

An Alternative Report Commenting on
the 'Reply of Japan to the List of
Issues'

**Suppression of the Hard
Facts and Deception on
the International
Community to hide the
Infringement on the
Human Rights of Children
and Families**

The Concerned Japanese Citizens for
the Rights of the Child to Eradicate
Child Guidance Centre Sufferings
(JCREC)
jcrec@hit-u.ac

December 2018

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1. Introduction: Delay in submission of the reply to the LOI by the Government of Japan

1 As pointed out in our first alternative report submitted in November 2017, The Government of Japan ('GOJ') has ignored and continues to ignore the activity of the UN Committee on the Right of the Child ('Committee'). MP Takako Suzuki made a parliamentary interpellation on 13 May 2016, asking if the Japanese Government had conducted the 'independent investigation of the child guidance system' as stipulated in the recommendation in Paragraph 63 of the third Final Observation. In response, Prime Minister Abe answered saying that no investigation of this sort had been conducted, since the 'Concluding observation under the United Nations Convention on the Rights of the Child (UNCRC) was not legally binding' and did not mandate the GOJ to do so.

2 In 2018, the GOJ failed to meet its original deadline twice in submitting its Reply to the LOI ('Reply'). Initially, the GOJ asked to put off the deadline from the original one, namely April 2018, claiming that there were conflicts with its other UN obligations. The deadline was then extended to 15 October 2018.

3 In spite of this generous grant of extra time, the GOJ failed to meet the official deadline for a second time. It was not until 28 November 2018, merely 18 days before the deadline by which civil society organisations were asked to submit their comments on the Reply through alternative reports, when the GOJ managed to submit it.

4 This deplorable ignorance reveals the following serious deficiencies in the GOJ, specifically manifesting in its inability to defend the rights of children and families:

- a) The GOJ does not prioritise the rights of children and families;
- b) The GOJ has little intention to respect and to come to terms with the Convention and Committee in improving the human rights situation in Japan;
- c) The GOJ considers the intervention of the Committee as a sort of nuisance that stands in the way of forcing through their child-related policies which are often in pursuit of vested interests of child-related bodies (especially alternative care facilities ('ACF', in Japanese, they are known as *jido yogo*

shisetsu and *nyujiin*, which are translated to mean 'child welfare facility' in the Reply of GOJ).

5 In addition, the submitted report has a lot of deficiencies in that it is filled with concealments and distorted facts with some window-dressing of information as well. This has clearly been done with the intent of falsifying the members of the Committee. In this alternative report, we have tried to rectify this distorted view, so that the members of the Committee can understand the real and current picture pertaining to the rights of the child in Japan.

2. The GOJ conceals the provision in domestic law that authorises and encourages the Child Guidance Centre to remove children from their families without a judicial review or the prior consent of the parents

A) The GOJ hides Article 33 (1) of the Child Welfare Act, which forms the legal basis for the arbitral removal of a child from its family, from international scrutiny

6 The Committee directed the GOJ to the following in the LOI: '[p]lease inform the Committee on concrete steps taken to **prevent children being removed** from or abandoned by their families....'¹

7 The concern of the Committee is quite appropriate, since children in Japan are removed by the child guidance centre ('CGC' also known as *jido sodansho* in Japanese), arbitrarily from their parents either AGAINST their will or WITHOUT prior judicial approval.

8 First of all, we would like to confirm the following provisions of the UN:

9 The Preamble of the Convention states that the State Party is convinced that: the family, as **the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children**, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community'

¹ All the emphases in the quotations in this report are provided by JCREC.

10 It recognises that:

the child, for the full and harmonious development of his or her personality, **should grow up in a family environment**, in an atmosphere of happiness, love and understanding' .

11 Article 5 of the Convention stipulates as follows:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

12 Article 9 (1) of the Convention stipulates:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities **subject to judicial review determine**, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

13 Article 37 of the Convention stipulates in its section (b) as follows:

No child shall be deprived of his or her liberty unlawfully or **arbitrarily**. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only **as a measure of last resort and for the shortest appropriate period of time**.

14 Clause 14 of 'Guidelines for the Alternative Care of Children', which the UN General Assembly adopted in 2010 states:

removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and **for the shortest possible duration**.

15 In view of all of the above basic obligations that a State Party should fulfil under human rights laws, removing children from their parents' custody without due judicial review in the name of taking the children into '*ichiji hogo*' (temporary custody) should be considered **as a grave breach of the Convention and other human rights standards** laid down by the UN.

16 A 'judicial review' as explained in Article 9 (1) of the Convention must be made BEFORE the children are removed from their parents' custody and detained by the CGC. The UNICEF clearly points out the following: 'Some countries entered reservations to article 9 on the grounds that their social work authorities had powers to take children into care without court hearing or judicial review. This is not compatible with the rights of the child'².

17 In Japan, however, such a removal of a child by the CGC, which is the equivalent of the 'social work authority' in other countries, are made legal WITHOUT any reservation to Article 9 (1) according to the following provisions.

18 **Article 33 (1) of the Child Welfare Act**³ ('CWA'), which **GOJ failed to mention in the Reply**, states⁴:

A child guidance center's director **may**, when s/he finds necessary, **take temporary custody** of a child or entrust an appropriate person to do so until a measure set forth in Article 26 paragraph (1) is taken.

19 **Article 8 (2) of the Act on the Prevention, etc. of Child Abuse**⁵ ('CAPA'), stipulates:

[w]hen a child guidance center receives a notification pursuant to the provision of paragraph (1), Article 6 ..., the director of the child guidance center shall take measures to confirm safety of the child, such as an interview with the child, while obtaining cooperation of the residents of neighboring communities, teachers and other staff workers of his/her school, officials of child welfare institutions and other persons as necessary, and **shall take temporary custody pursuant to the provision of paragraph (1), Article 33 of the same [child welfare] Act** as necessary.

20 There is **no** mention of judicial review in both provisions. The laws do NOT require any objective evidence or grounds for the passage of such a judgement by the

² *Implementation Handbook for the Convention on the Rights of the Child*, Third Edition, UNICEF, 2007, p.129.

³ The English version of the Child Welfare Act (as of 2007) is available in full text at: <http://www.japaneselawtranslation.go.jp/law/detail/?id=11&vm=&re=>

⁴ This English text is quoted from above, yet should serve the purpose of our argument here.

⁵ The English version of the Act on the Prevention etc. of Child Abuse (as of 2011) is available at: <http://www.japaneselawtranslation.go.jp/law/detail/?id=2221&vm=04&re=01>

director of the CGC, either. The CAPA is especially problematic, since it was enacted in 2000, six years **after** Japan's ratification of the Convention.

21 To make things worse, while the connotation of Article 33 of the CWA was mitigated with the adverb 'may', the CAPA reinforced it as a directive provision by changing it to read as 'shall take temporary custody', which added an obligatory nature to the 'temporary custody' measures.

22 These legal provisions naturally encourages the CRC to aggressively remove children from their parents' custody in a catch-as-catch-can manner.

23 The Ministry of Health, Labour and Welfare (MHLW) boasted in the 2007 edition of *Manual on Responses to Child Abuse ('Manual')*, saying that children were removed from their parents without any court procedure. It said: 'this sort of coercive system carried out against the will of those concerned normally requires judicial review, yet the **temporary custody in CWA requires no permission from the court, either ante or post factum. The system attributing such strong power to the administrative body is singular in the abuse system overseas**, or there is no other comparable system in Japan, either.'⁶

24 The 2013 edition of *Manual* asks the CGC '**to utilise temporary custody without hesitation and then** investigate the facts, etc. of the abuse'⁷, which, in effect, orders the CGC to remove a child from his/her parents NOT as a last resort, but prima facie, without any scrutiny of evidence or examining the truth of what may be false accusations.

25 It is indeed true that the Japanese abuse system is 'singular' in the world. This is because all other countries abide by the Convention and fundamental human rights standards with honesty.

26 Comparing the requirements for separating a parent from their child as stipulated both in the Convention under Article 9(1) and the CWA under Article 33(1), it is clear that the Convention has two objective requisites: 'judicial review' and 'to

⁶ This statement is still published from the official website of MHLW, therefore should be considered current. General Affairs Division, Equal Employment, Children and Families Bureau, MHLW, *Kodomo Gyakutai Taio no Tebiki*, 2007 version, Section 5(1), Chapter 5. available (in Japanese) at <http://www.mhlw.go.jp/bunya/kodomo/dv12/05.html>

⁷ General Affairs Division, Equal Employment, Children and Families Bureau, MHLW, *Kodomo Gyakutai Taio no Tebiki* [*The Manual on Responses to Child Abuse*], Yuhikaku, 2014, p. 107.

comply with the best interests of child’, whereas the CWA has only one: ‘when he/she [Director of CGC] finds necessary’, which lacks any sense of objectivity in removing children from their parents’ custody.

27 In short, Article 33(1) of the CWA, the domestic law that legalises the removal of children from their parents’ custody is far weaker in terms of the strictness of the requirements with which parent-child separation is carried out. The provision is weak both in terms of quantity and quality of the prerequisites for removal. The GOJ cannot deny this point, since it is quite simply evident from a comparison of the content in these provisions.

B) False claims pertaining to the need for the consent of the parents in Paragraph 49 of the Reply

28 Since 2013, the MHLW has kept instructing explicitly the CGC ‘to implement temporary custody by authority **even if there is no consent of the child or parents’** and ‘**consent of the child him/herself or parents is not a requirement in exercising discretion concerning temporary custody**’⁸.

29 Strangely enough, however, the GOJ made the following contrary statement in Paragraph 49 of the Reply: ‘The temporary custody guidelines clearly stipulate that **efforts shall be made to obtain consent from the parents for the temporary custody of the child**’. This statement, completely out of place given the above policy of the MHLW, is based on the recent ‘Temporary Custody Guideline’ issued by the MHLW on 6 July 2018, a mere three months before the revised deadline of the Reply.

30 The direct English translation of this part in the original text of the MHLW Guideline is, however, as follows⁹:

Temporary custody is a strong authority with which the **administration [CGC] can bring a child into detention under its judgement** even if **it is contrary to the will of those with parental authority** etc.... Here, a case in contrary to the will of those in parental authority etc. means the case like that of Article 27 (4) of CWA i.e. where the person in parental authority expresses his/her will against it. **The clear consent is not mandatory, yet effort shall be made to obtain consent.**

⁸ MHLW, *Manual*, 2014, pp. 113-114.

⁹ Child and Family Policy Affairs Bureau, MHLW, ‘Temporary Custody Guideline’ 2018, pp, 12-13. <https://www.mhlw.go.jp/content/11900000/000334799.pdf>

31 Two important points that are clearly stipulated in the original MHLW guidelines are missing in Paragraph 49 of the Reply: a) that the administration can bring a child into custody solely under its judgement and authority; and b) that it is NOT mandatory to get the parents' consent prior to doing so. We infer that these omissions are intentional. The GOJ has hidden the more controversial parts of its guidelines from the scrutiny of the international community and has quoted only the part that should please the minds of the Committee members.

32 In reality, the CGC does indeed remove the child from its parents' custody without making even scant effort to obtain parental consent. It takes the child away from his/her parents from the nursery, or the school, or a hospital, or sometimes, directly from the parents' home, often in a deceptive manner (See Para. 37 of this Alternative Report).

33 The parents whose children have been removed by the CGC often file complaints to the MHLW¹⁰. The bureaucrats in the MHLW normally respond, indicating that since the CGCs are run by the prefectural and some municipal governments, the MHLW is NOT responsible for their conduct. If the MHLW has no intention of assuming responsibility for the consequences of their policies that are caused at the CGC level, then, the MHLW should NOT engage in any policymaking efforts to address child abuse or the CGC anymore in the future.

34 There is another problem in Paragraph 49. It says, 'during FY2016, there were 40,387 cases of temporary custody of children (including entrusted temporary custody and canceled temporary custody)' or removed from their family. The Reply further goes on to state, '[o]ut of these cases, 9,686 (about 24%) cases were done without parents' consent. Accordingly, more than 70% obtained consent from the parents' (Para. 49).

35 This statistical figure looks strange at first sight because the CGC personnel never ask the parents to submit proof of consent when temporary custody (detention) is enforced. The CGC just removes the children from their parents' custody, and the parents often consider it '(state-run) abduction'. In short, there is no statistical base to compile this data.

¹⁰ Telephone inquiry to the Child and Family Policy Bureau, MHLW, made on 3 December 2018.

36 Upon presenting our inquiry before the MHLW, the bureaucrat disclosed that the figure '9,686' in Paragraph 49 stands for 'temporary custody made *ex officio*'¹¹. It does not have much to do with the consent of the parents. Whether a particular instance of the removal of a child is enforced *ex officio* or not is determined solely at the discretion of the director of the CGC. If the child says, for example, that she/he wants to take temporary refuge for a few days, that case may NOT be counted as 'ex officio' even if the parents do not agree with the 'temporary custody'. This sort of a situation is demonstrated in Case 3 in this report. The explanation of the GOJ, which is offered using the statistic of 'more than 70% obtained consent from the parents' (Para. 49), is therefore largely deceptive.

37 In reality, it is common for the CGC to remove a child from his/her parents' custody without prior consent from the parents, and is often done using extremely shrewd tactics as below¹²:

Abe [a social worker of CGC] visited together with another social worker a house where Ryu-chan [a boy] and his mother in her age of 20s lived at around 9am of that day. 'We're sorry to disturb you...' While talking with his mother Abe got favour of his mother to lift up and hug Ryu-chan unconcernedly. Ryu-chan looked happy. Abe, taking advantage of his mother being deep in talk with the other social worker, moved to the entrance of the family's house with Ryu-chan in her arms. She opened the door quietly and handed Ryu-chan over to another CGC personnel standing by outside. Abe and the personnel exchanging brief nods to one another and confirming the personnel left the house, Abe proclaimed the mother, 'we have brought Ryu-chan under custody by authority. His mother cried, "No, No, I cannot accept it!"...

His mother then attempted to commit suicide using a cooking knife in the kitchen because her beloved son has just been taken away by the CGC.

38 This sort of arbitrary 'kidnapping' is commonly carried out by the CGC. From the standpoint of the Convention, such conduct constitutes a severe betrayal of Article 9 (1) as there is no judicial review preceding it.

¹¹ MHLW, *Fukushi Gyosei Hokokurei (Report on Social Welfare Administration and Services)*, 2017, Jido Fukushi, Tables 15 and 16.

¹² Maki Okubo, *Rupo Jido Sodansho (Reportage Child Guidance Centre)*, Asahi Shimbun Publishing, 2018, pp.16-17.

C) The failure of the GOJ to express reservations to Article 9 (1) of the Convention

39 Some State Parties are honest enough in their commitment to the Committee and Convention. The former Yugoslavia, for example, expressed a reservation to Article 9 (1) as follows¹³:

Reservation:

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

40 After the break-up of Yugoslavia on 19 January 2004, the Government of Slovenia notified the UN of its decision to withdraw the reservation that it had inherited from the former state.

41 We would like to draw attention of the members of the Committee to the fact that Japan has **never** expressed a reservation to Article 9 (1) of the Convention in spite of the presence of Article 33 (1) of the CWA. Almost all other State Parties have abided by the Convention. However, Japan, which has been understood as one of the 'advanced' countries in the world that supposedly operates under the rule of law, simply disregards the Convention. The GOJ **hid** its problematic legal provisions that are contrary to the Convention from the international scrutiny in the Reply.

42 There are some scholars who are aware of this legal issue in Japan. However, as Takuya Shinohara, an academician in the field of social welfare points out, there is a common misinterpretation of the proviso to Article 9 (1) of Convention which reads as: 'Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents'.

43 Shinohara commented that in Japan, this proviso is often interpreted as 'the clause that **authorises** [the state power] to remove the child from the parents'. He stressed, instead, that the principle of 'Article 9(1) is the clause to prohibit' the removal of the child from parental custody, and that the provision on 'judicial review'

¹³ Endnote 4, the Convention on the Rights of the Child, UN Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en#EndDec

is intended to keep an eye on the unnecessary and arbitrary intervention of state power to guarantee the best interests of the child¹⁴. However, his view has never been given due respect by the MHLW or the CGC.

44 Articles 33 (1) of the CWA and 8 (2) of CAPA have created a real threat to Japanese children and families. This is because ‘temporary custody’ often develops into much longer-term forcible consignment under the initiative of CGC to the ACF, which is what ‘until a measure set forth in Article 26 paragraph (1) is taken’ means. If a child is confined in the ACF, a further infringement of the child’s rights ensues. The period of child-and-parent separation grows longer, with serious consequences and adverse impacts on the long-term best interests of the child and the integrity of the family, as shown in Cases 1 and 2 below.

D) The ever expanding net cast to ‘abduct’ more children

45 The GOJ, instead of addressing this situation and bringing the legal infrastructure to match the standards laid down by the international norms of human rights, is aggravating the situation by spurring the catch-as-catch-can practice of the CGC. Article 33 (1) of the CWA has been revised for the worse. It now allows the director of the CGC to remove children from their families merely for ‘obtaining data for the situation of children’s mind and body, and its environment and other situations which are placed’¹⁵. Legally, the CGC can remove ANY child from his/her parent’s custody as they deem fit.

46 Nowadays, the CGC’s drive to remove children operates in full swing in Japan. The MHLW is working hard to find more rationales for the ‘kidnapping’ of children. One of the new faces is the ‘Shaken Baby Syndrome’ (SBS). The Cabinet Office offered the ‘Child and Youth Support Award’ to Fujiko Yamada in 2013. She is the Secretary of the ‘Japanese Medical Society on Child Abuse and Neglect’ and was awarded thus for her ‘contribution’ of bringing the SBS under the list of the cause of child abuse, for the MHLW and the CGC to use.

¹⁴ Takuya Shinohara, *Jido Gyakutai no Shakai Fukushigaku (Social Welfare of Child Abuse)*, Ichiryu Shobo, 2018, pp. 114 and 120.

¹⁵ This revision has not been reflected in the English translation of the CWA yet.

47 Lawyers and medical doctors then came forward to contest this move of the GOJ, and questioned the authenticity of including SBS as a rationale for the CGC to remove children from their parents' custody. They organised themselves into a group called the 'SBS Review Project Japan', claiming the following¹⁶:

we are equally concerned about parents or caretakers being accused and convicted of a crime of child abuse they did not commit, based on a theory that is very much being debated in medical domain. If a parent or a caretaker is suspected of child abuse, the child can be taken away from them [by CGC]. This is also detrimental to the child's well-being. We will be conducting research on SBS and provide support for people convicted of child abuse based on SBS/AHT theory.

48 A parent in Kyushu sued the Miyazaki Central CGC for the removal of their child on the pretext of SBS. The CGC then retaliated against the parent by tacitly passing an order dated 5 September 2018, saying 'you cannot see your child anymore because you launched lawsuit against us. You cannot get your child back which we planned around November, either.' The parents were then barred from seeing their children in the ACF at that weekend. To counter the move of the Miyazaki Central CGC, the parents launched another lawsuit demanding visitation rights¹⁷. The CGC attempted to undermine the rights of the parent to seek legal redress against the infringement of the human rights of their child by the CGC administration by approaching the court. The right to seek legal recourse is a right of citizens under the Constitution of Japan.

49 To remove more children from their parents, the CGC has cast a wider net that covers foreigners residing in Japan as well. Foreigners are more vulnerable because of their weaker position in terms of their immigration status (e.g. their right to abode in Japan can be revoked by authorities if they contest the government) or their insufficient comprehensions of the Japanese language, the legal system, or of civil rights in Japan. The suffering of an ethnic Chinese mother living in Western Japan is explained here:

¹⁶ https://shakenbaby-review.com/index_e.html

¹⁷ NHK News Miyazaki, 6 September 2018, <https://www3.nhk.or.jp/news/html/20180913/k10011627501000.html>

◆ Case 1: The son of a Chinese minority family who went to the most competitive secondary school in Japan was removed from his mother and was led to fail in the matriculation examination¹⁸

This is an account of a mother about her beloved son who was 'kidnapped' by the CGC and subsequently sent to an ACF.

I am Chinese. I went to Japan to study as a student in 1996. My son was born in Japan in 1997. I have brought up my son alone as a single mother since he was three years old. Now we have both obtained the rights of permanent residence in Japan.

On 17 June 2013, two young men from Nishinomiya Child and Family Centre (Nishinomiya CGC) entered my room. They took my son away with his Alien Registration Certificate, on a wagon, **without my approval**. My son was 16 years old at the time, and was studying at the Nada Secondary School.

A few days later, I received a notice from Nishinomiya Child and Family Centre. In the notice, they informed me of their decision to place my son in the Harima Dojin Foster House (ACF) because they claimed that there was 'no good relationship between mother and child'.

After my son left home, I found that the bankbook and the bankcard were missing from my home. I did not know that the ACF had kept these documents with them until one of their staff brought my son back home to collect his passport. The director of the ACF stopped me from taking my son to the Consulate-General of the People's Republic of China in Osaka to renew both my son's and my passports, on my own. In order to not delay the renewal of our passports, I had to entrust her with the task of renewing my son's passport. After renewing his passport, she retained my son's passport with her and refused to return it to me, no matter how much I asked her for it.

Since then, I was forbidden from contacting my son, even by telephone.

In March 2016, when my son graduated from the Nada Secondary School, I went to the ACF twice. Two staff stopped me from meeting my son. I waited until my son appeared, when it became dark. My son looked very pale and had become very thin. His hair had grown very long. I was told that my son had failed in his university entrance exam. I asked if I could take my son to the Suzuki Clinic for a physical examination by myself.

¹⁸ The original appeal of the mother addressed to the Committee written in Chinese (an official language of the UN) is attached as an Annex at the end of this alternative report.

I was allowed to take my son to the Suzuki Clinic for a physical examination. However, after the physical examination, I was forbidden from contacting him again. When I called the ACF, the staff there told me that my son was not on their premises. They refused to tell me where he had gone.

In March 2017, I received a notice from Nishinomiya CGC, in which I was informed that my son had left Harima Dojin Foster House because he went to a university and had become independent. They did not tell me which university he had gone to and did not give me my son's address. I do not know where my son has been since that day, when he was 19 years old. I am very sad that I have lost my son completely.

I appealed to the Hyogo Prefecture administration, but my appeal was rejected. The prefecture administration accepted the explanation of the Nishinomiya CGC completely. In contrast, they accepted nothing from me. The explanation offered by the Nishinomiya CGC was not consistent with the facts and was not supported with any evidence. It is unfair that a judgement was not made by an independent administrative authority.

I had never been told what the Nishinomiya CGC had described in their explanation before I appealed to the Hyogo Prefecture administration. There was no communication between the parents and the child. There was no third party who could judge who was wrong or who was right and how the situation could be improved before my son was admitted into the Harima Dojin Foster House.

The staff of the Nishinomiya CGC and the Harima Dojin Foster House must have tried to obtain information on the child's family through the child and must have then planned to kidnap my son. They persuaded the child to exchange keeping apart from the child's own parents for their money support. They were able to abduct the child because of the support they received from the GOJ to do so. It is said that the administration does this not only because it is all related to their monetary profit, but also to get the child under their control.

I ask for help from the UN Committee on the Rights of the Child to investigate these cases and to uncover the truth. I am eager to be reunited with my son. The sooner, the better.'

50 As this ethnic Chinese mother noted, 'money' plays an essential role here. The current budgetary system gives the CGC strong economic incentive to remove even more children from their families. The CGC receives funding from the national government's coffers in name of '*hogo tanka*' (temporary custody per diem, ca. JPY 350 thousand /month), which is a monthly allowance payable for administrative and

operational expenses for every child detained in the CGC detention quarters¹⁹. *Hogo tanka* consists of about a HALF of the annual budget of a CGC (This corresponds to the ‘Detention Operation’ sector in Figure 2, Annex of our First Alternative Report). The more children the CGC removes from their parents, the more funds flows into this ‘abduction business’, and the ‘iron fist’ of the CGC grows stronger. If the CGC stops removing and detaining children right now its operations will cease as it will no longer receive monetary support.

51 Japan’s child abuse policy is also instrumental in maintaining this economic sustenance for the social welfare corporations that run the ACF (former orphanages). The ACF version of *hogo tanka* is *sochihi* (placement fee). The amount is almost the same, approximately JPY 350 thousand a month per child detained, including *nyujiin* or ACF catering specially for babies. This point is elaborated upon in greater detail under Chapter 4.

52 The request made in point No. 5 of the LOI aims to draw a clear roadmap for the ‘concrete steps taken to **prevent** children being removed from ... their families’. However, Article 33 (1) of the CWA being a crucial step in **promoting** the removal of children from their families, the GOJ seems to have hidden it altogether in its Reply. It had also completely hidden the monetary incentive. We can infer, therefore, that **the GOJ has no intention of putting an end to this catch-as-catch-can removal of children from their families despite the fact that it is in breach of the Convention**. This is a grave betrayal of the Committee by the GOJ, which deserves severe critical evaluations and concomitant recommendations in the Final Observation.

Recommendation 1:

- **Both the consent of the parents and prior judicial review should be made MANDATORY for every attempt made by the CGC to remove a child from his/her parents’ custody.**
- **Article 33 of the Child Welfare Act and Article 8 of the CAPA should be abrogated with immediate effect as the first step towards preventing the removal of children from their families.**
- **The budgetary allocation that the CGC receives should be fixed**

¹⁹ MHLW On the national government subsidy to child care facilities under the Child Welfare Act, the final amendment 14 May 2014.

regardless of the number of children that it CGC removes from their families.

- The SBS should NOT be used as a cause for the removal of children from their families.

3. The ‘System of Evaluation’ of ‘Child Custody Facilities’ cannot address the real causes for child abuse committed by the CGC

53 Question 5 in the LOI asked the GOJ to ‘provide an update on the evaluation system of temporary child protection facilities operated by child guidance centres.’ The Reply uses the term ‘temporary child custody facilities’ in place of the word ‘protection’ that is used in the LOI. In our first alternative report, we used the term ‘detention quarters’. All of the three terms represent one and the same thing, namely *ichiji hogosho* in Japanese. In this second alternative report, we use the term ‘detention centre’ for the sake of consistency.

54 In Reply, GOJ said that there are measures to ‘promote third-party evaluation of the condition of “temporary custody” of children by child guidance centers’. Its first sub-paragraph, however, refers only to a promotion scheme that is to be offered to a detention quarter that ‘received good evaluation by this evaluator’. The second sub-paragraph refers to ‘the creation of the evaluation standards for third-party evaluation’ (Para. 55).

55 Real issue at stake is not in these replies above, however. An authentic evaluation has to be conducted for the purpose of ending the abusive operation of detention quarters through the investigation whether the CGC abides by all the provisions of the Convention in its detention quarter honestly or not.

56 The CGC’s grave infringement of the rights of child has been exposed in a television show, details of which have been summarised in Case 7 in our first alternative report²⁰. To 79th session of the Committee held in February 2018, a child

²⁰ The original video with English subtitle is available from:
<https://www.youtube.com/watch?v=27smKDCGC9s>

who became a victim of child abuse committed by another CGC detention quarter in Saitama submitted her report to the UNCRC²¹. There are many other cases of inappropriate handling of children in the detention quarters, enough to amount to a whole book in itself²².

57 It is, therefore, very important to introduce a strict and uncompromising evaluation system that defends the best interests of the child detained in the CGC. Such an evaluation system should be completely independent of the MHLW and the CGC which maintain the detention quarters.

58 Unfortunately, however, the Reply did not mention the powers and the composition of the team involved and the criteria deployed in conducting this evaluation process. In reality, as we pointed out in our comment on the LOI which was submitted to the Committee in April 2018, 'a considerable number of the agencies that undertake such evaluations include auxiliary organisations of the MHLW such as the Social Welfare Council and the Japanese Association of Social Workers. These organisations are within the ambit of the MHLW; therefore, neither can be regarded as a third party, which is capable of real independent evaluation' (p. 5).

59 In reality, the evaluations have often been prepared by members who are handpicked out of nepotism. The Tokyo Metropolitan Government reveals a better practice, since a seemingly more independent organisation called 'Chiiki Keikaku Rengo' (The Regional Planning Alliance) conducted the evaluation.

60 Thus, the 'evaluation' did NOT bring up any authentic issues inherent in the detention quarters, even in the context of the Tokyo Metropolitan Government. The most important issue is that the 'evaluation' never questions the infringement of the rights of the detained child in terms of their development. The CGC does not allow the children to go to school, which is a severe infringement of Article 28 of the Convention.

²¹ Report by Child Sakai, *Japanese Children's Voices*, Japanese Children's Report on CRC for the 4th and 5th consideration of Japanese Government Report, November 2017. Her voice is also quoted as Case 1 in the first alternative report of the JCREC.

²² Taejun Shin, *Rupo Jido Sodansho: Ichiji Hogosho Kara Kangaeru Kodomo Shien [Reportage Child Guidance Centre: Supporting Children as Seen From the Viewpoint of Detention Quarter]*, Chikuma Shobo, 2017.

61 Instead, the ‘evaluation’ is carried out through a more simplistic and superficial questionnaire survey and a few interviews. These structural problems that are inherent in the detention centres are mostly never questioned. It is no wonder, therefore, that the evaluation commissioned by the Tokyo Metropolitan Government of its CGC detention quarters in Shinjuku did not even touch upon anything about an incident that was televised nationwide on 7 May 2015.

62 The evaluation body that currently operates in this context makes lenient reports that do not harm, but rather strive to meet the vested interests of the MHLW and CGC.

63 One solutions to change this situation would be to include former children or parents who got involved in ‘temporary custody’ in the detention quarters of CGC for a considerable time, as well as international experts in the evaluation body.

Recommendation 2:

- **The body to evaluate the detention quarters (*ichiji hogosho*) of the CGC should be totally independent of the MHLW or CGC.**
- **The citizens who formerly got involved in the ‘temporary custody’ of the CGC as well as international experts should be included in the evaluation body.**
- **The evaluation body must investigate whether the detention quarters fulfil all requirements and criteria in pursuit of human rights standards as mentioned in the Convention, including in Article 28.**

4. The collusion between the vested interests of the CGC and the ACF results in the detention of children as a first resort, and extends the detention for the longest period of time, without taking the best interests of the child into account

A) The child abuse policy in Japan and the concomitant removal of children from their families are driven by economic motives and the pursuit of vested interests of the ACF, and are NOT in the best interests of the child

64 The Reply of the GOJ did mention Article 28 of the CWA (Para. 45), which stipulates the requirement of a court procedure in case the CGC plans to confine the child in the ACF. However, it is **extremely misleading** to include Article 28 in the

response to Question No. 5 in the LOI, which asks for ‘concrete steps to prevent removal of the children from their parents’, because Article 28 is NOT the clause that governs the removal of the children from their parents’ custody. Instead, the ‘Article 28 plea’ confines children who have already been removed from their parents’ custody in the ACF or sends them to foster families.

65 Unlike the initial removal of the children from their parents in pursuance of the unmentioned Article 33, this process involves a family court procedure when the confinement of the child in the ACF is to be done ‘against the will of his/her parents’. It is indeed correct that the procedure is carried out ‘in accordance with the Domestic Relations Case Procedure Act’; yet this court procedure itself is extremely biased, because the CGC staff has the right to deal with the judge before and during the court proceedings, and the CGC actually does so, while the child and the child’s parents are not given this kind of an opportunity. As a consequence, the family court accepts the allegations and the CGC’s vague justifications, such as, ‘there is a violation of the child’s welfare’, without even confirming whether there is any objective evidence of ‘abuse’.

66 A lawyer who often takes part in this procedure confessed as follows:

It is somewhat unusual that 97% of the pleadings are accepted. I hear **voice of court judge who worries that she/he might just act as a puppet of CGC** for Article 28 (1) case and merely rubber-stamps the consignment of a child to the ACF to the decision that CGC has already made. With this high percentage, such a concern sounds surely reasonable. In the first place, the actors for the trial of Article 28 (1) plea being administration [CGC] and an individual [parents], there is a huge gap; and the parents are seldom represented by lawyers; thus **it can hardly be called that those persons concerned are on an equal footing to one another.**²³

67 For children whose confinement in the ACF is accepted by the family court, the CGC must plead for a renewal of the confinement before the family court once every two years. The **upholding rate of the ‘renewal procedure’ is almost 100%. That is, once a child is placed in the ACF, the reality is that the child will be forced to live**

²³ Bunzo Ishida, ‘The function of court in judicial participation,’ *Kodomo no Gyakutai to Negurekuto (Child Abuse and Neglect)* Vo.16 No.3, 2014, pp.264-265.

there until the child comes of age. The family court and the CGC are, to a considerable extent, in collusion. The judiciary is merely a formality.

68 Michiko Kobayashi²⁴, the head of the Japanese Society for the Prevention of Child Abuse and Neglect (JaSPCAN), gave insight to this point in her keynote lecture at the 20th ISPCAN Congress held in Nagoya in 2014. Kobayashi alluded that the children were sent to the ACF to fill its beds. This has been one of major hidden agendas of the MHLW, when it promoted child abuse as an item on the list of tasks for the CGC to fulfil:

The social care in Japan is characterised by the private-run orphanages originally founded to take care of war orphans, where tens of children live together in a single room. **The issue of child abuse was given more attention when the war orphans and poor children in the poverty-stricken period after WWII grew up and closing down of former orphanage came to agenda due to diminishing number of children to be housed there.**

69 After Japan's defeat in World War II, there were many orphans whose parents had either died or had gone missing from the battlefield or as a result of the Allied bombing. They were placed under 'temporary custody' by the CGC pursuant to Article 33 of the CWA, and were then sent to orphanages (which were later converted into the ACF) run by religious institutions and benefactors. However, the need for orphanages declined when the orphans came of age.

70 The ACF remained intact, however, and in the 1980s, they began to look for children to fill their empty beds so that they could continue their business of running the orphanage. Most of the ACFs in Japan are run by a 'social welfare corporation', a private institution that is legally allowed to make money. Almost all the revenue for the corporation comes from the government (ca. JPY 350 thousand/child/month). They can receive this money only when the ACF takes care of children.

²⁴ M. Kobayashi, 'Let's Learn from the Past and Act for the Future' (keynote lecture), delivered in Nagoya, 16 September 2014.

71 In a report by the Human Rights Watch, titled *Without Dreams*, it was pointed out that the CGC is confining children in the ACF by ‘deferring to the financial interest of existing institutions’²⁵. It quotes the ACF director in Tohoku as follows:

To be honest with you, ... it’s not exactly ideal for us if there were no more children to be admitted to our institution because our operation is based on receiving children to care for²⁶.

72 In this system, the CGC functions as a kind of gatekeeper, taking children under the pretext of rescuing them from ‘abuse’ and placing them in alternative care in pursuit of their **vested interests**. In other words, there is a clear economic motive in the GOJ’s drive towards alternative care, which Clause 20 of the ‘Guidelines for the Alternative Care of Children’ (adopted in the UN General Assembly in February 2010) clearly prohibits: ‘The provision of alternative care should **never** be undertaken with a prime purpose of furthering the political, religious or **economic** goals of the providers’.

73 Question 5 of the LOI requested the GOJ, ‘to speed up de-institutionalisation of the children...’. This is impossible so long as the vested-interest-filled pressure group of the managers of ‘social welfare corporation’ running ACF remains intact. The weaker political leverage of foster parents means that fewer children are sent to them.

74 If we bring a more radical solution into the picture, we may, of course, have different solutions. We submitted our comment on this to the Committee in April 2018, in our ‘Comments on the List of Issues in Japan’, which reads as follows (p.3):

There are two options available to release children from the ACFs: firstly, an early return of the children from alternative care; and secondly, entrusting children to foster parents instead of ACFs. Although the committee appears to emphasise the second option, the JCREC would like to draw the Committee’s attention to the fact that a considerable number of children entrusted to foster parents have suffered from abuse at the hands of or have even been murdered by foster parents in Japan. Therefore, foster parents do not offer a complete and everlasting solution to the problem. **The Committee should, therefore,**

²⁵ Human Rights Watch, *Without Dreams*, 2014, p.4. This report is available online at: http://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf

²⁶ Human Rights Watch, *op.cit.*, p. 65.

consider the first option, namely, an early return of the child to his or her family; this is in compliance with Clause 14 of the UN Guidelines for the Alternative Care of Children, providing, ‘ [r]emoval of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration’. There could be conditions attached to the return of children to their original families such as those in OTS (*ondertoezichtstelling*) in the Netherlands. The adoption of OTS may have a further positive effect, namely, reducing the heavy deficit of the Japanese public finance. We hope the Committee will make a recommendation for Japan to adopt a system like OTS in the Netherlands so as to prevent the Child Guidance Centre from removing more children.

75 The issue of deinstitutionalisation that the Committee had raised in the LOI, therefore, hits the core of the problems related to the removal of children and bringing them into alternative care in Japan: economic motives and vested interests.

76 The only rational and real explanation for this irrational administration of the CGC from the standpoint of child welfare is the prevalence of deep collusion between the CGC and the ACF under the umbrella of the MHLW. In Japan, this is the reason for the strong propensity to remove a child from the care of the family and placing the child in the ACF in order to supply more children to the ACF so that it can continue to defend its vested interests by filling its beds.

77 The ACF is not the place where the best interests of the child are guaranteed and promoted. Nevertheless, sending children regularly to the ACFs is very important for the director of the CGC after retirement, especially because the management positions in the ACF are ideal for the post-retirement jobs for the staff of prefectural governments handling child-related matters, such as the former director of the CGC.

78 What is at stake in relinquishing the infringement of the rights of the child by the ACF is, therefore, the abolition of a system where the child is used as a convenient device for grabbing fiscal money from the government for ‘social welfare corporations’ that run the ACFs.

B) The deception of ‘family home’

79 This leads us to another deception in this context. The Reply states, ‘It is important that children who cannot live with their parents because of abuse by the parents or any other reason be raised in the **family environment** as much as possible.

The Child Welfare Act revised in 2016 legally stipulates this principle' (Para. 50). Yet, in fact the revision of the CWA in 2016 involves the extension of the definition of 'family' in order to benefit the social welfare corporations running the ACF. By this revision, the GOJ added a clause 'including the environmental equivalent of a family and a good familial ambience', as a part of the definition of 'family' under Article 48-3 of the CWA.

80 The provision had originally asked the head of the ACF and foster parents to take necessary measures to reunite the child with his/her original parents so that he/she can be brought up in their original family environment and home. This mandate was therefore abrogated in 2016.

81 The 'environmental equivalent of a family' here refers to '**family home**', a concept that the MHLW is currently promoting. As part of the MHLW's endeavour in expanding its vested interests, it offers social welfare corporations running the ACF financial subsidy to set up a 'family home' type of accommodation within its premises. The plan of the MHLW is to essentially restructure the current ACF into a 'family home' arrangement, with its built structures being reformed and its key personnel being transferred²⁷. The structure is something like a flat in a condominium, and yet, there are naturally no biological parents. This is nothing but another way of placing the children in the ACF although the MHLW claims that this is their way of 'complying' with the Convention asking the State Parties to give children a chance to 'grow up in a family environment'.

82 On the contrary, Clause 3 of the UN 'Guidelines for the Alternative Care of Children' stipulates as follows:

the family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, **efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents.**

83 Sending children to the 'family home' does NOT mean the return of the child to the care of his/her parents. The ACF, thus, stands in the way of the reunification of the child with its original, biological family environment rather than promoting it, and is doing this for the sake of protecting its vested interests. The MHLW has sought

²⁷ The Working Group to Promote Establishment and Operation of Family Home, *Towards Establishment of Family Home*, 2014, p. 29 and passim.

more money in order to expand its ‘family home’ scheme. This plan is nothing but the extension of the institutionalisation of the children for longer periods of time in the ACF, using the deceptive word ‘family’. This may be the reason why the GOJ had avoided mentioning ‘family home’ in the Reply.

84 The MHLW once planned to increase the number of children sent to foster parents. Nevertheless, ‘...as of April 2018, fierce opposition emerged from the camp where the ACF [managers] form the core. It has then become probable that the plan would be far reduced from the original ‘vision’ [on social care, which a working group of MHLW prepared in the Summer of 2017] at the prefectural-scale plans in preparation’²⁸.

C) Long-term best interests of the child are being severely ruined due to the excessively long institutionalisation that the CGC imposes

85 Since the main driving factor for the removal of children from their families is acquiring more monetary support from the government coffers, the CGC and MHLW pay scant attention to the long-term best interests of the children. Rather, they collude with one another and refuse the parents of the detained children their visitation and other rights, mercilessly rejecting almost all requests made by the biological parents, who naturally worry very much about the development and long-term future of their children. These children are thus converted into ‘artificial orphans’.

◆Case 2: A child was transferred from school to the ACF in breach of recommendation Para. 62 of the UNCRC in 2010. The child has then been deprived of his right to development and opportunities in the future

Reiryu suffered from repetitive corporal punishment in the hands of his class teacher when he was in Primary 2 in Koka Gakuen, a Catholic private elementary school in Tokyo. The school principal was a Marianist Catholic sister, who took a very despotic approach towards the pupils and parents. Reiryu, who was dearly loved by his father, suffered from autism spectrum disorder, and had some difficulty in his behaviour in comparison with other pupils. Later, Koka Gakuen claimed in a lawsuit where the school was the defendant that corporal punishment should be accepted as a legitimate means of punishing children because the school ‘was in a situation where immediate action was required’.

²⁸ Okubo, *op. cit.*, p.295.

The father protested against the use of corporal punishment on several occasions. However, to get rid of Reiryu who demonstrated hyperactivity disorder due to autism, the principal, instead of apologising and undertaking not to repeat the same conduct, secretly filed a report at the Tokorozawa CGC, alleging that the father had committed acts of ‘child abuse’ against Reiryu. An evaluation of the chronology of events proved that there was no possibility of the father abusing the child’. Reiryu was nevertheless transferred to the Tokorozawa CGC on 1 May 2013. The CGC never investigated the truth of the allegations of corporal punishment levelled against the class teacher, but accepted what the principal claimed at its face value. This was exactly what the Committee recommended in its Final Observation in 2010: ‘[t]he Committee observes with concern that children who do not meet the behavioural expectations of school are transferred to Child Guidance Centres’ (Para. 62).

When Reiryu was in his father’s custody, he was one of the brightest pupils in his Kumon course. He ranked 4th among 93 pupils in mathematics, in his city, Asaka. Although he was in Primary 4, Reiryu had already attained the level of Secondary 1 mathematics and was able to solve simple linear equations. He was invited to ‘the National Meeting of Pupils who have Achieved Accelerated Progress’, ‘where the invited pupils meet seniors, colleagues, and friends who are doing their best and progressing higher, to receive stimulus and to aim for even higher targets, etc.’ However, Reiryu couldn’t attend the meeting, as he had been transferred by Koka Gakuen into ‘temporary custody’ at the Tokorozawa CGC. Reiryu was good at other subjects at school, too, and a parent of his friend at Koka Gakuen said, ‘Reiryu was strongly motivated to study, and this generated from within.’

After he was confined in the detention quarter, Tokorozawa CGC **did not allow Reiryu to go to school for seven months**, which retarded his intellectual capabilities considerably. The CGC then attempted to send Reiryu to the ACF. In order to make an Article 28 plea and get it approved by the Saitama Family Court, the CGC submitted **fake evidence** before the court. The most significant of these was the ‘Record of Elementary School Life’, which the CGC claimed was prepared by Koka Gakuen. However, the former principal and teacher in charge of Reiryu’s class testified later in the court saying, ‘I have never seen this document’ and ‘I didn’t take part in the preparation of this document’. Furthermore, in the document, *bonji*, or ‘this child’, a jargon used EXCLUSIVELY among those who are engaged in child welfare under the MHLW jurisdiction, appears more than 40 times. The ‘Record of Elementary School Life’, being a voluminous evidence of 22 pages in length, must have played a significant role in having an impression on the judge. If this forged evidence had not been submitted, Reiryu might have not been sent to the ACF.

Three years after his confinement in the ACF, Reiryu’s performance in his junior secondary school turned dismal and he was placed lower than the middle rank. Further nine months after, his school performance dwindled further to the ‘middle level of the lower rank’. Thus, Reiryu’s academic

abilities had been steadily declining as time passed by while he remained in the ACF. The environment was not suitable for Reiryu to achieve appropriate development, and things may have been far better if he was under his father's custody and care.

Needless to say, academic achievement of a student in compulsory education largely determines his or her pass or failure of the entrance examinations for more competitive senior secondary schools and universities. In Japan, if a student enters a more competitive school and university, the student stands a higher chance of climbing up the career ladder in the future and earning higher incomes for life. The ACF allows insufficient opportunities for development and this undermined Reiryu's long-term career opportunities. Reiryu will sit for his entrance examination to senior secondary school in February 2019. Given his dismal performance at school, his hope for success is slim, and therefore his future career prospects will narrow down drastically. According to a report published based on field research in the ACFs across Japan, conducted by the Human Rights Watch,²⁹ 'far too many children leave their institutions [ACFs] only to end up in low-paying jobs, or jobless, or even homeless'. Reiryu is on the verge of experiencing a similar fate. The administrative conduct of the Tokorozawa CGC is therefore in clear breach of Article 3 of the Convention.

Reiryu is suffering in his everyday life in the ACF. The CGC has left him without any examination by a psychiatrist **for four and a half years** despite the fact that they know that he has autism spectrum disorder. Another juvenile psychiatrist, whom the father commissioned, had diagnosed Reiryu by looking at a picture of him that was taken by the CGC. He said that Reiryu is being given psychiatric drugs at the ACF without the consent of the parents and without a prescription. It is a common practice in the ACF to give the children detained there psychiatric drugs for the purpose of controlling them in lieu of corporal punishment.³⁰ When Reiryu was with his family, he was an enthusiastic outdoor lover and enjoyed boy scouting and trekking with his father. However, in the ACF, he has been confined indoors, inside the ACF building, and has been prohibited from going out, on the pretext of 'penalising' his visit to the house of his classmate and bringing in a comic book for youth to his bed.

The father, who is very worried about of Reiryu's current condition and future career, asked his attorney to write letters to Tatsuo Nishikawa, the current Director of the Tokorozawa CGC. The CGC has banned the father from visiting Reiryu and has kept Reiryu away from his father for almost six years. He was thus made into 'an artificial orphan by the CGC'. This is because the Tokorozawa CGC

²⁹ Human Rights Watch, op. cit., p.6.

³⁰ Kohei Yoshida, 'The Use of Psychotropic Drugs at Foster Care Facilities and Staff Dilemma', *Journal of Welfare Sociology*, 10, 2013.

has attempted, unsuccessfully, to force the father to accept the charge of 'abuse' which the family courts have not accepted, either. It is common that the CGC wrings confession using the removed children as 'hostages'.

The father expressed his concerns about Reiryu's promotion to senior secondary school and asked his attorney and psychiatrist to see Reiryu. The father also sought professional comments on his plan to improve his mode of guardianship with the CGC, and offered to attend a course in parenting. Nishikawa, however, **refused to reply** to any of these concerns or requests raised by the father, and instead simply asked the father 'to write letters to Reiryu'. The problem here is that the CGC's social worker always brings the letter from his father to him and reads the letter together with Reiryu, who has thus been given no opportunity of formulating and expressing his will independently.

Amidst all of these irrational measures, the CGC still keeps asking the father to obey their instructions all the way, even in the case where their measures contravene the Convention. Currently, Nishikawa is pleading for another extension of Reiryu's confinement in the ACF, in spite of his standing at the crossroads of his life. This action of the CGC testifies to the fact that it never cares for his long-term best interests of the children in their custody. Using the child as hostage, the CGC attempts to inflict coercive power over the children and their parents alike.

86 Article 9, Clause 3 of the Convention stipulates as follows:

States Parties shall respect the right of the child who is separated from one or both parents to **maintain personal relations and direct contact with both parents on a regular basis**, except if it is contrary to the child's best interests.

87 This compares well to the administrative measures put in place by the Tokorozawa CGC which kept Reiryu isolated from his father for **almost six years**. In addition to his father, the CGC also **prohibits the lawyer and the doctor** representing the father from meeting Reiryu.

88 This type of human-right infringement that Reiryu suffers is more of a general practice than exception in Japan. In *The Handbook of Children's Rights*, the City of Nagoya tells the children, for example, '**when it is thought** that you will get harmed or cannot be protected, you may not be able to see [your parents]'³¹. The

³¹ *The Handbook of Children's Rights*, distributed to the children detained in the ACF in Nagoya, p.10.

problem here is that who 'thinks' it for what reasons. There should be no other persons than the directors of CGC or ACF, who are notorious for ignoring the longer-term best interests of the child. The right of the children to maintain direct contact with both parents to ensure their best interests are thus arbitrarily infringed at the whim of the CGC or ACF authorities.

89 To interpret the situation of Reiryu in light of Convention, we need to reaffirm Article 3-1 of the Convention:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child** shall be a primary consideration.

90 It is commonly understood that the 'best interests of the child' shall materialise only when the best interests both in the short-term and long-term are fulfilled.³² Reiryu's best interests in the long-term cannot be secured if the CGC takes into account his short-term interests **alone**.

91 The stipulation under Article 28-1 of the Convention which seeks to protect and promote the right of development of a child is important in realising the long-term best interests of a child:

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all ...;

92 Article 29.1(a) also needs due consideration:

States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential

93 The members of the Committee might wonder if citizens might lodge complaints before the CGC. However, the **CGC attempts to seal-off any complaints and criticisms, and labels the parents making complaints as 'taking a hostile attitude towards the CGC' and retaliating openly by using the child as a hostage**. The CGC

³² UNICEF, *op.cit.*, p.38.

tolerates NO critical comments from parents, but forces them into a state of total subservience.

94 The MHLW endorses this conduct of the CGC by stating the following in its *Manual*: 'the act which disturbs the custody measure of the director of the CGC wrongfully is the act which damages directly or indirectly the interest of a child'³³. The MHLW arrogantly claims that what the director of the CGC says and does is veracious *a priori* and in the interest of a child without slightest room for doubt. The MHLW has thus confessed that 'the best interest of a child' in their language is nothing but 'the best interests of the CGC'.

Recommendation 3:

- **The MHLW and the CGC should respect the UN Guidelines for Alternative Care of Children, especially Articles 14 and 20 of the Guideline.**
- **They should promote authentic deinstitutionalisation of the children, that is, the return of children to their ORIGINAL families as early as possible, as practised in many EU countries.**
- **All the pressure groups with vested interests, especially those organised by the ACF managers, should be liquidated forthwith.**
- **The 'family home' scheme should be abolished in favour of real parents and real families.**
- **The CGC should accept the right of the citizens to 'take hostile attitude' to their operations as long as the citizens feel that they breach the Convention.**

5. The CGC brings children into preventive detention as its functions have transformed into those of a de facto judicial body

A) Preventive detention carried out by the CGC

95 The GOJ flatly refused in Reply to answer Question No. 12 by saying: '[b]ased on our understanding that "preventive detention" refers to detention of an individual

³³ *Manual*, p. 171.

with the direct objective to protect society from potential dangers caused by that individual, there is no such system in Japan' (Para. 113).

96 Here, the tactics of the GOJ in refusing to answer the question raised by the Committee is to set up an excessively narrow definition of 'preventive detention' as 'to protect society', and then aims to claim that there is 'no such system in Japan'. As we mentioned in our first alternative report, however, Article 3 (1) of the Juvenile Act³⁴ clearly stipulates the following under the term '*guhan shonen*' (a juvenile with criminal bent), which the GOJ does not want to disclose to the Committee:

A Juvenile to whom any of the following items applies shall be referred to a hearing and decision of the family court....

- (ii) A Juvenile under **14 years of age** who has violated laws and regulations of criminal nature
- (iii) Any of the following reasons exists and a Juvenile, in light of personality or environment of the Juvenile, is **likely** to commit a crime or violate laws and regulations of criminal nature **in the future**
 - (a) Has a propensity not to submit to legitimate supervision by the Custodian
 - (b) Stays away from home without a justifiable cause
 - (c) Associates with persons with a criminal nature or immoral persons, or frequents in places of ill repute
 - (d) Has a propensity to engage in harming own morals of the Juvenile or that of others
- (2) The family court may subject a Juvenile as prescribed in item (ii) of the preceding paragraph or a Juvenile as prescribed in item (iii) of the same paragraph who is under 14 years of age to a hearing and decision only when a prefectural governor **or a child consultation center[CGC]'s director** refers the Juvenile to the family court.

97 Note the phrase 'likely ... in the future' in clause (iii) above. By this provision, it appears that there is NO need for evidence that the child in question HAS committed crimes of any nature in the past in referring him/her to family court. This is nothing but the 'preventive detention' of the child. The CGC shall bring the case of these children before a family court, which then likely to sentence him/her to a juvenile classification home or in a juvenile training school³⁵.

³⁴ English translation of this act (as of 2008) is available from <http://www.japaneselawtranslation.go.jp/law/detail/?vm=04&re=01&id=1978>

³⁵ 'School' is the misleading official translation of *shonen-in* in Japanese. It is reformatory or correctional facility, or juvenile version of prison.

98 Furthermore, in pursuance to Article 12 of the CWA, amended under the initiative of the MHLW, a lawyer is now posted at each CGC, with the expectation that he or she will apply Article 3 of the Juvenile Act more rigorously to the children who have been removed from their families, by pleading before the family court for a judgement to confine them to a juvenile training school (reformatory) or other such institution associated with providing for those guilty of committing juvenile crimes³⁶. A recent survey carried out by the Tokyo Bar Association³⁷ revealed that the CGC staff now maintains constant contact with prosecutors and courts, and the lawyers there take part as well, and together, they prepare an Article 28 plea.

99 The CGC (which is rendered in English as the 'child consultation center' in the above translation of the Juvenile Act) is no longer a government body that works to protect and promote the welfare of children. The MHLW has transformed the CGC into a quasi-judicial body and has plugged it into the juvenile legal system of Japan so that it can survive in a neo-liberalist political climate. Children 'with criminal bent' and children under 14 years who have 'violated the laws of a criminal nature' are thus constantly confined to juvenile training schools (reformatory) by the CGC. There is a suspicion that young political activists are also likely to be confined through the CGC through this legal procedure in cases of national emergency.

100 The problem here is that the GOJ does not accept Article 37 of the Convention as applicable to the children detained by the CGC and claims instead, that it applies only to detention of a child who has committed a criminal offence³⁸: 'Article 37 is a provision developed based on Article 10 of the International Convention on Civil and Political Rights with emphasis on the child and it has a history of being drafted bearing in mind children who have committed criminal offences'³⁹. The words 'child' and 'deprived of his or her liberty' as they appear in Article 37 apply ONLY to

³⁶ H. Higuchi, F. Makita, M. Okazaki, 'The CGC with attendant full-time lawyer and protection of the rights of the child', lecture held in Tokyo, 27 October 2017

³⁷ Ibid.

³⁸ Otsu-I No. 3 Brief by the Ministry of Justice in the Mizuoka v. Minister of Justice, Saitama District Court, (Gyo-U) No. 9, 2015.

³⁹ Ribo Hatano, *Chikujo Kaisetsu Jido no Kenri Joyaku [Commentary on the Convention on the Rights of the Child]*, Revised ed., Yuhikaku, 2005, p.248.

the children who have been deprived of their liberty for reasons of having violated the Penal Code, just as it under Article 40 of the Convention.⁴⁰

101 There is, therefore, no guarantee that the following stipulation under Article 37 (d) of the Convention is fulfilled by the CGC, either:

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other **competent, independent and impartial authority**, and to a prompt decision on any such action.

102 Note that as Article 3 (ii) of the Juvenile Act quoted above stipulates, the children under 14 years who have committed crimes are not dealt with under the normal juvenile criminal procedure, but have to be referred to the family court by the CGC.

103 **The children are worse off under the CGC than being dealt with by the regular procedure under juvenile criminal law.** Juveniles who have committed crimes and have had their freedom restrained under the Juvenile Act are, for instance, entitled to a ‘personal attendant system’, under which they can be assigned to a personal attendant (a lawyer etc.) to protect their human rights. However, children who have been detained by the CGC and have had their freedom restrained subsequently do not have such benefits. The CGC restricts the visitation rights of parents and prevents them from meeting their children, which is not the case in the regular procedure followed under juvenile criminal law.

◆Case 3: The Okayama City General CGC ignored the court order and the desire of a boy to return to his mother while dealing with a suspected juvenile crime short of evidence

The boy was the son of the Hiramatsu family. He was taken into ‘temporary custody’ to the Okayama City General CGC when he was in Primary 6, due to a quarrel between him and his mother, involving some violence by his mother. The boy wrote in a statement that he submitted to the Okayama Family Court that while he did say that he wanted to stay in the ACF, it was merely to take refuge for a short period. He had never claimed that he disliked his mother or that he did not want to

⁴⁰ Otsu-I No. 3 Brief, *op. cit*, pp.14-15.

see his parents again. Nevertheless, the Okayama City General CGC had kept him in isolation from his mother for more than two years. When he was promoted to Secondary 1 (Grade 7), the CGC had placed him in Minori-en ACF in the suburbs of Okayama. He was, however, dissatisfied with the callous warden in charge of him, and thus, his desire to return to his original family had grown gradually. The boy told the CGC personnel about his wishes, but the CGC was reluctant to fulfil them. In his statement to the court, the boy pleaded that the CGC should not have any authority to separate him from his real parents.

In the following year, when the boy turned 13, a suspicion arose that he may have molested a mentally-retarded girl in his secondary school. The son denied this charge but was referred to the family court. The mother's attorney hoped that if the police took action against the boy, the attorney could meet him [this is a right granted to a criminal offender under Japanese law]. However, the CGC did not allow the attorney to visit him [since a child aged under 14 years cannot be dealt with under the juvenile criminal procedure, the sole authority over the child lies in the hands of the CGC]. The son was transferred to another ACF, called Seitoku Gakuen, for a longer period of temporary custody. After repeated requests by the attorney in defending the human rights of the boy, he finally managed to see the boy on 17 May 2018. According to the boy, the police had gone to see him only once in March and he still wished to return to his original family.

Subsequently, the attorney wrote a letter to Chuji Yamamoto, the director of the CGC, **asking for visitation rights for the mother**, claiming that 'prohibiting the mother from visiting her son would constitute a human right infringement in breach of Article 9(1) of the Convention' and that 'the son had clearly showed his intention to return home and meet his mother.' The attorney also stressed that the boy was currently set to take his entrance examination to enter senior secondary school, which marked the crossroads of his life, and yet, he was unable to consult with his mother on directions for his future. Compared to the small disadvantage that the CGC might imagine the visit to cause, and the major advantage that the visit would actually offer to the boy, the former disadvantage would be needlessly insignificant. **The CGC Director however ignored the letter and rejected the attorney's request.**

The mother obtained a copy of the report prepared by the probation officer in charge at the family court in July 2018. According to the report, her son was locked within his single quarters in the ACF, in isolation. He was deserted and no warden called on him except for meals, and he was banned from playing video games. A warden of the ACF also committed an act of violence upon him. He became desperate, as it felt as though nothing was in his control and that nothing about this situation could change.

In September 2018, the CGC submitted its written opinion to the family court to deal with the boy. The CGC wrote that the boy had confessed to having molested a girl, and indicated that he had autistic spectrum disorder, although his IQ was normal. The CGC claimed that it was impossible for the boy to return to his original family because of his various symptoms as a result of autism and hyperkinetic syndrome.

The Okayama Family Court made its decision on 27 September 2018. The court admitted that there the boy had indeed faced physical and psychological abuse at the hands of his mother, but it also rejected the plea of the CGC to place the son in the ACF and, in respecting the desires of the boy, declared that he be allowed to return to his mother. On 3 October 2018, the mother went to the Okayama City General CGC with a NPO personnel who was skilful in negotiation with the CGC. The CGC personnel told her that the situation was not ripe yet for both the mother to visit and for the boy to return home and openly showed its dissatisfaction with the court's decision.

In the meantime, the case of his molestation was brought before the family court by the CGC, despite there being no report filed before the police by the suspected victim. Since the boy had reached 15 already, his charge turned into a full-blown juvenile criminal case. The family court thus needed to provide the boy with an attorney to defend his position under Japanese criminal law. However, the **CGC never informed him or his mother of this legal right**, and instead, submitted numerous documents before the family court in support of its plea to detain the boy in the juvenile training school (reformatory).

The mother's attorney told her that as this was a case of molestation that, had it actually happened, would have taken place under the custody of the ACF. Since the real cause that the mother was pursuing related to the prolonged detention of the boy and his separation from his real mother by the CGC, the mother owed no responsibility for this incident. The attorney objected to the transfer of the son to the juvenile training school (reformatory) arguing that doing so would enhance his suffering from coercion further, which would not contribute to his development. The attorney also claimed that it would be far more beneficial for the boy to be returned to his original family to live with his mother, under her care and affection.

The mother then approached Mimura of Okayama City General CGC to demand her visitation rights to see her son. Their reply was negative nonetheless, **claiming that the mother had taken a hostile attitude with the CGC**. She countered the CGC saying that it was intimidating a citizen using the parent's desire to visit the child and holding them hostage in order to force them into agreeing with anything that the CGC demanded. The mother's attorney suspected that the CGC might be planning to transfer the boy to the juvenile training school (reformatory).

On 23 October 2018, the family court decided that the son had to be transferred to a juvenile classification home. The boy was then considered a juvenile offender and left the jurisdiction of Okayama City General CGC. The attorney told the mother that the CGC had removed the son from the mother's custody once, claiming that it would take care of him. Then, realising that the son was beyond its control, the CGC had got rid of him by sending him to a juvenile training school (reformatory). The attorney said that this was irresponsible.

Nevertheless, since the CGC had given up control over her son, the mother was totally free to meet him. She suspects that transferring him to a correctional facility as a juvenile training school or a classification home may have been the plan of the CGC from the beginning. She thinks that this may have been the reason why the CGC suspended her visitation rights for prolonged periods, and that, for this reason, the CGC had little intention of bringing the family reintegration programme into operation. She is of the firm opinion that this sort of arbitrary manipulation of power by the Okayama City General CGC would constitute a grave infringement of the human rights of children and parents alike.

104 The UNICEF clearly put forward the following view: 'provisions relating to the restriction of liberty do not just cover children in trouble with the law (in many States restriction of the liberty of children is permitted **for reasons ...'welfare'**, mental health, and in relation to asylum seeking and immigration)'⁴¹. It is, therefore, clear that the every provision under Article 37 of the Convention should apply to the CGC administration.

105 In addition, the provision of preventive detention for the child itself often contravenes Article 17.1 (b) and (c) of the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules):

- (b) Restrictions on the personal liberty of the juvenile shall be imposed **only after careful consideration and shall be limited to the possible minimum;**
- (c) **Deprivation of personal liberty shall not be imposed unless** the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response;

⁴¹ UNICEF, *op. cit.*, p.548.

106 When the CGC pursues legal proceedings, the rights of the child above as expressed under Article 7.1 of the Beijing Rules are not likely to be fulfilled.

107 In short, the general policy orientation of the GOJ is precisely what Professor Krappmann worried in the Session of the Committee held in 2010: the transformation of the CGC to a de facto judicial authority means that there is a lack of protection under the Convention. Neither the original 'Government Report' nor the Reply pays any attention to the consequences of this transformation of the CGC into a de facto judicial authority, even though the GOJ had amended the CWA so that every CGC had an attendant full-time lawyer (Article 12, Clause 3). It seems that the GOJ wants to conceal the fact that the government body had originally been created for the welfare of the child, and now inflicts uncontrolled state power to coerce the children and their families, as though they are the 'family police'.

108 Everyone understands that the police embodies and enforces state power. Thus, policemen have been trained to exercise their power more prudently, and strictly based on the legal provisions. However, 'preventive detention' that the CGC takes part in does not follow this principle at all.

Recommendation 4:

- **The Article 3 (1) (iii) of the Juvenile Act should be abrogated with immediate effect.**
- **The Japanese Government should confirm that all the clauses of Article 37 of the Convention and the Beijing Rules are fully applicable to the CGC.**
- **Thus, the detention of the Child in the ACF should be limited to being a last resort and applicable for the shortest appropriate period of time.**
- **The visitation rights of the parents should always be permitted.**
- **The children detained at the CGC or the ACF should always be allowed to see attorneys and medical doctors of their parents' choice.**

B) The transformation of the CGC into a judicial body has created administrative redundancy that both infringes the rights of the child and impedes the eradication of serious child abuse cases

109 Under a neo-liberalist regime, a government body offering pure welfare service is vulnerable and is quite likely to be scrapped. If the CGC assumes a judicial role, on the contrary, and begins to act like the police, it would certainly become less vulnerable. This transformation of the CGC and its role has been undertaken with a purposeful long-term policy strategy of the MHLW to counter structural adjustments made under neo-liberalism.

110 The Committee members might wonder how the activities introduced in Paragraph 37 of Reply with respect to the police and Paragraph 38 to CGC are systematically interrelated and coordinated. The answer is that there is NO coordination at all. In the process of the judicilisation of CGC, MHLW has just expanded its turf to intrude into that of police administration, which had dealt with cases of child abuse as criminal cases since long ago, in pursuance of the Police Duties Execution Law and the Penal Code.

111 Policemen are naturally more skilful in enforcing and manipulating state power, as they are better trained to enforce the law. Citizens and the mass-media always keep an eye on the police.

112 Furthermore, the Japanese police has its own, much more prudent 'temporary custody' provision under Article 3 (3) and (4) of 'The Police Duties Execution Act (PDEA)', which is more compatible with the Convention⁴²:

(3) Police protection under the provision of paragraph 1 shall last no longer than 24 hours.

Provided, however, that this shall not apply in cases where a permit of a judge of the summary court (hereinafter this refers to the summary court having jurisdiction over the location of the police station to which the police official who has provided such protection is assigned) authorizing further protection is obtained.

(4) The permit referred to in the proviso to the preceding paragraph shall be issued by the judge at the request of a police official only in the event that the judge deems there exist unavoidable circumstances, and the period of extension shall not exceed five days in total. In this permit, the unavoidable circumstances shall be stated expressly.

⁴² <http://www.japaneselawtranslation.go.jp/law/detail/?vm=&re=&id=2229&lvm=02>

113 On the contrary, Human Rights Watch revealed: '[o]ften, educational backgrounds [of the CGC personnel] *have little to do with child care*.... It is also not uncommon to find that CGC staff members previously worked in a completely different field, such as *construction or waterworks*'⁴³. It is therefore not possible to expect that the CGC personnel will comprehend the Convention and be conscious of human rights in operating in compliance with the Convention.

114 On top of it, as the judicial function of the CGC becomes stronger, its commitment to function with the best interests of children and families becomes even weaker. Nowadays, the claim in the Reply, 'child guidance centers operated by prefectural governments, they provide support that requires specialized knowledge and skills' (Para. 104) has really only become something of the past. Currently, in Japan, public bodies that offer parents advice and consultation, without fear of their children being 'kidnapped', are few and far between.

115 As a consequence, administrative redundancy has set in: both the police and the CGC claim to handle child abuse cases, and wind up blaming each other. A girl aged five years called Yua-chan sadly died of abuse by her parents in March 2018 in Tokyo. The police investigated the case and disclosed her diaries and memoranda while the CGC showed its indolence. However, Naoki Hayashi, the director of the Shinagawa CGC did not apologise. Hazuki-chan, a girl aged three years died of abuse in January 2016. Masayuki Hirose, the then director of Tokorozawa CGC shifted blame and responsibility to the police. The police visited Hazuki-chan's family twice but Hirose claimed that the police had not reported the matter to him. Why, then, did the Tokorozawa CGC not investigate the case on its own? Hirose refused to join the investigation team for her death. However, despite this administrative nonfeasance, the Prefecture of Saitama, instead of penalising him, promoted him to the directorship of the Saitama Central CGC. It was only after the death of Yua-chan, that there rose a demand at the behest of some politicians (such as the Governor of Tokyo Metropolitan Government) for all abuse cases to be shared between the CGC and police.

116 In sum, the judicialisation of the CGC has caused administrative redundancy and has led to the lack of systematic coordination between the police and the CGC in handling child abuse cases. This situation has created administrative void in real

⁴³ Human Rights Watch, *op. cit.*, p. 65, (emphasis mine).

welfare where parents can go and seek positive advices on child rearing, without fear of their children being removed from them.

117 It has also created an impediment to dealing with the real and serious cases of abuse, where many innocent children have been killed. However, the MHLW has no intention to give up their turf now that it has grown up to grab more than JPY 100 billion of taxpayer's money amidst huge fiscal deficit of the government coffers. The MHLW utilises this nonfeasance as a rationale to demand even more budgetary allocation and power for the CGC. There is an evident sign of moral hazard: the lazier the CGC gets, the more tax money flows into the MHLW.

118 The simplest yet most effective solution to this redundancy issue would be to sort out the functions between the CGC and the police. The CGC should deal with the welfare function (advice and consultancy on child rearing) while the police should deal with judicial functions including 'temporary custody', sending the children to the ACF, or facilitating their reformation through juvenile training school (reformatory).

Recommendation 5:

- **The functions of the CGC and the police should clearly be bifurcated.**
- **The CGC should offer advice in pursuance to the CWA, whereas the police should deal with detention, sending children to juvenile training schools, and such else. The 'temporary custody' of the children should be executed by the police in pursuance to Article 3 (3) and (4) of the PDEA.**
- **The MHLW should never use the nonfeasance of the CGC as an excuse to demand more of the taxpayers' money.**

6. The inclusion of the Convention under Article 1 of the CWA is mere window-dressing to conceal the infringements and violations of human rights by the CGC and ACF in Japan

119 Japan is unique in that unlike some other governments that take the Convention more seriously and strive to amend their domestic laws to make them compatible with the Convention, the GOJ offers scant respect to the Convention and

shows, instead, its mean attempts to hide essential components of its juvenile legal system that infringes human rights away from international scrutiny.

120 This move of the GOJ is accompanied by window-dressing, or more precisely, deception: '[t]he GOJ also revised the Child Welfare Act in June 2016 to explicitly stipulate that all children have the right to receive appropriate care and shall be guaranteed healthy growth, development and self-reliance in line **with the principles of the Convention**' (Paras. 6 and 8). It went on to boast, 'the GOJ believes that **necessary laws for implementing the Convention have been already established** in Japan' (Para. 6).

121 In view of what we have examined, however, we cannot take these claims of the GOJ at its face value. Are Article 33 (1) of CWA and Article 8 (2) of CAPA the laws that are necessary to implement the Convention? Are they compatible with the principles of the Convention? Do the CGCs always respect the long-term best interests of a child and consign the child to ACF as the last resort for shortest period? These are just a few examples of domestic laws and government notices associated with them which are incompatible with, and thus impede the implementation of, the Convention.

122 If the GOJ is serious and honest about respecting the Convention, it should not indulge in such window-dressing, but rather, aim to abrogate all the laws and government notices that are in breach of the Convention. The GOJ retains these provisions and pretends to the members of the Committee as if Japan abides by the Convention in entirety. Behind it, the children and the families in Japan are suffering greatly as a result of the infringement by the GOJ of the rights that they are granted by the Convention.

123 Here is an account of a mother of two children who were removed by the CGC on false charges of abuse, reported by an unknown person in secrecy. The MHLW encourages such reporting to the CGC, on the lines of the practice employed by the Nazi government in Germany to empower the Gestapo. She is a very courageous mother who fought against CGC directly in the family court and succeeded in recovering her happy family life by being united with her beloved children again.

◆ Case 4: The critical appraisal of the Child Guidance System in Japan by a mother who fought a family court battle against the CGC which had attempted to place her children in the ACF. She won the case and was reunited with her children⁴⁴

The two children of the mother (a daughter, then Primary 2, currently Primary 3, and a son, then second year in kindergarten and currently in the third year) of the Yasuhara family were brought into the ‘temporary custody’ of the Kumamoto Prefectural Central CGC in September 2017 due to a groundless report that she had hit her son at a contest held in elementary school in March 2017 (the reality was that she had gone out on another engagement, and her alibi was proven by evidence). A second allegation was that she had hit her son at a photo exhibition at a nursery (while parents who saw them at the nursery all testified that no such thing happened). A third allegation was that she had hit her daughter who had left something behind at home when she went to school and was likely to be late for lessons (however, elementary school rules do not allow a pupil to be escorted by parents to school; further, the child attended class on foot, and lessons were given on a first-come- first-served bases). None of these reports had any basis. What follows is her critical appraisal of the Child Guidance System of Japan based on her actual experience of their dealings of the suspected cases of ‘child abuse’.

The CGC did not listen to our repeated appeals at all. Social worker Tashiro and section chief Nishiyama insisted that there had been abuse and never accepted our appeals. Finally, on 23 October 2017, a psychological test was performed. Section chief Wada of the psychological judging division just told me, ‘I cannot return your children yet.’ At the end of November 2017, the CGC told me to put them in the ACF. It was hardly acceptable at all. The CGC resorted to Article 28 plea and said that it would place my beloved children in the ACF using state power. There were no visitation rights allowed during the detainment of my children for half a year. The position that this put my family in was accepted by the family court by the end of March 2018, and the CGC released my children. We now live together happily.

Someone might be led to believe that the family court judgement on Article 28 plea would have guaranteed a fair and just judgement of a case of abuse. However, this is not true. The procedure is overwhelmingly disadvantageous for the parents.

Firstly, CGC can always claim problems in a child, based on the result of the child’s psychological tests and claim that psychological abuse is taking place. Psychological tests are conducted several weeks after the temporary custody begins, when the children feel a sense of ‘anxiety’ because they are separated from their parents. Life in detention quarters increases their anxiety but the CGC

⁴⁴ A narrative of the mother provided by the Yasuhara family mother to the JCREC.

blames the parents and asserts that the separation of the children from the parents is necessary for a longer period of time. When a report turns out to be a lie, and there is no possibility to prove the occurrence of physical abuse, the CGC starts claiming that 'psychological abuse' took place and attempts to send the children to the ACF.

Secondly, the Kumamoto Central CGC forced children to make false testimonies. Tashiroy, a social worker of the CGC, was angered when my daughter showed her desire to return home and did not stop talking to my daughter until she was forced into 'confessing' that she was hit by her mother. Tashiroy wrote in large letters: 'MY MOM KICKED ME' and had my son read it out loud. I think this must be their tactic to win cases under Article 28 plea before the family court. However, the CGC crosses its limits and overdoes it. It is difficult for the parents to present proof of not having abused their children and thus, in most cases, the children end up in the ACF. In addition, the evidence that the CGC submits to the family court includes many false and fabricated narratives which the director of the nursery and the persons concerned were all astonished to read.

The life at ACF is harsh for children. My daughter became a victim of sexual molestation at the age of eight. The hands and feet of my son were bound by the warden on his deceptive words that this was a way for my son 'to become wise'. When my children came back, they had a number of scratches in their faces. They had a hard time, and were hardly able to go to kindergarten or school. During the holidays, they watched TV all the day long, which was not something they would do when they were at home. The environment of the ACF is poor, and my children tell me unanimously that they do not want to go there ever again. I do not think that the placement of a child in the ACF would him or her happier.

Last but not the least, I believe that the idea of temporary custody is wrong. The CGC abducts children all of a sudden on the slightest of allegations without carrying out investigations comprising home visits or interviews with the parents. This administrative measure by the CGC in Japan infringes human rights gravely. The CGC does not investigate reports by itself. Therefore, there is no way to check whether a report is true or false. They extract only parts of the investigation that are useful to them, if they ever conduct an investigation at all. Then, they force a confession out of the children and the parents alike. In the nursery in which my child was placed, there were three other children and two graduates who had been abducted on the report of a specific person who had a suspicion. I indicated that my children could be taken care of by my husband who was away on an unaccompanied posting, or by my parents (grandparents to my children) or at the house of the district welfare commissioner, all of which were rejected without any basis.

The CGC is, in fact, **creating abuse cases** through its administration. There is no official body that can make a fair and just judgement of situations like this, including the family court under Article 28. There is no exception. I think that the current Child Guidance System in Japan without an organisation in which judges dispense justice, independent of the MHLW or CGC, is not beneficial to the rights of children at all.

124 The manipulative ways of those reporting cases built on false ‘abuse’ charges with malicious intentions, e.g. to harass their neighbour has been tolerated for long. GOJ having neglected the enforcement of the recommendation in Para. 62 of the 2010 Final Observation of the Committee, false reporting to CGC from nurseries and schools has become rampant in Japan. The system lacks proper third-party investigation mechanisms deploying the Convention as the benchmark. The judgements of the courts even constitute a part of the CGC’s infringement of human rights.

125 To summarise, in most of cases, we see the following common pattern of unjust tactics and behaviours of the CGC, all of which infringe the rights granted to the citizens living in Japan by the Convention:

1. The CGC detains the child in its custody without both, a judicial review and the prior consent of the child’s parents. It has become a source of worry and fear among Japanese families and children alike, and is often dubbed as ‘abduction’ or ‘state-run kidnapping’.
2. The CGC staff is not trained but instead often employ forgery, exaggeration, and distortion of cases in order to obtain a decision that is favourable to them in the family court. They resort to intimidation of the parents while they accept false ‘abuse’ charges coming from nurseries and schools without their own prudent and professional investigation.
3. The CGC forces parents to grovel before them, as if they are medieval lords. It wrings confessions of ‘abuse’ using the removed children as ‘hostages’, as if blackmailing the parents with threats such as ‘if you want to see your child and you want your child returned to you, you must admit to the charges of “abuse”’.

4. The CGC loves sending any children to the ACF without any concern for their long-term best interests. It only considers the best interests of the ACF, and strives to keep its beds full, to protect and promote its vested interest.
5. The emphasis on the judicial role of the CGC undermines its real welfare function, that is, to provide advice on child rearing. These judicial measures by the CGC are often poor in terms of offering human rights protection in comparison with those offered to the accused in a criminal case or by the police.
6. The MHLW and CGC use confessions of 'abuse' to keep increasing their abusive conduct in an attempt to grab more money from the government coffers and to expand their bureaucratic turf further. The CGC and ACF detain children for money and for the maintenance of their vested interest. They NEVER work for the children.

7. Concluding remarks: The JCREC plans a CLASS ACTION against MHLW and CGC as a part of our struggle to defend the rights of children and humans in general in the forthcoming reporting cycle

126 The situation prevailing in Japan may be beyond belief and acceptance by international standards, where the rule of law prevails. 'The best interests of the child' has been replaced with a dismal pursuit of **'the best interests of the bureaucrats, CGC and ACFs'** in Japan.

127 Professor Krappmann, who served on the Committee on the Rights of the Child for eight years, expressed his candid view on the Child 'Guidance' Centre (CGC) in Japan based on his own investigation as follows⁴⁵:

... the Committee did not understand the concept of 'guidance' because, you see, usually we understand guidance is to give advice. The language of the Japanese government, guidance is something else, the range is up to arrest in a closed unit and an institution [ACF], where

⁴⁵ Interview of JCREC with Professor Krappmann made on 2 February 2018 in Berlin.

children are locked up.... This is the centre of the mistreatment of children. [The removal of the children from their families in Japan is] actually I believe it's completely in breach of the Convention of the Right of Child Article 9.... I couldn't believe that such thing happens in an advanced country...I think the main idea there is ... to help children stay at home with parents as long as possible....

I think it's terrible that they don't allow communication and interaction between parents and children.... It's very important because children may know that they were mistreated ...but for them is children, the parents are still their parents. And they must have a possibility to talk to their parents and also in a way which will construct relation to the parents, otherwise the children will suffer all their lives.

128 Professor Krappmann stated clearly that individuals are being deprived of their 'fundamental right as human beings' by the CGC in Japan. He suggested that the Committee might consider putting up a separate header 'CHILD GUIDANCE CENTRE', under which all the recommendations pertinent to the CGC issues are included, in the Final Observation to be released in February 2019.

129 We, the JCREC, respect Professor Krappmann for his initiative in addressing the human rights issue related to the CGC and ACF before the Committee. Later, he wrote to us saying, 'I hope and wish that you are successful with your campaign **against** the guidance centres!'

130 We earnestly hope that the incumbent members of the UN Committee on the Rights of the Child will inherit this heritage of defending human rights from the arbitral infliction of state power, and give due mandates to the GOJ issuing apt recommendations, so that the rights of children and families in Japan are defended and promoted properly in line with the principles of the Convention.

131 We sincerely hope that from our second alternative report, the members of the Committee get insight into the problems pertaining to the Child Guidance Centre in Japan. We also hope that the Committee is now aware that the GOJ has hidden various instances of human rights violations and infringements caused by the legal and administrative provisions related to the CGC, and has falsified information on the situation by window-dressing the facts.

132 In the absence of an appropriate independent body to supervise the operation of MHLW and CGC using the Convention as the benchmark, international

intervention by the Committee is indeed the ONLY way left to defend those children and families in Japan that are currently suffering from the grave infringement of their human rights by arbitral infliction of state power.

133 For our part, in the upcoming stage of the UNCRC reporting cycle, the JCREC is planning to represent the children and families that have been victimised by the CGC to **file a class action suit** before the Tokyo District Court against both the national government (MHLW and MEXT) as well as the local governments that host the CGCs based on the Convention on the Rights of the Child and the recommendations in the Final Observations issued by the Committee both in June 2010 and that are to be issued in February 2019. There have been already more than 100 CGC victims including children and families who are in support of our proposed class action suit.

134 What we are worried about currently is the possibility of retaliation from the MHLW or CGC against those who join or support this class action suit. If this happens, we will communicate all information to the Committee so that appropriate counter action can be taken by the Committee.

135 We thank you for your attention and concern.

Recommendation 6:

- **The UN Committee on the Rights of the Child should explicitly declare that there are grave breaches of the Convention in the domestic law of Japan and in the mode of working of the CRC and ACF.**
- **Therefore, GOJ should suspend operation of the CGC temporarily, during which its urgent and drastic restructuring tasks to make CGC fully comply with the Convention should be carried out.**
- **In achieving this, the Japanese Government should invite an international expert team to make a proposal, preferably relying on the Daphne project in the EU, and abide by their recommendations honestly.**

Appendix: Glossary of Abbreviations and Their Equivalent Japanese Terms

ACF	Alternative Care Facility or ‘children’s institution’, <i>Jido Yogo Shisetsu</i> . Most of them are formerly orphanages that were set up right after WWII. Here, ACF includes <i>nyujiin</i> (infants’ home).
CAPA	Act on the Prevention, etc. of Child Abuse, <i>Jido Gyakutai no Boshi touni Kansuru Horitsu</i> .
CGC	Child Guidance Centre(s) in Japan, <i>Jido Sodan Sho</i> .
CWA	Child Welfare Act, <i>Jido Fukushi Ho</i> .
GOJ	Government of Japan
PDEA	Police Duties Execution Act, <i>Keisatsukan Shokumu Shikko Ho</i> .
HRW	Human Rights Watch (a US-based human rights organisation)
JCREC	The Concerned Japanese Citizens for the Rights of the Child to Eradicate Child Guidance Centre Sufferings, <i>Jiso Higai wo Bokumetsu Suru Kai</i> (our organisation)
LOI	List of Issues that the Committee issued to the Government of Japan on 22 February 2018.
MEXT	The Ministry of Education, Culture, Sport, Science and Technology of the Japanese Government, <i>Mombu Kagaku Sho</i> .
MHLW	Ministry of Health, Labour and Welfare of the Japanese Government, <i>Kosei Rodo Sho</i> .
MHW	Former name of the Ministry of Health, Labour and Welfare (MHLW), before its amalgamation with the Ministry of Labour in 2001.
MOF	Ministry of Finance of the Japanese Government, <i>Zaimu Sho</i> .
SBS	Shaken Baby Syndrome.
UN	United Nations.
UNCRC	United Nations Convention on the Rights of the Child. Also ‘Convention’ in the main text.

Annex

日本政府支持下的诱拐儿童受害者母亲的控诉书

Report from a Mother about her Son Kidnapped by Japanese Administration

联合国儿童权利委员会

我是中国人, 1996 年来日本留学, 1997 年我儿子在日本出生, 孩子的父亲也是中国留学生。

2005 年因家暴而判决离婚成立, 小孩从三岁起, 就一直由我一个人含辛茹苦地抚育长大, 一直到 2013 年他进入了日本数一数二的滩高中(Nada High School)就读。

我们母子俩最初从在日本兵库县的西宫市母子支援设施开始, 到后来我就职于一家小公司而得到这家公司老板的帮助, 从而完全自立, 现在我和儿子都是永居者身份。

我们母子俩在日本没有亲戚朋友, 虽然也碰到好人, 但也有一些人歧视我们, 欺负我们, 我们也无可奈何, 只能让时间来冲淡内心的痛苦。

但是我儿子从上高中不久就被日本政府下的日本兵库县西宫儿童家庭中心(Hyogo Prefecture Nishinomiya Child and Family Centre(Child Guidance Centre))和兵库县加古川市的播磨同仁学院(Harima Donjin Foster House)工作人员拐走, 至今不知下落, 正是生不见人, 死不见尸。我在日本无处申冤, 日积月累已到了悲愤至极的地步。

以下请让我来叙述一下事情的经过

©2013 年 6 月 17 日这天傍晚兵库县西宫儿童家庭中心(以下简称儿童中心)的两名男性工作人员, 以我母子关系不良为由, 把我儿子带走, 从此他再也没回家。

那天晚上, 儿童中心的两名两名男性工作人员来我家, 一名叫角田(Kakuda)的人, 煽动我儿子离家出走。当时儿子正在跟我闹别扭, 角田对我儿子吆喝让他走, 孩子一怒之下就冲出了家门, 另一名一位工作人员跟着追了出去, 叫角田的人随后闯进我家的卧室和书房, 扫视了一下屋内, 从抽屉里搜走了我儿子的外国人登陆证书,

我当时惊呆了,想喊住他,还没叫出声,就看见他们开车扬长而去。

后来,儿童中心给寄我了一张通知,上面写着,因为母子关系不良,对我儿子采取了兵库县加古川市的播磨同仁学院(儿童养护设施,以下简称学院)的入所的措施。

◎紧接着 2013 年 8 月的一天我与学院电话联系,告诉我儿子,他的护照要更新,在儿子的同意下,我请了假与儿子约好了时间,准备带他一起去大阪领事馆办理我儿子的护照更新手续。可是儿子和学院的工作人员中的任何一个人,也没有与我联系告诉我,我儿子不能回来跟我一起去办理护照更新手续,我左等右等没等到我儿子。打电话到学院,工作人员告诉我,我儿子和别的小朋友一起出去玩了。

后来过了几天,学院的山本千代(Chiyo Yamamoto)院长,突然领了我儿子和司机 3 人来到我家,因为事前没有联系,让我感到吃惊。

院长让司机等在我家外面,我儿子在院长面前显得非常规矩老实,在我没叫他坐下之前,他只是默默地站在一边,和以前在家里时判若两人。

院长说了一些好话,她说了我儿子星期六,星期日和放假时,可以回家,要我让学院的工作人员领我儿子去办理护照更新手续。院长看起来是一个 60 至 70 岁的老妇人,我心里只是担心耽误我儿子的护照更新,叮嘱了她如何办理事项,轻易地把我儿子的护照交给了她。大约过了 1~2 个星期,院长打电话给我,说需要我写一份委托书,她给我造成了没有委托书,领事馆不予办理护照更新的感觉,我就写了委托书寄给了院长。万万没想到,后来竟以我委托为由,从此我儿子的护照,我不管怎么索要也不归还给我。

◎在儿童中心的角田在我家搜走了我儿子的外国人登陆书,和学院的山本千代院长拿走了我儿子的护照以后,从此我见不到我儿子,连通电话都不行。每次给学院打电话,不是说我儿子不在,就说他已睡了,请他们让我儿子给我回电话,对方总是冷冷地说转达,结果杳无音信。

◎在我儿子上高中期间,我不计其数地到他学校门口和车站去等他,可是就是碰不到他,我很奇怪,琢磨着是我老眼昏花看漏眼?还是儿子有意躲避我?我怕儿子在意,也不敢去学校询问。

◎一直到儿子考大学时,2016 年 3 月我硬着头皮,连续 2 个周末到学院去求见儿子,遭到了两名工作人员的阻拦,我从早上一直磨到傍晚,才勉强见了儿子一面,后来得知他考大学落榜了。我向院长明确表明态度,让我儿子回家,我曾经在电话里警告过她,如不归还我儿子护照,我要到领事馆去告她,她说等我儿子上大学时,就可以让儿子和我一起生活了。在学院里看到将近三年未见到的儿子,他的精神状态很差,面黄肌瘦,头发很长,我提出要领儿子到他小时候经常看病的铃木内科诊

疗所(Suzuki Clinic)去检查身体, 后来勉强得到了许可。

◎这是唯一一次得到的许可, 让我领儿子去看病, 那天我到车站去接他, 领他检查了身体, 吃了饭, 他说那天还要赶着回去参加学院里的送别会, 我就领他到附近的女性中心和他谈了一会儿心。问他对我到底有什么不满, 他抱怨在他只有小学3年级时, 不让他玩游戏机, 他视力坏了是治不好的。那时他因为过度打游戏机, 视力已坏到了极点, 他那时那么小, 视力就已经这样了, 我很着急, 从兵库县到大阪府的诊疗所我到处领着他去治疗眼睛, 还询问了手术, 回答是成人后才可以做手术。回忆起来, 也没有完全不让他玩游戏机, 只是反对他没有节制地玩游戏机, 一声不想地从我的钱包里拿了钱, 买了游游机, 一声不想地拿了我的手机上网玩游戏, 从上午一直玩到晚上我下班回家, 为此手机费用有时要高达3万多日元。那天我把他送到车站, 我叮嘱他以后要跟我联系, 分别的时候, 他回头看了我一眼, 点了头。

◎但是从那以后, 我再也没见过儿子一眼, 打电话到学院, 院方工作人员回答他已不在学院里了, 问工作人员我儿子去哪了, 工作人员回答不知道, 打电话给院长, 请她转达给我儿子, 让他给我回电, 也从来没有回过一次电话。

◎我在忍无可忍的情况下, 上告兵库县政府, 结果兵库县政府竟然完全任可了儿童中心编织的谎言和对我的肆意诽谤, 一丁点儿也没有听取我的申述, 蛮横地驳回了我的上诉。

儿童中心在辩明书中, 说我和孩子吵架, 虐待小孩, 不抚育孩子等等。这些都是我第一次从他们那里听到的, 让我无比气愤。当初他们只是以母子关系不良, 挑动我儿子离家出走, 完全没有指出过这些, 更没有向我核实过。也根本不顾我的反对。

◎我从儿子3岁起, 作为一个单身母亲每天拼命地工作来维持生计, 为了让他实现小学毕业时的梦想, 尽我的最大努力支持他, 耗费了大量财力和精力供他上课外补习班(日本称塾), 支付了高额的入学金和学费等等, 使我儿子从一个学习基础很差的孩子进入了在日本数一数二的高中, 这些污蔑从何而? 我每天累得半死, 根本没有时间和精力, 跟孩子无意义地争吵, 也许最大的缺憾就是我不可能每天在他放学回家后就陪着他。

◎有人利用我对孩子的正常管教, 和孩子青春期的叛逆, 有预谋地挑动孩子, 投其所好, 拐走了我儿子。

我儿子被拐走后, 我发现以孩子名义的为了他储蓄教育费的银行卡和银行记账本

家里都没有了。还发现了，小孩一个月内花费了1万多日元的电话费。后来在学院的山本千代院长带孩子回家拿护照时，我询问过此事，孩子说交给院长保管了，院长本人在场，得到了确认。山本千代院长收了银行卡，也不跟家长说一声。

◎2013年孩子被拐走后，儿童中心或者学校老师或者警察从未有指出过我虐待和不抚育孩子。为了自圆其说，竟然扭曲事实，太恶毒。在我上诉以后还让我儿子打电话给我，说我说他坏话，不许我再上告法院。

◎当时只是以母子关系不良为由，在没有经得我同意的情况下，强行把我儿子送到离家非常远的在兵库县加古川市的播磨同仁学院。而我家住在尼崎市的南武库之荘，来回要4个多小时。也从来没有让家长，小孩和儿童中心（或者老师等第三方）三方间面对面地进行沟通，进行核实和确认，儿童中心和播磨同人学院的一切所为都是非透明的，隔离了我母子，让家长对孩子的一切一无所知。他们的辩诉与儿子对我所言完全不符。

何况“母子关系不良”这点我当时也是不能接受的，小孩有不对的地方难道作为家长的不可以说吗？在儿子初一时，一位中年女班主任，在三者懇谈（老师，学生，家长）时，说我儿子在课堂上赶做外面补习班的作业，并且在课堂上自说自话，手舞足蹈等等，把我孩子说得一无是处。

难道我只能听听而已，我回家说孩子几句，让他以后注意，就是我和孩子吵架吗？

在我儿子刚进初中，这位班主任第一次家访时，她说他们学校上一届毕业生中有一位学生考取了滩高中(Nada High School)，你儿子可不是这块料。当时我心里咯噔一下，她把我孩子看扁了。我怀疑她对我们有偏见。

后来我想小孩有自己的美好梦想，我不管吃多少苦，也要为他创造条件，只要他愿意好好地努力。

对于老师指出孩子的不是，和孩子身上一些不良之处，比如在家里以损坏物品来发泄，擅自从我钱包里拿钱，这些都是关系到一个人的品行问题，我说了孩子，难道就是和孩子吵架吗？

孩子拿了我给他的饭钱随便乱花，买名牌鞋，谈恋爱，玩了，上饭店里吃了，也不跟我说，我也不知道孩子把钱花完了，却在儿童中心的申辩书中指责我不给孩子饭钱，简直是莫须有！况且当时为什么不指出？

在小孩成长过程中，小孩身上总会表现出一些不良的东西，作为家长只能不问不管任其发展吗？

特别男孩子在反抗期时,不满家长的斥责,有时以损坏家里的物品来发泄,有时离家不归,家长也很着急,四处寻找孩子,甚至报告警察局,这些都是人之常情。没想到他们会利用这些大做文章。

◎最后在 2017 年 3 月,我只受到一张通知,告诉我小孩自立了而了事。彻底割断了我母子一切联系。此时我儿子的年龄是 19 岁,我儿子从此人间蒸发了。

◎如不服兵库县的裁决,规定要在 6 个月内上诉神户地方裁判所,被告是兵库县政府。我找律师,打的是行政官司,我打电话给行政律师协会询问,对方问是哪里介绍的,我说是网上查到的,遭到了对方拒绝,找了好多部门求助,凭我的力量只是徒劳。6 个月期限很快过了,现在更找不到律师接手此事。

我写这份报告书,我真心希望你们能帮助我通法律手段,还原事实真相,以真凭实据作出裁决。

我对兵库县儿童家庭中心的做法感到非常愤怒,他们所做的一切都是暗箱操作。他们的上级部门兵库县地方政府,更是官僚主义,再上级是政府,他们都是同一立场,由政府部门裁决是很不公正的。原本我是信赖官方的,完全没有戒心,听从他们指挥,可是并未想到政府会是如此,他们的出发点是为了掠夺孩子,造成了家庭悲剧。

◎他们擅自把我孩子诱拐到播磨同仁学院。我不能见孩子,就连通电话也不可以。我根本无法知道孩子的真实内心世界,孩子的言行完全是按他们的指示,在我唯一的一次被允许领检查身体时,孩子对我所说的话中完全没有提到儿童中心辩诉中的内容,儿童中心的辩诉内容完全是捏造。

◎当初为了骗取我同意孩子在播磨同仁学院生活,让我儿子写了唯一的一封信,孩子在信中告诉我,他以后星期六和星期日和放假回家,播磨同仁学院的院长也这么说过。孩子在信中还向我了道歉。从他写的信的口气来看,推测是按照别人的指示写的。

我考虑到孩子的上学方便度和一直不在一起生活会影响母子间的感情和处在青春期的孩子需要多加管教,以及所说的理由我也不能接受,一直坚决反对。自从孩子入学院后,孩子几乎没回过一次家。

◎播磨同仁学院长的言行举止非常可疑。

偷偷地保管着我儿子的银行卡,不归还我儿子的护照,从以前的说我儿子上大学时就可以让我们母子团聚,到我儿子高中毕业考大学时,我去学院看儿子时,阻止我,

还说我儿子要自立，隔离我母子。儿子上的是日本最好的高中，高中毕业后，好的差的大学，一所都没被录取。自从我去学院看了他，他也就不住在学院了。不顾家长的反对，硬是要扣留孩子。后来我到处咨询才知道，是要留他到 20 岁，因为 20 岁以后，父母就管不到孩子了。

院长以资助孩子上大学来引诱孩子，对我孩子洗脑，以金钱来引诱孩子，以减轻孩子负担来诱导孩子，让孩子担心我负担不起他。并且从中挑拨我母子关系，在我面前说孩子的不是之处，在孩子面前告诉我儿子，我说孩子坏话。还为孩子找了父母，在为上诉之前，我根本不知道这些事。我孩子一言一行都受他们控制了，院长利用了孩子的天真幼稚以及青春期的叛逆，用她那张黑手污染了纯洁的孩子。

院长是在诱拐孩子，孩子的下落一定跟她有关，他们以资助孩子为条件，换取孩子断绝与亲身父母的来往。

◎我已走访和咨询了很多部门，不是无可奈何，爱莫能助，就是没回音。

社会上一直流传着，儿童中心和播磨同仁学院，接受一名儿童，将获取 30~40 万日圆的补贴，日本现在少子化，可是象播磨同仁学院这样的养护设施不断地在扩建，成千上万的儿童被隔绝于他们的亲身父母，并且趋势是越来越多的儿童会这样。

这背后到底有什么黑幕，不经历这些的家庭是不能体会这里有多么可怕。

不但有金钱利益，还要诱拐儿童，破坏家庭。

◎我不是法律专家，但是我是一个有血有肉的人，我认为他们所做的一切是反人类的，是违反普世价值观的。

他们得到政府的支持而肆意罔为，他们所做的一切见不得阳光，所以他们所做一切都是不透明的。退一万步来讲，我既是对孩子有什么不好的，也得拿出真凭实据，事先说明理由让我知道，再做出决定。现在就象一个人，没有经过法廷公审，执行了死刑后，再把他说得十恶不赦，欲加之罪，何患无辞！

我个人的力量实在太微弱，他们有政府作后台，所以只能恳求于关国际组织，作为公正的第三方，孩子现在也成人了，让他出来，还原事实真相，作出公正裁决，制止这种反人类行为。

最后恳求你们能给予我一个回复，我将不胜感激。

备注

本人姓名：郦靖(Jing Li)

① 地址：日本冈山县津山市

② 我儿子的姓名：张沫若(Moro Zhang)，通常称呼名：高橋一郎(Ichirou)

Takahasi)

我儿子的住所：不知

- ③ 最初我根本没有料想到政府机关会做出这样事, 一些事情发生的确切的时间也没有做记录, 很多证据也没有收集, 现在尽量再想法回拢证据。可惜的是有一些已纷失了。