### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party’s attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18), respect for the views of the child (para. 22), corporal punishment (para. 26), children deprived of a family environment (para. 29), reproductive and mental health (para. 35) and juvenile justice (para. 45).

### C. General principles (arts. 2, 3, 6 and 12)

#### Best interests of the child

19. The Committee notes that the right of the child to have his or her best interests taken as a primary consideration is not appropriately integrated and consistently interpreted and applied, particularly in education, alternative care, family disputes and juvenile justice, and that the judicial, administrative and legislative bodies do not take into account the best interests of the child in all decisions relevant to children. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party establish compulsory processes for ex ante and ex post impact assessments of all laws and policies relevant to children. It also recommends...
that a best-interests-of-the-child assessment always be carried out in individual cases concerning the child by a multidisciplinary team with the obligatory participation of the concerned child.

### Respect for the views of the child

21. While noting that the 2016 amendments to the Child Welfare Act refer to respect for the views of the child, and that the Domestic Relations Case Procedure Act consolidates the provisions concerning the child’s participation in such proceedings, the Committee remains seriously concerned that the right of children to express their views freely in all matters affecting them is not respected.

22. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the State party to assure to any child who is able to form views the right to freely express those views, without age limitations, in all matters affecting the child, and that due weight be given to the child’s views, while providing safeguards against intimidation and punishment of a child. It further recommends that the State party provide an environment that enables the child to exercise her or his right to be heard and actively promote meaningful and empowered participation of all children in the family, schools, alternative care and health and medical settings, judicial and administrative proceedings concerning them and the local community, and on all relevant issues, including environmental matters.

### E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

#### Corporal punishment

25. The Committee notes that corporal punishment in schools is prohibited by law. However, it is seriously concerned that:

...  
(b) Corporal punishment in the home and in alternative care settings is not fully prohibited by law;  
...
26. Bearing in mind its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recalls its previous recommendation (CRC/C/JPN/CO/3, para. 48) and urges the State party to:
   (a) Explicitly and fully prohibit all corporal punishment, however light, in law, particularly in the Child Abuse Prevention Act and the Civil Code, in all settings, including in the home, in alternative care and day-care settings and in penal institutions;

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

27. The Committee recommends that the State party take all necessary measures, supported with adequate human, technical and financial resources, to:
   (a) Support and strengthen families, including by facilitating an appropriate balance between work and family life, and provide sufficient social assistance, psychosocial support and guidance to families in need, inter alia, to prevent abandonment and institutionalization of children;
   (b) Revise the legislation regulating parent-child relations after divorce in order to allow for shared custody of children when it is in the child’s best interests, including for foreign parents, and ensure that the right of the child to maintain personal relations and direct contact with his or her non-resident parent can be exercised on a regular basis;
   (c) Strengthen law enforcement of court orders in domestic disputes, for instance on child maintenance;

Children deprived of a family environment
28. The Committee notes the 2016 amendment to the Child Welfare Act, which introduced the principle of family-based care, and the endorsement of the New Vision for Alternative Care and the Role of Society in Child Well-being in 2017, which states that children younger than 6 years old should not be institutionalized. However, the Committee is seriously concerned that:
(a) A reportedly high number of children are removed from the family and that children may be removed from their family without a court order and can be placed in child guidance centres for up to two months;
(b) A large number of children are still placed in institutions with inadequate standards and reported incidences of abuse of children, and without external monitoring and evaluation mechanisms;
(c) There is allegedly a strong financial incentive for the child guidance centres to receive more children;
(d) Foster parents do not receive comprehensive support, adequate training and monitoring;
(e) Children placed in institutions are deprived of their right to keep contact with their biological parents;
(f) Child guidance centres are not clearly instructed to bring cases to family court when the biological parents oppose the child’s removal or when their decision on the child’s placement is against the best interests of the child.

29. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children, the Committee urges the State party to:
(a) Introduce a mandatory judicial review for determining whether a child should be removed from the family, set up clear criteria for removal of the child and ensure that children are separated from their parents as a measure of last resort only, when it is necessary for their protection and in their best interests, after hearing the child and its parents;
(b) Ensure the prompt and effective enforcement of the “New Vision for Alternative Care and the Role of Society in Child Well-being” with clear timelines, prompt deinstitutionalization of children starting with those younger than 6 years old and the establishment of fostering agencies;
(c) Abolish the practice of temporary custody of children in child guidance centres;
(d) Prevent, investigate and prosecute those responsible for child abuse in alternative care settings, ensure periodic independent external review of the placement of children in foster care and institutional settings, such as child guidance centres, and monitor the quality of care therein,
including by providing accessible and safe channels for reporting, monitoring and remedying maltreatment of children;
(e) Redirect financial resources from institutions to family-like settings, such as foster families, and strengthen the municipal capacity to implement deinstitutionalization and simultaneously strengthen family-based arrangements, ensuring that all foster parents receive comprehensive support, adequate training and monitoring;
(f) Amend the Foster Parent Placement Guidelines to clearly instruct child guidance centres to bring cases to family court when the biological parents’ decision on their children’s placement is against their children’s best interests.

**Adoption**

30. The Committee recommends that the State party:
   (a) Ensure that all adoptions, including those by a lineal relative of the person or the guardian, are subject to judicial authorization and are in accordance with the best interests of the child;
   (b) Maintain a registry of all adopted children and set up a central authority for intercountry adoption;
   (c) Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

**Illicit transfer and non-return**

31. The Committee recommends that the State party take all necessary efforts to prevent and combat illicit transfer and non-return of children, harmonize its legislation with the Hague Convention on the Civil Aspects of International Child Abduction and ensure the proper and expeditious implementation of judicial decisions on the return of children and contact rights. It also recommends that the State party strengthen dialogue and consultation with relevant countries, notably those with which the State party has signed an agreement regarding custody or visitation rights.

I. **Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**
Asylum-seeking, migrant and refugee children

42. Recalling its joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee on the Rights of the Child recalls its previous concluding observation (CRC/C/JPN/CO/3, para. 78) and recommends that the State party:

... 
(b) Establish a legal framework to prevent asylum-seeking parents being detained and separated from their children;
(c) Take immediate measures, including through the establishment of a formal mechanism, to prevent the detention of unaccompanied or separated asylum-seeking or migrant children, ensure the immediate release of all such children from immigration detention facilities and provide them with shelter, appropriate care and access to education;

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ICCRP  International Covenant on Civil and Political Rights
ICESCR  International Covenant on Economic, Social and Cultural Rights
OPAC to CRC  Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
UN  United Nations
UPR  Universal Periodic Review