

Supplementary Report to the IV and V Report of Japan on the Convention on the Rights of the Child for the Committee on the Rights of the Child, 79 Pre-Sessional Working Group, February 2018

Japan Committee for UNICEF, November 2017

General Measures of Implementation

Legislation

The fourth/fifth State Party report cites several important amendments to the country's legislations; however, the Japan Committee for UNICEF believes that it is worth highlighting here the amendment made to the Child Welfare Act in May 2016, to incorporate the Convention on the Rights of the Child as part of its basic philosophy. The amendment was made after nearly 70 years since the law was enacted in 1947, and 22 years since Japan ratified the Convention. Though the law has been amended several times, never before was its 'philosophy' changed. Now, for the first time, Article 1 sets out that children are the rights holders and that the law is based on the 'spirit of the Convention on the Rights of the Child'.

Data collection

There are several ongoing efforts to improve data collection as explained in para 11 and 14 of the State Party report, however, there is still a lack of data, especially in the area of violence against children and early childhood development¹, and of disaggregated data by sub-national level.

Recommendations: Improve data collection including on violence against children and early childhood development, and disaggregated data.

Children's rights and the business sector

Since the last State Party report, there have been positive changes with regards to children's rights and the business sector. The "Act on Development of an Environment that Provides Safe and Secure Internet Use for Young People", introduced in 2009, stipulates the responsibility of the business sector in reducing access by young people to harmful contents online, and promoting responsible use of internet. Based on the Act, the "Third Basic Plan on Measures for Providing Safe and Secure Internet Use for Young People" was formulated in July 2015 (Annex 2 of the State Party report, para 22), which sets out the obligation of mobile phone operators in providing filtering, and promotes industry-led initiatives to incorporate the protection of children from product/service design stage. The Japan Committee provided information on the Children's Rights and Business Principles and the UNICEF-ITU Guidelines for Industry on Child Online Protection during the process of its formulation.

The business sector participated in the multi-stakeholder consultation towards the formulation of Implementation Guidelines for the Sustainable Development Goals (SDGs), which prioritized a number of key issues for children as part of domestic implementation of the SDGs such as reducing child poverty, increasing inclusive and equitable education, and prevention of sexual exploitation and child abuse.

¹ It was one of the recommendations for high-income countries in 'Building the Future: Children and the Sustainable Development Goals in Rich Countries', Innocenti Report Card 14, 2017, UNICEF Office of Research, Florence (p.50)

The “Sustainable Sourcing Code for the Tokyo 2020 Olympic and Paralympic Games”, developed by the Organizing Committee, stipulates respecting children’s rights, conducting responsible marketing not to adversely affect children, and refers to the Convention on the Rights of the Child and the Children’s Rights and Business Principles. The decision to develop a “National Action Plan on Business and Human Rights” (para 23 of the State Party report) is another positive development, which the Japan Committee believes provides an excellent opportunity to further incorporate children’s rights into business activities.

Recommendations: Properly address the rights of children in the forthcoming National Action Plan on Business and Human Rights.

General Principles

Right to life, survival and development

Injury has long been the leading cause of death among Japanese children between the ages of 1 and 9. In 2016, the government established the “Liaison Conference of the Relevant Ministries for Child Injury Prevention” to promote coordinated action on injury prevention, previously handled separately by several ministries. The Consumer Affairs Agency now takes the lead in compiling all relevant data, raising awareness among parents and children, developing guidelines on injury prevention, promoting consumer products safety. The State Party report does not mention the above initiative, while it was included in Japan’s Voluntary National Review Report on the Implementation of the SDGs presented at HLFP 2017².

Civil rights and freedoms

Birth registration, name and nationality

There are children without civil registration and ‘missing children’ in Japan, though very limited in number. We welcome actions already taken by relevant ministries in locating these children, and in providing necessary services.

Recommendations: Continue working on the measures already taken, by improving coordination among relevant authorities and services.

Violence against children

Abuse and neglect

The Child Abuse Prevention Law was amended in 2016 to stipulate ‘a person who exercises parental authority over his/her child shall not discipline the child beyond the extent necessary for custody and education in disciplining the child (State Party report para 61). While limiting the scope of discipline was a positive development, it still leaves room for discipline to a certain extent. The article 820 of the civil code states that “a person who exercises parental authority holds the right and bears the duty on custody and education for the child’s interests” (unofficial translation); and article 822 states that ‘a person who exercises parental authority over his/her child can discipline the child as long as necessary for custody and education’ (unofficial translation).

When the Abuse Prevention Law was amended, the Committee on Health, Labour and Welfare of the House of Councillors adopted a resolution, which says that ‘the government should take measures to raise awareness in promoting child-rearing without corporal punishment (concluding observation 48 (c)); and to consider the scope of discipline to be exercised by a person holding parental authority, taking into consideration ongoing discussion in the international society (unofficial translation).

² Japan’s Voluntary National Review Report for on the Implementation of the SDGs presented at HLFP 2017. <http://www.mofa.go.jp/mofaj/files/000277581.pdf> (p.44)

Recommendations: Implement the measures stated in the resolution of the Committee on Health, Labour and Welfare of the House of Councillors, and consider amending the relevant articles in the Child Abuse Prevention Law and the Civil Code to fully prohibit corporal punishment.

On violence against children, while there are relevant laws and programmes including on child sexual exploitation, child abuse, corporal punishment at school, as explained in cluster 5 of the State Party report, there is no single legislation prohibiting ‘all forms of violence against children’. Despite that, at the High Level Political Forum 2017 for the Sustainable Development Goals, the Minister of Foreign Affairs in his statement mentioned “We will implement strong and holistic policies to tackle challenges like poverty among children,... and violence against children”, which we think was a very positive remark.

Recommendations: Make stronger commitment to ‘ending all forms of violence against children’, by taking a comprehensive approach and strengthening coordination among relevant ministries as well as civil society, and possibly by making a National Action Plan.

Family environment and alternative care

Children deprived of a family environment

The State Party report refers to several important developments since the last Concluding Observations; however, the Japan Committee believes that it is worth noting that the amendment of the Child Welfare Act in 2016 introduced the ‘principle of family-based care’, which marks a drastic shift of the country’s policy on alternative care. The Act now stipulates that “The national and local governments must provide assistance to the parents/guardians so that a child is cared at his/her home in a nurturing environment. If parental care becomes difficult or inappropriate for a child, the national and local governments should take measures so that the child receives care in a family or family-like environment (unofficial translation)”.

Disability, basic health and welfare

Health and health services

Japan is a country with the highest percentage of low-weight births in the OECD³. It is also unique among developed countries, since the rate has almost doubled from 5.1% in 1975 to 9.6% in 2010, and has remained at the level since then⁴. According to a UNICEF report, low birthweight is not only an indicator of health at the beginning of life, but is also known to be associated with increased risk across a range of health problems in childhood and on into adult life⁵.

Annex 2 of the State Party report (para 43-44) refers to the issue, but only gives as the reason an increase of multiple pregnancies resulting from widespread assisted reproduction technologies, and does not consider other possible causes, including an increase of women with low weight, tendency for stricter diet control during pregnancy, and an increase in income disparity, as pointed out by experts⁶. As this was one of the few indicators which showed worsening trend during Phase I of the national campaign “Healthy Parent-Child 21”⁷, it needs stronger focus in Phase II.

Recommendations: Conduct an analysis on the causes of high rate of low birthweight, and introduce evidence-based measures to effectively reduce the rate.

³ ‘Building the Future: Children and the Sustainable Development Goals in Rich Countries’, Innocenti Report Card 14, 2017, UNICEF Office of Research, Florence (p. 19), originally from OECD Family Database 2016

⁴ Annex 3 of the State Party report (6)

⁵ ‘Child Well-being in Rich Countries: Comparing Japan’, Innocenti Report Card 11, 2013, UNICEF Office of Research, Florence (p. 12)

⁶ op cit,

⁷ Evaluation of “Healthy Parent-Child 21”, Phase I (2001-2014), Ministry of Health, Labour and Welfare (in Japanese)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)

General measures of implementation

The Japan Committee for UNICEF welcomes the amendment of the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, to criminalize the simple possession of child pornography (State Party report para 5/175), for which the Japan Committee advocated for more than 15 years.

The Japan Committee for UNICEF strongly supports the 'Basic Plan on Measures against Child Sexual Exploitation', adopted in April 2017 (para 179 of the State Party report), which is based on the former 'Comprehensive Measures to Eliminate Child Pornography', but covers much wider issues than child pornography, and is more comprehensive in its scope, including addressing the root causes of the problem, and supporting long-term recovery of the children. The Japan Committee has been the Vice Chair since the beginning of the Council on Promotion of Measures to Eliminate Child Sexual Exploitation (formally 'child pornography', para 176 of the State Party report), and has provided international norms and standards to the discussion.

We believe that one of the concerns of the Committee that 'victims of child prostitution may be treated as criminals' (para 34-35 of the Concluding Observations on OPSC) is also addressed in the 'Basic Plan'.

Prohibition and related matters

After the amendment of the Act on Regulation on Soliciting Children by Using Opposite Sex Introduction Service on Internet ('Online Dating Site Regulation Law') in 2008 (para 8/193 of the State Party report), the number of child victims through "online dating sites" has drastically dropped from 724 in 2008 to 42 in 2016⁸. However, during the same period, child sexual exploitation through other social network services not covered by the said law drastically increased, from 792 in 2008 to 1,736 in 2016.

Against the above mentioned situation, the National Police Agency is taking various measures as explained in para 77 of Annex 2 of the State Party report. In addition, a new industry-led body called 'Council for promoting safer internet environment for youth' (unofficial translation) was established in July 2017, with 16 service providers as its members, to prevent child sexual exploitation through their services. The National Police Agency is providing support to the new Council by providing data and other relevant information.

Recommendations: Continue working on the measures set out in the 'Basic Plan on Measures against Child Sexual Exploitation' in collaboration with the private sector and civil society.

⁸ 'Trends and measures against cases involving social network services'(unofficial translation), National Police Agency, April 2017 (in Japanese)