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Countries under review: JAPAN

On the Issue of the “Child Consultation Center”

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Statement submitting NGO
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(ABCPC)

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Family Disruption by Dysfunctional Child Consultation Centers

• Background.

Child Consultation centers are organizations whose purpose is to protect the rights of children. ¹The purpose of temporary custody is to "ensure the safety of the child's life. However, currently, Japan's Child Consultation Centers are completely dysfunctional, with many cases of family disruption occurring year after year, and although recommendations were issued in 2019 by the "Fourth and Fifth Report of Japan by the United Nations Committee on the Rights of the Child, Examination and Summary Findings"², there has been no improvement, but rather new problems have piled up and the Child Consultation Centers are dysfunctional. However, there has been no improvement, but rather new problems have piled up and the system is dysfunctional.

The obligation to report abuse in order to prevent deaths due to abuse was changed to a call to "report even if it is wrong" by the amendment of the law in 2004. The number of reports and consultations with Child Consultation Centers has been increasing. ⁴ However, the number of deaths due to abuse has not decreased. ⁵ The data shows that the efforts made by the Japanese government and various administrations are not preventing abuse, nor are they preventing the number of parents and children who do not need to be separated from their children. There is zero chance of survival.

Analysis of data on the number of children up to 27 years and the number of children abused and killed, etc., shows that even if we continue with the current random protection, there is zero chance of saving the children. ⁵ Also, the data shows that only 10 children can be saved if 100,000 people are randomly protected. This suggests that more and more unjustified protection will increase in the future, and family breakdown is predicted to be a major factor. ⁶

Details

First, the problem of temporary protection is divided into "**Entrance (problems leading up to protection)**", "**Middle (problems during protection)**", "**Exit (problems during the transition to lifting protection)**", and "**Overall**".

"Entrance (problems leading up to protection) "

- Lack of a system that meets the policy
- Insufficient quality and knowledge of staffers
- Inadequate quality and knowledge of staff
- Unreasonable handling of power

In response to this situation, the UN Committee on the Rights of the Child (CRC) has recommended (1) the introduction of prior judicial review, (2) the establishment of clear

administrative standards for removals, (3) hearings from both parents and children, and (4) By imposing the condition of "only as a last resort", CRC demanded that child consultation centers put a fundamental brake on the act of randomly tearing off children from their parents.

However, the current situation remains unchanged. After a child is reported for suspected abuse, a statement is made that the abuse exists for fear that it is a false allegation of protection, and the child is kept in Chiba Prefecture for an average of 120 days. ⁷.

In Japan, there are about 500 cases a year of consultation from guardians claiming that they were wrongfully separated from their children. ⁷

Parents and children in this unjust temporary protection have suffered excessive human rights violations due to highly illegal responses from the staffers. (See Children's Conference and Questionnaire for the facts.)

Parents and children who are reported only on suspicion of abuse are easily torn apart by the strong power of the Child Welfare Ministry staff, whose quality is questionable. Even if there is a mistake, it is difficult for those bureaucrats to admit it. The child welfare agency itself is exclusive and closed, with no third-party review. Therefore, the strong authority of the Child Welfare Minister is unchecked, and parents and children who have not been abused are unjustly separated at random even the children are not abused. In order to maintain their face, children and parents are victimized.

The following are the next issues regarding "**Middle (problems during protection)**".

- Abuse by staffers in the shelter
- Insufficient explanation to the children
- Children's personal belongings are taken.
- Over capacity in the shelter
- Unreasonable restrictions on visitation
- Overdose of the psychotropic drugs

→ Abuse by staffers means that the quality of staffers are poor. Without sufficient explanation, all of the children's personal belongings are taken, their clothes are removed, and they are given used underwear and clothes that have been distributed and used in the shelter. They are also made to sleep in the hallways, cafeteria, and gymnasium. They are also subjected to sexual abuse by staff members and forced to run around the gymnasium for 30 minutes to an hour. *(Newspaper article, case study, 2015 - survey)

The number of shelters over capacity was exceeded in 30 out of a total of 139 shelters nationwide as of 2021.12.1. In the Tokyo metropolitan area, more than 70% of shelters are over capacity, and

some are accepting 2.3 times their capacity. *(Yomiuri Newspaper reported)

The illegality of parental visitation is suspected. Temporarily placed children have the right to maintain periodic personal and direct contact with their parents, which is a right guaranteed by the Convention on the Rights of the Child (Article 9, paragraph 3 of the Convention on the Rights of the Child).

In Japan, the Minister of Children's Affairs may restrict visitation as a "compulsory measure" only when certain conditions are met (Article 12 of the Child Abuse Prevention Law).

However, according to a survey conducted by the Ministry of Health, Labor and Welfare (October 2020-March 2021) of Child Consultation Centers nationwide, the minister of children's welfare restricted visitation as a "compulsory measure" in approximately 0.3% of cases (20 cases out of 5,109 cases). *

It is clear that the majority of visitation restrictions are based on verbal "guidance" by the Child Consultation Center. Guidance is permitted only if the parent accepts it voluntarily, and it would be illegal if the child was "forced" to follow the instruction.

In March 2021, the Utsunomiya District Court ruled that it was illegal for Child Consultation Centers to restrict visits between mothers and children through "guidance." In addition, in October 2020, a teenage child who had been temporarily taken care of by a Child Consultation Center died at a facility due to this unfair visitation restriction.

The child said, "I don't want to be separated from my mother," but the child consultation center temporarily took the child into custody due to family financial problems. After that, for about half a year, both the child and the mother requested a visit, but the child consultation center refused to allow the visit, citing reasons such as the fact that the child was in the process of filing a complaint.

Just before the child's death, the child was depressed and in tears because he could not see mother. *(Newspaper article) On the other hand, in the report of the Child Consultation Center, the visitation restriction was "semi-customary", and the parent and child requested visitation many times. states that it is clear that "there was substantial coercion beyond voluntary cooperation." *

The problem with "**Exit (problems during the transition to lifting protection)**" is that there is no care at all for parents and children who receive this kind of ill treatment within the shelter, and the purpose of release without a section on specific support methods for mother-child integration and support is to move them to an institution or foster care rather than to a parental home. *(Guidelines attached)

Based on these points, the "**Over All**" problems are;

- Excessive workload and turnover rate of staff.
- The number of reports has been increasing in recent years due to the "report it even if it's wrong" campaign.
- The number of children who are not properly protected is double the limit due to the strong authority of an exclusive and closed institution without a third-party observation.
- As pointed out by the UN Committee on the Rights of the Child, the Child Guidance Centers are required to present the "expected number of children to be temporarily protected" in their annual budget to the Ministry of Health, Labor and Welfare in order to achieve the budgeted amount, but there has been no improvement.

Currently, Japan's Child Guidance Centers are facing a new problem. The fact that the problems occurring within the Child Guidance Center, including new ones, have been seen from multiple perspectives is probably due to the lack of a third-party's observation.

In fact, in Akashi City, Hyogo Prefecture, since the city operates a child consultation center, Mayor Izumi was quick to introduce a third-party observation which could make improvements. *(Data)

In Japan, the voices of young children are not being heard because most of them are operated by prefectures, but not cities. Since unfair protection is expected to continue to increase in Japan, further destruction of families is expected, so we would like to request the introduction of a third-party's observation.

*1. Chapter 1: Overview of the Child Guidance Center

<https://www.mhlw.go.jp/bunya/kodomo/dv11/01-01.html>

*2. Original text of the Concluding Observations of the UN Committee on the Rights of the Child (in English) :

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/JPN/CRC_C_JPN_CO_4-5_33812_E.pdf

*3. Article 6, paragraph 1 of the Child Abuse Prevention Law (formally known as the Law Concerning the Prevention of Cruelty to Children); "Any person who discovers a child who is believed to have been abused shall promptly notify the Welfare Office or Child Consultation Center."

*4. Number of cases of child abuse consultations handled by Child Guidance Centers in FY2021

(preliminary figures) <https://www.mhlw.go.jp/content/000863297.pdf>

*5. Relationship between the number of abused children and the number of abusive deaths as seen from national statistics 12, Aug 2022 Written by Hatsumi Iwanami (see Appendix (1))

*6. August 19, 2019 How many children should be protected to reduce abuse deaths?
https://clean-copy-of-onenote.hatenablog.com/entry/why_temporary_custody_miss_the_death

*7. Number of consultation services provided by victims of child abuse caused by Child Consultation Centers (see Appendix)

*8. a) Conference materials of children who experienced temporary protection (see attached)

b) Aggregate of questionnaires to those who have been involved with the Child Welfare Ministry (see attached)

c) Questionnaire for 2,980 people who left institutions and other institutions between April 2015 and March 2020 https://www.murc.jp/wp-content/uploads/2021/04/koukai_210430_1.pdf

*9. Abused children's shelters: urgent need to eliminate overcrowding October 8, 2020
<https://www.yomiuri.co.jp/editorial/20201007-OYT1T50248/>

*10. Yomiuri Shimbun 26 April 2021

Teenager in the custody of the Child Consultation Center dies, disappointed after not being able to see his mother for 6 months... "I don't want to leave her".

Appeal: <https://www.yomiuri.co.jp/national/20210424-OYT1T50108/>

*11. 18 January 2021 Study Group on Procedures for Temporary Protection at Child Consultation Center

(5th meeting) Document 2: <https://www.mhlw.go.jp/content/11907000/000720892.pdf>

*12. Results of the Third-Party Evaluation of Temporary Protection Offices of Child Consultation Centers in Hyogo Prefecture (Report on the Results of the Third-Party Evaluation)

<https://web.pref.hyogo.lg.jp/kf12/ichijihogoshodaisansha.html>

- End of the Statement -