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Committee on the Rights of the Child**Concluding observations on the combined fourth and fifth periodic reports of Japan*****I. Introduction**

1. The Committee considered the combined fourth and fifth periodic reports of Japan (CRC/C/JPN/4-5) at its 2346th and 2347th meetings (see CRC/C/SR.2346 and 2347), held on 16 and 17 January 2019, and adopted the present concluding observations at its 2370th meeting, held on 1 February 2019.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/JPN/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the revision of the Civil Code in 2018 that sets the minimum age of marriage at 18 for both women and men, the amendment to the Penal Code in 2017, the amendment to the Child Welfare Act in 2016 and the amendment of the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children in 2014, which now criminalises the possession of child pornography. The Committee also welcomes institutional and policy measures related to children's rights since its last review, such as the Outline for the Promotion of Development and Support for Children and Young People in 2016, the Fourth Basic Plan on Measures for Providing Safe and Secure Internet Use for Young People in 2018, and the General Principles of Policy on Poverty among Children in 2014.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18), respect for the views of the child (para. 22), corporal punishment (para. 26), children deprived

* Adopted by the Committee at its eightieth session (14 January – 1 February 2019).



of a family environment (para. 29), reproductive and mental health (para. 35) and juvenile justice (para. 45).

5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and its Optional Protocols throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving the 17 Goals as far as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

6. The Committee, in line with its previous recommendations (CRC/C/JPN/CO/3, para. 10) recommends that the State party consider withdrawing its reservation to article 37 (c), which constitutes an obstacle to the full application of the Convention.

Legislation

7. While noting the information provided by the State party on amendments to various laws, the Committee strongly recommends that the State party adopt a comprehensive law on children's rights and take steps to fully harmonize its existing legislation with the principles and provisions of the Convention.

Comprehensive policy and strategy

8. The Committee recommends that the State party develop a comprehensive child protection policy that encompasses all areas covered by the Convention and that ensures coordination and complementarity among government entities; and, on the basis of the policy, develop a strategy containing the necessary elements for its application, supported by sufficient human, technical and financial resources.

Coordination

9. The Committee reiterates its previous recommendation (CRC/C/JPN/CO/3, para. 14) that the State party establish an appropriate coordinating body with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels, as well as evaluation and monitoring mechanisms for all children and areas of the Convention. The State party should ensure that said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.

Allocation of resources

10. In view of the fact that the relative child poverty rate has remained high over the last few years and with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee strongly recommends that the State party set up a budgeting process that includes a child-rights perspective, specifies clear allocations to children, and includes specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention, including by:

(a) Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;

(b) Using budget classification systems that allow expenditures related to the rights of the child to be reported, tracked and analysed;

(c) Ensuring that the fluctuation or reduction in budget allocations for the delivery of services does not reduce the existing level of enjoyment of children's rights;

(d) Allocating adequate resources for implementing the Outline for the Promotion of Development and Support for Children and Young People.

Data collection

11. While noting the data collection efforts by the State party, the Committee notes that gaps still exist. With reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party improve its data collection system in all areas of the Convention, particularly in the area of child poverty, violence against children and early childhood care and development, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background, and use the data for policy design and programming.

Independent monitoring

12. While noting that 33 ombudsperson units for children have been established at the local level, these units reportedly lack financial and personnel independence and remedy mechanisms. The Committee recommends that the State party take measures to :

(a) Expediently establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner;

(b) Ensure the independence of such a monitoring mechanism, including with regards to its funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Dissemination, awareness-raising and training

13. Recognizing the efforts made by the State party to carry out awareness-raising programmes and children's rights campaigns, the Committee recommends that the State party:

(a) Broaden the dissemination of information on the Convention, particularly among children, parents and to legislators and judges to ensure the application of the Convention in the legislative and judicial processes;

(b) Periodically conduct specific training sessions on the Convention and its Optional Protocols for all persons working for and with children, including teachers, judges, lawyers, investigating officers at Family Courts, social workers, law enforcement officials, media professionals, civil servants and government officials at all levels.

Cooperation with civil society

14. While welcoming the meeting and exchange of opinions with civil society in the process of preparing the State party's report, the Committee recommends that the State party strengthen its cooperation with civil society and involve its organisations systematically throughout all stages of the implementation of the Convention.

Children's rights and the business sector

15. With reference to its general comment No. 16 (2013) on the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party:

(a) When developing the National Action Plan on Business and Human Rights, ensure that children's rights are integrated and that companies are required to carry out periodic child-rights impact assessments, consultations and full public disclosure of the environmental, health-related and human rights impact of their business activities, and their plans to address such an impact;

(b) Adopt and implement regulations to hold the business sector accountable for complying with international standards that are relevant to children's rights, including on labour and the environment;

(c) Undertake awareness-raising campaigns with the tourism industry, media and advertising companies, the entertainment industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism;

(d) Widely disseminate the World Tourism Organization global code of ethics for tourism among travel agents and in the tourism industry.

B. Definition of the child (art. 1)

16. While noting the revision of the Civil Code that sets the minimum age of marriage at 18 for both women and men, the Committee regrets that it will take effect only in 2022 and recommends that in the meantime, the State party take interim measures necessary to completely eliminate child marriage in line with the State party's obligations under the Convention.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

17. The Committee notes the changes made to the Act for Partial Revision of the Civil Code (2013), which give the same share of inheritance to children born to unmarried parents, the adoption of the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan (2016), and the awareness-raising activities mentioned during the dialogue. The Committee also welcomes the changes to the Penal Code in 2017 that reviewed the elements of the offence of rape and afford protection also to boys. The Committee however remains concerned that:

(a) There is no comprehensive anti-discrimination law;

(b) Discriminatory provisions on illegitimacy of children born to unmarried parents in the Family Register Act have been partially retained, in particularly those that concern birth notification;

(c) Societal discrimination persists against children of various marginalised groups.

18. The Committee urges the State party to:

(a) Enact comprehensive anti-discrimination legislation;

(b) Repeal all provisions which discriminate against children on any basis, including those that relate to the status of children born to unmarried parents;

(c) Strengthen the measures, including awareness-raising programmes, campaigns and human-rights education, to reduce and prevent discrimination in practice, particularly against children belonging to ethnic minorities, including Ainu people, children of Buraku people, children of non-Japanese origin, such as Korean, children of migrant workers, LGBTI children, children born outside marriage and children with disabilities.

Best interests of the child

19. The Committee notes that the right of the child to have his or her best interests taken as a primary consideration is not appropriately integrated and consistently interpreted and applied, particularly in education, alternative care, family disputes and juvenile justice, and that the judicial, administrative and legislative bodies do not take into account the best interests of the child in all decisions relevant to children. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party establish compulsory processes for *ex ante* and *ex post* impact assessments of all laws and policies relevant to children. It also recommends that a best interests of the child assessment is always carried out in individual cases concerning the

child, by a multidisciplinary team with the obligatory participation of the concerned child.

Right to life, survival and development

20. The Committee recalls its previous recommendation (para. 42) and urges the State party to:

(a) Take measures to ensure that children enjoy their childhood, without their childhood and development being harmed by the competitive nature of society;

(b) Research root causes for suicide among children, implement preventive measures, and equip schools with social workers and psychological consultation services;

(c) Ensure that children's facilities adhere to appropriate minimum safety standards and introduce automatic, independent and public reviews of unexpected death or serious injury involving children;

(d) Strengthen targeted measures to prevent traffic, school and domestic accidents and ensure appropriate response, including steps to ensure road safety, the provision of safety and first-aid and the expansion of paediatric emergency care.

Respect for the views of the child

21. While noting that the 2016 amendments to the Child Welfare Act refer to the respect for the views of the child, and that the Domestic Relations Case Procedure Act consolidates the provisions concerning the child's participation in the proceedings, the Committee remains seriously concerned that the child's right to express his or her views freely in all matters affecting them is not respected.

22. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the State party to assure to any child who is able to form views the right to freely express those views, without age limitations, in all matters affecting the child, and that due weight be given to the child's views, while providing safeguards against intimidations and punishment of a child. It further recommends that the State party provide an environment that enables the child to exercise her or his right to be heard and actively promote meaningful and empowered participation of all children in the family, at schools, in alternative care and health and medical settings, in judicial and administrative proceedings concerning them, in the local community, and in all relevant issues, including environmental matters.

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration and nationality

23. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Consider expanding the scope of article 2(3) of the Nationality Act to automatically grant nationality at birth also to children who cannot acquire the nationality of their parents, and review other nationality and citizenship laws to ensure that all children living in the State party are duly registered, including children of irregular migrants, and protected from *de jure* statelessness;

(b) Take necessary and proactive measures to ensure that all unregistered children, such as asylum-seeking children, receive education, health and other social services;

(c) Develop a procedure to determine statelessness in order to properly identify and protect stateless children;

(d) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Abuse, neglect and sexual exploitation

24. The Committee welcomes the setting up of one-stop centres for victims of sexual abuse in each prefecture and amendments done to the Penal Code (Article 179 establishing a new crime involving sexual intercourse and indecency by a person having custody of a person under 18 years of age). However, with reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee is concerned about the high level of violence, sexual abuse and exploitation of children and recommends that the State party prioritize the elimination of all forms of violence against children and that it:

- (a) Speed up the establishment of child-friendly reporting, complaint and referral mechanisms for child victims of abuse, including in schools, and sexual exploitation, supported by staff trained on the specific needs of child victims;
- (b) Strengthen efforts to investigate these cases and bring perpetrators to justice;
- (c) Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse;
- (d) Strengthen education programmes with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse and policies for recovery and social reintegration of child victims.

Corporal punishment

25. The Committee notes that corporal punishment in schools is prohibited by law. However, it is seriously concerned that:

- (a) The prohibition in schools is not effectively implemented;
- (b) Corporal punishment in the home and in alternative care settings is not fully prohibited by law;
- (c) The Civil Code and the Child Abuse Prevention Act, particularly, allow the use of appropriate discipline and are unclear as to the permissibility of corporal punishment.

26. With reference to its general comment No. 8 (2006) on corporal punishment, the Committee recalls its previous concluding recommendation (para. 48) and urges the State party to:

- (a) Explicitly and fully prohibit all corporal punishment, however light, in law, particularly in the Child Abuse Prevention Act and the Civil Code, in all settings, including in the home, in alternative care and day care settings and in penal institutions;
- (b) Strengthen its measures to eliminate corporal punishment in practice in all settings, including by intensifying its awareness-raising campaigns and promoting positive, non-violent and participatory forms of child-rearing and discipline.

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

27. The Committee recommends that the State party take all necessary measures, supported with adequate human, technical and financial resources to:

- (a) Support and strengthen families, including by facilitating an appropriate balance between work and family life, provide sufficient social assistance, psychosocial support and guidance to families in need, also to prevent abandonment and institutionalization of children;

(b) **Revise the legislation regulating parent-child relations after divorce in order to allow for shared custody of children when it is in the child's best interests, including for foreign parents, and ensure that the right of the child to maintain personal relations and direct contact with his or her non-resident parent can be exercised on a regular basis;**

(c) **Strengthen law enforcement of court orders in domestic disputes, for instance on child maintenance;**

(d) **Consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment

28. The Committee notes the 2016 amendment to the Child Welfare Act that introduced the principle of family-based care and the endorsement of the "New Vision for Alternative Care and the role of society in child well-being" in 2017, which states that children younger than six should not be institutionalised. However, the Committee is seriously concerned that:

(a) A reportedly high number of children are removed from the family; and that children may be removed from their family without a court order and can be placed in Child Guidance Centres for up to 2 months;

(b) A high number of children are still placed in institutions with inadequate standards and reported incidences of abuse of children, and without external monitoring and evaluation mechanisms;

(c) There is allegedly a strong financial incentive for the Child Guidance Centres to receive more children;

(d) Foster parents do not receive comprehensive support, adequate training and monitoring;

(e) Children placed in institutions are deprived of their right to keep contact with their biological parents;

(f) Child Guidance Centres are not clearly instructed to bring cases to family court when the biological parents oppose the child's removal or when their decision on child's placement is against the best interests of the child.

29. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee urges the State party to:**

(a) **Introduce a mandatory judicial review for determining whether a child should be removed from the family, set up clear criteria for removal of the child and ensure that children are separated from their parents as a measure of last resort only, when it is necessary for their protection and in their best interests, after hearing the child and its parents;**

(b) **Ensure the prompt and effective enforcement of the "New Vision for Alternative Care and the role of society in child well-being" with clear timelines, prompt deinstitutionalisation of children starting with those younger than six and the establishment of fostering agencies;**

(c) **Abolish the practice of temporary custody of children in Child Guidance Centres;**

(d) **Prevent, investigate and prosecute those responsible for child abuse in alternative care settings, ensure periodic independent external review of the placement of children in foster care and institutional settings, such as Child Guidance Centres, and monitor the quality of care therein, including by providing accessible and safe channels for reporting, monitoring and remedying maltreatment of children;**

(e) Redirect financial resources from institutions to family-like settings, such as foster families, and strengthen the municipal capacity to implement deinstitutionalization and simultaneously strengthen family-based arrangements, ensuring that all foster parents receive comprehensive support, adequate training and monitoring;

(f) Amend the Foster Parent Placement Guidelines to clearly instruct Child Guidance Centres to bring cases to family court when the biological parents' decision on children's placement is against their best interests.

Adoption

30. The Committee recommends that the State party:

(a) Ensure that all adoptions, including those by a lineal relative of the person or the guardian, are subject to judicial authorization and are in accordance with the best interests of the child;

(b) Maintain a registry of all adopted children and set up a Central Authority for intercountry adoption;

(c) Consider ratifying the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.

Illicit transfer and non-return

31. The Committee recommends that the State party take all necessary efforts to prevent and combat illicit transfer and non-return of children, harmonise its legislation with the 1980 Hague Convention on the Civil Aspects of International Child Abduction and ensure its proper and expeditious implementation of judicial decisions on return of children and contact rights. It further recommends that the State party strengthen dialogue and consultation with relevant countries, notably those with which the State party has signed an agreement regarding custody or visitation rights.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

32. The Committee welcomes the 2011 revision of the Basic Act for Persons with Disabilities introducing the concept of reasonable accommodation, and the adoption of the Act on Eliminating Discrimination against Persons with Disabilities in 2013. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recalls its previous recommendation (para. 59) and recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Regularly collect data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;

(b) Strengthen measures, supported with adequate human, technical and financial resources to develop and implement inclusive education in integrated classes, train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;

(c) Strictly apply and monitor the implementation of standards for facilities and personnel in the after-school day services and ensure they are inclusive;

(d) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;

(e) Provide training and increase the number of professional staff working with children with disabilities, such as teachers, social workers, health, medical, therapeutic and care personnel;

(f) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

Health and health services

33. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 2.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Analyse the root causes of the high rate of low-weight births and introduce evidence-based measures to effectively improve the birth-weight, nutritional status of infants, children and mothers, including through the Healthy Parents and Children 21 (Second Stage) campaign;

(b) Take all measures necessary to promote exclusive breastfeeding for at least six months, including by encouraging flexible working arrangements and longer maternity leave, consider ratifying ILO Convention 183 on Maternity Protection, fully implement the *International Code of Marketing of Breast-milk Substitutes* and undertake comprehensive campaigns to provide appropriate support to mothers through counselling structures in hospitals, clinics and the community and implement the Baby-friendly Hospital Initiative throughout the country.

Reproductive and mental health

34. The Committee is seriously concerned about:

(a) The increasing rate of HIV/AIDS and other sexually transmitted infections among adolescents, and the limited services and education in schools on sexual and reproductive health and family planning;

(b) The high rate of abortion among teenage girls and the fact that abortion is illegal under the Criminal Code;

(c) The insufficient attention to the mental health of adolescents, the negative attitudes towards mental health issues in society and the shortage of child psychologists and other specialized personnel;

(d) The increase in the diagnosing of children with behavioral problems with ADHD and their treatment with psychostimulant drugs, while neglecting social determinants and non-medical forms of treatment.

35. With reference to its general comments No. 4 (2003) on adolescent health and No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of target 5.6 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is consistently implemented as part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;

(b) Improve access to quality, age-appropriate HIV/AIDS services, and education in schools; improve access to and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant girls and provide adequate support to AIDS Clinical Centers (ACC) and its 14 regional core hospitals;

(c) Consider decriminalizing abortion in all circumstances and increase access to safe abortion and post-abortion care services for adolescent girls;

(d) Address the emotional and psychological well-being of children and adolescents through a multi-disciplinary approach, including analysis of root causes, awareness-raising and increasing the number of specialists;

(e) Ensure that diagnoses of children with ADHD are thoroughly examined, that prescription of drugs is used as a measure of last resort and only after an individualised assessment, and that children and their parents are properly informed about its possible side effects and non-medical alternatives; and conduct a study on the root causes of the increase in ADHD diagnosis and psychostimulant drugs prescriptions.

Environmental health

36. The Committee notes the Nuclear Accident Victimized Children Support Act, the Fukushima Citizen Health Management Fund and the Comprehensive Support Projects for Health and Life of Afflicted Children. However, taking note of target 3.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Reaffirm that radiation exposure in evacuation zones is consistent with internationally accepted knowledge on risk factors for children;

(b) Continue providing financial, housing, medical and other support to evacuees, children in particular, from the non-designated areas;

(c) Intensify the provision of medical and other services to children affected by radiation in Fukushima prefecture;

(d) Conduct comprehensive and long-term health check-ups for children in areas with radiation doses exceeding 1mSv/year;

(e) Ensure mental health facilities, goods and services are available to all evacuees and residents, especially vulnerable groups such as children;

(f) Provide, in schoolbooks and materials, accurate information about the risk of radiation exposure and the increased vulnerability of children to radiation exposure;

(g) Implement the recommendations made by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, (A/HRC/23/41/Add.3).

Impact of climate change on the rights of the child

37. The Committee draws attention to target 13.5 of the Sustainable Development Goals. In particular, it recommends that the State party:

(a) Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies or programmes addressing the issues of climate change and disaster risk management;

(b) Increase children's awareness and preparedness for climate change and natural disasters by incorporating it into the school curriculum and teachers' training programmes;

(c) Collect disaggregated data identifying the types of risk faced by children to the occurrence of a variety of disasters in order to formulate international, regional and national policies, frameworks and agreements accordingly;

(d) Ensure that climate mitigation policies are compatible with the Convention, including by reducing its emissions of greenhouse gases in line with its international commitments to avoid a level of climate change threatening the enjoyment of children's rights, particularly the right to health, food and adequate standard of living;

(e) Reconsider the State party's funding of coal-fired power plants in other countries and ensure that they are gradually replaced by power plants using sustainable energy;

(f) Seek bi-lateral, multi-lateral, regional and international cooperation in implementing these recommendations.

Standard of living

38. While noting various measures, such as social transfers and single-parent childhood allowances, the Committee draws attention to target 1.3 of the Sustainable Development Goals, and recommends that the State party:

(a) Strengthen its efforts to render appropriate social assistance to parents, including by strengthening the system of family benefits and child allowances;

(b) Hold targeted consultations with families and children with a view to strengthening strategies and measures for reducing child poverty and social exclusion;

(c) Take all measures necessary to implement the General Principles of Policy on Poverty among Children (2014).

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

39. Taking note of target 4.a of the Sustainable Development Goals, particularly 4.a.2 on the percentage of students experiencing bullying, the Committee recalls its previous recommendations (paras.71, 75 and 76) and recommends that the State party:

(a) Implement effective measures against bullying under the Act for the Promotion of Measures to Prevent Bullying as well as anti-bullying programmes and campaigns to prevent the occurrence of bullying in schools;

(b) Strengthen measures aimed at relieving children from stressful school environments, including an overly competitive system;

(c) Review the standards to facilitate the extension of the "Tuition Waiver Programme" to Korean schools and ensure that access to university and college entrance examinations is non-discriminatory.

Early childhood development

40. The Committee welcomes the establishment of the Committee to Examine and Improve Quality of Childcare at Nursery Schools in 2018 and the Childcare Plan for Ease of Mind of Working Parents in 2017. Taking note of target 4.2 of the Sustainable Development Goals, the Committee recalls its previous recommendations (paras. 71, 73, 75 and 76) and recommends that the State party:

(a) Effectively implement its plans for free kindergartens, day-care centres and integrated centres for early childhood education for children from 3 to 5;

(b) Continue efforts to scale up the provision of childcare capacity in major urban areas, reducing the backlog by the end of 2020 and creating new spaces, while increasing quality;

(c) Make nursery care affordable, accessible and in line with minimum standards for facilities and operations of childcare facilities;

(d) Adopt concrete measures for ensuring and improving childcare quality;

(e) Allocate sufficient budgets for these measures.

Rest, leisure, recreation and cultural and artistic activities

41. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources and allocating sufficient time for leisure and free play.

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking, migrant and refugee children

42. With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recalls its previous concluding observation (para. 78) and recommends that the State party:

(a) Ensure that the best interests of the child are a primary consideration in all decisions relating to children and that the principle of non-refoulement is upheld;

(b) Establish a legal framework to prevent asylum seeking parents being detained and separated from their children;

(c) Take immediate measures, including through the establishment of a formal mechanism, to prevent the detention of unaccompanied or separated asylum-seeking or migrant children, ensure the immediate release of all such children from immigration detention facilities and provide them with shelter, appropriate care and access to education;

(d) Develop campaigns to counter hate speech against asylum seekers and refugees, particularly children.

Sale, trafficking and abduction

43. The Committee recommends that the State party:

(a) Increase efforts to bring perpetrators of child trafficking to justice, increase the penalties for crimes of child trafficking and disallow the alternative of a fine;

(b) Enhance victim screening to ensure that child victims of trafficking are properly identified and referred to services;

(c) Increase resources for specialized care and assistance to child victims of trafficking, including shelters, comprehensive child-friendly assistance for their physical and psychological recovery and rehabilitation.

Administration of juvenile justice

44. The Committee notes the Re-offending Prevention Promotion Plan of 2017. However, the Committee is seriously concerned that :

(a) The “minimum age for criminal punishment” was lowered from 16 to 14 years;

(b) The right to legal counsel is not systematically implemented;

(c) Children over 16 years of age committing serious offences can be sent to adult criminal courts;

(d) Children between 14 and 16 years of age can be detained in correctional centres;

(e) Children designated as ‘likely to commit crimes’ may be deprived of their liberty.

45. Children are sentenced to life imprisonment, and are generally detained considerably longer than the minimum pre-parole period.

46. **The Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recalls its previous concluding observation (para. 85) and urges the State party to:**

(a) **Study the root causes of child offending and urgently implement preventive measures;**

(b) **Study child offending trends since 2000 to inform a reconsideration of shifting the “minimum age for criminal punishment” back to 16 years of age;**

(c) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(d) **Ensure that no child is tried by adult criminal courts and increase the use of non-judicial measures in the case of children accused of criminal offences, such as diversion, probation, mediation, counselling, or community service; and wherever possible, use non-custodial sentences;**

(e) **Ensure that deprivation of liberty (pretrial and post-trial) is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal, in particular:**

(i) **Review the designation of children as ‘likely to commit crime’ and end the detention of such children;**

(ii) **Reconsider the use of life imprisonment and indeterminate sentences for crimes committed by children and apply the specialised parole system to ensure that detention is used for the shortest appropriate period.**

Follow up to the Committee’s previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography

47. While noting with appreciation the State party’s efforts to implement the Committee’s recommendations from 2010 on the State party’s report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JPN/CO/1), the Committee recommends that the State party:

(a) **Criminalize the production, distribution, dissemination, offering, selling, accessing, viewing and possession of images and representations of children, or persons predominantly depicted as children, engaging in explicit sexual activities, or any representation of the sexual parts of a child for sexual purposes;**

(b) **Ban commercial activities that facilitate or lead to child prostitution and sexual exploitation of children, such as “joshi-kosei services ” and child erotica;**

(c) **Increase efforts to investigate, prosecute and sanction offences related to online and offline sale of children, child prostitution and child pornography, to ensure accountability of perpetrators and redress for child victims;**

(d) **Continue increasing the funds and support to one-stop crisis centres to provide high quality and integrated care and assistance, focused on child victims of sexual abuse and exploitation;**

(e) **Strengthen awareness raising programmes, including campaigns, on the risks associated with new technologies and on safe Internet usage, targeting students, parents, teachers and carers;**

(f) **Implement the recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/31/58/Add.1, para.74).**

Follow up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict

48. While noting with appreciation the State party's efforts to implement the Committee's recommendations from 2010 on the State party's report under the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/JPN/CO/1), the Committee recommends that the State party take concrete measures to continue strengthening training on the provisions of the Optional Protocol for the Japanese Self-Defence Forces, in particular when they participate in United Nations peacekeeping operations.

J. Ratification of the Optional Protocol on a communications procedure

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

K. Ratification of international human rights instruments

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) **Optional Protocol to the International Covenant on Civil and Political Rights;**

(b) **Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;**

(c) **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;**

(d) **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**

(e) **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(f) **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;**

(g) **Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

L. Cooperation with regional bodies

51. The Committee recommends that the State party cooperate, among others, with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

V. Implementation and reporting

A. Follow-up and dissemination

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations

are fully implemented. The Committee also recommends that the combined fourth and fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National Mechanism for Reporting and Follow-up

53. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

C. Next report

54. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 21 November 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

55. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
