BRIEFING ON JAPAN FOR THE HUMAN RIGHTS COMMITTEE, 111th session (Jul 2014)

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Note: This briefing supplements the briefing submitted to the Country Report Task Force in August 2013 in light of the Government’s response to the List of Issues adopted by the Human Rights Committee.

In light of articles 7, 23 and 24 of the International Covenant on Civil and Political Rights, the consensus under international human rights law that corporal punishment of children should be prohibited, the recommendations of the UN Secretary General’s Study on Violence against Children, the repeated recommendations to Japan by treaty monitoring bodies and during the UPR, (accepted by the Government) and the current legality of corporal punishment in Japan as described in the previous briefing from the Global Initiative, we hope the Human Rights Committee will:

- raise the issue of prohibition of corporal punishment of children in its examination of Japan, and
- recommend that all corporal punishment of children be prohibited in all settings, including the home, as a matter of urgency.

1 The written replies of Japan to the Human Rights Committee

1.1 In its List of Issues for Japan, the Human Rights Committee asks for updated information on measures taken to explicitly prohibit corporal punishment in the home and all other settings.¹ The Government’s written reply asserts that the Act on the Prevention, etc. of Child Abuse prohibits child abuse “from which it can be interpreted that corporal punishment in the home is also included”.² It then briefly describes measures to address child abuse before describing in more detail efforts to eradicate corporal punishment in schools.³

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¹ [November 2013], CCPR/C/JPN/Q/6 Advance Unedited Version, List of issues, Q27
² [6 March 2014], CCPR/C/JPN/Q/6/Add.1 Advance Unedited Version, Reply to list of issues, para. 276
³ ibid., paras. 277-284
2 Comments from the Global Initiative

2.1 In our previous briefing to the Human Rights Committee, submitted in August 2013, we described the legality of corporal punishment of children in Japan, in particular the fact that it is not prohibited in the home, alternative care settings, day care or penal institutions. We offer the following comments on the Government’s response to the list of issues.

2.2 The Government’s assertion that legislation prohibiting “child abuse” necessarily prohibits corporal punishment in the home is misleading. There is no evidence that laws against child abuse are interpreted as prohibiting all forms of corporal punishment without exception. Indeed, when reporting to the UPR in 2012, the Government stated that the Child Abuse Prevention Law protects children from corporal punishment which is abusive but also confirmed that criminal law punishes only punishes corporal punishment which “exceeds reasonable current social standards”.

2.3 It is encouraging that Japan has twice accepted recommendations made during the UPR – in 2008 and 2012 – to prohibit corporal punishment in all settings. We hope the Human Rights Committee will remind the Government that this requires further law reform and recommend that all corporal punishment, without exception, be prohibited as a matter of priority.

Supplementary briefing prepared by the Global Initiative to End All Corporal Punishment of Children

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June 2014

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4 6 August 2012, A/HRC/WG.6/14/JPN/1, National report to the UPR, paras. 50 and 51