

**Japan**

## Geography

### Capital

The capital of Japan is Tokyo, with a population of approximately 38.001 million (based on an estimate from 2015).


### Global Positioning

Japan is located in Eastern Asia, between the North Pacific Ocean and the Sea of Japan. It is an island chain that sits east of the Korean Peninsula. Geographical & Natural Outline Japan is mostly made up of rugged and mountainous terrain. The climate can vary, with tropical temperatures in the south and cool temperatures in the north. Due to Japan's positioning, there are a number of natural hazards, including: volcanoes, earthquakes, tsunamis and typhoons.

### Major Cities/Urbanisations

According to population estimates from 2015, the largest city is Tokyo (population 38.001 million), followed by Osaka-Kobe (population 20.238 million), Nagoya (population 9.406 million), Shizuoka-Hamamatsu (population 3.369 million) and Sapporo (2.571 million).





## People & Society

### Nationality

Japanese

### Ethnic Groups

Information on the ethnic groups of Japan is out of date. Reportedly, the Japanese Ministry of Justice does not distinguish between ethnicity and nationality, thus making the available data highly unreliable.<sup>1</sup>

### Languages

Japanese

### Religions

Shintoism 79.2%, Buddhism 66.8%, Christianity 1.5%, other 7.1% (2012)

### Population

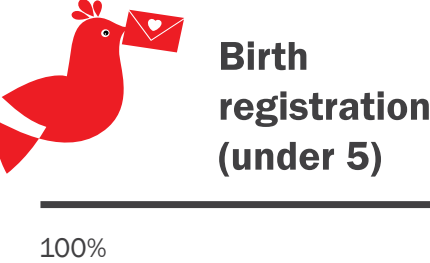
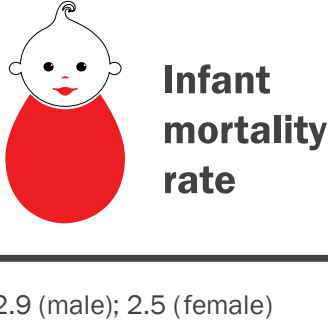
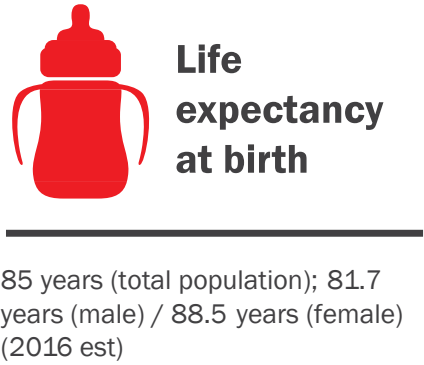
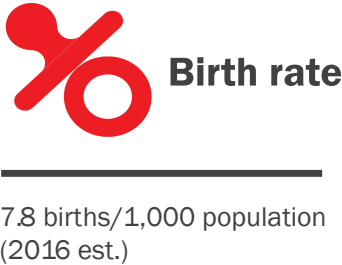
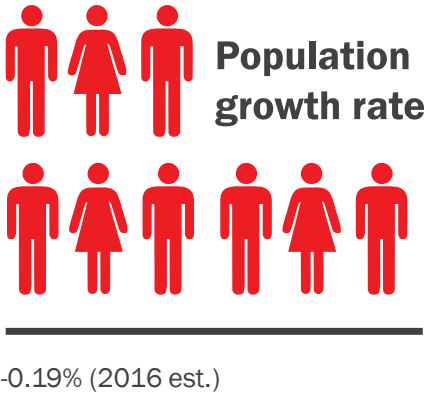
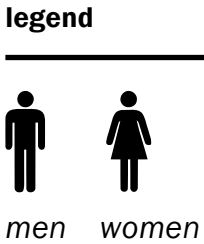
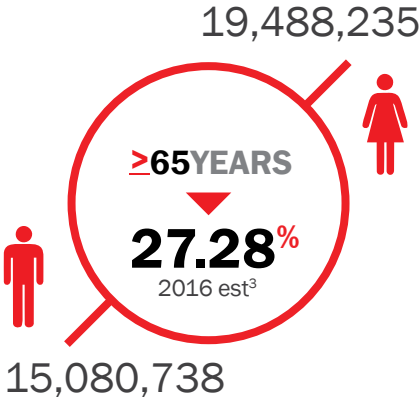
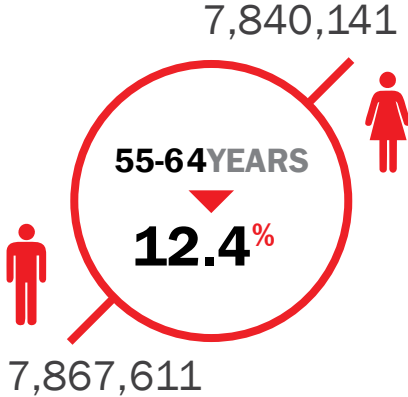
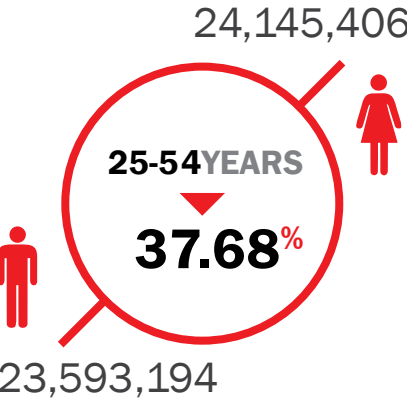
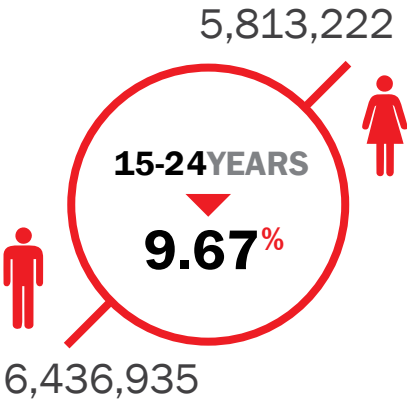
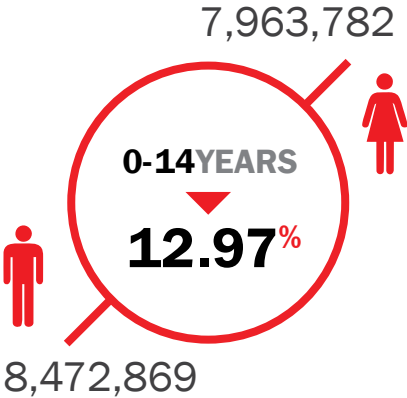
127 million (2016)

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<sup>1</sup> "Ethnic groups of Japan." Wikipedia. April 1, 2017.  
Accessed April 28, 2017. [https://en.wikipedia.org/wiki/Ethnic\\_groups\\_of\\_Japan](https://en.wikipedia.org/wiki/Ethnic_groups_of_Japan).

demographics

The age group of men and women throughout the years.





# government type/political stance

The government of Japan is a parliamentary constitutional monarchy. The executive branch of Japan is comprised of a chief of state, a head of government and a cabinet. The chief of state, Emperor Akihito, has been in power since January 7<sup>th</sup>, 1989. However, the head of government, Prime Minister Shinzo Abe was recently appointed in December of 2012. Member of the cabinet are subject to change depending on the political agenda of the country, as the cabinet is appointed by the prime minister.

The legislative branch of Japan is described as a bicameral Diet (or *Kokkai*), which consists of the House of Councillors. The World Fact Book states that the legislative branch is arranged as follows:

“242 seats; 146 members directly elected by majority vote and 96 directly elected in multi-seat constituencies by proportional representation vote; members serve 6-year terms with one-half of the membership renewed every 3 years) and the House of Representatives or *Shugi-in* (475 seats; 295 members directly elected in single-seat constituencies by simple majority vote and 180 directly elected in multi-seat constituencies by proportional representation vote; members serve maximum 4-year terms with one-half of the membership renewed every 2 years).”

There are two elections within the legislative branch, one for the House of Councilors and one for the House of Representatives. The last election for House of Councilors was held on July 10<sup>th</sup>, 2016, and the next election is scheduled to take place in July of 2019.<sup>2</sup> As for the House of Representatives, the most recent election was in December of 2014, and the next election is scheduled to be held in December of 2018.<sup>3</sup>

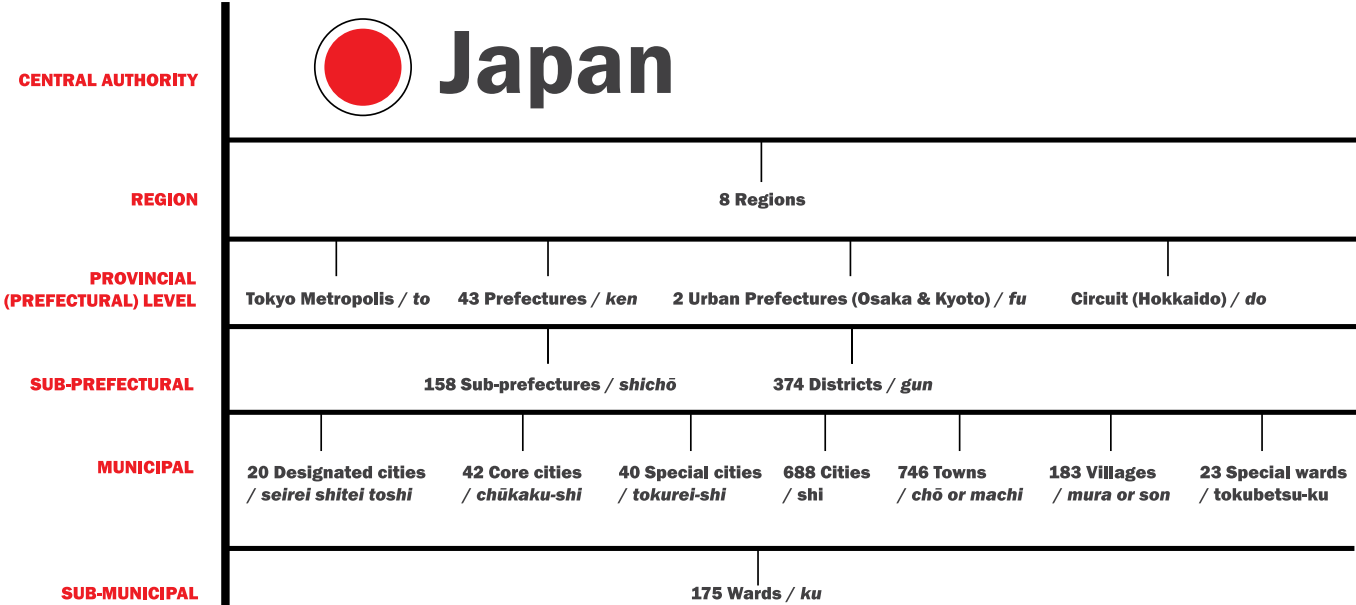
The judicial branch is divided into the highest court (the Supreme Court, *Saiko saibansho*) and eight subordinate courts (High Courts, *Koto-saiban-sho*) that each have a Family Court (*Katei-saiban-sho*). There are also 50 District Courts (*Chiho saibansho*) divided into 203 additional branches, and 438 Summary Courts (*Kani saibansho*). The process of judge selection is summarized by the World Factbook: “Supreme Court chief justice designated by the Cabinet and appointed by the monarch; associate justices appointed by the Cabinet and confirmed by the monarch; all justices are reviewed in a popular referendum at the first general election of the House of Representatives following each judge’s appointment and every 10 years afterward.”<sup>4</sup>

**Is the governing party likely to change in the next election?**  
Due to the political structure of Japan, it is highly unlikely that the governing party will change in the next election. The monarchy is hereditary, and the leader or figurehead of the majority party is generally elected as prime minister. This system tends to keep the governing party from experiencing any drastic changes to the governmental structure.

**What are the implications of change to the existing social care set-up?**  
Historically, the Japanese political system has been dominated by a one-party conservative Liberal Democratic Party (LDP) since its formation in 1955. Thou recent elections in 2016 indicated a surging opposition front which is the current ruling party. However, there has since been no significant changes with the social care/welfare set-up.

# administrative divisions

Japan is divided into two other level of local government administration units; prefectures and municipalities under the national government. As a basic legal principle, local governments in Japan, both prefecture and municipal, are uniformly granted comprehensive powers to allow them to fulfill, according to the characteristics of their local area, roles which are necessary to serve their local communities.<sup>5</sup>



## Economy

|  |   |   |
|--|---|---|
| <b>Gross Domestic Product (GDP)</b><br>\$4.932 trillion (2016 est.)<br>3rd largest in the world by nominal GDP | <b>Real growth rate</b><br>0.5% (2016 est.)   | <b>Unemployment rate</b><br>3.2% (2016 est.)                  |
| <b>Purchasing power parity</b><br>\$4.932 trillion (2016 est.)   | <b>Composition by sector</b><br>Agriculture: 3.9%,<br>Industry: 26.2%,<br>Services: 69.8% (2010 est.) | <b>Population below poverty line</b><br>16.1% (2013 est.)     |
|  |   | <b>Inflation rate (CPI)</b><br>-0.1% (2016 est.) <sup>6</sup> |

<sup>2</sup> “The World Factbook: JAPAN.” Central Intelligence Agency. January 12, 2017. Accessed April 28, 2017. <https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html>.

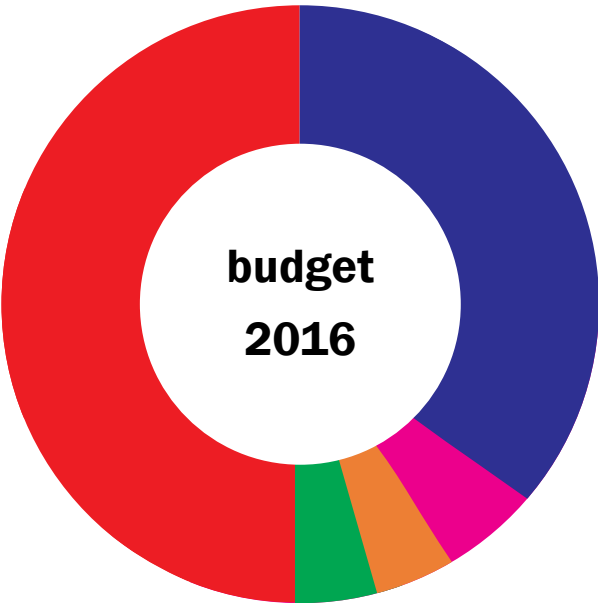
<sup>3</sup> “House of Representatives (Japan).” Wikipedia. April 24, 2017. Accessed April 28, 2017. [https://en.wikipedia.org/wiki/House\\_of\\_Representatives\\_\(Japan\)](https://en.wikipedia.org/wiki/House_of_Representatives_(Japan)).

<sup>4</sup> “The World Factbook: JAPAN.” Central Intelligence Agency. January 12, 2017. Accessed April 28, 2017. <https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html>.

<sup>5</sup> <http://www.gdrc.org/uem/observatory/logov-japan.pdf>

<sup>6</sup> “The World Factbook: JAPAN.” Central Intelligence Agency. January 12, 2017. Accessed April 28, 2017. <https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html>.

# japan government budget FY 2016



- 33.1%** Social Security (31,973.8 billion JPY)
- 6.2%** Public Works (5,973.7 billion JPY)
- 5.5%** Education & Science (5,358.0 billion JPY)
- 5.2%** National Defense (5,054.1 billion JPY)
- 50%** Others (48,362.2 billion JPY)

**Foreign aid**  
In 2013, Japan’s gross Official Development Assistance (ODA disbursements amounted to USD22,526.99 million. Asia was the largest recipient of ODA from Japan, with a gross disbursement of USD12,526.35 million (USD3,448.73 million of net disbursements).<sup>7</sup>

**International debt**  
Japan had an external debt of 399,002 JPY Billion (USD3.6 billion) in 2016.<sup>8</sup>



# social care sector

## What is the structure and role of the social care sector?

A comprehensive, detailed description of the structure and role of the Japanese social care sector is not available in English. However, a relatively cursory breakdown of the social care sector shows that the Ministry of Health, Labour, and Welfare acts as the primary government unit concerned with social welfare and child protection. The Ministry of Health, Labour, and Welfare is comprised of a wide range of departments, each of which specialize in different areas of social care, social welfare, social protection, labour laws, etc. The department that is specifically designed to handle issues pertaining to families and children is the Equal Employment, Children and Families Bureau.<sup>9</sup> Based on the description of the Equal Employment, Children and Families Bureau, as provided by the Ministry of Health, Labour, and Welfare, it appears as though the unit is mainly concerned with issues pertaining to gender equality, particularly in terms of equal rights in the workplace. However, there are multiple divisions operating within the Bureau, some of which are more specifically concerned with child protection.<sup>10</sup>

The complete list of divisions under the Equal Employment, Children and Families Bureau includes the following: the General Affairs Division, the Equal Employment Policy Division, the Work

and Family Harmonization Division, Part-time Work and Home Division, the Family Welfare Division, the Day Care Division, and the Maternal and Child Health Division. Because these divisions are relatively minor in comparison to the larger Ministry and Bureaus operated by the Japanese government, there is limited additional information on the role(s) played by each individual division of the Bureau.<sup>11</sup>

Despite Japan’s highly organized Ministry of Health, Labour, and Welfare, issues pertaining to child placement in alternative care fall entirely under the jurisdiction of child guidance centres (CGC). According to the Tokyo Child Guidance Office website, child guidance centres are founded on the Child Welfare Law. Therefore, child guidance offices are designed to offer a variety of services to children under the age of 18, including free counselling and consultations. Child guidance centres also promote contact with families, school teachers and other adults who are relevant to the child’s life.<sup>12</sup> Sources indicate that child guidance centres have historically been inclined towards institutional placement over family-based care options, which is in violation of the rights of the child as outlined by the UNCRC. Based on recent data concerning the number of children and infants in institutional care, it appears as though institutional care remains to be favoured by placement centres.<sup>13</sup> An

estimated 85% of the 45,000 children in alternative care are in institutions.<sup>14</sup> Data reports also show that there were over 3,000 infants in institutional care in 2013.

While foster care and adoption options are made somewhat available in Japan, institutional placement remains to be used as the primary response to providing vulnerable children with alternative care.<sup>15</sup> This may be due, in part, to a lack of development in the family-based care sector(s). Japan’s foster care system in particular has received criticism. Sources state that a higher number of abuse reports are submitted by children in foster families than by children in institutions. Approximately a quarter of all foster placements in Japan are terminated, thus resulting in re-institutionalization. Ultimately, this is a result of insufficient foster-parent support systems, as well as lack of training and monitoring mechanisms. Again, this issue appears to be directly related to the child guidance centres, which are technically responsible for providing all of the aforementioned services to foster families.<sup>16</sup> Other forms of family-based care, such as adoption, can be carried out through private adoption agencies as well as child guidance centres. However, adoptions are rarely facilitated due to the current reliance on institutional care.<sup>17</sup>

<sup>9</sup> Organizational Chart of the Ministry of Health, Labour and Welfare. 2016. <http://www.mhlw.go.jp/english/org/detail/dl/organigram.pdf>

<sup>10</sup> “Equal Employment, Children and Families Bureau.” Ministry of Health, Labour and Welfare. Accessed April 28, 2017. <http://www.mhlw.go.jp/english/org/policy/p26-28.html>. Date of publication unavailable.

<sup>11</sup> Organizational Chart of the Ministry of Health, Labour and Welfare. 2016. <http://www.mhlw.go.jp/english/org/detail/dl/organigram.pdf>

<sup>12</sup> “Tokyo Child Guidance Office.” 2009. Accessed April 27, 2017. <http://www.fukushihoken.metro.tokyo.jp/jicen/english.html>.

<sup>13</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 4. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).

<sup>14</sup> Ibid. 1.

<sup>15</sup> Ibid. 4.

<sup>16</sup> Ibid. 6.

<sup>17</sup> Ibid. 22-23.

<sup>7</sup> “Japan’s Official Development Assistance.” Ministry of Foreign Affairs of Japan. Accessed May 12, 2017. <http://www.mofa.go.jp/policy/oda/white/2014/html/honbun/b2/s1.html>.

<sup>8</sup> “Japan Total Gross External Debt 2003-2017.” Trading Economics. 2017. Accessed May 12, 2017. <http://www.tradingeconomics.com/japan/external-debt>.



Although there are indeed cases wherein institutional placement is necessary, the current reliance on institutional care in Japan has proven to be detrimental to children’s health, development and overall well-being. Developmental delay, psychological damage and attachment disorders have been directly linked to institutionalization. Studies have also found that children in institutional settings may be subjected to abusive treatment from caretakers and peers.<sup>18</sup> With these factors in mind, most of the reform strategies outlined by both the Japanese government and external (and/or international) child protection organizations are mainly focused on the need to further develop family-based care services.



<sup>18</sup> Ibid. 24.

## institutional care . . . . .

**Child Care Institutions / Group Homes for Independent Living / Infant Care Institutions / *Jido-Jiritsushien-shisetsu* (Self-Reliance Facility) / Short-term Therapeutic Institutions**

According to the Human Rights Watch report *Children without Dreams* (2014), a child care institution in Japan is defined as an

**”** *institution for children, except for infants, until they graduate from high school, or are 15 or older and leave the education system.*

The Japanese alternative care system for children also includes an additional form of institutional care that is specifically for children/young people who exhibit anti-social behaviour. In Japanese these facilities are called *Jido-Jiritsushien-shisetsu*, and the English translation would be along the lines of “self-reliance facility.” The structure of Japanese self-reliance facilities has been compared to that of residential schools in the UK.

### 2.1 Government / state-run child care facilities

Children who have been removed from their families for placement in alternative care are first put in “temporary child custody.” According to *Without Dreams*, temporary child custody is defined as an “arrangement to confine a child, made by a child guidance centre, after they are removed from their parents.” Once placed in temporary custody, the child is confined to a locked holding centre, with no option to leave for social or educational reasons. Due to the restrictive and potentially harmful nature of temporary custody, children are only legally allowed to be held in temporary custody facilities for two months.

However, there have been reports of children being in temporary custody for up to two years at a time. More often than not, children who are in temporary custody wind up being transferred to child care institutions. Data shows that 85% of children in alternative care in Japan are placed in institutional care, making it the most common and utilized form of care for children in the country. Notably, unlike many other countries Asia, Japanese institutional care facilities are largely funded and overseen by the government. With this in mind, the political inclination towards the provision of institutional care rather than family-based care becomes glaringly evident. Privately operated institutional care facilities that are funded by the Japanese government account for the vast majority of alternative care options in Japan.<sup>19</sup>

While most government run child care institutions are well kept, sanitary and relatively well staffed, there have also been reports of facilities with low hygiene levels and potential safety risks to children (i.e. exposed electrical wiring, confining spaces, etc.). After conducting extensive visits to institutional care centres across the country, the Humans Rights Watch reported two main concerns: child privacy and the overwhelming size of child care institutions. In 2011, the living space requirement for children in institutional care was raised to 4.95 meters. With this figure in mind, children in institutions are likely not provided with a sufficient amount of personal space, let alone privacy. This figure is especially concerning when compared to the relatively high number of children living in each institution. Most institutions are

home to at least 20 children, but there are upwards of 30 institutions in Japan that house over one hundred children – with some institutions housing over 150 children. Additionally, due to the size and demand of the institutions there tend not to be consistent staff members, thus making it even more difficult for institutionalized children to form bonds with caretakers.<sup>20</sup> Given the over-use of institutional care in Japan, some sources have even referred the entire sector as a form of child abuse. Institutionalized children are rarely offered the opportunity to be reintegrated into a family, as family-based care services are not popularized in Japan. Statistics show that there were only 544 adoptions processed in 2015, and a mere 10,200 foster families.<sup>21</sup>

Studies have also shown that Japanese child care institutions are not successfully preparing children and/or young adults for life outside of an institution. More often than not, those who leave the institution at 18 are not equipped with the skills required to attain a well-paying job or make living arrangements. In part, this may be due to a lack of educational and social services/programs made available to institutionalized children. Contrary to popular belief, children in Japanese institutions are not necessarily guaranteed access to education. Only 73 percent of children in alternative care in Tokyo graduate from high school. Even fewer young adults coming from institutional facilities continue their studies past high school. Sources claim that only 15 percent of young adults who grew up in institutions go on to attend university, vocational school or any other higher education programme(s).<sup>22</sup>

<sup>19</sup> Ibid. 5.

<sup>20</sup> Ibid. 5-6.

<sup>21</sup> Kim, Chang-Ran. “Japan revamps child welfare, but tens of thousands still institutionalized.” Reuters. June 28, 2016. Accessed April 29, 2017. <http://uk.reuters.com/article/us-japan-orphans-idUKKCNOZD2ZW>.

<sup>22</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 6. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).

2.2 Private child care facilities

Despite the fact that most, if not all, institutional child care centres in Japan are overseen and funded by the government, they tend to be privately owned establishments. As the Japanese care system currently stands, privately operated orphanages and children’s homes (referred to as *jidōyōgoshisetsu*) receive varying amounts of government funding depending on the number of children under the care of the institution. Unfortunately, this has proven to incentivise institutional child care facilities to care for as many children as possible at any given time - whether or not the institution has the capacity (living space, staff, etc.) to meet all of the children’s needs.<sup>23</sup>

Although there are a number of concerns regarding the country’s reliance on institutional care over family or community-based care, there are some institutional care facilities that have received positive publicity in recent years. Most of the orphanages and child guidance centres in Japan do not appear to have websites, but third party reviews and reports on various institutions are occasionally published. In 2016, The Economist released an article on Japanese orphanages. The article highlighted Hiroo Friends orphanage, claiming that it was one of the best orphanages in Tokyo. Reportedly, children under the care of Hiroo Friends are provided with their own rooms, access to public education near the vicinity of the orphanage, and a strong community of caretakers. Unlike many

of the institutions highlighted by the Without Dreams report, Hiroo Friends also has a caretaker to child ratio of nearly 1:1. However, the fact remains that regardless of the quality of care offered by institutions, the structure of the Japanese care system will likely prevent most children in institutional care from ever experiencing a family life.<sup>24</sup>

2.3 Non-profit & community child care facilities

The presence of non-profit child care and child protection organizations has rapidly decreased since the year 2000. The Japan International Cooperation Agency (JICA) and the Japan NGO Centre for International Cooperation (JANIC) have attributed this to the expansion of previously established NGOs and NPOs.<sup>25</sup> As of 2015, there are upwards of 50,000 NPOs operating in Japan.<sup>26</sup> At this juncture, it appears as though cross-sectoral collaboration is the priority amongst INGOs, NPOs and NGOs in Japan.<sup>27</sup> International organizations such as Humanium continue to work in Japan, although their focus is mainly the realization of children’s rights in Japan, versus the provision of community centres and social services for vulnerable children.<sup>28</sup> Because of Japan’s high standing economic status, it may be that international non-profit organizations consider policy development and child’s rights advocacy to be a more appropriate form of assistance.

Community services for families and children in need of assistance are often

provided by public and private agencies/ organizations across the country. Day care services tend to be a particularly important form of temporary institutional care for infants and children. Japan is currently experiencing what has been referred to as “day care crisis” by the Japan Times. With a large number of working mothers who are not able to care for their children during the workday, day care is in popular demand, and there are not enough certified facilities offering child care services. Due to the high demand for day care, the Japanese government has established a points-based system in order to provide families in need with prioritized access to community-based child care. The mother’s marital status, employment, income and health are taken into consideration throughout the process. After these factors are assessed, mothers are given a certain number of points based on their economic need for child care assistance. Mothers who are employed are often rejected by certified day care centres as their employment keeps them from qualifying for day care services. Some mothers have been rejected by over 10 day care facilities, effectively forcing them to quit their jobs in order to care for their children. This presents myriad problems for families in financial crisis and families wherein both parents must work in order to keep from falling under the poverty line.

In an effort to keep the day care system from failing mothers in need, the Japanese government has laid out

a series of strategies to help broaden access to community child care programs. However, deregulation lies at the centre of the Japanese government’s community child care development plans. The government has raised the maximum number of children allowed in any given facility for infants (under years old) to 22, without taking the effects of this change into consideration. In keeping with long term institutional care facilities in Japan, now community-based child care facilities also face difficulties with overpopulated day care centres. Day cares remain to be understaffed, as the wages for nursery and day care workers do not reflect the hard work required in order to care for over 20 toddlers at once. As a result, Japan now has understaffed, over-filled community centres for children, wherein the needs of the parents, the children and the caretakers cannot be properly met within the current bounds of the care system.<sup>29</sup>

A civic group has also reportedly attempted to set-up a baby hatch in Kobe, where unwanted newborns and babies can be abandoned. The baby hatch is scheduled to be established within a pre-existing maternity centre in Kobe. While some are in favour of the baby hatch, others have voiced concerns in regards to the facility’s medical practitioner’s expertise. The maternity centre has only hired midwives thus far, and there is not a licenced doctor on site. This is major concern, as medical practices can only be carried out by licenced physicians, and child protection agencies/groups are concerned that the establishment is not equipped to

meet the medical needs of newborn babies. Notably, this would not be the first baby hatch to be established in Japan. Another baby hatch was opened 10 years ago (2007) in a hospital in Kumamoto Prefecture. It is still unclear as to whether the civic group will be successful in establishing a baby hatch within the community.<sup>30</sup>

2.4 Faith-based child care facilities  
Research has yielded minimal information regarding the presence of faith-based child care organizations in Japan. Despite the fact that Shintoism and Buddhism is the predominant religion in the country, pagoda care does not appear to be a common form of alternative care for children. Sources also indicated that faith-based child care facilities are non-existence in Japan.

2.5 Are there any cartels/strategic alliances?

In times of crisis, such as the Great East Japan tsunami and earthquake in 2011, international organizations have partnered and/or formed alliances with both the Japanese government and Japanese organizations to provide relief. Following the 2011 earthquake and tsunami, Save the Children launched donation programmes in order to assist those who were affected by the crisis. As a part of their contribution to relief efforts in Japan, Save the Children promoted the need to further develop response systems in case of future emergencies.<sup>31</sup>

Aside from disaster relief alliances, there are a number of important partnerships and collaborative efforts between



Japanese organizations/foundations/ charities and international organizations, as well as corporations. In 2015, The Children’s Hospice Project (CHP), The Nippon Foundation, and UNIQLO CO., LTD. combined resources in order to establish the TSURUMI Children’s Hospice. Plans for the construction of TSURUMI were particularly cutting-edge in the Japanese social care sector, as it would be the first community-supported hospice for children in need of critical care (including life threatening conditions). The children’s hospice was also designed be open to the public, with services such as childcare and educational support offered through the establishment’s volunteer programme.<sup>32</sup>

<sup>23</sup> Ruble, Cynthia. “Japan’s Forgotten Children.” The Japan Daily Press. June 11, 2012. Accessed May 02, 2017. <http://japandailypress.com/japans-forgotten-children-113905/>.  
<sup>24</sup> “A new law will make it less absurdly hard to adopt orphans in Japan.” The Economist. June 17, 2016. Accessed May 02, 2017. <http://www.economist.com/news/asia/21700726-new-law-will-make-it-less-absurdly-hard-adopt-orphans-japan>.  
<sup>25</sup> “Japan NGO Centre for International Cooperation.” JANIC. 2016. Accessed May 03, 2017. <http://www.janic.org/en/data.html>.  
<sup>26</sup> “Nonprofits in Japan.” Japan NPO Center. 2017. Accessed August 12, 2017. <http://www.jnpoc.ne.jp/en/nonprofits-in-japan/>.  
<sup>27</sup> “Japan NGO Centre for International Cooperation.” JANIC. 2016. Accessed May 03, 2017. <http://www.janic.org/en/data.html>.  
<sup>28</sup> “Children of Japan.” Humanium Together for Children’s Rights. November 06, 2011. Accessed May 03, 2017. <http://www.humanium.org/en/asia-pacific/japan/>.

<sup>29</sup> Osaki, Tomohiro. “Day care crisis stuck in vicious cycle.” The Japan Times. April 17, 2016. Accessed May 03, 2017. <http://www.japantimes.co.jp/news/2016/04/17/national/day-care-crisis-stuck-vicious-cycle/#WRikZFN9635>.  
<sup>30</sup> “‘Baby hatch’ planned in Kobe, but city has reservations : The Asahi Shimbun.” The Asahi Shimbun. February 10, 2017. Accessed August 12, 2017. <http://www.asahi.com/ajw/articles/AJ201702100049.html>.  
<sup>31</sup> “Japan.” Save the Children. Accessed May 09, 2017. <http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6621121/k.B16C/Japan.htm>. Copyright 2017.  
<sup>32</sup> “Japan’s First Community-Supported Hospice for Children to Launch in Osaka.” Fast Retailing. June 03, 2015. Accessed May 04, 2017. <http://www.fastretailing.com/eng/sustainability/news/1503061430.html>.



politics of care .....

**3.1 What is the current political stance/approach to care?**  
It is difficult to provide an accurate assessment of the current political stance on care provision in Japan. While some sources claim that the Japanese government is committed to making policy reforms in alignment with the UNCRC, other sources point to a pattern of institutionalization that is deeply embedded in the Japanese alternative care system. In 2010, the Child Rights International Network (CRIN) published an analysis report on Japan’s compliance with the United Nations Convention on the Rights of the Child. Upon finding that Japan’s legal framework for child rights was underdeveloped, the CRIN unveiled the severity of the situation, stating: “the Japanese Government did not perceive a need to amend any legislation or enact new laws to bring Japan into compliance with the Convention on the Rights of the Child. Japan claims to use the Convention’s goals as a cornerstone for improving policy measures to protect children...Nevertheless, the Committee on the Rights of the Child (the “Committee”) views many of the Government’s efforts to be either half-hearted or even in contravention of the spirit of the agreement.” However, the CRIN’s critique of the Japanese alternative care system was released prior to the enactment of the amended Child Welfare Act (2016). The alternative care policy changes that have taken place in previous years appear to be less in sync with the policies dictated by the UNCRC. Whereas the most recent policy changes are centred on the need to reform the alternative care system in a manner that prioritizes adoption and foster care.<sup>33</sup>

**3.2 What is the social policy agenda and how advanced are developments?**  
- what policies exist and how important are they perceived within the country?  
On May 27th, 2016 an amended version of the Child Welfare Act was passed by the Japanese Diet. The Child Welfare Act was reformed in an effort to give family-based care legal priority over institutional care. Under Article 3.2 of the newly reformed Child Welfare Act, all children in the Japanese alternative care system are guaranteed life in a family setting. Being that the only forms of family-based care used in Japan are foster care and adoption, the law essentially states that all children in alternative care will either be adopted or placed in a foster family. The Child Welfare Act also stipulates that institutionalization will be used in cases where family-based care is deemed inappropriate. Amendments to the Child Welfare Act were implemented on April 1st, 2017, and there is currently no available information regarding the efficacy of the policy change(s).<sup>34</sup>  
  
Prior to the motion for amending the Child Welfare Act, the Japanese government promoted policy changes that would turn large-scale institutions into smaller-scale residential centres or children’s homes. The vast majority of this policy reform took place in 2011, and the list of reforms were treated as goals to attain within a ten year period. According to Without Dreams, a research report compiled by Human Rights Watch, the Japanese government set a goal to evenly distribute the weight of the child care system across three main forms of alternative care; institutional care, home-based institutional care and foster care. In an effort to prevent institutions from becoming over crowded, the maximum

capacity of child care institutions was legally changed to 45 children. Reportedly, some institutions carried out the changes required to fulfil the new alternative care policy. However, the proposed policy changes did not directly address the need to prioritize family-based care alternatives. The changes in policies for alternative care were seen more as a motion towards making institutional care facilities smaller, rather than making family-based options more available to those in need.<sup>35</sup>  
  
It appears as though the push for children’s rights and stronger child protection measures were significantly influenced by the Act on Promotion of Development and Support for Children and Young People (2009). In 2010, one year after the Act was enacted, the Headquarters for Promotion of Development and Support for Children and Young People released a document titled Vision for Children and Young People. Three priority issues were highlighted in the Vision for Children and Young People, including the need to: (1) Assist children and young people to learn how to live active and happy lives (2) Support children, young people and their families facing difficulties (3) Develop various supporters to implement measures at the local level. Ultimately, the Vision for Children and Young People was meant to serve as a guideline for child rights and child protection policy revision. However, the document did not address the need for substantial reform to the alternative care system. While topics such as the need for stronger caregiver training programs were addressed by the Vision for Children and Young People, the document does not contain information regarding over-institutionalization.<sup>36</sup>

child protection .....



The Law on Child Abuse Prevention (2000) states that there are four categories of child abuse: neglect, physical abuse, psychological abuse and sexual abuse. The Law on Child Abuse Prevention also dictates that any third party witness to child abuse is legally required to file a report. In comparison to previous years, the recent number of reported child abuse cases has risen drastically.  
  
For the year 2013, there were a total of 73,765 cases of child abuse reported. This was the first time that the number of abuse cases had exceeded 70,000 in Japan. In an article published by The Japan Times, one source stated that Japan is “decades behind other countries in codifying legislation to prevent parents from abusing their children.” This is mainly attributed to the fact that public discussion of child abuse has historically been considered taboo in Japan. Until 1990, the Japanese government did not keep a record of the child abuse cases that were processed through the country’s Child Consultation Centres. Moreover, there was no legislation in place to prevent child abuse from occurring until 2000. With these factors in mind, the recent spike in recorded child abuse cases may in fact point to a significant shift in the public and private discourse about child abuse. While the number of reported abuse cases is staggeringly high, it shows that increasingly more people are reporting child abuse.<sup>38</sup>

<sup>33</sup> “JAPAN: Child Rights under Japanese Law.” CRIN. February 11, 2010. Accessed May 02, 2017. <https://www.crin.org/en/library/publications/japan-child-rights-under-japanese-law>.  
<sup>36</sup> Vision for Children and Young People. Headquarters for Promotion of Development and Support for Children and Young People, 2010. i. [http://www.youthpolicy.org/national/Japan\\_2010\\_Youth\\_Policy\\_Vision.pdf](http://www.youthpolicy.org/national/Japan_2010_Youth_Policy_Vision.pdf).  
<sup>37</sup> Ito, Masami. “Waking up to child abuse.” The Japan Times. September 13, 2014. Accessed May 02, 2017. <http://www.japantimes.co.jp/life/2014/09/13/lifestyle/waking-child-abuse/#.WQ9gZ1N96Rs>.

<sup>38</sup> Ibid.

Child care institutions have the potential to be highly dangerous environments for infants, children and young adults. Although the reporting mechanisms made available to children in institutional care are somewhat effective, cases of physical and sexual abuse of children often go unreported. According to the reports, child abuse that takes place within institutional care centres is often perpetuated by both caregivers and other children/young adults.<sup>39</sup> However, child abuse also takes place in the children’s homes, amongst family members. Some orphanages in Japan are particularly aware of the abusive environments that the children in their care have come from. For example, Nonohana-No-ie orphanage claims that seventy percent of the children (between 2 and 18 years old) in the institution are victims of child abuse. Unfortunately, such high numbers of institutionalization due to abusive home environments are not limited to Nonohana-No-ie orphanage.<sup>40</sup> An estimated 85% of children in Japanese orphanages are victims of physical and/or sexual abuse.<sup>41</sup> In this sense, for some vulnerable children an orphanage is a safe place of refuge, while for others it may be the source of their experience with violence and abuse.

Due to significant child protection policy reform between 2000 and 2009, reports claim that the number of physical abuse (by adults) cases within institutions has dropped substantially. However, some sources have voiced their concern

regarding the legitimacy of the published number of institutional abuse cases. Multiple news sources and international child care/protection organizations have pointed to the lack of a reliable reporting mechanism for children who have experienced abuse. With these factors in mind, data concerning the number of child abuse incidents in institutions may also be unreliable.<sup>42</sup>

Harassment amongst children has also been reported as one of the main child protection concerns in institutional facilities. Younger children are often bullied by the older children/young adults in the institution, creating a cycle of abuse amongst the children. While the abuse that takes place between institutionalized children tends to be physical, there are also reports of sexual harassment and rape. Again, there is no official data available to represent the number of children who experience sexual and/or physical abuse at the hands of other children within the institution, because the reporting mechanism is inefficient. Moreover, some children and young adults who were interviewed about their experience(s) in institutional care stated that caretakers did not report abuse amongst children when they witnessed it. One girl who had been abused by other children in institutional care recalled the shame she felt in having to report her experience. Ultimately, she felt that the institution should have been responsible for noticing and reporting abuse, rather than indirectly forcing her

to describe traumatic experiences to the caretakers.<sup>43</sup> Institutionalized children in Japan have a tendency to associate abandonment with worthlessness, which may be a catalyst for abuse and bullying amongst children. Some care takers have even reported hearing institutionalized children refer to themselves as ‘*suterareta ko*’ and ‘*iranai ko*’, which directly translates to abandoned and worthless.<sup>44</sup>

The use of institutional care as a first resort has also been cited as a child protection concern. Research has yielded that the vast majority of infants (under 2 years old) who are put into the alternative care system wind up in an institution. Very little effort is made to place infants in foster caring or adoption situations, which is done in blatant violation of the UNCRC. Statistics from 2011 show that only 301 (15 percent) of the 2,032 infants in alternative care were placed in foster families. The rest of the infants in need of alternative care were placed in institutional care facilities across the country.<sup>45</sup>

## workforce for care . . . . .

### 4.1 Who/ which agencies are offering social work qualifications?

The professionalization of social work began to develop in Japan in the early 1920s. In 1955, the Japan Association of Schools of Social Work was founded as a voluntary organization. According to the Japanese Society for the Study of Social Welfare, The Japan Association of Schools of Social Work was established through the collaborative efforts of 17 schools across Japan. Despite the fact that social work was perceived as a profession as early as the 20s, the Laws for Social Workers and Care Workers were only instated in 1987. Over time, The Japan Association of Schools of Social Work has grown to include 148 four-year universities, 13 two-year colleges, and 8 vocational schools. There are also 271 membership schools established by the Japanese Association of Certified Social Workers. All official social work programs, curricula and social workers receive their certification from the Japanese Certification Board for Certified Social Workers.<sup>46</sup>

In addition to the aforementioned social work associations, the Children’s Rainbow Centre provides social workers with professional training, professional counselling, research activities and expert advice/information. As a part of their training program, the Children’s Rainbow Centre has established a nationwide network of social work specialists. Collaboration and communication amongst professionals

within this network has cultivated an environment in which new, relevant information is constantly being exchanged. The Children’s Rainbow Centre also works with child guidance centres across the country. According to their website, the Children’s Rainbow Centre has developed projects to ensure that child guidance centres provide vulnerable children with counselling and consultation services (over the phone or in person).<sup>47</sup>

### 4.2 Is there an association/ accreditation body for the social workers?

The Japanese Association of Certified Social Workers (JACSW) was established in 1993 for the purpose of standardizing social work across the country. There is a JACSW unit in every prefecture of Japan, making a total of 47 JACSW units. The formation of JACSW also lead to the establishment of ethical standards for practice. Members of the JACSW are considered to be certified social workers, and they are required to abide by the Code of Ethics of Social Work. In order to maintain up-to-date standards and practices, the JACSW provides its members with lifelong training and self-study programmes.<sup>48</sup> The JACSW does not specify as to whether aspiring social workers can obtain their licence through the association. However, there are 271 membership schools operated by the association.<sup>49</sup>

According to the JACSW website, certified social workers primarily assist the following groups: the elderly, disabled persons, children, people in need of economic support/assistance, hospitals (mainly patients) and communities.<sup>50</sup>

### 4.3. How is the social work profession perceived in the country?

Publicly accessible information concerning the cultural perception of social work is not available. Field experts from within the Japanese child care system have stated that the social work, particularly as a profession, remains to be controversial. The national equivalent to social workers would be *shakai fukushi shi*, which translated to “social welfare personnel.” Still, the role assumed by *shakai fukushi shi* are not always regarded as social work. At times, other professionals i.e. lawyers are likely engaged in advocating for children’s rights instead. It was further noted that *shakai fukushi shi* are hardly involved in developing the quality of family-based alternative care provisions.

<sup>39</sup> “Japan: Children in Institutions Denied Family Life.” Human Rights Watch. May 01, 2014. Accessed May 07, 2017. <https://www.hrw.org/news/2014/05/01/japan-children-institutions-denied-family-life>  
<sup>40</sup> Lah, Kyung. “Japan sees alarming rise in child abuse.” CNN. February 15, 2011. Accessed May 07, 2017. <http://edition.cnn.com/2011/WORLD/asiapcf/02/14/japan.child.abuse/>.  
<sup>41</sup> Ambrose, Drew. “Japan’s throwaway children.” Japan’s throwaway children - Al Jazeera English. October 03, 2014. Accessed May 07, 2017. <http://www.aljazeera.com/programmes/101east/2014/09/japan-throwaway-children-20149299271732632.html>.  
<sup>42</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 25-26. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).  
<sup>43</sup> Ibid. 26-27.  
<sup>44</sup> Hernon, Matthew. “Adoption in Japan: The Children Left Behind | News & Views.” Tokyo Weekender. May 09, 2015. Accessed August 12, 2017. <http://www.tokyoweekender.com/2015/05/adoption-in-japan-the-children-left-behind/>.  
<sup>45</sup> Ibid. 28-29.

<sup>48</sup> “About Certified Social Workers.” The Japanese Association of Certified Social Workers. Accessed May 04, 2017. [https://www.jacsw.or.jp/16\\_FooterLinks/English.html](https://www.jacsw.or.jp/16_FooterLinks/English.html).  
<sup>49</sup> “Social Welfare/Work Education.” Japanese Society for the Study of Social Welfare. Accessed May 04, 2017. <http://www.jssw.jp/english/social.html>.  
Copyright 2014  
<sup>50</sup> “About Certified Social Workers.” The Japanese Association of Certified Social Workers. Accessed May 04, 2017. [https://www.jacsw.or.jp/16\\_FooterLinks/English.html](https://www.jacsw.or.jp/16_FooterLinks/English.html).



# alternative care

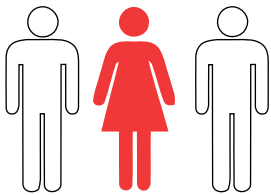
There are varying definitions of alternative care used by data collectors, news networks, journalists and research organizations. The clearest breakdown of the various forms of alternative care used in Japan is provided by the Human Rights Watch report, *Without Dreams*. Alternative care is defined in the report as:

“Care provided for children whom the government determines do not have biological parents or original caregivers who can care for them appropriately.

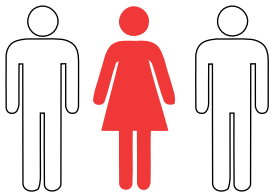
According to Human Rights Watch, the definition of alternative care in Japan includes the use of child care institutions, infant care institutions, short-term therapeutic institutions, foster families, foster family group homes, and group homes for independent living (for young adults aged 15-19).<sup>51</sup>

| Terms                                    | Definition  |
|--|---|
| Adoptive (registered) Foster Parents     | Foster parents who ultimately wish to adopt a child.  |
| Alternative Care                         | Care provided for children whom the government determines do not have biological parents or original caregivers who can care for them appropriately.  |
| Child Care Institution                   | Institution for children, except for infants, until they graduate from high school, or are 15 or older and leave the education system.  |
| Child Guidance Centre                    | Office operating under a prefecture-level government or an ordinance-designated city that is tasked with improving the wellbeing of individual children.  |
| Foster Family Group Home (Family Home)   | Residential setting under the alternative care system designed to provide family-based care for five to six children.   |
| Group Home for Independent Living        | Residential setting for 15 to 19 year olds who have left the education system and been released from an alternative care institution or other care facilities, and for persons within that age group whom the prefecture governor determines need continued support.  |
| Infant Care Institution                  | Institution in the alternative care system for new-borns and infants.   |
| Kinship-based (registered) Foster Parent | A foster parent who is a relative within the third degree of consanguinity of the child, such as grandparents and older brothers and sisters, but not uncles and aunts.   |
| Short-term Therapeutic Institution       | Institution for children who face difficulties in daily life because of emotional or behavioural problems and who need psychological care.  |
| Specialized (registered) Foster Parents  | Foster parents for children whom the government determines need specialized care, including children who have faced traumatic experiences caused by mental and/or physical abuse; children who have come into conflict with the law; and children who are determined to have physical intellectual or developmental disabilities or mental health problems. |
| Temporary Custody                        | Arrangement to confine a child, made by a child guidance centre, after they are removed from their parents. <sup>52</sup>   |

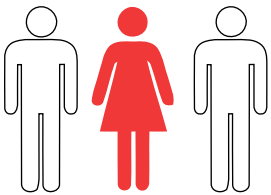
## Statistics of children in alternative care



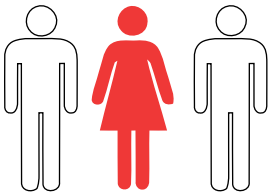
**Total number of children in alternative care (total)**  
The reported number of children in alternative care has varied drastically. Based on the most recently conducted government survey of welfare institutions and foster placement, there are approximately 48,000 children in alternative care in Japan (2013).<sup>53</sup>



**Total number of children in institutional care**  
When the government survey was last conducted in 2013, the reported number of children in orphanages was 29,979.<sup>54</sup> Since the 2013 survey was released, an updated figure has not been published.



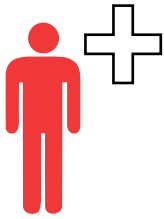
**Total number of children in foster care**  
The current number of children in foster care is not available. In 2013, there were 4,578 children living with foster parents, plus an additional 829 children in foster family group homes.<sup>55</sup>



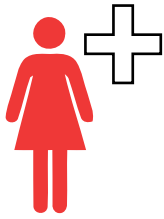
**Total number of children in kinship care**  
Data unavailable.



**Legal age of leaving care**  
Young adults tend to leave child care institutions between the ages of 15 and 18. However, young adults can transfer from child care institutions to group homes for independent living (targeted at youths between 15 and 19). Compared to child care institutions, group homes for independent living have a low enrolment rate. In 2013, there were 430 young adults living in group homes.<sup>56</sup>



**Total number of males in care**  
Data unavailable.



**Total number of females in care**  
Data unavailable.

<sup>51</sup> “Without Dreams.” Human Rights Watch. May 01, 2015. Accessed May 09, 2017. <https://www.hrw.org/report/2014/05/01/without-dreams/children-alternative-care-japan#d422ed>.

<sup>52</sup> “Without Dreams.” Human Rights Watch. May 01, 2015. Accessed May 09, 2017. <https://www.hrw.org/report/2014/05/01/without-dreams/children-alternative-care-japan#d422ed>.

<sup>53</sup> “No. of long-term orphanage residents on the rise.” Japan Today. January 22, 2015. Accessed May 01, 2017. <https://japantoday.com/category/national/no-of-long-term-orphanage-resident-on-the-rise>.

<sup>54</sup> “No. of long-term orphanage residents on the rise.” Japan Today. January 22, 2015. Accessed May 01, 2017. <https://japantoday.com/category/national/no-of-long-term-orphanage-resident-on-the-rise>.

<sup>55</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 16. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).

<sup>56</sup> Ibid.



# structure of care for children & young persons with disabilities .....

While there does not appear to be a division under the Equal Employment, Children and Families Bureau that specializes in social care for children with disabilities, there is a separate government unit within the Ministry that is devoted to meeting the needs of persons with disabilities. The Department of Health and Welfare for Persons with Disabilities acts as the main unit concerned with both physical and mental disabilities. In keeping with the Equal Employment, Children and Families Bureau, the Department is further organized into a series of divisions that are designed to meet a wide range of needs, spanning social welfare for persons with disabilities to policy reform units. Under the Department, there are three divisions: the Policy Planning Division, the Welfare Division for Persons with Disabilities, and the Mental Health and Disability Health Division.<sup>57</sup> Notably, none of these divisions are directly concerned with providing social care for children with disabilities. Given the fact that approximately 25 percent of the children living in institutional care in Japan have some form of disability (mental and/or physical),<sup>58</sup> there appears to be a need for a government unit that is primarily concerned with meeting the needs of children with disabilities.

Upon entering the Japanese alternative care system, children with disabilities are often placed in short-term care facilities called “therapeutic institutions.” There are 38 therapeutic institutions across Japan, all of which are established for the purpose of treating children with emotional and behavioural issues. Once placed in a therapeutic institution,

the child may be removed from his/her familiar surroundings, peers, family members and community. While most of the therapeutic institutions primarily offer residential (inpatient) treatment, some institutions also offer non-residential care. In 2013, approximately 1,300 children were living in therapeutic institutions.<sup>59</sup>

The National Rehabilitation Centre for Children with Disabilities is considered to be one of the more established centres for children who suffer from various forms of disability. The Centre is comprised of four sections, each of which cater to different needs depending on the type and severity of the disability. Firstly, the Seishi-Ryogoen Institute is designed to meet the needs of children with physical disabilities. The institute is comprised of three wards: there is a ward for orthopaedic surgery and postoperative therapy, a ward for brain damage nursing and rehabilitation care, and a third ward for mothers who have children with severe disabilities. The National Rehabilitation Centre also has another institute titled Murasaki-Aiikuen, which acts as a residential care facility for children, young people and adults with disabilities. According to the Centre, the mean age of those living in the institute is around 40 years old. It is unclear as to whether disabled children and adults share the same rooms/living space in residential care. The third institute under the National Rehabilitation Centre for Children with Disabilities is Gairai-Ryouikubu, a division that is broken down into multiple

medical clinics (orthopaedic, paediatric, neuropsychiatric, dental, urology and otolaryngology). The final component of the centre is a training section that offers the staff postgraduate courses on working with disabled persons. Medical costs, including rehabilitation services, are only partly covered by Japanese insurance schemes. Patients in both inpatient and outpatient programs are expected to pay approximately 20-30 percent of their medical bills.<sup>60</sup>

Sources have highlighted a wide range of problematic trends in institutional care provision for children with disabilities in Japan. In some cases, children with disabilities are placed in institutional care settings that openly prevent them from leaving the premises, even to attend school. It is also common for children with disabilities to be sent to educational centres that are exclusively for children with disabilities, effectively removing the children from their community(ies) and familiar surroundings. While this may not be the case for a majority of the child care institutions for children with disabilities, there does appear to be an overarching child rights concern pertaining to the enforcement of inclusive education.<sup>61</sup>



<sup>57</sup> Organizational Chart of the Ministry of Health, Labour and Welfare. 2016. <http://www.mhlw.go.jp/english/org/detail/dl/organigram.pdf>  
<sup>58</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 5. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).  
<sup>59</sup> Ibid. 38.  
<sup>60</sup> “Introduction of Japan Disabled Children Centre.” National Rehabilitation Centre for Children with Disabilities. Accessed May 01, 2017. <https://www.ryouiku-net.com/introduction/english.html>.  
<sup>61</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 5. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).



# family based care

## 6.1 What is the definition of family-based care? How is it defined? Is there emphasis on/priority given to it?

Research has not yielded a formal definition of family-based care that is specific to the Japanese alternative care system. In Japan, the term “family-based care” refers mainly to foster care and adoption. Prior to the recent amendment of the Child Welfare Law (2016) the Japanese government placed almost no emphasis on the need to develop family-based care. Since amendments to the Child Welfare Law were made, there has been slightly more emphasis on family-based care. Plans to de-institutionalize the Japanese alternative care system are now in place. The government has announced that the current goal for family-based care development is to transfer one third of the children who are in institutional care to family-based care by 2029.<sup>62</sup>

## 6.2 Is there a need for family based service? Justify answer; what indicators suggest this?

With approximately 40,000 children in institutional care centres across Japan, there is an evident need for family-based services. The child’s right to a family has not been respected or upheld by the Japanese alternative care system.<sup>63</sup> As a result, tens of thousands of children are placed in institutional care with only a small chance of being adopted or placed in foster care. In fact, data shows that less than 1% of children in alternative care in Japan are

in the foster care system. Unfortunately, even fewer children are granted the opportunity to be adopted by a family. This phenomenon is due in part to the Japanese legal system, which allows birth parents to maintain legal ties to their child(ren) even after they have been placed in the alternative care system. This inevitably prevents the child from having the option to reintegrate into a family setting, and likely results in the child remaining in institutional care for an average of 5 years (or more). Countless studies have proven that there is a direct correlation between institutionalization and attachment disorders in infants and young children. Developmental delay and neuro atrophy have also been associated with institutionalization. With these factors in mind, the mass institutionalization of vulnerable children is not only in violation of their right to a family, it also poses severe threats to the child(ren)’s health.

Family-based care in the form of preventative services is also an area in need of further development. Recent reports have shown that approximately 1 out of 6 children in Japan are living below the poverty line. This statistic ultimately highlights a larger issue at hand: families are not provided with the financial and psycho-social support they require. Single mothers are particularly failed by the social welfare system, as the maximum amount of monthly financial assistance (for the

first child) currently rests at 42,000 JPY (approximately USD369). After the first child is accounted for, the government only provides single mothers with 5,000Y (approximately USD44) per additional child. Moreover, in order to be eligible for the welfare programme, single mothers must make less than 570,000 JPY (approximately USD5,000) per year. At this time, there are an estimated 1.24 million households in Japan that are headed by single mothers. Based on these figures, the welfare system may even be causing mothers and/or families in economic hardship to place their children in institutional care, as the government does not offer a realistic financial aid plan for family preservation.<sup>64</sup>

## 6.3 Is there poor practice or short-fall of service? Are standards very high; is the sector strong? If there is a need; then why? – Short-falls come from; Govt/Private/NGO?

Research has yielded minimal information on the practice of family-based care service(s) in Japan. Thou it was reported that family-based care services are poor throughout the country. In particular, foster care practices/services are highlighted as being underdeveloped. As the family-based alternative care system currently stands, there are only a few organizations offering foster care services.

## 6.4 If there is a need; then is this politically and professionally acknowledged? Or is the need resented and concealed?

The recent changes in the Child Welfare Act and call for action for provincial government to increase the percentage of children being place in foster care by 75% by 2020 is clear indication of shift towards deinstitutionalization of the child care system. Notably, reforms on out-of-home care have been initiated past few years by former minister of Ministry of Health, Labour and Welfare (MHLW), Mr. Yasuhisa Shiozaki and is MHLW current priority in introducing fostering agencies nationwide.

## 6.5 Where is family-based care provided from?

Under Japan’s current alternative care system, all forms of family based care (including adoption, general foster care, special foster care, and foster family group homes) are provided through CGCs.

## 6.6 What model(s) of family based care is used?

**Family strengthening i.e. preventing admission into institutional care**  
Research has yielded no specific programmes or services pertaining to the provisions.

## Family assistance i.e. family tracing / reintegration / reunification etc

Family reunification is generally handled by CGCs and institutional care facilities. Experts in the Japanese system for alternative care of children have reported that upwards of 50% of all placements into baby homes ultimately result in family reunification.

## Kinship care

Kinship care is seldom used as a form of alternative care in Japan, despite the fact that the country’s legal framework has been in favour of kinship care dating back to the establishment of the Civil Code (1896). Under Article 730 of the Civil Code, families/relatives are legally obligated to provide one another with support in times of need (or when other family members are not able to help). There is some debate as to whether the legal incentive to provide kinship care has damaged the potential for kinship care to become incorporated in the social welfare system. Initially, families in kinship caring situations were dissuaded from applying for financial support from the government.<sup>65</sup>

Article 730 of the Civil Code has since been superseded, but large-scale crisis and natural disasters such as Tohoku have resulted in an increase of kinship caring arrangements in Japan. Data shows that 240 children lost one or

both parents during the Tohoku disaster. Most of the families affected by the disaster were located in rural parts of Japan, where it is not uncommon for residents to have close contact with extended family networks. Due to the circumstances, kinship care was encouraged by local communities as well as the Japanese government. In an effort to provide survivors of the disaster with assistance, the government immediately launched kinship care programs. Participants in government run kinship care programs were also encouraged to apply for financial assistance.<sup>66</sup>

While kinship care has been established as a form of family-based care in Japan, recent statistics show that it is rarely used, with only 103 families enrolled in the programme in 2012. In this sense, Japan has laid out the framework for kinship care as a form of alternative care for children, but it has not been fully adopted by the Japanese welfare system as of yet.<sup>67</sup> Presumably, kinship care is mainly carried out in an informal manner, hence the lack of information and data on the subject.

<sup>62</sup> Kim, Chang-Ran. “Japan Revamps Child Welfare, Pushes for Increased Foster Care.” The Wire. June 28, 2016. Accessed May 03, 2017. <https://thewire.in/46630/japan-rewamps-child-welfare-pushes-for-increased-foster-care/>.  
<sup>63</sup> “Supporting Children’s Entitlement to Family-Based Care.” Nippon.com. May 16, 2016. Accessed May 09, 2017. <http://www.nippon.com/en/people/e00095/>.  
<sup>64</sup> Brasor, Philip, and Masako Tsubuku. “No relief in sight for Japan’s poor single-parent families.” The Japan Times. November 07, 2015. Accessed May 09, 2017. <http://www.japantimes.co.jp/news/2015/11/07/business/no-r-lief-sight-japans-poor-single-parent-families/#.WRIOv1N9634>.

<sup>65</sup> Kadosaga, Tomoko. “Child maltreatment in Japan.” Journal of Social Work (JSW), 2014, 14-15. <http://journals.sagepub.com/doi/abs/10.1177/1468017314537424>.  
<sup>66</sup> Ibid.  
<sup>67</sup> Ibid.

Foster care

In Japan, foster care is divided into 3 categories: foster parents, adoptive (registered) foster parents and foster family homes. Adoptive foster parents are define as foster parents who wish to adopt the child under their care. Compared to other alternative care practices, adoptive fostering is somewhat uncommon, with only 17 percent of the country’s foster parents wishing to permanently adopt the child(ren) under their care. The lack of interest in adoptive fostering may be due to the fact that foster parents lose their monthly subsidy of 72,000 JPY (approximately USD660) once they become adoptive parents.<sup>68</sup> Foster families are described as being a more temporary form of alternative care, while foster family homes are best described as small-scale children’s homes (six children or less). Foster family homes are said to be used in the earlier stages of a child’s placement in the alternative care system, as children are put in family homes as a form of protective custody. The term “foster family” can refer to a wide range of foster placement situations, and thus requires a more in depth definition. According to the Journal of Social Work, the term “foster family” includes:

- (1) foster parents, who provide care in their homes;
- (2) professional foster parents, who are trained to provide care for severely maltreated and special needs children;
- (3) prospective adoptive families, with whom a child is placed during adoptive proceedings, and
- (4) kinship foster parents, who provide care for a child to whom they are biologically related. The most common kinship foster placement is with a grandparent.<sup>69</sup>

The use of foster care as a form of alternative care for children is relatively uncommon in Japan, especially in comparison to the use of institutional care facilities such as orphanages. Statistics from 2012 show that there were 5,407 children placed in foster care or “semi foster” settings. In comparison to statistics from 1999, which show that only 2,122 children were in foster care at the time, the use of family-based care is on the rise. However, the transition from a system that is primarily reliant on institutional care to a system that prioritizes the use of family-based care has been quite slow. After almost 20 years of developments in the alternative care sector, less than 15 percent of the children in the Japanese alternative care system are placed in foster families.<sup>70</sup>

The legal framework for foster carers and foster children is also relatively undeveloped. After being assigned a foster child by a child consultation centre (or a child guidance centre), foster parents assume responsibility for the child without establishing any form of legal relationship to him/her. It is assumed that the child will be reunited with his/her family once he/she turns 18, and therefore no legal bonds are made. Foster parents are also granted fairly generous sums of money on a monthly basis. Research shows that the average child-rearing allowance is

approximately 100,000 JPY per month, in addition to a variety of other child-caring stipends that foster parents may qualify for. Despite the overwhelming need for foster families, there is a notable shortage of couples/families who are willing to take in foster children.<sup>71</sup>

The International Foster Care Alliance (IFCA) has taken the aforementioned issues with the Japanese foster care system into consideration, and strives further develop the foster care system by means of connecting youth, caregivers and professionals overseas. In short, IFCA is a relatively small non-profit organization that operates with the intention of facilitating cross-cultural conversations about the welfare system, with special emphasis on foster care.<sup>72</sup> Part of the organization’s website is dedicated to providing the public with information regarding the foster care system in Japan. According to IFCA, one of the main reasons for Japanese parents’ disinterest in cultivating the foster care system is that there is an overarching fear of being replaced by foster families. Japanese law allows parents to maintain legal ties to their children while they are in foster care and/or institutional care, which preserves the possibility of reunification. However, it also keeps children in alternative care from establishing personal and legal bonds with their caregivers. IFCA suggests that parents who have placed their children in institutional care do not want their children to be transferred to a foster care setting, as it may influence the child’s desire to return to their biological family once they have reached 18 (the

legal age of leaving care).<sup>73</sup>

Since 2010, Key Assets has operated as a registered non-profit corporation in Japan. As of 2016, Key Assets had established foster care and training contracts in Tokyo, Osaka, Kawasaki and Sikai. Having worked with some of the leading statutory and non-statutory child care specialists in Japan, Key Assets is recognized as one of the pioneers of fostering services in Japan. Key Assets’ services include emergency and long term foster care, respite, standard and complex foster placement assistance, specialist consultancy and resourcing services, as well as bespoke care packages.

Notably, Key Assets facilitated the first foster care placement with a non-government agency in Japan. The child placed into foster care by Key Assets was previously living in a residential care facility, and she is now living with a loving family and engaging with the surrounding community. In the years to come, Key Assets hopes to establish a framework for independent foster care services in Japan, in order to ensure than the child’s right to a family is protected and respected in accordance with the UNCRC. With support from the Nippon Foundation, and the newly signed contract with Osaka, Key Assets will be providing foster care placement services for children of all ages (from birth to age 18). Thus far, Key Assets Japan has provided fostering support services to upwards of 190 families. Services such as foster carer recruitment and foster parent training are also offered by Key Assets Japan.

Adoption

There are two types of adoption in Japan: regular and special adoption. Regular adoptions do not require ties between the biological parent and the child to be severed. Special adoptions (for children under 6 only) were only recently instated by the Japanese government in an effort to make inter-country adoption possible within the Japanese legal system. A special adoption severs the child’s ties, rights, and privileges with regard to the birth parent(s) and any prior adoptive parent(s). The child must be under the age of six at the time the adoption petition is filed or under the age of eight and must have been placed under the continuous care and custody of the prospective adoptive parents since before the child’s sixth birthday. All persons with legal custody of the child, including the natural and adoptive parents, must consent to the adoption. But consent by persons without legal custody is not necessary. A birth parent may not have legal custody of their child if they are “unable to declare [his or her] intention or where there is cruel treatment, malicious desertion by the father and mother, or any other cause seriously harmful to the benefits of a person to be adopted” under the Civil Code, Article 817-5, 6.

Many adoption cases are considered to be a private affair in which the State should not be involved. There are few formal, state managed procedures in place to support or promote adoption. Usually, adoption applications are brought by the adoptive parents themselves, and any formal support is

provided by NGO’s or receiving country authorities. Also the adoptions usually require the involvement of the family court, except in cases where a child is adopted by a grandparent/spouse of a parent as stated in the Civil Code Article 798.

Although Japan is not party to the Hague Adoption Convention, prospective adoptive parents can apply to adopt a child from Japan if they are deemed eligible by the U.S. government. Ultimately, intercountry adoption between the U.S. and Japan is largely determined by Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).<sup>74</sup> For both international and domestic adoption cases, the family court must grant permission for the child to be adopted. Children under the age of 15 are also required to obtain the consent of their parent(s) or a legal representative in order to finalize the adoption, as they are not yet legally permitted to give consent.<sup>75</sup> The cost of foreign adoptions is estimated by the US State Department to cost approximately USD20,000 including court fees, adoption agency costs, immigration processing and document translation and authentications. It is noted that adoption service provider fees can range from USD5,000-50,000 and so the choice of adoption provider can affect the total fees.

In keeping with institutional care and foster care, adoption placement is mainly orchestrated by CGCs. However, CGCs continue to place vulnerable children in institutions rather than

<sup>68</sup> “Without Dreams.” Human Rights Watch. May 01, 2015. Accessed May 09, 2017. <https://www.hrw.org/report/2014/05/01/without-dreams/children-alternative-care-japan#d422ed>.

<sup>69</sup> Kadosaga, Tomoko. “Child maltreatment in Japan.” Journal of Social Work (JSW), 2014, 12-13. <http://journals.sagepub.com/doi/abs/10.1177/1468017314537424>.

<sup>70</sup> Osaki, Tomohiro. “Foster parent shortage takes growing toll on children.” The Japan Times. August 07, 2014. Accessed May 06, 2017. <http://www.japantimes.co.jp/news/2014/08/07/national/foster-parent-shortage-takes-growing-toll-children/#.WRG6bFN9634>.

<sup>71</sup> Ibid.

<sup>72</sup> “IFCA’s Mission.” International Foster Care Alliance. Accessed May 09, 2017. <http://www.ifcaseattle.org/>.

<sup>73</sup> “Current Status of Japanese Foster Parents.” International Foster Care Alliance. August 27, 2015. Accessed May 09, 2017. <http://www.ifcaseattle.org/news/all/215/>.

<sup>74</sup> “Japan Adoption Requirements.” Adopt.com. Accessed May 09, 2017. <http://adopt.com/japan/>.

<sup>75</sup> Without Dreams: Children in Alternative Care in Japan. Report. Human Rights Watch, 2016. 23. [https://www.hrw.org/sites/default/files/reports/japan0514\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/japan0514_ForUpload_0.pdf).





family-based care settings. The MHLW survey highlighted that 29,399 children were living in orphanages in 2012. More than 7,000 couples applied to adopt or become foster parents every year between 2006 and 2010, however only 309 children were adopted in 2010, according to ministry figures. This number stands in contrast to the 127 adoptions that were facilitated by private agencies during the same year.<sup>76</sup> Thousands of minors live in children’s homes in Japan, but cultural and legal barriers seem to impact on the extent to which many of these children can be adopted.

A number of factors, including a cumbersome process, lack of awareness, social stigma (attached to caring for someone who is not of the same bloodline) and the need for the consent of a child’s legal guardian keep the number of child adoptions low. It was further noted that not all children in orphanages or children’s homes are eligible for adoption. Birth parents may have placed their child (ren) temporarily in an orphanage or children’s home due to difficulties and some may be able to be reintegrated. Despite the limitations of the adoption system, it appears to be the most permanent form of family-based care made available to Japanese children in the alternative care system.

**Guardianship**  
Research has not yielded information concerning the use of guardianship care in Japan. Sources involved in field research have confirmed that guardianship care is not available/used in Japan.



## legal considerations .....

Information pertaining to the process of registering a child care facility, agency or organization in Japan is minimal. Thou, it was noted that institutional care facilities must obtain a special status called *Shakai Fukushi Hojin* in order to operate. Institutions cannot reach this status without first registering and receiving approval. However, there is no available information concerning the application process for obtaining proper registration.

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<sup>76</sup> Ibid.

**National Laws, Policies, Regulations, Codes Etc.**

Civil Code  
Child Maltreatment Prevention Act  
Child Welfare Act

**International Treaties/Acts/Conventions**

International Covenant on Civil and Political Rights  
Convention on the Elimination of all Forms of  
Discrimination against Women  
Convention on the Rights of the Child (UNCRC)  
Convention concerning Minimum Age for Admission to Employment  
Optional Protocol to the CRC on Involvement of Children  
in Armed Conflict  
Optional Protocol to the CRC on the Sale of Children,  
Child Prostitution and Child Pornography  
Convention concerning the Prohibition and Immediate Action  
for the Elimination of the Worst Forms of Child Labour

Enacted 1896, amended 1954  
Enacted 1933  
Enacted 1947, amended in 1997, 2001, 2003,  
2004, 2008, 2014,2016

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# Japan

