the Minister of Defense.

- (1) Recruit of the Japan Ground Self-Defense Force, Seaman Recruit of the Japan Maritime Self-Defense Force, and Airman Basic of the Japan Air Self-Defense Force shall be 15 years old or older and under 18 years old
- (2) Privates of the Japan Ground Self-Defense Force, Seamen Apprentice of the Japan Maritime Self-Defense Force, and Airman third-class of the Japan Air Self-Defense Force shall be 18 years old or older and under 27 years old
- (3) The Japan Self-Defense Forces Personnel who are candidates for officers of the Japan Self-Defense Forces shall be 22 years old (in the case where the Minister of Defense determines the age range, the age shall be 18 years old or older) or older and under 30 years old

#### 6. ○ Instructions Concerning the Recruitment of Youth Cadets, etc.

(Works Youth Cadets engage in)

#### Article 4

Youth Cadets shall engage in works as specified in the applicable item according to classification of youth cadets as listed in each of the following items:

- (1) A Youth Cadet of the Ground Self-Defense Force: cultivating qualities as Non-commissioned Officers of the Ground Self-Defense Force and acquiring knowledge of and skills in communication, arms and facilities they require as novice Non-Commissioned Officers of the Ground Self-Defense Force;
- (2) A Youth Cadet of the Maritime Self-Defense Force: cultivating qualities as Petty Officers and acquiring knowledge of and skills in communication, sonar and electronic maintenance they require as novice Petty Officers;
- (3) A Youth Cadet of the Air Self-Defense Force: cultivating qualities as Non-Commissioned Officers of the Air Self-Defense Force and acquiring knowledge of and skills in communication, radar and maintenance they require as novice Non-Commissioned Officers of the Air Self-Defense Force.

### **III. Article 2. Prohibition of Compulsory Recruitment of Children**

7. In Japan, there is no conscription system. All of the Japan Self-Defense Forces Personnel

are recruited based upon either examination or selection (Article 35, paragraph 1 of the Law on the Japan Self-Defense Forces).

8. ○ Law on the Japan Self-Defense Forces (Recruitment of Personnel)

Article 35

The recruitment of personnel shall in principle be based upon examination. However, this does not exclude selection based upon evaluation of candidates' competence, which is shown in the process other than examination.

2. Necessary matters on methods and procedures of examination and selection as provided for in the previous item as well as of recruitment of other personnel shall be stipulated by Ordinance of the Ministry of Defense.

**IV. Article 3, paragraph 1. Increase in the Minimum Age for Voluntary Recruitment into the Armed Forces**

9. The Government of Japan recruits people, with the exception of the Youth Cadets, who are 18 years old or older as the Japan Self-Defense Forces Personnel. Although the minimum age for recruitment of the Youth Cadets is 15 years, the Youth Cadets are students who solely receive educational training at schools or the military unit defined in accordance with Article 28, paragraph 8, Article 33, paragraph 2, and Article 34 of the Cabinet Order of the Law on the Japan Self-Defense Forces. These schools thus constitute "schools operated by or under the control of the armed forces of the State Parties" as defined in Article 3, paragraph 5 of the Protocol. In addition, these schools are in accordance with the provisions of Articles 28 and 29 of the Convention on the Rights of the Child, as they offer all Youth Cadets the opportunity to receive secondary education that is based on the curriculum guidelines, they do not legally oblige the Youth Cadets to remain the Japan Self-Defense Forces Personnel after completing their studies as they offer the possibility for them to pursue other careers or to go on to regular universities, physical punishment on Youth Cadets is subjected to disciplinary action as a noncompliance with service disciplines, and sufficient attention is paid to the dignity of Youth Cadets. Thus, there are no Personnel of the Japan Self-Defense Forces in Japan for whom the minimum age is to be raised as stipulated in the Article 3, paragraph 1, in accordance with Article 3, paragraph 5 of the Protocol.

See 6 below for disaggregated data on the Youth Cadets.

**V. Article 3, paragraph 2**

**Binding Declaration, etc. that Specifies the Minimum Age Recognized for Voluntary Recruitment into the Armed Forces**

10. On the occasion of the ratification of the protocol, the Government of Japan submitted a



declaration serving as a legally binding declaration specifying the minimum age for voluntary recruitment, which states that, in principle, those who are 18 years old or over are recruited as the Japan Self-Defense Forces Personnel, and that those 15 and 16 years old are only exceptionally recruited as the Youth Cadets who solely receive education and training. As for explanation of safeguards adopted to ensure that the recruitment of applicants above the minimum age for the national armed forces should be neither forced nor coerced, the Government deposited an explanation stating that the Youth Cadets as in the case of other Japan Self-Defense Forces Personnel are recruited through an examination based upon voluntary applications in accordance with the law (See Annex).

### **VI. Article 3, paragraph 3. Information on the Implementation of Minimum Safeguards Concerning Voluntary Recruitment**

11. With regard to the recruitment of the Youth Cadets, safeguards are adopted through the Law on the Japan Self-Defense Forces and the Instruction Concerning the Recruitment of Youth Cadets, etc, to ensure the followings;

(1) Such recruitment is genuinely voluntary;

12. Safeguards to ensure that the recruitment of Youth Cadets is not forced or coerced are secured, by the fact that recruitment of Youth Cadets is undertaken based upon an examination conducted on a voluntary basis (Article 35, paragraph 1 of the Law on the Japan Self-Defense Forces, and Article 5, paragraph 1 of the Instruction Concerning the Recruitment of Youth Cadets), and that it is prohibited to use such measures as threat, compulsion and similar means with the intention of realizing unjust recruitment of the members (Article 39 of the Law on the Japan Self-Defense Forces).

13. ○ the Instruction Concerning the Recruitment of Youth Cadets

#### Article 5

Recruitment of the Youth Cadets shall be based upon examination.

○ the Law on the Japan Self-Defense Forces

#### Article 39

It is prohibited to receive or offer monetary or other benefits, to request or promise such deals, to use threat, compulsion and similar means, or to use the official position, to offer, request or promise to use such position, or to be involved in these acts, with the intention of unjustly performing acts related to recruitment, leave of absence, reinstatement, resignation, discharge, assignment, disciplinary action, or other acts involving personnel affairs, or unjustly preventing those acts from being performed.

14. The examination consists of a written examination, a physical examination, an oral examination, and an aptitude test. Those who have passed the examination enter respective

schools, which belong to the Japan Ground Self-Defense Force, the Japan Maritime Self-Defense Force, or the Japan Air Self-Defense Force (the Youth Technical School of the Japan Ground Self-Defense Force, the First Service School of the Japan Maritime Self-Defense Force, the Air Basic Training Wing of the Japan Air Self-Defense Force), at the beginning of the first April following the day of examination. In addition, upon entering the schools, the students undergo a second physical examination. The status of the recruited Youth Cadets is "special service national public employee" and they receive monthly salary (starting salary of ¥150,200 (as of April 1, 2006). The Youth Cadets may, as in the case of other national public employees, at any time during period of service and with the approval of the person with the appointing power, resign without being barred from giving their resignation request.

(2) Such recruitment is done with the informed consent of the person's parents or legal guardians;

15. With regard to public relations on recruitment of Youth Cadets, instructions were given so that the public relations would be done with the consent of the legal guardians for junior high school students, and with the consent of the guardians for those who had completed their junior high school studies, considering their age. Instructions were also given so that even during an oral examination, the examiner confirms the "agreement/disagreement of the family". Furthermore, prior to entrance into a school, the submission of a "Recruitment Acceptance (Declination) Letter" signed and sealed by the student as well as by the legal guardian or person having parental authority is requested, and thus a person under the age of 18 may not enter a school or enter the armed forces without that person's consent and the approval of the person having parental authority.

(3) Such persons are fully informed of the duties involved in such military service;

16. With regard to public relations on recruitment of Youth Cadet, "Information on Youth Cadet Recruitment" and "Guidelines for Applicants" are created. Thus, applicants and their guardians are informed of the system, under which Youth Cadets are trained to become professional engineers capable of dealing with the Japan Self-Defense Forces equipment. They are also informed of details concerning educational content, treatment, personnel classification after completion of the courses and detailed job descriptions. When necessary, the Government also ensures to provide adequate information, for instance, through explanation directly made by the recruiter of a Provincial Cooperation Office.

(4) Such persons provide reliable proof of age prior to acceptance into national military service

17. When recruiting Youth Cadets, age is verified through official documents that certify the date of birth (such as the family register) prior to acceptance into national military service, to avoid recruiting by mistake persons under 15 years old (Article 5-2, paragraph 3 of the Instruction Concerning the Recruitment of Youth Cadets). In the case where the above

documents reveal after a person enters the armed forces that the person is not qualified for an examination, recruitment is cancelled.

18. ○ the Instruction Concerning the Recruitment of Youth Cadets  
(Recruitment)

Article 5, paragraph 2

(1) Persons who are 15 years old or older and under 17 years old as of April 1<sup>st</sup> following the date of the examination

Article 5-2

When recruiting Youth Cadets, the following items shall be confirmed prior to acceptance.

(3) Ensure that the provisions stipulated in paragraph 2, item 1 of the previous Article are proven with the information contained in a copy or extract of the family register or in the official family register.

**VII. Article 3, paragraph 5. Schools Operated by or Under the Control of Armed Forces of the State Parties**

19. With regard to Youth Cadets, boys who are 15 years old or older and under 17 years old are recruited as the Japan Self-Defense Forces Personnel who solely receive educational training. The schools of the Japan Self-Defense Forces which these Youth Cadets attend correspond to "Schools Operated by or Under the Control of Armed Forces of the State Parties" as defined in Article 3, paragraph 5 of the Protocol, and the education is provided in accordance with the purpose of the provisions of Articles 28 and 29 of the Convention on the Rights of the Child, as described in the above section VI.

20. The number of schools of the Japan Self-Defense Forces where the Youth Cadets under 18 years old receive educational training is 8, and the educational training courses of the Youth Cadets are provided in the Japan Ground Self-Defense Force, the Japan Maritime Self-Defense Force, and the Japan Air Self-Defense Force, respectively. The proportion between academic education prescribed in the general high school curriculum guidelines and military training required as the Japan Self-Defense Forces Personnel, including defense education and the basics of each skill, in the curricula is roughly 1:1. The length of this education is approximately 1,700 hours per year, and students are granted a high school diploma upon completion of the three-year courses.

Meanwhile, these schools also offer education on human rights and humanitarian affairs.

21. The recent numbers of recruited Youth Cadets were as follows: in 2002, 271 in the Japan

Ground Self-Defense Force, 76 in the Japan Maritime Self-Defense Force, 64 in the Japan Air Self-Defense Force, with a total of 411; in 2003, 285 in the Japan Ground Self-Defense Force, 54 in the Japan Maritime Self-Defense Force, 55 in the Japan Air Self-Defense Force, with a total of 394; and in 2004, 287 in the Japan Ground Self-Defense Force, 71 in the Japan Maritime Self-Defense Force, 64 in the Japan Air Self-Defense Force, with a total of 422.

The numbers of students by age as of the end of 2005 were 39 students at 15 years old, 250 students at 16 years old, 268 students at 17 years old, 262 students at 18 years old, 184 students at 19 years old, 21 students at 20 years old in the Japan Ground Self-Defense Force, 10 students at 15 years old, 51 students at 16 years old, 71 students at 17 years old, 53 students at 18 years old, 38 students at 19 years old, and 8 students at 20 years old in the Japan Maritime Self-Defense Force, 9 students at 15 years old, 56 students at 16 years old, 39 students at 17 years old, 52 students at 18 years old, 30 students at 19 years old, and 46 students at 20 years old in the Japan Air Self-Defense Force.

22. In addition, the Youth Cadets may submit their resignation at any time regardless of the length of their service period, as described in the above V.

#### **VIII. Article 4. Prohibition of Recruitment and Use of Children by Armed Groups that are Distinct from the National Armed Forces**

(1) Legal Measures Which Aim at Criminalizing the Recruitment and Use in Hostilities of Children Under the Age of 18 Years By Armed Groups

23. In Japan, the act of keeping a child under one's control with the aim of having that child perform acts from which the child would suffer physically and psychologically is considered a crime under the Child Welfare Law. Furthermore, under the Labor Standards Law, an employer is prohibited from allowing persons under 18 full years of age to engage in dangerous or harmful duties (including the handling of gunpowder and explosives).

Therefore, through measures including the prohibition of the recruitment and use of persons under the age of 18 years by armed groups that are distinct from the national armed forces and legal measures necessary to criminalize these acts, all possible measures to prevent such recruitment and use are adopted.

24. In addition, acts performed by "armed groups that are distinct from the national armed forces" (including the simple possession of weapons) are subject to criminal punishment and administrative penalties as provided by various criminal laws and administrative penalties, including relevant provisions of the Penal Code, the Explosives Control Act, the Explosives Control Law, the Law to Control the Possession of Firearms and Swords, and the Subversive Activities Prevention Act, among others. Therefore, it can be said that in Japan, legal measures aiming to prevent the recruitment and use of children by such organizations are in place.

25. Overall enforcement of the above is secured by the police and other relevant organizations in Japan, and if necessary, by the Japan Self-Defense Forces.

26. ○ The Child Welfare Law

Article 34

(1) Any person shall not do any of the following acts:

9. An act where a child is kept under one's control with the aim of having that child perform acts from which the child would suffer physically and psychologically.

27. ○ Labor Standards Law

Article 62

(1) An employer is prohibited from allowing persons under 18 full years of age to clean, lubricate, examine, or repair machines in operation or dangerous parts of power units or dynamo-electric motors, attach belts or ropes onto machines in operation, power units or dynamo-electric motors or remove them, operate power cranes, engage in other dangerous duties as defined by the Ministry of Health, Labor and Welfare Ordinance, or engage in duties that involve heavy loads as defined by the Ministry of Health, Labor and Welfare Ordinance.

(2) An employer is prohibited from allowing persons under 18 full years of age to engage in duties that involve the handling of poisons, poisonous materials, or other harmful substances or materials, of explosive, combustible, or inflammable substances or materials, duties that require such persons to be present in areas where a significant amount of dust or powder flies, where hazardous gas or hazardous radiation is emitted, or where the temperature or the pressure is high, or other duties that require such persons to be present in areas that are harmful to the safety, health, or well-being of such persons.

(3) The range of the duties provided in the previous paragraph shall be established defined by the Ministry of Health, Labor and Welfare Ordinance.

28. ○ Penal Code

Article 77

(1) A person who commits an act of riot for the purpose of overthrowing the government, usurping the territorial sovereignty of the State, or otherwise subverting constitutional order, thereby committing the crime of insurrection shall be sentenced according to the following distinctions:

- (i) A ringleader shall be punished by death or life imprisonment without work.
- (ii) A person who participates in a plot or directs a mob shall be punished by imprisonment without work either for life or for a definite term of not less than 3

years; a person who performs other leading functions shall be punished by imprisonment without work for not less than 1 year but not more than 10 years.

(iii) A person who merely follows other or otherwise merely joins in the riot shall be punished by imprisonment without work for not more than 3 years.

(2) An attempt of the crime proscribed under the preceding paragraph shall be punished; provided, however, that the same shall not apply to a person provided for in subparagraph (iii) of the same paragraph.

#### Article 78

A person who prepares for or plots an insurrection shall be punished by imprisonment without work for not less than 1 year but not more than 10 years.

#### Article 79

A person who aids the commission of any of the crimes proscribed under the preceding two Articles by the supply of arms, funds of food, or by any other act, shall be punished by imprisonment without work for not more than 7 years.

#### Article 93

A person who prepares or plots to wage war privately upon a foreign state shall be punished by imprisonment without work for not less than 3 months but not more than 5 years; provided, however, that the punishment of the person who surrenders him/herself be remitted.

#### Article 201

A person who prepares for the commission of a crime proscribed under Article 199 shall be punished by imprisonment with work for not more than 2 years; provided, however, that the punishment may be remitted in light of circumstances.

#### Article 208-3

(1) When two or more persons assemble for the purposes of jointly harming the life, body or property of another, any participant of the assembly who has prepared weapons or knows that weapons have been prepared shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 300,000 yen.

(2) In the case of the preceding paragraph, a person who, having prepared weapons or knowing that weapons have been prepared, causes another to assemble, shall be punished by imprisonment with work for not more than 3 years.

#### (2) A Program to Protect Children Against Recruitment and Use by Armed Groups- Birth Registration

29. In Japan, births shall be registered by submitting a notification of birth to the mayor of the municipality (Article 49 of the Family Registration Law).

30. The notification of birth must be submitted within 14 days after the birth of the child (Article 49 of the Family Registration Law). Primarily, the father or the mother of the child is obliged to submit the notification. If the parents cannot submit it, the duty is transferred secondarily in the order of (1) a person who lives with the mother, or (2) a doctor, a midwife, or any another person who was present at the delivery. In cases where none of these persons is able to submit the notification, a legal representative other than the above-mentioned persons may do so (Article 52 of the said Law). This notification of birth allows a child who is a Japanese national to be registered in the family register.

31. If the mayor of the municipality discovers that the person who was obliged to submit the notification of birth failed to do so, the mayor shall send a notification to such person, and if the person still does not or cannot perform the obligation, the mayor may register the birth in the family register ex officio (Article 44 of the said Law).

32. Furthermore, if a person who is obliged to submit the notification fails to do so during the prescribed period without any justifiable reason, an administrative fine of not more than 30,000 yen shall be imposed on such person (Article 120 of the said Law).

33. The Family Registration Law is also applicable to a foreign child born in Japan, requiring the submission of the notification of birth described above.

#### **IX. Article 5. A Working Relationship with International Laws With Regard to the State Parties**

34. The Protocol is considered to be the International Convention which at the present moment contributes most to the realization of the rights of the child with regard to matters such as direct participation in hostilities, prohibition of forced recruitment, and raising the minimum age of recruitment. Meanwhile, in terms of the protection of children under armed conflict, the necessity to protect children has already been stated in conventions such as the Geneva Conventions for the protection of war victims. The Government of Japan has become a party to the four Geneva Conventions, its Additional Protocol I (joined on August 31, 2004) and to its Additional Protocol II (joined on August 31, 2004).

#### **X. Article 6, paragraphs 1 and 2. Measures Adopted by the State Parties**

(1) Amendment to National Laws and Regulations

35. The Government of Japan can implement all the provisions of the Protocol by the existing national laws and regulations, and thus new legislative and budgetary measures were considered unnecessary for the ratification of the Protocol.

36. In order to clearly state the intention to fulfill the obligation of the State Parties described

in Article 1 of the Protocol, where "all feasible measures are taken to ensure that members of the national armed forces who have not attained the age of 18 do not take a direct part in hostilities", necessary amendments to the Enforcement Regulation on the Self-Defense Forces Law and the Instruction Concerning the Recruitment of Youth Cadets were made, as described in the above section II. This has been communicated to all members of the Japan Self-Defense Forces including recruiters of Provincial Cooperation Offices.

#### (2) Government Departments and Agencies that Hold Responsibility for Implementation of the Protocol

37. The state entity that assumes responsibility for the implementation of Conventions and other international agreements which Japan signed is the Cabinet, which exercises administrative authority, and their implementation is, under the supervision of coordination by the Cabinet, undertaken by the relevant administrative agencies in accordance with the laws establishing such administrative agencies and other laws (including instructions based on laws). The Government of Japan takes measures to implement the Protocol through close coordination and consultation among relevant administrative agencies such as the National Police Agency, the Ministry of Justice, and the Ministry of Foreign Affairs and the Ministry of Defense etc.

#### (3) Mechanism and Means Used for Monitoring and Periodically Evaluating the Implementation of the Protocol

38. The national compliance with the Protocol is evaluated periodically during the course of the creation and submission of the Government Periodic Reports on the state of implementation of the Protocol to be submitted by each State Party to the Committee on the Rights of the Child in accordance with the obligations under the Convention (Article 8 of the Protocol).

#### (4) Dissemination of the Protocol

39. In addition to placing the texts of the Protocol on its website, the Ministry of Foreign Affairs carried out publicity activities by including an article on the Optional Protocol in the public relations magazine for public service announcement by the Cabinet Office in October 2004 (about 2 million copies), and in January 2005 by placing a similar article in the public relations magazine of the Ministry of Foreign Affairs (distributed to about 3,400 organizations). Furthermore, in March 2005, 20,000 copies of a booklet containing articles of the Convention on the Rights of the Child, the Protocol, and the Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (original and provisional Japanese translations) were printed and distributed to



all parties concerned, with the aim to disseminate the contents of the Protocol.

**XI. Article 6, paragraph 3. Measures Adopted With Regard to Disarmament, Demobilization (or Release from Service) and to the Provision of Appropriate Assistance for the Physical and Psychological Recovery and Social Reintegration of Children**

40. As described in the above section II, the Youth Cadets do not directly participate in hostilities, and persons who are 18 years old or older are recruited as the Japan Self-Defense Forces Personnel, with the exception of the Youth Cadets. In addition, as described in the above section V, persons who are less than 15 years old are not recruited as Youth Cadets.

41. Furthermore, as described in the above section VII, the recruitment and use of children in hostilities by armed forces that are distinct from the national forces are subject to punishment under the relevant provisions of the Child Welfare Law. The existing various penal laws in Japan ensure punishment and administrative penalties vis-à-vis acts by armed groups which are distinct from the national armed forces. Thus, the recruitment and use of such children is prevented by legal measures. These measures as a whole guarantee the possibility to liberate the children through ensured enforcement thereof.

42. In Japan, as described above, children do not join the armed forces, and are prevented from joining other armed groups. In addition, in the event that a child under 14 years of age at the time of the crime commits a crime, measures based on the Child Welfare Law are in principle applied due to the fact that persons under 14 years of age are not punishable under the Penal Code in Japan. If the child is 14 years of age or older at the time of the crime, applicable legal processes and measures would be applied under the Juvenile Law and other related laws, which differ from those applied to adults (those who have reached the age of 20 years) in order to encourage the child, while taking in consideration the age of such child, to assume a more positive role in society in the future. (For more information, see the Initial and Second Japanese Government Reports on the Convention on the Rights of the Child.)

43. See the following section XII for details on international cooperation on this matter.

**XII. Article 7. International Cooperation**

(1) International Cooperation on the Support of Children who have been Affected by Conflicts

44. To secure and enhance the rights and well-being of children affected by armed conflicts, and to protect children who are at high risk of being recruited by armed groups, such as

refugees and internally-displaced children, the Government of Japan has been providing the following support.

45. Japan's Contributions to International Organizations as of December 31, 2005 (Note: fiscal year from Jan. to Dec.)

▪ UNICEF :

In 2004 and 2005, Japan's total contribution to the UNICEF was 155,605,000 US dollars and 184,138,000 US dollars respectively.

▪ UNHCR

In 2004 and 2005, Japan's total contribution to the UNHCR was 81,751,782 US dollars and 94,518,948 US dollars respectively.

▪ WFP

In 2004 and 2005, Japan's total contribution to the WFP was 135,729,626 US dollars and 160,528,867 US dollars respectively.

▪ IOM

In 2004 and 2005, Japan's total contribution to the IDP Assistance was 27,000,000 US dollars and 5,633,641 US dollars respectively.

▪ ICRC

In 2004 and 2005, Japan's total contribution to the ICPC was 10,518,000 and 13,590,000 Swiss Francs respectively.

● Examples of specific support projects (major projects undertaken in 2004 and 2005)

46. (Support through international organizations)

- Iraq:

May, 2004: the Iraqi elementary and secondary education enhancement programme and the improvement programme for the sanitary facilities in the southern part of Iraq (UNICEF): about 53,500,000 US dollars

- Sudan:

October, 2004: Water and sanitation project for the victims in Darfur (UNICEF): about 2,500,000 US dollars

Chad (support for Sudanese refugees) (UNICEF): about 1,000,000 US dollars

Healthcare support programme for victims of conflicts in Darfur (ICRC): about 2,000,000 US dollars

Support for internally-displaced persons in Darfur (distribution of relief items, support for relocation, etc.) (IOM): about 2,000,000 US dollars

March 2005: Emergency Mine / UXO Survey, Clearance and Mine Risk Education in Sudan (UNMAS): about 7,000,000 US dollars

September 2005: Support for children affected by conflicts in Southern Sudan (UNICEF):

about 8,600,000 US dollars

Establishment of transit centres for returnees, transfer of vulnerable populations and sick persons (IOM): about 4,600,000 US dollars

Establishment of transit centres for returnees, protection, counseling, and mine awareness education (UNHCR): about 8,900,000 US dollars

February 2006: Medical aid for victims of conflicts in Southern Sudan (ICRC): 2,000,000 US dollars

2005: Temporary disarmament, demobilization, and social reintegration program (UNDP): about 6,900,000 US dollars

- Afghanistan:

2004: Afghanistan's New Beginnings Programme (UNDP): about 27,300,000 US dollars

- Palestine:

2004: Children's Recreational and Cultural Support Programme

(recreational and cultural support project for children, such as provision of care for those with post-traumatic stress disorder (PTSD) caused by conflicts and violence after Intifada) (UNRWA): about 100,000 US dollars

- Sierra Leone:

March 2005: Arms (Collection Programme) for Development (UNDP): about 1,900,000 US dollars

March 2005: Rehabilitation of Health, Education, Water and Sanitation Systems (UNICEF): about 4,730,000 US dollars

February 2006: Community Empowerment and Development Project (UNDP): about 2,110,000 US dollars

March 2006: Programme on Promoting Weapons Collection and Community-based Development (UNDP) : about 1,600,000 US dollars

- Rwanda:

March 2005: Improvement of water, sanitation, and healthcare facilities, guidance to parents, etc. (UNICEF): about 1,360,000 US dollars

- Uganda:

March 2005: Improvement of healthcare and nutrition, water supply, sanitation, protection of children, provision of commodities (UNICEF): about 9,300,000 US dollars

- Burundi:

February 2005: Assistance to returnees (UNHCR) : about 3,700,000 US dollars

March 2005 Establishment of classrooms (UNHCR): about 1,600,000 US dollars

February 2006: Project to assist Social Reintegration and Economic Self-sustainability of Victims of Conflicts (UNDP): about 1,000,000 US dollars

February 2006: Assistance for Education after Conflict (UNICEF): about 7,300,000 US

dollars

- the Democratic Republic of the Congo (DRC):

February, 2006: Assistance for Peace-Building Education and Protection of Children (UNICEF) : 10,951,875 US dollars

- Great Lake Region (Burundi, the Democratic Republic of the Congo, Rwanda, Uganda):

March, 2006: Programme to Assist Social Reintegration of ex-Child Soldiers in the Great Lake Region: (UNDP, AU): about JPY234,000,000

- Liberia:

March 2005: Community-Based Reintegration Programmes to Support Peace Building and Reconciliation in Heavily-Impacted Returnee Areas in Liberia (UNHCR): 3,000,000 US dollars

February, 2006: Social Reintegration of ex-Child Soldiers and Post-Conflict Community Support (UNICEF): 6,783,531 US dollars

February 2006: Community-based reintegration projects to promote peaceful co-existence among War-affected Populations in districts of high IDP Return (UNHCR): about 2,150,000 US dollars

March 2006: Programme on Promoting Weapons Collection and Community-based Development (UNDP): about 1,990,000 US dollars

47. (Main bilateral support)

- Afghanistan:

2004: Project of building schools: about 6,150,000 US dollars

2005: Project of building schools: about 9,600,000 US dollars

48. (Support through the Trust Fund for Human Security)

- the Democratic Republic of the Congo (DRC):

September, 2005: Project for Girls Development and Education (UNICEF): 1,063,824 US dollars

- Columbia:

May 2004: Support for communities of internally-displaced persons (UNHCR): about 1,100,550 US dollars

- Burundi:

October 2004: Support for internally-displaced persons and returnees (FAO): 998,942 US dollars

- Afghanistan:

October 2005: Support for the improvement of school infrastructure (WFP): 2,725,391 US

dollars

- Republic of Congo:

September, 2005: Support for Social Reintegration of Ex-combatants (UNDP): 1,047,629 US dollars

- Russian Federation of Chechnya:

March, 2006: Assistance for “Capacity building for integrated psychological, pedagogical and medico-social rehabilitation of school children and educational personnel” (UNESCO and WHO): 977,874 US dollars

#### 49. (Grant Assistance for Grass-Roots Projects and Human Security)

In addition, the Government of Japan decided to extend grass roots human security grant aids to 243 projects (2,234 billion yen) in 2004 and 69 projects (681 million yen) in 2005, as these projects are deeply concerned with child-related issues such as assistances to education areas. For example, in March 2005, the Government of Japan extended grant aid of about 640,000 US dollars to the Del Valle University Hospital in Columbia for the project to repair rehabilitation center for conflict victims including landmine survivors.

#### 50. (Assistance through Japanese NGOs)

-Afghanistan:

June, 2005: JEN, 'Integrated Project to Support Returnees in Parwan Province':

Cooperation through Grand Assistance for Japanese NGO JPY96,896,674

September, 2005: Shanti Volunteer Association, 'Programme to Construct Elementary Schools in Nangarhar Province' :Cooperation through Grand Assistance JPY20,242,291

November, 2005: Shanti Volunteer Association, 'Primary Education Improvement Project in Nangarhar Province' :Cooperation through Grand Assistance for Japanese NGO JPY6,229,112

-Iraq

November, 2005:JEN, 'Rehabilitation of schools in Bagdad' :Cooperation through Grand Assistance to Japan Platform JPY177,303,540

-Sudan

April 2005, Save the Children Japan, 'Water, sanitation and education in Western Darfur state' :Cooperation through Grand Assistance to Japan Platform JPY76,405,000

(2) Measures, Programs, Education and Job Training, and Research Implemented to Deal

with the Physical Impact on Children under Armed Conflicts and to Promote Their Social Reintegration

51. In 2001, in order to support and promote efforts for social reintegration of former child soldiers around the world, the Government of Japan commissioned a research project on the conditions, problems, and future agenda in various parts of the world, and published the results obtained on the Ministry of Foreign Affairs website (in English).

In accordance with Article 3, Paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of Japan declares as follows:

The Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces, with the exception of the cases of the students solely receiving educational training at the schools within the structure of the Japan Self-Defense Forces (hereinafter referred to as “the Youth Cadets”), which come under “schools” stipulated in Article 3, paragraph 5 of the Optional Protocol.

The minimum age of recruitment of the Youth Cadets is 15 years.

In Japan, the safeguards to ensure that the recruitment of the Youth Cadets is not forced or coerced are as follows:

1. In accordance with the provisions of the Law on the Japan Self-Defense Forces (Law No. 165/1954), the recruitment of personnel of the Japan Self-Defense Forces including the Youth Cadets is required to be based upon examination or selection, and it is prohibited to use such measures as threat, compulsion and similar means with the intention of realizing unjust recruitment of the members.
2. Further, in recruiting the Youth Cadets, the following shall be confirmed beforehand in accordance with the Instruction on the recruitment of the students of the Japan Self-Defense Forces (Japan Defense Agency Instruction No 51/1955).
  - (1) Either the person who executes the parental authority over a Youth Cadet or his/her guardian gives consent to the recruitment.
  - (2) The candidate for a Youth Cadet is fully informed of the duties to be involve in advance.
  - (3) A proof of the age of the Youth Cadets for being at or over 15 years is provided by a certifying document.

IN WITNESS WHEREOF, I have signed this instrument and affixed hereto the Seal of the Minister for Foreign Affairs.

Signed: Yoriko Kawaguchi (seal)  
Minister for Foreign Affairs of Japan

Tokyo, July 30, 2004