

## Recommendations of List of Issues

### **1. General Measures for Implementation of the Provisions of the Convention (Article 4, Article 42, Article 44, paragraph 6)**

- 1 The Japanese Government states that it established the Outline for the Promotion of Development and Support for Children and Young People based on Act on Promotion of Development and Support for Children and Young People and abolished Children and Young Persons Vision, but up to what age does “Young People” here include?
- 2 Clarify the reasons for not ratifying the 3rd Optional Protocol although Japan was a joint proposal state of the 3rd Optional Protocol.
- 3 What are the obstacles for ratification of the 3rd Optional Protocol? Clarify what adjustment is required for resolution of the obstacles.
- 4 Clarify the timeframe for ratification of the 3rd Optional Protocol.

### **2. Definitions of the Child (Article 1)**

- 1 What are the facts requiring lowering the age of adulthood under the Civil Code? What demerits are expected to arise in connection with lowering the age of adulthood under the Civil Code?
- 2 What are the facts requiring lowering the applicable age under the Juvenile Act? What demerits are expected to arise in connection with lowering the applicable age under the Juvenile Act?
- 3 Isn't the amendment to the Penal Code in 2017 not adequate in terms of protecting children between 13 and 18 years of age from sexual exploitation in relationship to the persons other than guardians? What does the Government think of the further amendment in the future?
- 4 How is the amendment to the procedural guarantee for children in the Domestic Relations Case Procedure Act operated? What efforts have been made for dissemination of the new system? As it is deemed to be generally difficult for children to bear the expenses for lawyers for procedure if they want to employ them, what measures has the Government taken for this issue?

### **3. General Principles (Article 2, Article 3, Article 6, Article 12)**

- 1 Clarify [1] the number of children who died and disappeared, [2] the number of

children who were separated from a development environment and the manner of changes, [3] the number of children who are suspected of having been exposed to radiation and the manner of changes, who were victimized by the Great East Japan Earthquake and Fukushima Nuclear Power Plant accidents on March 11, 2011.

#### **4. Civil Rights and Freedoms (Article 7, Article 8, Article 13 through Article 17)**

- 1 How many persons does the Government estimate regarding persons who are actually living without a family register unrecognized by the Government?
- 2 What awareness-raising activities does the Government implement for relief of persons without a family register?
- 3 Doesn't the problem of persons without a family register be resolved due to the legal structure? How will the Government respond to issues of related laws?
- 4 Does the Government give children opportunities to exercise the right to express their views and freedom of expression in order to develop the qualities and abilities necessary for becoming citizens realizing a free and democratic society and constitutional democratic state?

#### **5 Violence against children (Article 19, Article 24, paragraph 3, Article 28, paragraph 2, Article 34, Article 37(a), Article 39)**

- 1 Regarding the Concluding Observation 48(a), although the Japanese Government expressly prohibits corporal punishment with the right of discipline of schools and adopts a interpretation that prohibits corporal punishment with the right of discipline of child welfare facilities, what are the grounds for not prohibiting corporal punishment at home by reason of the right of discipline?
- 2 Regarding the Concluding Observation 49(b)(vi), while the Government should conduct a large scale survey on implementation of corporal punishment by parents at home on children across a wide range of ages and the consciousness of parents, etc., the Government has not yet conducted it, and specifically when and what kind of survey will it conduct?
- 3 Regarding the Concluding Observation 48(c), implementation of publicity programs, including campaigns to raise awareness of adverse effects of inappropriate childcare, including corporal punishment, etc., and alternative discipline in nonviolent forms has not reached every family, etc., specifically, when and what kind Government carry out?
- 4 Regarding the Concluding Observation 49b(v), since corporal punishment is expressly

prohibited by the School Education Act and suicide of a child due to corporal punishment has occurred repeatedly, it is too light a treatment that 80% of the teachers implementing corporal punishment were subject to only admonition, etc., (only oral caution, etc.) which is one of the factors for prohibition against corporal punishment not being thoroughly complied with. Shouldn't they be punished more severely?

- 5 Regarding the Concluding Observation 49b(v), does the Ministry of Education, Culture, Sports, Science and Technology recognize teachers who committed corporal punishment again after being subject to disposition for corporal punishment? Shouldn't it impose strict dispositions on teachers who repeat corporal punishment and require attending corporal prevention programs which is verified as effective?
- 6 Regarding the Concluding Observation 49b(vi), why doesn't the Government conduct surveys by questionnaires to children every year at all national, public and private schools to understand the actual condition of corporal punishment?
- 7 We assume there are many children under social custody who are suffering from traumatic symptoms from abuse, etc., and in the case where the Government recognizes the reality and how many children can receive professional care among such children, clarify it. If it cannot be identified, clarify the prospects for conducting surveys.

**6. Family Environment and Alternative Care (Article 5, Article 9 through Article 11, Article 18, paragraph 1, paragraph 2, Article 20, Article 21, Article 25, Article 27, paragraph 4)**

- 1 What measures have been implemented for social service institutions to prevent facility custody measures of children, respond preferentially to children and their families in disadvantageous positions and for providing monetary, social and mental support? (3rd Committee, Concluding Observations, Paragraph 51.) Please explain measures based on financial proof and its effect.
- 2 Please clarify the number of cases responding to abused children and their detailed data in and after 2015.
- 3 What system are there as regular inspection of custody in children's psychological treatment facilities and child independent support facilities?

**7. Disabilities, basic health and welfare (Article 6, Article 18, paragraph 3, Article 23, Article 24, Article 26, Article 27, paragraph 1 through paragraph 3, Article 33)**

- 1 Is it recognized that receiving inclusive education is a right?

- 2 Is it recognized that the previous special support education, special support classes and special support schools presume separation, which is contrary to the philosophy of inclusive education?
- 3 Regarding the situations where attendance of guardians is required, is it recognized whether due to the financial problems or insufficient human resources? What measures will be implemented to resolve such conditions?
- 4 What measures have been implemented at the facilities for children with disabilities to accept various kinds of disabilities? If not, is there any plan to implement such measures?
- 5 What survey and publication method of the results have been conducted with respect to health problems of children, particularly child thyroid cancer from the impact of the Fukushima Nuclear Power Plant accidents? What is the reason for stopping publication of the number of patients by municipality? What measures will be implemented in the future?
- 6 Will the Japanese Government further enhance the childcare allowance amount and review the number of times of payment from the viewpoint of stable support for daily development of children as soon as possible?
- 7 Will the Japanese Government implement measures for budgeting to ensure quality and quantity of nursery schools, including afterschool childcare in terms of welfare of children? Is it conducting specific examinations for free nursery fees uniformly in Japan as social security for children?
- 8 Will the Japanese Government immediately withdraw the lowering standards for welfare benefits and consider increasing the standards for welfare benefits to ensure a reasonable standard of living for sound development of children? Will it examine abolition of the scheme of addition to mother-child family again?
- 9 Will the Japanese Government implement budgeting measures to enhance temporary child protection facilities at child guidance centers and the mother-child life support facilities and independent support homes and budgeting measures to enhance public funds support for various private shelters?

**9. Special protection measures (Article 22, Article 30, Article 32, Article 33, Article 35, Article 36, Article 37 (b) ~ (d), Article 38 through Article 40)**

**(1) Loss of nationality, application for asylum, deportation, separation of a child from foreign national parents, education of foreign national children and statelessness**

- 1 What are the grounds for the following discriminatory practices: while a child born by outside of marriage can acquire Japanese nationality after recognition even if the child does not have residence in Japan, a child born from a marriage who has lost Japanese nationality cannot reacquire Japanese nationality unless the child has residence in Japan?
- 2 How does it contribute to correct recognition of refugee status by imposing interviews only of the child at 16 years of age and older applying for asylum as compared with permitting witness of lawyers, etc.?
- 3 Is the Convention of the Rights of the Child applied to children without resident status? If not, what are the reasons why?
- 4 In the deportation procedures, are the best interests of the child mainly considered? If so, how are they secured? If not, what are the reasons why?
- 5 With reference to the provision of the right to acquire nationality at the time of birth of the child under the Convention of the Rights of the Child, Article 7, paragraph 1, isn't it necessary to enact laws permitting inherent acquisition of Japanese nationality by a child who was born in Japan and becomes stateless?
- 6 What are the reasons for not publishing the statistics of application of the Nationality Act, Article 2, item 4 and the Act, Article 8, item 4?
- 7 How can the administrative personnel involved in determination of nationality understand and know the nationality laws of each country? Is training provided? If so, what kind of training is it?
- 8 In the case where a foreign national husband and wife legally residing in Japan get divorced, by the disapproval of the application for resident status change and renewal by the spouse whose resident period in Japan is shorter after the divorce, it will result in separation of the child from the parent beyond borders, and is it recognized as not impairing the best interests of the child? If so, clarify the reasons why.
- 9 Clarify the reasons for not designating North Korean High Schools as schools subject to school tuition support.
- 10 Clarify the reasons for not designating North Korean High Schools as schools equivalent to foreign national high schools.
- 11 What measures have been implemented to guarantee opportunities for receiving education for children of unauthorized foreigner nationals in Japan?
- 12 What instruction curriculum is provided to pupils and students who need instruction on the Japanese language?

## **(2) Children belonging to minority or indigenous groups**

- 1 Are opportunities for Ainu children to receive ethical education and convey ethnicity fully guaranteed?

## **(4) Juvenile justice**

- 1 Clarify the number of juveniles who have committed a violation of the Public Offices Election Act and were suspended of the right to vote and eligibility for election.
- 2 Clarify the number of cases in which the information identifying the particular juvenile who committed a crime was published on the Internet by individuals.
- 3 Clarify the number of juveniles who were sentenced to long-term imprisonment more than ten (10) years after the amendment to the Juvenile Act in 2014.
- 4 Clarify the status of review of increasing the age of juveniles to be sent to public prosecutors to the age of 16 and older based on the Concluding Observation, Paragraph 85 (b).
- 5 Clarify the number of trials by citizen's judge where juveniles are defendants.
- 6 Clarify the average number of days from the decision to sending to a public prosecutor to rendering judgment in trials by citizen's judge where juveniles are defendants.
- 7 Clarify the status of review of trials by citizen's judge of juvenile cases based on the Concluding Observation, Paragraph 85(c).
- 8 Clarify the number and percentage of cases where court-appointed attendants were not appointed at the discretion of family courts in the cases where court-appointed attendants may be appointed.
- 9 Clarify the number of cases of illegal acts of children younger than the age held liable for criminal offenses who were subject to investigation by the police. Clarify the number of children who were temporarily protected by child guidance centers and the number of cases in which attendants who are lawyers were appointed.
- 10 Clarify the number of national registrations of cooperating employers (refer to private enterprise owners who cooperate to rehabilitation of ex-convicts, who find difficulty in securing regular employment due to previous crime records and delinquency, by employing them upon understanding their backgrounds. Cooperating employers are subscribed by the Ministry of Justice) and the number of juveniles who were employed by cooperating employers by year.

**10 Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)**

- 1 Clarify the percentage of children who received continued health mental care among victimized children by sexual offenses and the details of the care (related to Concluding Observation, Paragraph 82, Burden of expenses, implementation period and how the care is terminated, etc.)
- 2 Are there any support systems for continuing education at universities and an economic support system which ensures children, who were separated from their families to be protected from sexual victimization, to securely take the path of their choice? (the same as above)
- 3 Clarify the status of securing budgets regarding support for victims of crimes in order to support item 1 and item 2 above (related to the Japanese Government's Report, Paragraph 181)

**11. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)**

- 1 What are the new legislative, administrative and judicial means to have been implemented in order for children not to become involved in armed conflict in connection with the enactment of national security laws?
- 2 In relation to Article 1, what legislative, administrative or any other means that has been implemented to ensure that members of the military force of Japan under the age of 18 will not directly participate in acts of hostility?
- 3 In relation to Article 2, what legislative, administrative or any other means that has been implemented to ensure that a person under the age of 18 shall not compulsorily be recruited by Japanese military forces?