

JAPAN

Follow-up - State Reporting Action by States parties

CRC, Japan, comments on concluding observations, as received 13 July 2010

[advance unedited version, UN symbol number not available]

1. Procedures

(1) Regarding the concluding observations of the Committee on the reports of the Government of Japan, after its advanced unedited version was sent to the Permanent Mission of Japan by the Secretariat prior to its publication in the afternoon of the 11th of June, the Mission conveyed to the Secretariat some comments about misconceptions or misunderstanding of facts in the concluding observations. On the same day, the concluding observations of the Committee, where some of the comments of the Government of Japan were reflected, were published on the Internet. However, the Government of Japan regrets that a different version with some new paragraphs (Paragraphs 23, 28, 73, 75, and so forth of CRC/C/JPN/CO/3), which were not in the version of the 11th of June was published, without giving the State Party an opportunity to look over the factual errors. The Government of Japan would also like to draw the attention of the Committee to the fact that the new paragraphs are beyond technical revision, and that some media reported only a part of the newly inserted paragraphs.

(2) Furthermore, the Government of Japan regrettably has to question the credibility of the concluding observations, given the fact that some of factual errors in the unedited version, which the Japanese Government pointed out, were not reflected in the published version, such as inaccurate names of legislation, terms, and dates (paragraph 18 of CRC/C/JPN/CO/3, paragraphs 6, 7 and 13 of CRC/C/OPAC/JPN/CO/1, and paragraphs 20 and 21 of CRC/C/OPSC/JPN/CO/1).

2. Contents

Concerning some aspects pointed out in the concluding observations, the Government of Japan conveys to the Committee the following comments on the measures and the views regarding the implementation of the Convention on the Rights of the Child.

(1) Concluding observations on the report on the Convention on the Rights of the Child

- Paragraph 33

Regarding the concern that Article 5 of the Basic Act on Education, which referred to the promotion of gender equality, has been removed, the Government of Japan expresses its views as follows:

The aim of the article of the Basic Act on Education prior to revision, which provides that co-education shall be recognized in education, has been widely understood and practiced in Japan in the 60 years since its enactment. However, because gender equality in society has not been fully realized, and in order to realize a gender-equal society where both men and women mutually respect each other's rights, share responsibilities, and are able to exercise their personalities and abilities regardless of gender, it is important to develop, through education, abilities and talents, which are necessary for building a more affluent society with mutual respect and men and women working together. Based on that, "gender equality" is particularly provided for in Article 2 of the revised Basic Act on Education as one of the essential objectives required to carry out education in Japan. The Committee's concern is based on a misunderstanding.

· Paragraphs 72 and 73

Most of the schools for foreigners which are approved as "miscellaneous schools" are actually subsidized by municipal governments. Furthermore, regarding the Committee's concerns that graduates from these schools may not be eligible for entrance examinations to universities and colleges in Japan, anyone who has completed secondary school, or who has the equivalent academic ability, is eligible to sit for university entrance examinations, regardless of nationality. As for graduates from schools for foreigners, anyone who meets the following criteria is eligible to sit for university entrance examinations:

- 1) Those having graduated from a school for foreigners in Japan that is recognized by the home country as having a course of study equivalent to upper secondary school
- 2) Those having completed 12 years of course of study at a school for foreigners approved by an international accreditation organization
- 3) Those who are recognized as having academic ability equivalent or greater to those having graduated from an upper secondary school, through individual entrance qualification assessment conducted by universities.

Thus, the Committee's concern is based on a misunderstanding.

· Paragraphs 74 and 75 (newly added)

Under the Textbook Authorization System, which is applied to textbooks used in elementary schools, lower secondary schools, and upper secondary schools, the Government is not positioned to decide a certain perception of history or historical events. It is the Textbook Authorization Research Council, composed of academics and others from outside the government, which points out shortcomings, such as obvious errors and grossly unbalanced descriptions, of textbooks produced and edited by private enterprises against objective academic findings and other appropriate materials at the time of the examination. The examination is carried out in accordance with the Basic Act on Education, which aims, among other things, at nurturing an attitude of respect for other countries and contributing to peace and the development

of the international community, as well as the Ministry's guidelines for textbook authorization which contain guidelines prescribing that necessary consideration should be given in light of international understanding and international cooperation with neighboring Asian countries. Therefore, the Committee's concern that Japanese history textbooks do not enhance the mutual understanding of children from different countries as they represent only a Japanese interpretation of historical events only is misplaced.

Through the proper implementation of history education, the Government of Japan is making efforts to deepen understanding of Japan and the world, and to enhance the mutual understanding and trust with other countries including the neighboring countries.

- Paragraph 77

Regarding the Committee's concern at "the widespread practice of detaining children seeking asylum, even in the absence of allegations of criminal activity", children seeking asylum are unlikely to be detained without grounds for deportation, which are counted among criminal activities. Also, with regard to "the widespread practice", detaining such children is limited to only unavoidable cases. Therefore, the Committee's concern is based on a misunderstanding of the facts.

- Paragraph 83

In paragraph 83 "pretrial detention" should be corrected as "protective detention", because that is clearly different concept from "pretrial detention" in paragraph 84 or 85(g).

- Paragraph 89

The third periodic report and the written replies to the list of issues were made available through the Internet to the public both in English and Japanese right after they were submitted to the Committee. Thus, the Government of Japan already has taken the necessary measures.

(2) Concluding observations on the report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

- Paragraph 9

The Committee invites the State Party to provide information on the socio-economic backgrounds of individuals being recruited into the Youth Cadets in its next periodic report under the Convention. However, the Ministry of Defense abolished the recruitment of Youth Cadets in April 2009 and cannot provide the information requested.

- Paragraph 19

The initial periodic report and the written replies to the list of issues were made available through the Internet to the public both in English and Japanese right after they were submitted to the Committee. Thus, the Government of Japan already has taken the necessary measures.

(3) Concluding observations on the report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution

· Paragraph 45

The initial periodic report and the written replies to the list of issues were made available through the Internet to the public both in English and Japanese right after they were submitted to the Committee. Thus, the Government of Japan already has taken the necessary measures.