

United Nations Study on Violence against Children

Response to the questionnaire received from the
Government of JAPAN

QUESTIONNAIRE

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

1. The government of Japan considers that the acceptance of the Convention on the Rights of the Child and other international human rights instruments has contributed to the promotion and protection of the rights of children, including with respect to violence against children.

2. The Ministry of Education, Culture, Sports, Science and Technology has been making and deciding on various policies in order to give fully consideration of the basic human rights of the child and to realize individual-oriented education, on the basis of international human rights instruments, including the Convention on the Rights of the Child. Regarding the Convention, Ministry of Education, Culture, Sports, Science and Technology issued notices to boards of education and other educational institutions, in May 1994, so as to ensure to disseminate points in concern in the Convention, such as

- Bullying in school and school violence are serious problems which exert considerable influence on pupils' and students' minds and bodies. Thus, on the basis of the spirit of the Convention, schools ought to promote measures for the problems earnestly in close cooperation with families and the local community.

- Corporal punishment at schools is strictly prohibited under Article 11 of the School Education Law, and schools are strongly required to make further efforts in this regard.

3. To place the aim of the Convention on the Rights of the Child into further practice, the following policies were taken based on the Revised Child Welfare Law of 1997.

·To listen to the opinions of the Prefectural Child Welfare Council upon admittance of a child to an Institution. (Article 27 Clause 8)

·To listen to the intention of the child upon admittance of the child to an Institution, etc. (Article 26 Clause 2)

·To revise the system to enable selection of the Nursery. Article 24)

·To legalize the After-school Child Sound Upbringing Project and to facilitate its dissemination. (Article 34-(7))

4. With regard to the cases concerning violence against children, relevant data are not available.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

1. The Penal Code has the provisions of crimes such as rape, homicide, bodily injury and physical violence as follows (tentative translation), which would be applied whether the victim is a child or not. However, Articles 177 (Rape) and 176 (Forcible Obscenity) define the minimum age required for valid consent to sexual activity (Q14).

• Article 176. (Forcible Obscenity)

A person who, through physical violence or intimidation, forcibly commits an obscene act upon a male or female of not less than thirteen years of age shall be punished by imprisonment for not less than 6 months but not more than 7 years. The same shall apply to a person who commits an obscene act upon a male or female under thirteen years of age.

• Article 177. (Rape)

A person who, through physical violence or intimidation, forcibly commits sexual intercourse with a female of not less than thirteen years of age shall be punished by imprisonment for a definite term of not less than 2 years. The same shall apply to a person who commits sexual intercourse with a female under thirteen years of age.

• Article 199. (Homicide)

A person who kills another shall be punished by death or imprisonment for life or for a definite term of not less than 3 years.

• Article 204. (Bodily Injury)

A person who causes another to suffer bodily injury shall be punished by imprisonment for not more than 10 years or a fine of not more than 300,000 yen.

• Article 208. (Physical Violence)

A person who uses physical violence against another without bodily injury shall be punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

• Article 222. (Intimidation)

A person who intimidates another though the threat to another's life, body, freedom, fame or property, shall be punished by imprisonment of not more than 2 years or a fine of not more than 300,000 yen.

- 2. The following article provides the legislative definition of child abuse:**

○ Child Abuse Prevention Law (Excerpt)

(Definition of Child Abuse)

Article 2 Child Abuse in this Law shall mean the following conduct inflicted by guardians (persons exercising parental authority, guardians of the minor, or others who actually protect and supervise children; the same applies hereinafter) on children (those under the age of 18; the same applies hereinafter):

- 1 Violence which causes or may cause external wounding of a child's body.**
- 2 Obscene acts against a child or to force a child to do obscene acts.**
- 3 Giving insufficient food obstructing normal physical and psychological growth of a child, long-time neglect, or any other conduct that exhibits extreme neglect in protection and supervision as a guardian.**
- 4 Behavior and words that inflict extreme psychological trauma to a child.**

The Revised Child Abuse Prevention Law which will be enforced from October 1, 2004 further clarifies the definition of child abuse as follows:

○ Acquiescence to physical, sexual and psychological abuse by persons other than guardians living together with the child will be included in the definition of child abuse as extreme neglect of protection and supervision as guardian.

○ **Conduct causing indirect damage to a child such as violence against spouse inflicted in front of a child, etc., shall also be deemed as child abuse if the child suffers from extreme psychological trauma.**

3. Provide details of any specific legislative provisions on:

- Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
- Protection of children from all forms of violence;
- Redress, including compensation, for child victims of violence;
- Penalties for perpetrators of violence against children;
- Reintegration and rehabilitation of child victims of violence.

1. **Regarding prevention,**

(1) the following legislation stipulates child abuse "prevention":

○ **Child Abuse Prevention Law (Excerpt)**

(Purpose)

Article 1 Considering the fact that child abuse has a large impact on the physical and psychological growth and development of personality in children, this Law aims at facilitating child abuse prevention policies, etc. by providing for child abuse prohibition, the responsibilities of state and local governments, the protective measures for the abused children, etc.

(Responsibilities of state and local governments)

Article 4 For early detection and quick and appropriate protection of the abused children, state and local governments shall make efforts to strengthen cooperation among related institutions and private organizations, to build and reorganize systems necessary for child abuse prevention, etc.

2 (Omitted)

3 To prevent child abuse, state and local governments shall make efforts to promote necessary public relations activities and to raise public awareness of the impact of child abuse on children and of the public duty to report child abuse, etc.

4 (Omitted)

The Revised Child Abuse Prevention Law which will be enforced from October 1, 2004 requires state and local governments to take necessary measures such as giving training to persons engaged in child welfare so that they can detect child abuse early and thus contribute to its prevention. It also provides for the implementation of survey, research, and reviews necessary for child abuse prevention. The Law also requires persons engaged in child welfare to cooperate with state and local government policies on child abuse prevention, etc. To prevent child abuse, City, Town or Village governments shall now consider the welfare of the family in need of special support when selecting a child to be admitted to a Nursery.

(2) the following legislation stipulates the "protection" of the abused children:

○ **Child Welfare Law (Excerpt)**

Article 27 Prefectural governments shall take either of the following measures for children who have been reported subject to the above Article 26 Clause 1-(1) or who have been sent to police subject to Article 18 Clause 2 of the Juvenile Law:

1&2 (Omitted)

3 To entrust the children to Foster Parents (persons, deemed appropriate by Prefectural governors, wishing to foster the children without guardians or children with guardians deemed inappropriate for child protection and supervision; the same applies hereinafter) or to Custody Trustees (persons, deemed appropriate by Prefectural governors, who wish to protect the children who have finished compulsory education, by taking in their home or having them commute to their home, to give necessary guidance according to the children's talents to become socially independent; the same applies hereinafter) or to send the children to stay at a Nursery, Childcare Institution, Institution for Intellectually Handicapped Children, Daycare Center for Intellectually Handicapped Children, Institution for Visually, Auditory, or Orally Handicapped Children, Institution for Children with Physical Handicap, Institution for Children with Serious Physical and Mental Handicap, Short-term Treatment Institution for Emotionally Handicapped Children, or Child Independence Support Institution.

4 (Omitted)

②-⑨(Omitted)

Article 28 When guardians abuse children or are extremely negligent in protection and supervision of the children, and when supervision by the relevant guardians extremely violates the welfare of the children and taking the measures stipulated in Article 27 Clause 1-(3) is against the will of the persons exercising parental authority or guardians of the minor, Prefectural governments may opt to take the following measures:

1 If the guardians are exercising parental authority or guardianship of minors, to take measures subject to Article 27 Clause 1-(3) following an admission by the Family Court.

2 If the guardians are not exercising parental authority or guardianship of the minor, to hand over the children to persons exercising parental authority or who are a guardians of the minor. However, if hand-over of the children to persons exercising parental authority or who are the guardians of the minor are deemed inappropriate in view of the children's welfare, to take measures subject to Article 27 Clause 1-(3) following an admission by the Family Court.

② (Omitted)

Article 33 Heads of the Child Guidance Centers may, when deemed necessary, give temporary protection to the children or entrust the children to appropriate persons to give temporary protection to the children (omitted).

② Prefectural governors shall, when deemed necessary, order the heads of the Child Guidance Centers to give temporary protection to the children or entrust appropriate persons to give temporary protection to the children (omitted).

The period of temporary protection in the preceding two clauses shall not exceed two months from the date the temporary protection begins.

Notwithstanding the above clause, the heads of the Child Guidance Centers or Prefectural governors may, when deemed necessary, continue the temporary protection stated in Clause 1 or 2.

As for abused children, there are protection measures such as admission to Child Welfare Institutions. These measures may be taken following an admission from the Family Court even if it is against the will of a person exercising parental authority (Article 28).

Prefectural governors and heads of Child Guidance Centers may give temporary protection to children until relevant measures are taken (Article 33).

○ **Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children (Excerpt)**

(Protection of the Children who Have Suffered a Harmful Physical and Psychological Impact)

Article 15 Related administrative bodies shall cooperate with each other in taking necessary and appropriate measures such as giving consultation, guidance or temporary protection, or admitting to institutions, for children who have suffered from physical and psychological damage due to child prostitution, being depicted in child pornography, etc. In doing so, they shall consider the physical and psychological conditions of the children, the circumstances the children are in, etc., so that the children can physically and psychologically recover from the damage and grow up maintaining self-esteem.

2 (Omitted)

(Building and Re-organizing Systems to Protect Children who Have Suffered a Harmful Physical or Psychological Impact)

Article 16 State and local governments shall make efforts, based on professional knowledge, to adequately protect children who have suffered a harmful impact from child prostitution, being depicted in child pornography, etc., through promoting research on the protection of the abused children, enhancing the qualification of persons protecting children, strengthening cooperation and communication between related bodies in case the children need urgent protection, building and re-organizing a cooperation network with private organizations protecting abused children, etc.

Related administrative bodies of state and local governments are required to take appropriate measures to protect children who have suffered a harmful physical and psychological impact from child prostitution, being depicted in child pornography, etc. (Article 15)

State and local governments are also required to make efforts in establishing and improving necessary systems to give appropriate protection to the relevant children based on professional knowledge. (Article 16)

③ **Legislative provision on "reintegration and rehabilitation."**

The Revised Child Abuse Prevention Law which will be enforced from October 1, 2004 provides that the state and local governments bear the responsibility in giving necessary and appropriate guidance and support to abusive guardians in order to facilitate parent/child reintegration so that the children may live in a good family-like environment (Revised Child Abuse Prevention Law, Article 4 Clause 1). It also provides that guidance for abusive guardians shall be given while appropriately considering reintegration of parent/child and other considerations so that the abused children may live in a good family environment (Revised Child Abuse Prevention Law, Article 11 Clause 1). It also provides that it is the responsibility of the state and local governments to support the children who lag behind in their school studies due to child abuse, or who are going to higher stages of education or are getting a job (Revised Child Abuse Prevention Law, Article 13-(2) Clauses 2 and 3).

2. **Regarding protection of children from all forms of violence;**

If a father or mother abuses parental power or is guilty of gross misconduct such as to abuse the child who is subject to his/her parental power, the Family Court may, on the application of any of the child`s

relatives etc., make the adjudgment of the forfeiture of the parental power(Article 834 of Civil Code).

If an application for the adjudgment of the forfeiture of parental power has been filed, and if the Family Court deems it necessary for the benefit of the child ,it may, as preservative measures before the adjudgment, suspend the person in question in the exercise of his/her power and appoint a person to act in his/her place until the adjudgment on the application becomes effective.

3. Regarding redress, including compensation, for child victims of violence, and also penalties for perpetrators of violence against children;

The child victims can claim damages against the perpetrators of violence(Article 709 of Civil Code). If the perpetrators are under age and don't have ability to recognize the legal responsibility for the violence, the child victims can claim damages against the person who is obliged to supervise the perpetrators such as parents, teachers, employers and so on(Article 714 of Civil Code).

**4. Regarding penalties for perpetrators of violence against children;
See the answer 1 to the question 2.**

5. LAW ON CONTROL AND IMPROVEMENT OF AMUSEMENT BUSINESSES(Law #122,July10,1948)

(Prohibitions)

Article 22. No person who runs an amusement business shall conduct any of the following acts.

(2)To have persons under age 18 entertain of dance with customers at his place of business.

(3)To have persons under age 18 attend customers at his place of business between 10p.m. and the sunrise of the next morning.

Article28.

11. No person who runs a shop type sex-related business shall conduct any of the following acts.

(2) To have persons under 18 attend customers at his place of business.

Article31-13

2. No person who runs a shop type telephone club business shall conduct any of the following acts.

(2) To have persons under 18 attend customers at his place of business.

(3) To have persons under 18

Article31-18

2. No person who runs a shopless-type telephone club business shall conduct any of the following acts.

(2) To have persons under 18 offer the chance to conversate with customers under the provision of Paragraph 10, Article2 .

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;

- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

1. Child Abuse Prevention Law defines certain conduct of guardians (persons exercising parental authority, guardians of the minor, or other persons actually protecting and supervising the children) inflicted against the children whom they are protecting and supervising as child abuse. Although the location of child abuse occurrence makes no difference when dealing with the case, this definition covers most of the child abuse occurrences at family/home. As for children in Institutions, the heads of the Child Welfare Institutions exercise parental authority over the children until they find someone to exercise parental authority or guardians of the minor.

2. Corporal punishment at schools is strictly prohibited under the School Education Law. Moreover, since it has great influence on pupils and students, such behaviour is never permitted. Therefore, the Ministry of Education, Culture, Sports, Science and Technology has for a long time been guiding boards of education, after grasping and verifying concrete facts, to take strict measure, with disciplinary action in mind, against any teacher who administers corporal punishment, at least in cases when a wound is inflicted on child, even if it is a slight wound.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

1. The crimes established by the Penal Code, as mentioned in the answer 1 to the question 2, could be applied even where those who administer corporal punishment commit such crimes against the children, although the Penal Code has no provision which explicitly prohibited corporal punishment of children.

2. Corporal punishment at schools is strictly prohibited under the School Education Law. Moreover, since it has great influence on pupils and students, such behaviour is never permitted. Therefore, the Ministry of Education, Culture, Sports, Science and Technology has for a long time been guiding boards of education, after grasping and verifying concrete facts, to take strict measure, with disciplinary action in mind, against any teacher who administers corporal punishment, at least in cases when a wound is inflicted on child, even if it is a slight wound.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

As for corporal punishment, the answer is "No" (None of the Japanese laws permit such punishment as a sentence for any crime by anyone).

As for capital punishment, the answer is "No", under Article 51 of the Juvenile Law.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

1. There is no legislative provision on bullying.

Incidentally, to address bullying, the Ministry of Education, Culture, Sports, Science and Technology has been directing through boards of education;

- **to instruct each student to recognize thoroughly that bullying is absolutely not allowed,**
- **for schools to respond kindly with a posture of firmly protecting the bullied child,**
- **to promote close cooperation with families and the local community,**
- **in cases of serious bullying, to cooperate with other relevant authorities and to take measures such as suspending the culprit from school, if necessary.**

Moreover, the notice 'About the operation of the suspension system' issued by the Director-General of the Elementary and Secondary Education Bureau of the Ministry of Education, Culture, Sports, Science and Technology in November 2001, aims to make it clear widely-known that any bullying that causes mental and physical pain beyond a certain limit can be subject to the suspension system (This system is provided for in the School Education Law, Article 26 and 40).

2. Sexual abuse is defined in the Child Abuse Prevention Law (see the answer 2 to the question 2).

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

Severely harmful or violent traditional practices including female genital mutilation, child marriage have never been observed in Japan.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

The Child Welfare Law applies to all children residing in Japan. The Law requires the offering of necessary consultation, temporary protection, etc. to children with no known nationality or without nationalities, or those who do not have a proper visa to stay in Japan.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:
- The sex or sexual orientation of the victim and/or of the perpetrator;
 - The age of the victim and /or of the perpetrator;
 - The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

1. **Sex of the victims/perpetrators:** The sex of victims and perpetrators makes no difference in application of the Child Abuse Prevention Law.
2. **Age of the victims/perpetrators:**The Child Abuse Prevention Law defines children as persons under the age of 18. Application of the Law is, therefore, limited to victims under the age of 18. As to perpetrators, there is no difference according to age.
3. **Relationship between the victims/perpetrators:** There is no difference according to their relationship.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

1. **In 2000, the limit of period for filing complaint to offences of Forcible Obscenity, Rape, etc, was abolished by the amendment of Article 235, which may properly apply in the case that someone commits those crimes against children.**

2. **The Child Abuse Prevention Law has been revised in 2004. Major revisions are as follows:**

(1) **Modification of child abuse definition (see the answer 2 to the question 2).**

(2) **It has been clearly stated that the state and local governments bear the responsibility at every stage of child abuse, from prevention and early detection to supporting facilitation of the children's independence.**

(3) **Public duty to report child abuse to the authorities was extended from "abused children" to "children suspected of being abused."**

(4) **It has been stated as the responsibility of the heads of the Child Guidance Centers and Prefectural governors to request necessary aid and support from the heads of the local police forces. The heads of the local police forces, when requested, are required to make efforts to take necessary measures.**

(5) **It has been stated as the responsibility of the state and local governments to establish support measures for children who lag behind in their school studies due to child abuse, or those who are going to higher stages of education or are getting a job.**

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

See the answer 2 to the question 45 with regard to the research related to bullying and corporal punishment at school.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

The Family Court shall have jurisdiction over the proceedings of determination concerning (a) approval of Article 28 of Child Welfare Law and (b) judicial declaration of loss of the parental power (Article 9 (1) Ko-type of the Law for Determination of Family Affairs, Article 31-3 (1) I of Court Organization Law) .

(a) The Family Court may approve to commit a child to a Home for Dependent Children by a motion of a prefecture in accordance with the procedure for determination of family affairs, when the child has been

abused by his / her curator (s) and his / her parent (s) to exercise the parental power disagrees with commitment of the child to a Home for Dependent Children (Article 28 of Child Welfare Law) .

(b) The Family Court may declare loss of the parental power by a motion of minor's relative, a public prosecutor or a director of Child Guidance Center when a parent to exercise the parental power has abused his / her authority to his / her minor (Article 834 of Civil Law, Article 33-6 of Child Welfare Law) .

Adults who have committed acts injurious to the welfare of juveniles are subject to the Family Court's jurisdiction (Article 34 (1), 60 of Child Welfare Law, Article 37 (1) of Juvenile Law, Article 31-3 (1)IVof Court Organization Law) .

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

As mentioned in the answer 1 to the question 2, the minimum age required for valid consent to sexual activity is thirteen.

With regard to Forcible Obscenity (Penal Code, Article 176.), this age is not different for girls and boys, and for heterosexual and homosexual activities.

15. Provide information on the minimum age of marriage for women and men.

The minimum age for marriage for a man is full 18 years , and that for a woman is full 16 years (Article 731 of Civil Code).

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

1 . The Specialist Committee on Violence against Women under the Council for Gender Equality compiled a report entitled "Tasks to be tackled on Violence against Women and measures to it" in March 2004 and reported it to the Council in April 2004.The report contains a proposal that it is necessary to address an intense crackdown on child prostitution.

2 . The Immigration Bureau of Ministry of Justice published 60,000 sheets of leaflet for enlightenment to eradicate the trafficking in persons in June 2004.The leaflet mentions that a person who engages in the trafficking in persons may be charged with violations of the Japanese Immigration law or Child protection laws such as the Child Welfare Law and Child Prostitution and Pornography Law.

3 . The following provisions state the prevention of commercial sexual exploitation of children and ban of children trafficking:

○ **Child Welfare Law (Excerpt)
(Prohibited Conduct)**

Article 34 All persons are prohibited from the following conduct:

1-5 (Omitted)

6 To force sexual acts on a child

7 To hand over the child to any other person knowing that that person may commit the aforementioned conduct or other conduct which violates the criminal punishment laws and to hand over the child to another person knowing that that person may commit such hand-over.

8 (Omitted)

9 To put the child under one's control with the aim of performing conduct that inflicts a harmful physical and psychological impact on the child, except for cases in which the relationship with the child is kinship within the 4th degree, the control over the child is based on formal employer/employee relationship, or is subject to an admission by the Family Court, Prefectural governor, or the head of a Child Consultation Center.

Following the conclusion of the Optional Protocol to the Convention on the Right of the Child on the Sale of Children, Child Prostitution and Child Pornography, to prepare and adjust the necessary domestic laws, we have submitted a proposed amendment to the Child Welfare Law to the national Diet during the last session. The draft is now under discussion.

4. LAW ON CONTROL AND IMPROVEMENT OF AMUSEMENT BUSINESSES(Law #122,July10,1948)

Article28

11. No person who runs a shop type sex-related business shall conduct any of the following acts.

(2) To have persons under 18 attend customers at his place of business.

Article31 – 3

2. No person who runs a shopless type sex-related business shall conduct any of the following acts.

(1) To have persons under 18 attend customers at his place of business.

Article31-13

2. No person who runs a shop type telephone club business shall conduct any of the following acts.

(2) To have persons under 18 attend customers at his place of business.

(3) To have persons under 18

Article31-18

2. No person who runs a shopless-type telephone club business shall conduct any of the following acts.

(1) To have persons under 18 offer the chance to converse with customers under the provision of Paragraph 10, Article2 .

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

1. The report entitled "Tasks to be tackled on Violence against Women and measures to it" contains a proposal that it is necessary to strive for crackdown on pornography viewed via the Internet.

2 . LAW ON CONTROL AND IMPROVEMENT OF AMUSEMENT BUSINESSES(Law #122,July10,1948)

Article31-8

5. In a case where a person who provides all or part of his communication server as image transmitting facilities(referred to as "internet provider" in the next article) for a person who runs a image transmitting type sex-related special business have recognized that the person who runs a image transmitting type sex-related special business recorded obscene image or child pornographic image(meaning the pose defined in any of the items of Paragraph 3, Article2 Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children, and referred to as such in Item2 of the following Article) on on-line data storage, he shall endeavor to take necessary measures to prevent transmitting the image.

Article35 In a case where a person who runs a theater business(excluding the business defined in Item 3,Paragraph6,Article2,and referred to as such in Paragraph2,Article38)or his employees have conducted a crime provided for in Article 174 or 175 of Penal Code or in Article 7 of the Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children a Public Safety Commission may suspend all or part of the theater business which the person runs at the place of business for a fixed period not more than six months.

Article35-2 In a case where a person who runs shop and mainly sells or rents goods(only the business which sells or rents the goods specified by a government ordinance under Item 5,paragraph6,Article 2 and excluding the business defined in Item5,paragraph6,Article2 hereinafter referred to as "specific sex-related amusement goods business")or his employees have conducted a crime provided for in Article 174 or 175 of Penal Code or in Article 7 of the Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children a Public Safety Commission may suspend all or part of the specific sex-related amusement goods business which the person runs at the place of business for a fixed period not more than six months.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

1. The report entitled "Tasks to be tackled on Violence against Women and measures to it" contains a proposal that it is necessary to consider especially so that children may not see injurious information.

2. With regard to the harmful environments surrounding the youth, the Headquarter for the Youth Development was established in 2003 chaired by the prime minister and comprised of all members of the Cabinet. This entity formulated National Youth Development Policy incorporated with various measures for dealing with harmful environments surrounding the youth. The government aims at making concerted efforts to promote them. Furthermore in 2004, the Inter-Ministerial Liaison Committee on Youth Policies agreed on guidelines related to establishment of the environment surrounding the youth responding to developments in an information society. The government is making serious efforts to implement various measures.

3. In order to create an environment in which users (especially children) can easily judge the safety of content on the internet, the Ministry of Public Management, Home Affairs, Posts and Telecommunications is promoting the establishment of a system tentatively named the "Content Safety Mark" as a way to protect users from illegal or harmful information that has been proliferating with increasing frequency on the internet. Web site builders will be able to use this mark to assure users that their site is safe.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

1. The following legislative provisions require reports on violence and abuse against children:

○ Child Abuse Prevention Law (Excerpt)

(Report on Child Abuse)

Article 6 Persons who have witnessed the abuse of children shall report it to the authorities immediately subject to Article 25 of the Child Welfare Law (1947, Law No. 164).

2 Provisions on banning the disclosure of classified information stipulated in the Penal Code (1907, Law No.45) and other legislative provisions related to banning disclosure of privileged information shall not be interpreted as interfering with the duty of reporting the abused children subject to Article 25 of the Child Welfare Law.

○ Child Welfare Law (Excerpt)

Article 25 Persons who have seen children without guardians, or children whose guardians are deemed inappropriate to protect and supervise the children, must report it to the Welfare Office or Child Consultation Center either directly or via Child Commission Member. However, this is not applicable to children who have committed a crime and are 14 years or older. Such children shall be reported to the Family Court.

Although the Child Abuse Prevention Law defines reporting child abuse as a public duty, there is no penalty for failures to report such.

2. The Ministry of Education, Culture, Sports, Science and Technology in November 2000, issued notices to boards of education and other educational institutions encouraging them to report incidents to Child Guidance Centers, as required under the obligations of the Child Abuse Prevention Law. In January and April 2004, further notices were issued to them to take more appropriate measures concerning child abuse, for example, by being aware of the child's situation on a daily basis, collaborating with other relevant authorities and bodies, guiding schools to make organized efforts and to collaborate with boards of education.

School education and social education officials are required to report such matters.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- The family/ home;
- Schools and pre-school care and education (both formal and non-formal, state and private);
- Military schools;
- Institutions, state and private, including care, residential, health and mental health;
- The context of law and public order enforcement including in detention facilities or prisons;
- The neighbourhood, street and the community, including in rural areas;
- The workplace (informal and formal);
- Sports and sporting facilities.

1 . Regardless of the place where violence against children is perpetrated,

(1) the motion for forfeiture of the parental power in relation to the answer 2 to the question 3 can be petitioned in accordance with the procedure for adjudgment of domestic relation, which has a nature of non-contentious matters. The same applies to the motion for the preservative measures to suspend exercise of parental power or to appoint a person to be an acting director.

(2) the claim for damages based on violence against children in relation to the answer 2 to the question 3 can be filed in accordance with the civil procedure.

(3) Human rights counseling services are available at the Human Rights Organs of the Ministry of Justice to answer various kinds of inquiries concerning human rights problems including violence against children. When any of such inquiries is suspected to involve infringement of human rights, it is referred to the relevant human rights organization for investigation. This also applies when complaints are made by the people given in the answer 1 to the question 21. Once investigation begins into a human rights infringement case, the Human Rights Organs of the Ministry of Justice take appropriate measures to resolve the matter. They also give advice and information on proper procedures to resolve the particular problem as the case may require.

(4) As long as it constitutes crime, the victim may not only notify the investigating authorities of the incident by furnishing an incident report, but also notify a public prosecutor or a judicial police officer of the facts of an offence and make a complaint to request that the offender be punished. Both incident reports and complaints trigger investigation by the authorities.

2. Regarding schools and pre-school care and education, for example, educational counselling services established in the educational centers of local governments are available for child victims of any violence.

3. Complaint procedures in Institutions are provided in the Minimum Standard for Child Welfare Institutions. (Concerning Child Welfare Institutions.)

**○ Minimum Standard for Child Welfare Institutions (Excerpt)
(Complaint Procedures)**

Article 14 (2) To respond quickly and appropriately to complaints from children in Institutions or from their guardians, etc., as to treatment they received, Child Welfare Institutions shall take necessary measures such as assigning contact persons for complaints.

2 When Child Welfare Institutions receive guidance or advice regarding their treatment of children in their Institutions from Prefectures or local governments in charge of baby delivery aid, mother/child protection or childcare, those Institutions shall make necessary modifications following the relevant guidance or advice.

3 (Omitted)

As to the "necessary measures such as assigning contact persons for complaints" mentioned above, clarification of the procedures to solve complaints within the Institution is required. Specific procedures expected in the provision are as follows:

- i) Receiving complaints from individuals in the Institution, etc.**
- ii) The person who has received the complaint confirms the content of the complaint, the intention, etc., of the person who made the complaint, etc.**
- iii) The person who has received the complaint reports the complaint, how it has been dealt with, etc., to a person responsible for complaint solving, such as the head of the Institution.**
- iv) Discuss the complaint with the person who made it towards a solution.**
- v) Report the result to the person who made the complaint.**

The establishment of a Complaint Solving Committee involving third parties within the Institution is also required.

4. Regarding the personnel of Japan Self Defense Forces,

In case that violence against children violates the criminal law or other laws, violators are punished under the law.

According to article 68 of Self Defense Forces Law Enforcement Regulations, when personnel is suspected to violate discipline, anyone can submit a petition on which is written that personnel's name and title and the case of the violation and which is attached evidence and plead with an appointee to discipline that personnel.

5. Regarding the context of law and public order enforcement including in detention facilities or prisons,

(1) Juvenile Classification Homes (JCH)

In regard to Juvenile Classification Homes, the procedures to deal with petitions on treatment in Homes is not expressly stipulated in laws and regulations. However, instructors in charge of observation and treatment continuously observe children for examining their emotional status and have interviews with them whenever they express anxiety, dissatisfaction and complaints on their treatment. Psychologists who are in charge of conducting the classification also deal with their complaints through the interviewing processes.

As several staffs are simultaneously in charge of an inmate, violence against inmates can be easily detected in JCHs. In addition, many JCHs carry out inmates a questionnaire on their treatment before they leave the institution as a measure of hearing their complaints.

(2) Juvenile Training Schools (JTS)

According to Article 4 of the Juvenile Training School Treatment Regulations, the superintendent of the JTSs shall try to have interviews with juveniles as required in order to listen to their claims on treatments and other personal affairs. These interviews provide juveniles opportunities for making complaints on their treatment without the presence of instructors. In addition, instructors of the JTSs are trying to

understand and looking after juveniles with considerate care that encourages inmates consulting with any of staffs anytime they need.

(3) Penal Institutions

According to Article 7 of the Prison Law, inmates can make a petition to the Minister of Justice and/or an official visiting the prison for inspection whenever they are dissatisfied with the dispositions of the prison authority. Absence of any censorship is guaranteed on these petitions. In addition, inmates may take legal actions to court, or address complaints or accusations toward the public prosecutors office, or appeal to Bar Association and other organizations.

As a simpler complaints system, according to Article 9 of the Prison Law, inmates may ask the warden or other executives for a personal hearing.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

1. (1) The procedure for the adjudgment of forfeiture of the parental power in relation to the answer 1 (1) to the question 20 starts upon motion of a minors' relative or a public prosecutor (Article 834 of Civil Code). The procedure for preservative measures to suspend exercise of parental power or to appoint a person to be an acting director starts upon motion of those who filed motions for forfeiture of the parental power (Article 74 of Rules for Adjudgment of Domestic Relations). There is no provision in relation to the participation of minor in Law/Rules for Adjudgment or Domestic Relations, but the intention of minor has been considered by the Family Court, if necessary, by the method of hearing statement of such minor, etc.

(2) In the civil procedure in relation to the answer 1 (2) to the question 20, in principle, only a legal representative of minor can file a suit or conduct other acts of litigation (the main clause of Article 31 of Code of Civil Procedure). In cases where such minor has no legal representative, or where the legal representative is unable to exercise authority, a special representative appointed by the presiding judge may conduct acts of litigation (Article 35 of the previous Code).

(3) Anyone can receive human rights counseling services. Victims including children, persons acting on their behalf, their relatives and other parties concerned can file complaints to the organizations for investigation. The Ministry of Justice does not have a system of legal aid in this context because people can receive counseling services and file complaints free of charge and without any special procedures.

(4) Children (Victim) or persons on their behalf can make a complaint to request that the offender be punished, under the Article 230 and 240 of the Criminal Procedure Law.

● **Regarding the complaints procedures in the context of law and public order enforcement including in detention facilities or prison**

Since each of the procedures relating to violence against children stands on different legal framework, arranged procedures differ respectively.

1) Juvenile Classification Homes

Inmates can access all procedures and answer the questionnaire in person.

Their parents and persons acting on their behalf are also assured of claiming their opinions directly to staffs through having interviews or indirectly by writing. As juveniles' freedom of communicating with the society through visits and correspondence is guaranteed between inmates and their relatives, they can freely exchange information on juveniles' circumstances that allows relatives take the process of complaining on behalf of juveniles.

2) Juvenile Training Schools

When inmates and their parents address complaints on their treatment, staffs in JTSs listen carefully to their opinions and respond sincerely by conducting thorough research of the situation and explaining the results.

3) Penal Institutions

Only inmates can take procedures for petitions and interviews within the institution. However, legal actions such as civil/administrative lawsuits, or complaints or accusations can also be addressed by their relatives and/or other persons acting on their behalf.

For encouraging inmates of submitting complaints, they are allowed to send letters to lawyers for legal advice and to organizations providing financial assistance in litigation as legal aid.

2. Educational counselling services, for example, established in the educational centers of local governments are available for child victims of any violence.

3. Concerning Child Welfare Institutions, persons making complaints as stated in answer 3 to the question 20 include a person in the institution and his/her spokesperson, such as family or representative.

4. Regarding the personnel of Japan Self Defense Forces,

According to article 68 of Self Defense Forces Law Enforcement Regulations, anyone can plead when personnel is suspected to violate discipline. So children or persons acting on their behalf can access the above procedure.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

1. (1) The Ministry of Justice gives out information on the addresses and phone numbers of the organizations which accept human rights counseling and complaints from the general public by distributing various materials, such as the website addresses, pamphlets and journals of related administrative organs and local governments.

(2) The Immigration Bureau of Ministry of Justice published 60,000 sheets of leaflet for enlightenment to eradicate the trafficking in persons in June 2004. The leaflet mentions the phone list of The Regional Immigration Bureaus with which everyone may contact.

●Regarding the complaints procedures in the context of law and public order enforcement including in detention facilities or prison

1) Juvenile Classification Homes

Juveniles are informed of the measures of making complaints on their treatment at the time of admission. In addition, psychologists in charge of their assessment give them detailed information in accordance with their age and ability to understand.

2) Juvenile Training Schools

Children are informed of their rights to consult with instructors or other staffs and address complaints on their treatment at the time of admission.

3) Penal Institutions

In addition to the full explanation at the time of admission, inmates are provided a brochure titled "Living Guidelines in the Penal Institution" with them throughout the period of incarceration that explains rules and instructions including information on grievance mechanisms.

2. Concerning Child Welfare Institutions, as to the above-mentioned "necessary measures such as appointment of contact persons for complaints," it is required that information about contact persons for

complaints and complaint solving procedures be disseminated thoroughly to people and staff members at the institutions. Thorough dissemination measures include posting in easy-to-notice places within the premises and giving explanations upon admittance to the institution.

3. Regarding the personnel of Japan Self Defense Forces, Self Defense Forces Law and Self Defense Forces Law Enforcement Regulations are made public to the citizen by means of announcement on an official gazette.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

1. In the procedure for adjudgment of domestic relation in the answer 1 (1) to the question 20, the Family Court shall, upon its own authority, investigate facts and examine evidence as it deems necessary, and shall find the facts considering the result of the investigation and examination (Article 7, paragraph 1 of Rules for Adjudgment of Domestic Relations). In addition, the Family Court may order the Family Court Social Investigator, who has special knowledge of this kind of cases, to investigate facts (Article 7-2 of the previous Rules).

On the other hand, in the civil procedure in relation to the answer 1(2) to the question 20, the court shall find the facts, considering the result of the examination of evidence, in principle, offered by the party, and the entire import of the oral argument (refer to Article 180 and 247 of the Code of Civil Procedure).

2. The Code of Criminal Procedure provides the measures to protect witness as follows (tentative translation), which would be applied whether the case is violence against children or not.

● Article 157-2

1. When a court examines a witness, if it deems there is a possibility that a witness feels extreme anxiety or tension, considering the age, state of mind and body, or any other circumstances of the witness, hearing the opinions of a public prosecutor, the accused, or a counsel, it may order a person who is suitable to alleviate such anxiety or tension and is deemed to be in no danger of obstructing the examination of the witness or exerting wrongful effect on the contents of the statement, to be with the witness while the statement of the witness is being made.

2. The person who is designated to attend the witness under the provisions of the preceding paragraph shall not, while the statement of such witness is being made, speak or behave in a manner which obstructs the examination of a judge or persons concerned in the case or the statement of the witness, or exert a wrongful effect on the contents of the statement.

● Article 157-3

1. When a court examines a witness, depending upon the nature of the crime, the age, the state of mind and body, relationship within an accused or any other circumstances of the witness, if it deems that there is danger of extreme pressure and obstruction of mental peace when the witness makes a statement in the presence (including the case as the way prescribed in paragraph 1 of the next Article) of an accused, and if it deems reasonable, hearing the opinions of a public prosecutor, the accused, or a counsel, it may implement measures that the accused and the witness are unable to one-sidedly or mutually recognize the state of the other party. With respect to any measure that makes the accused unable to recognize the witness, it may be implemented only in the case where the counsel is present.

2. A court may, when it examines a witness, if it deems reasonable, considering the age, state of mind and body, effect on honor, and any other circumstances of the witness, hearing the opinions of a public prosecutor and the accused, or a counsel, implement measures that, between visitors and such witness, make them unable to mutually recognize the state of the other party.

● Article 157-4

1. A court may, when it examines persons mentioned in the following, if it deems reasonable, hearing the opinions of a public prosecutor, and the accused or a counsel, let the witness be seated in a place (limited to a place located in the same premises as the place where these persons are present) other than the place where the judge and persons concerned with the case are present for the examination of the witness, and examine him/her in the manner that the witness is able to talk mutually recognizing the state of the other party through transmission and receiving of pictures and voices.

(1) An injured person of the crimes or the attempted crimes thereof under Article 176 to Article 178 inclusive, Article 181, Article 225 (limited to the part pertaining to the purposes of indecency or marriage; hereinafter the same in this item), Article 227 paragraph 1 (limited to the part pertaining to the purpose of assisting a person who commits a crime under Article 225) or the former part of Article 241 of the Penal Code

(2) An injured person of the crime under Article 60 paragraph 1 of the Child Welfare Law (Law No. 164, 1947) or the crime under Article 60 paragraph 2 of the said Law pertaining to Article 34 paragraph 1 item (9) of the said Law or the crimes under Article 4 through Article 8 inclusive of the Law concerning Punishment of Act etc. pertaining to Child Prostitution and Child Pornography and Protection of Children, etc. (Law No. 52, 1999),

(3) In addition to persons mentioned in the preceding two items, persons who are deemed to be in danger of extreme pressure and obstruction of their mental peace when they make a statement at a place where judges and persons concerned with the case are present to examine a witness, depending upon the nature of crime, the age, the state of mind and body of the witness, the relationship with an accused, and any other circumstances,

2. When the examination of a witness is conducted by the method prescribed in the preceding paragraph, the court may, in case if it considers that such witness shall be requested to make a statement as a witness again in respect of the same fact in subsequent criminal procedures, and if it obtains the consent of the witness, hearing the opinions of the public prosecutor and the accused, or the counsel, record the examination and statement of the witness as well as the state thereof on recording media (that is, media which are able to simultaneously record pictures and voices; hereinafter the same).

3. The recording media which records the examination and statements of a witness as well as the state thereof under the provisions of the preceding paragraph shall be made a part of the written statement attaching the record of the trial.

● Article 299-2

A public prosecutor or a counsel may, on the occasion of giving an opportunity to know the name and address of a witness, an expert, an interpreter or a translator, or giving an opportunity to peruse evidential documents and articles under the provision of paragraph 1 of the preceding Article, if a public prosecutor or a counsel deems that there is a danger of the acts of doing harm to a body or a property of the witness, the expert, the interpreter or the translator, a person entered his/her name in the evidential documents or articles, or a relative of each person, or the acts of making these people fear or confuse are carried out, inform to that effect to the adverse party, and request a careful consideration for

not disclosing address, working address and other matters specifying the place of ordinary existing of these people to the persons concerned (including the accused) except the case that it is necessary concerning the proof of crime, the investigation of crime or the defense of the accused, and for not threatening the safety of these people.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

1. In cases where the court deems that there are ground for the motion for forfeiture of the parental power in relation to answer 2 to the question 3, the Family Court makes an adjudgment that declares forfeiture of the parental power.

In cases where the court deems that there are grounds for the claim for damages in relation to the answer 3 to the question 3, the court renders a final judgement that orders the defendant to pay the compensation for the damages.

2. The Human Rights Organs of the Ministry of Justice take the following measures according to the cases.

(1) Measures concerning human rights counseling

(i) Giving general advice

(ii) Starting investigation as a human rights infringement case

(iii) Notification to the authorities concerned

(iv) Referral to the civil legal aid system

(2) Measures concerning human rights infringement cases

(i) Support

To introduce victims to the related administrative organs or public/private institutions and to make a referral to the civil legal aid system and to give legal advice

(ii) Coordination

To coordinate the relationship between the victim and the suspect, the person giving guidance to or supervising the suspect

(iii) Request

To request a person who is able to take effective measures to save the victim or to prevent infringement in advance

(iv) Instruction

To urge suspects who have infringed upon human rights to reflect upon their conduct and to get them to take appropriate measures

(v) Recommendations

To make necessary recommendations in a written document to the suspect by stating the facts of the infringement to make them stop the infringement and to prevent them from repeating such infringement

(vi) Notification

To notify the related administrative organs of the infringement case through a written document and to call for appropriate measures

(vii) Accusation

To file an accusation against the suspect through a written document based on the articles of criminal procedural law

(viii) Non-existence or clarification of the facts of the infringement case

To confirm that there is no evidence of human rights infringement or to clarify the facts

(ix) Stop and suspension

To stop or suspend examining a case when it is considered reasonable to do so

(x) Enlightenment

To carry out enlightenment activities for a person who is involved in the case when it turns out to be necessary in the process of investigation, or for the local community as the case may require.

3. Such complaints trigger investigation by the authorities. Based on the results of the investigation by the authorities, the public prosecutor decides whether the case be prosecuted.

● **Regarding the complaints procedures in the context of law and public order enforcement including in detention facilities or prison**

1) **Punishment on staffs who conducted violence against children**

When any petitions or complaints related to violence against children are made in correctional facilities, the agency and/or the Correction Bureau immediately conduct thorough investigation. The judicial police personnel and/or the police, opened by reports from the agency, may set about making original investigation as the occasion demands. In case of unlawful or unjust behavior being detected, the bureau takes disciplinary punishment on related staffs independent from decisions made by the justice system.

2) **Perpetrator Rehabilitation**

Inmates who were sent to correctional institutions for violence against children are given various treatments for rehabilitation according to their tendencies of problematic behavior.

3) **Treatment of abused children**

Many inmates in JTS have history of being victims of various kinds of maltreatment. Such children generally have a higher level of mistrust in others and a stronger desire for love in contrast. Instructors of JTS are expected to relieve them from the suffering by providing them enough experiences of being fully respected as human beings.

4. In principle, schools and boards of education as the founders of public schools properly deal with violence such as bullying, which occurs in schools.

5. The progress and result of complaint solving in relation to the Child Welfare Institutions shall be documented by written record and the results shall be disclosed in Work Reports, PR Papers, etc., with due consideration to privacy of the actor.

6. **Regarding the personnel of Japan Self Defense Forces,**

An appointee to discipline violators can punish them with the following as disciplinary measures.

- **dismissal**
- **degradation to one or two lower rank**
- **suspension within one year**
- **salary reduction by less than one fifth of pay within one year**
- **reprimand**

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

1. **If the family court determines, after the hearing, that it is appropriate to place the juvenile under protective measures, it makes an adjudication of probation, commitment to a home for juvenile training and education or a home for dependent children, or commitment to a juvenile training school.**

Furthermore, if it is deemed necessary, the family court prompts guardians to be liable for supervision of the juvenile, takes necessary measures such as admonition, guidance or others at the investigation or hearing, in order to prevent delinquency, or orders the family court probation officer to take such measures.

The family court may also place the juvenile under tentative supervision, that is, a family court probation officer directly supervises the juvenile, for a certain period of time, if it deems such supervision necessary to determine on the protective measures.

If the family court determines, in light of the result of the investigations or hearing, that measures under the Child Welfare Law are appropriate, it refers the case to the prefectural governor or the director of a child guidance center.

When the case involves an offense punishable by death penalty or an offense punishable by imprisonment with or without labor, the family court refers the case to a public prosecutor if it determines that criminal disposition is appropriate. Also, as for cases in which victims died due to intentional criminal acts, and which the juveniles were 16 or over at the time of committing the crimes, the family courts must transfer such cases to the public prosecutor, except for cases in which measures other than criminal dispositions are considered as appropriate, in light of the motives and patterns of the crimes, the situations after the crimes, the personality, age, behavior and environment of juveniles, and other conditions. After receiving the transfer, the public prosecutor, in principle, institutes public prosecution.

Subsequently, the prosecuted juvenile is subjected to the same procedure for treatment as an adult. However, some special provisions are applicable to juvenile offenders. For instance, life imprisonment is imposed on offenders under the age of 18 at the time of offense when the death penalty is appropriate, and imprisonment of 10-15 years with or without labor can be imposed instead of life imprisonment. When imprisonment with or without labor for not less than 3 years would otherwise be imposed, this is reduced to an indeterminate sentence (defining the minimum and maximum term of imprisonment) within the scope of the applicable penalty. Also, juveniles who were sentenced to imprisonment with or without labor serve their sentence separately from other prisoners. In addition, concerning execution of punishment, juveniles under 16 who were sentenced to imprisonment with or without labor can execute such punishment at juvenile training schools until they reach 16. In such cases, work is not imposed in the meantime even on juveniles who are sentenced to imprisonment with labor and correctional education is supposed to be given at juvenile training schools.

Among juveniles who were sentenced to imprisonment with or without labor, those who were sentenced to life imprisonment are eligible for parole after 7 years and those who were under 18 at the time of committing the crimes and were sentenced to imprisonment for a definite time instead of life imprisonment are eligible for parole after 3 years, both of which are special provisions. However, for those who were under 18 at the time of the offense, and were sentenced to life imprisonment, while they were supposed to be given the death penalty, no stipulations regarding 7 years for those with life imprisonment will be applied.

In principle, juveniles to be placed under probationary supervision by family court adjudication are lead and supervised to comply the probation conditions and receive necessary guidance and rehabilitation aid by probation officers and volunteer probation officers for their improvement and rehabilitation, until they reach 20 years of age. Measures such as suspension or discharge of probation are taken if probation is deemed unnecessary, for instance, for juveniles who are no longer considered to pose any threat of repeating crime due to stabilization of their behavior during this period.

A juvenile committed to a home for juvenile training and education or to a home for dependent children is received by the facility concerned under the Child Welfare Law.

A juvenile committed to a juvenile training school is admitted to a specific type of training school—primary, middle, advanced or medical—for progress toward rehabilitation with correctional education. The juvenile is placed under probationary supervision after being released on parole from the school.

Other juveniles to be placed under probationary supervision include those who have been granted suspension of execution of sentence, as well as those who have been released on parole from prison after execution of sentence in juvenile prisons or other correctional facilities.

(See the Attachment 1)

2. Children under the age of 14 are exempted from criminal liability and shall not be deemed a criminal. Children of ages 14 and over may be sent to a Child Independence Support Institution or Childcare Institution subject to a juvenile probation decision made by the Family Court. (Juvenile Law, Article 24 Clause 1-(2))

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

Yes.

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

1. The Human Rights Organs of the Ministry of Justice take measures as given in the answer 1 to the question 20 and, as the case may require, in the answer 2 to the question 24.

2. Public prosecutors have the authority to:(1)investigate crimes; (2)publicly prosecute criminal cases; (3)request due process of law from courts for criminal cases; (4)supervise the execution of trials for criminal cases, etc.

3. At the local level, the boards of education of prefectures and municipalities, as the founders of public schools, are responsible for addressing any violence or bullying which occurs in a public school. Schools have been cooperating with other relevant authorities such as the police and the Child Guidance Centers to prevent violence, bullying, and child abuse.

At the national level, the Ministry of Education, Culture, Sports, Science and Technology is responsible for addressing any violence occurring in schools, and it has been collaborating with other related government ministries to deal with the problem.

4. Within the government, the Ministry of Health, Labour and Welfare's Abuse Prevention Measures Department is in charge of making plans and drafts on child abuse countermeasures. As to various problems related to

children, there are Child Guidance Centers in Prefectures and in designated cities to discuss problems from families, etc.

For early detection and adequate protection of an abused child, City, Town and Village governments are working on building an abuse prevention network so that related bodies can share information and their views on the relevant children and cooperate appropriately.

5. There are Juvenile Division at the National Police Agency (NPA) and prefectural police. They have charge of the protection of juvenile victims as well as the prevention of any offenses victimizing juveniles.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

Yes.

If YES, provide details.

The Abuse Prevention Countermeasures Department is established within the Ministry of Health, Labour and Welfare Equal Employment, General Affairs Division, Children and Families Bureau to deal with matters related to child abuse prevention.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

Yes.

If YES, indicate the extent of these allocations.

1. Gender Equality Bureau, Cabinet Office

• **Budget for elimination of violence against women(provision of information, education and enlightenment, study and research) – 45million yen(FY2004)**

• **Personnel engaged in elimination of violence against women – 8(including Director for Gender Equality Promotion Division)**

2. In child abuse prevention measures, it is important to establish a seamless support system from prevention to social independence. Taking this in mind, the Ministry of Health, Labour and Welfare has secured 3.5 times the previous fiscal year budget for fiscal year 2004. The Ministry is also increasing the total standard staff from grant tax for local governments in order to increase the number of Child Welfare Commissioners in Child Guidance Centers and enhance their qualification.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

Yes.

If YES, provide details.

1. Budget for investigation and system establishment on the regulation of international crime : 3 million yen (FY2003)

2. See the answer 2 to the question 28 as for the child abuse prevention measures by the Ministry of Health, Labour and Welfare.

3. The office for the protection of juveniles is established at the Juvenile Division of the National Police Agency , and the office is working on the measures for the protection of victimized juveniles and so on.

Furthermore, the police has established the Juvenile Support Centers in each prefectural police as a specialized organization for juvenile delinquency problem. They are staffed with Juvenile Guidance Officials of some 1,000 and juvenile counseling experts of some 100 across the country, who provide necessary guidance and support to victimized juveniles. And then they budget for the measures of the victimized juveniles at national and regional level.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

No.

If YES, indicate the extent of these resources and the way in which they are used.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

Yes.

If YES, provide details.

The Ministry of Foreign Affairs has been supporting various anti-trafficking programmes through the Trust Fund for Human Security and international organizations as below. Japan also actively participates in international conferences on trafficking in persons like a series of follow-up meetings of "Second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime; Bali".

1. Through the Trust Fund for Human Security

(1) to ILO(International Labour Office) for Prevention of Trafficking in Children and Women at a Community Level in Cambodia and Viet Nam (March 2003, \$1,214,464.76)

(2) to CICP(Center for International Crime Prevention) for Support for Victims/Witnesses of Trafficking in Human Beings in the Philippines (May 2003, \$243,960)

(3) to UNICEF(United Nations Children's Fund) for Girls' Education and Community Development for Awareness Raising and Prevention of Trafficking of Girls in the People's Democratic Republic Lao (June 2003, \$506,669)

(4) to UNICEF for the project on protection/support for trafficked victims in Myanmar(\$470,000)

2. Direct support to the international organizations (IOM)

(1) Survey on trafficking in women and children from Bangladesh and Nepal toward India(\$22,000)

(2) Trafficking Information Mainstreaming Project in the Philippines (\$77,000)

(3) Anti-trafficking information campaign in Viet Nam(\$250,000)

(4) Childhood Mental Health and Anti-trafficking project in Cambodia (\$175,000)

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it

have any role or competence in the area of violence against children, including receiving complaints?

Yes.

If YES, provide details.

As administrative organs with regard to protection of the human rights of the general public, there is the Human Rights Bureau in the Ministry of Justice as a central organ in our country and there are also Legal Affairs Bureaus, District Legal Affairs Bureaus and their local branch offices as subsidiary organs to the Ministry of Justice. In addition, while Human Rights Volunteers are appointed to perform activities to protect human rights in the areas of cities, towns or villages, "Volunteers for Children's Rights Protection" have been designated among Human Rights Volunteers, whose duties are to specialize in protection of the rights of children. The activities of these organs are to take the remedial steps given in the answers to Questions 20 and 24. (Note: The investigations carried out by these organs are not legally binding.)

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

The House of Representatives (the upper House of the Parliament) has a Special Committee on Youth Affairs consisting of 25 parliamentarians.

34. Have there been any recent parliamentary initiatives to address violence against children?

Yes.

If YES, please give details.

Working group of the parliamentaries on human trafficking was set up on 26 May, 2004.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Civil society organizations tackling child abuse include the following:

·Japan Society for Prevention of Child Abuse and Neglect

Study group aiming at promoting measures against abuses through exchange of practical experiences and studies. Members include

practitioners and scholars from medical, health, welfare, education, judiciary, and administrative fields.

- **NPO, Child Line Support Center**
- **NPO, Child Abuse Prevention Network in Aichi**

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Since cooperation among various related bodies is very important in child abuse prevention measures, government and private sectors are working together to incorporate and legalize a network constituted of local governments, police forces, schools, NPOs, etc., in the proposed amendment to the Child Welfare Law.

Moreover, to support civil society activities by NPOs, etc., the Government subsidizes part of the expense for the study and training of leaders of NPO groups involved in childcare, etc., sponsored by the Foundations. The Government also provides other support, such as engaging in financial activities to increase the money granted to Foundations and annual distribution of the earned money.

37. Describe the role played by the media in addressing violence against children.

Private media companies produce feature programs or special stories on child abuse. The government is also trying to raise public awareness through TV commercials, etc.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

1. In designing policies closely related to the nations, government often accepts citizens opinion directly and children are expected to take part in such activities in order to express their own views as a member of the citizens.

2. Cabinet Office has been implementing a monitoring programme "Electric Monitoring by the Youth" for hearing the opinion of the youth aged from 12 to 24 on youth and other policies through internet since April 2002.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

See the answer 2 to the question 23.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

Since it is important that children's opinions be reflected in the management of Child Welfare Institutions, a new point of view was incorporated for inspections performed by Prefectural governments, i.e., whether there are sufficient opportunities for children to express their opinions. This is to make sure that the aim of the Convention on the Rights of the Child is reflected in the management of such Institutions.

The Institutions are also making efforts to provide children with opportunities to express their opinions to enhance and improve the system for solving complaints rising from life in the institution and to introduce an assessment system by third parties to ensure that best care is provided to the children.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

Yes.

If YES, provide details and describe any gender-specific provisions included in the policy.

1 . In light of contemporary issues concerning youth such as postponement of social independence and delinquency, the Government for the first time formulated "National Youth Development Policy" in December 2003 at the "Headquarter for Youth Development", headed by the Prime Minister and comprised of all members of the Cabinet. The Policy comprehensively shows the Government's basic principles and direction for mid-to long term measures concerning the development of youth over approximately the next five years. Based on this Policy, the Government will comprehensively and effectively promote measures for the development of youth in a broad range of areas, including health, welfare, education, labor and delinquency, while ensuring close cooperation among relevant administrative organs.

2. This policy includes measures against bullying and school violence, measures to prevent child abuse, measures against crimes that harm the welfare of youth, measures for victims of bullying, measures against harmful information provided through various media, and addressing illegal/harmful information on the Internet, as policies for violence against children. Based on this policy, efforts are made by government in close cooperation with relevant ministries.

3. We are aware that in child abuse prevention measures, it is important to establish a seamless support system, from prevention to social independence.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

Yes.

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

1. School

A promotion program to action and collaborate in the community in concern with any child's problematic behaviour

This program has established community support systems through activities like organizing support teams, consisting of schools, boards of education and other relevant institutions, in order to deal properly with pupils and students whose behavior cause problems.

2. Family/Home

(1) Comprehensive promotion program to support home education

This promotes the provision of occasions to study about home education by using various opportunities for parents, etc.

(2) Creation and distribution of new home education notebooks

New home education notebooks which provide tips on parenting are drawn up and distributed to parents with children.

3 . The police positively promote measures for the protection of victimized juveniles (including abused children), and the prevention and the harm reduction of secondary victims in the course of investigation, as follows;

- **The providing and improving of the support system for victimized juveniles,**
- **The continuous supports such as counseling .**

Note: In Japan, "child abuse" is defined as violence to children by their guardians.

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	×	×	×	×		
Schools	× (*)	× (*)	× (*)			
Institutions	×	×	×	×		
Neighbourhood/Community	×	×	×	×		
Workplace						
Law enforcement	×	×	×	×		
Other						

(*) **This program addresses violence only between students or pupils.**

(Family/Home, Institutions, Neighbourhood/Community; Ministry of Health, Labour and Welfare, Schools;Ministry of Education, Culture, Sports, Science and Technology, Law enforcement; National Police Agency)

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

Yes.

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

1. Designated districts draw up reports on the results of the research survey on the program mentioned in the answer 1 and 2 to the question 42.

2. URL: <http://www.mhlw.go.jp/wp/seisaku/jigyoku/03jigyoku/index.html>

3. The National Police Agency (NPA) carries out an annual examination into the formation of local police on measures for victimized juveniles, to oversee the degree of development and progress of promotion of the measures for victimized juveniles. And then NPA reflects that result to its policies.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

Yes.

If YES, please provide details.

The government of Japan has been actively participating in the "Bali Process"(Follow-Up Process to the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime).

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

Yes.

If YES, provide details or references, or attach.

- 1. "National Survey on Child Victimization in Japan"**

(1) Overview

The Research and Training Institute of the Ministry of Justice conducted the national survey of child victimization in 2002. The purpose of this survey was to provide information regarding the prevalence and consequences of child victimization.

(2) Research design

Questionnaires were mailed to 15,000 males and females ages 18 - 40 years who were selected randomly nationwide. Out of these, the number of persons who actually replied was 2,862, the response rate was

19.1%. In addition to questionnaires, the research team performed face-to-face meetings with persons who had agreed to be interviewed.

In this survey, they were asked about their experiences of physical assault, sexual assault, mental assault, neglect and witnessing violence, which measured experience of witnessing violence among family members.

(3) Preliminary findings

Preliminary findings are as follows:

- 1) 5.3% of the respondents had been physically assaulted, 2.2% had been sexually assaulted 10.4% had been mentally assaulted, and 3.8% had been neglected or maltreated. 21.7% of the respondents experienced some form of victimization.
- 2) Respondents who have experienced physical assault indicated the need for the family aide, and those who have experienced neglect or sexual assault indicated the need for support of advisers or counselors .

(4) Analyses of findings

Analyses of findings are as follows:

- 1) Personal victimization is a risk factor for mental and physical health problems, personal relations, distorted perspectives towards family, and so on.
- 2) Peer groups who can share their experiences of victimization and affirmative valuation for themselves in the recovery process are important.

2. (1) The results of the research on bullying and violence among students, in the survey on problems in instructing pupils and students.

See the Attachment 2.

(2) The number of teachers disciplined for using corporal punishment (This doesn't show the number of corporal punishment cases.)

Fiscal Year	Total number of disciplinary actions, admonitions and dismissal from teaching duties	The number of disciplinary actions out of the total number
2002	451 (200)	137 (10)
2001	424 (194)	125 (3)
2000	428 (210)	132 (8)
1999	387 (199)	114 (2)
1998	383 (180)	114 (3)

Notes:

The numbers in parentheses show the number of persons who received disciplinary action for his/her responsibility for poor supervision of a subordinate who used corporal punishment.

3. Although there are no population-based surveys, the Ministry of Health, Labour and Welfare has the data on the number of consultations on abuse at the child guidance center. It contains the number of consultations by age of child, perpetrator relationship, kind of abuse, client of consultation and prefecture. (See the Attachment 3.)

4. As status of the number of offenses known to police and that of arrests, by crime category.

See the Attachment 4.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

Yes.

If so, please give details.

Child Guidance Centers also give consultation to persons visiting the office. They give interviews to children, guardians, etc.

They also give interviews as part of the research and decision making on what kind of treatment is necessary for children, guardians, etc.

As to data including interviews, there is "Number of Cases on Research, Decision and Guidance, Psychological Treatment, Counseling, etc. at Child Guidance Centers" in the Administrative Report Examples.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

Yes.

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

1. **"Experiences of Victimization among Juvenile Delinquents in Japan"**

(1) Overview

The Research and Training Institute of the Ministry of Justice conducted the survey of child victimization among juvenile delinquents in 2000. The purpose of this survey was to provide information regarding the correlation between experiences of victimization and delinquency.

(2) Research design

Questionnaires were administered to 2,354 inmates of juvenile training schools nationwide. They were asked about their experiences of physical assault, sexual assault, neglect or maltreatment by family members or others.

In addition to the survey, the research team required the staff of juvenile training schools to fill out the form concerning to the correlation between experiences of victimization and their families, the juveniles' temperament and their delinquency.

(3) Preliminary finding

Preliminary findings are as follows:

- 1) Nearly 70% of the respondents had been physically or sexually assaulted, or neglected, or maltreated by a family member. About 90% of the respondents had been extorted, or physically or sexually assaulted by someone other than family members.**
- 2) Respondents physically assaulted tended to put up with the situation or ran away from home. As anticipated, fewer respondents who were sexually assaulted disclosed their experiences.**

(4) Analyses of findings

Analyses of findings are as follows

- 1) Regarding the relation between experiences of victimization and fostering attitudes of their parents : the correlation between physical victimization and indifferent or rigorous parents was statistically significant.**
- 2) Regarding the relation between experiences of victimization and their own temperament : juveniles who had experienced victimization tended to be nervous and depressed.**
- 3) A high percentage of respondents who were victimized by a family member believed it contributed to their delinquency.**
- 4) Respondents, who experienced victimization, had the tendency of being victimized by more than one type of victimization.**

2. **The research survey on the handling by schools against child abuse was conducted from fiscal year 2002 to 2003, with a Grant-in-Aid for**

Special Purposes, one of the programs of the Grants-in-Aid for Scientific Research. The results are presently being compiled. (Upon completion of that, it will be available for public inspection.)

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

Yes.

If YES, provide details or references, or attach.

1. See the answer 1 to the question 52 concerning the research on bullying in school etc.

2. Also studies are under way for such as developing a guidance method for a guardian of an abused child.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Yes.

Provide details.

1. The National Police Agency (NPA) requests each prefectural police twice a year (end of June, end of December) to report about arrest cases in which the child resulted in death from the child abuse.

2. Although there are no systems to survey only child deaths from violence, the nations are obligated to notify their family members' deaths to municipality office by law, irrespective of deaths that violence may have played any part or deaths from other causes, and regardless of child deaths or not. Then the Vital Statistics Survey that is based on this notification is conducted.

3. Being based on the Family Registry Law, for all of death, the family member or kin must notify the notification with death certificate written by doctor to municipality office. The Vital Statistics Survey is the survey this information of death notification with death certificate.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

Yes.

If YES, what proportion of all homicide deaths are under the age 18?

.....%

1. The annual report that contains outcomes from Vital Statistics Survey is published. This report contains statistics of deaths by age and cause, and you can see the data of deaths from homicide or violence by 5-year age group.

In addition, the number of deaths from homicide by single years of age, which is not on the report, is also published.

The proportion of deaths aged less than 18 years old in all deaths by homicide, 2002

(ICD-10 code X85-Y09): 14.2%

The proportion of deaths aged less than 18 years old in all deaths by violence, 2002

(ICD-10 code Y04-Y07): Not available

The proportion of deaths aged less than 20 years old in all deaths by violence, 2002

(ICD-10 code Y04-Y07): 27.8%

**2. As number of offences of children who were killed by child abuse
See the Attachment 5.**

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

1. The survey mentioned in the answer 1 to the question 49 indicates bellow articles checked.

Sex	×
Age	×
Ethnicity	
Manner of death (homicide, suicide, undetermined)	×
External causes of death (firearm, strangulation, etc.)	×
Geographical location of incident (address)	×
Scene of occurrence (home, school, etc.)	×
Time and date of incident	×
Victim-perpetrator relationship	×
Other:	×

2. Child death aged less than 18 years old by homicide

Sex	×
Age	×
Ethnicity	
Manner of death (homicide, suicide, undetermined)	×
	(Only for homicide)
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

3. Child death by violence aged less than 20 years old by 5-year age group

Sex	×
Age	×
Ethnicity	
Manner of death (homicide, suicide, undetermined)	×
	(kind of

	violence)
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	× (only for Y06,Y07)
Other:	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

**1. The results of the research on bullying and violence among students, in the survey on problems in instructing pupils and students
See the Attachment 6.**

2. Also see the Attachment 7,8,9.

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Reference to attached table 3,4,5

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

Yes.

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

1. Protection of children's human rights is one of the themes that has been selected by the Ministry of Justice as the priority target of enlightenment activities in recent years. Activities to promote the idea of respecting children's human rights are widely carried out for the general public, including children, to make them aware of the necessity and importance of respecting human rights all over Japan through lectures, discussions, open forums and the media such as TV or radio. These enlightenment activities are intensified especially during "Human Rights Week" from December 4th to 10th each year.

2. In the Ministry of Health, Labour and Welfare, efforts are made to raise, disseminate, etc., public awareness of the Child Abuse Prevention Law through television, radio, etc.

3 . Police disseminate publications referring to the below points to guardians, schools, local community and so on with a view to calling on the earlier detection and report of child abuse to relevant authorities.

- Type of child abuse(physical abuse, sexual abuse, neglect and mental abuse)

- Current status of child abuse

- Viewpoint for early detection of child abuse

- Consultation and report in the case of detection of child abuse.

Situation of dissemination is attached (Attachment 10) (No data is available for 1999).

55. How were the campaign messages and information disseminated (check all that apply)?

1. Answer 1 to the question 54

Print media	x : Posters, pamphlets, fliers, inserts, etc.
Radio	x
Television	x
Theatre	x : Lectures, discussions, forums, movies, etc.
Schools	x
Others	x : Websites, parades, public-relation-cars, etc.

2. Answer 2 to the question 54

Print media	x
Radio	x
Television	x
Theatre	x
Schools	x
Others	

3. Answer 3 to the question 54

Print media	x
Radio	
Television	
Theatre	
Schools	
Others	

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

Yes.

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
--	------------	------------	---------	----------------	-----------

Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)		×	×		
Public health practitioners					
Social workers and Psychologists		×	×		
Teachers and other educators					
Court officials (including judges)					
Police	×	×			×
Prison officers	×	×	×	×	×
Juvenile offenders personnel Institution personnel Parents/guardians	×	×	×	×	×
Other (please specify) • Probation officers • Public Prosecutor • Immigration officer	×	×		×	×

Please provide details.

1. (1) Relevant training programs are provided at the Training Institute for Correctional Personnel and its eight branches with courses of UN documents including the Convention on the Rights of the Child.

(2) Relevant training programs are provided at the training courses for the Probation Officers including the Convention on the Right of the Child.

(3) The Ministry of Justice provides various training programmes for public prosecutors. Those programmes offer information about the international human rights conventions, etc., and the necessities of paying more attention to child victims or the proper exercise of punitive power over offenders.

(4) The Ministry of Justice has been providing some relevant training programs to the immigration officers. The latest one was provided in July 2004, which had a lecture on the prevention and protection of the trafficking in persons including the children.

2. The National Center for Teacher's Development provides training for supervisors, etc. at schools across the country to deal with various problems in instructing pupils and students including child abuse, bullying and other problematic behavior.

3. The Police take advantage of various training time to lecture on the Child Abuse Prevention Law for police staffs in various fields. And the Police give lecture in order to improve counseling technique, other expert knowledge and skills for police staffs who are engaged in protecting juveniles and supporting guardians.

See the Attachment 11.

Attachment A

Flowchart of treatment proceedings for juvenile offenders and delinquents

