

Geneva, 14 October 2022

Dear Distinguished members of the UN Human Rights Committee,

The NGOs of the CGC victims present in this review process of Japan ardently welcome the statements made by Honourable Vice President of the UN Human Rights Committee, Ms. Vasilka Sancin yesterday.

To the statements, unfortunately, the Japanese delegate from the Ministry of Health, Labour and Welfare (Japanese delegate hereafter) responds only in general terms and hiding many concrete hard facts which are detrimental to the best interest of the child.

We would therefore like to explain the real situation around the CGC based on our first-hand experience of our human rights having infringed by the Child Guidance Centre and by the policies of the Japanese government.

Introduction of judicial review into the process of coercive removal of children by the Child Guidance Centre

In response to the Ms. Sancin, the Japanese delegate replied that Japan has amended the Child Welfare Act (CWA) to introduce ‘judicial review’ to the removal process. However, this NEVER solves the issue.

The Paragraph 29(a) of the 2019 Concluding Observation of UN Committee of the Rights of the Child issued the following urgent recommendation (the subscript numbers correspond to the reasons below):

Introduce a mandatory judicial review ¹ for determining whether a child should be removed from the family ², set up clear criteria for removal ³ of the child and ensure that children are separated from their parents as a measure of last resort only ⁴, when it is necessary for their protection and in their best interests ⁵, after hearing the child and its parents ⁶.

The ‘judicial review’ in form of ‘temporary custody warrant’ to be introduced by the amendment of Child Welfare Act (CWA) never fulfils the requirements in the urgent recommendation for the following reasons:

1. It is not mandatory review; but applies ONLY to the family which explicitly refuses the removal to the Child Guidance Centre (CGC).
2. Although the records of ‘abuse’ that the CGC prepare are often

fabricated, the 'judicial review' is done under the *fait accompli* made by the CGC. The court conducts with the child already detained in the CGC. The child and parents themselves do not appear in court, thus the will of the child cannot be confirmed by the family.

3. With the child detained, the CGC often forces a confession to the parents to admit that they have 'abused' if they want their children back, taking advantage of the absence of any clear criteria of 'abuse'. This current practice of using children detained in the CGC as 'hostages' remains unchanged.
4. Whether the removal is the last resort or not does not constitute a part of consideration in the 'judicial review'.
5. Currently child is removed from his/her family only by suspicion of 'abuse'. Thus the 'judicial review' can hardly prove that it is in the 'best interests of the child'.
6. Parents are not to be heard in the 'judicial review' process.

The current method of detaining children without respect for the will of all the parties concerned by the CGC alone on its own initiative is therefore a gross violation of human rights. Innocent parents should never be allowed to be falsely accused as abusers on uncertain grounds.

The 'judicial review' that the Japanese government is to introduce never satisfies the international human right norms as set up the United Nations.

Financial Incentive of the CGC for Removal of Child from Families

The Japanese delegate admitted that the annual budget of CGC is allocated based on the unit custody allowance multiplied by the estimated number of children to be removed for that year; although the delegate claimed that this is never 'financial incentive'.

The Japanese delegate, however, intentionally hides the well-known behaviour of Japanese bureaucrats making every effort to use up the budget once it is allocated. If any surplus remains at the end of the fiscal year due to slack performance, less budget is to be allocated in the following year, which is detrimental to the bureaucrats. In this logic of Japanese bureaucracy, the CGC employee, who are local bureaucrats, therefore remove children from their families up to the number estimated in the budget, which is always on the

increase every year.

This is also attested by the fact that many alternative care facilities (ACF) being privately run, the budget for ‘expenses necessary for the protection of children in child welfare facilities, etc.’ amounts to JPY 131.6 billion, or constituting as much as **82%** of the total annual budget allocated for ‘child abuse prevention’, i.e. JPY 160.7 billion in the current fiscal year. Japanese ‘child abuse prevention’ is almost identical to financially fulfil the incentives of these vested interests.

A Third-Party Surveillance Committee to Investigate the Activity of the CGC

This was proposed by Ms. Sancin toward the end of the meeting of 13 October. In view of the need of transparency in the current human-right infringing operation of the CGC, this could be an ideal solution to the issue.

However, in order for it to be effective, the third-party surveillance committee needs to be **TOTALLY INDEPNDENT** of the Ministry of Health, Labour and Welfare or existing Child Guidance Centre. A considerable portion (preferably more than half) of the members of the surveillance committee should be chosen from the past victims of the CGC or from the executive members of the NGOs representing the CGC victims.

Another, perhaps more realistic, solution could be to transform the family courts and other judicial bodies more firmly independent and impartial, with all the collusions with the CGC liquidated and proper training of the international human right laws given, thus make the judiciary body assume the function of surveillance over the Child Guidance Centre under due respect of human rights.

Yours faithfully,

The Representatives of:

Association of Bridging Child Consultation Centers and Parents and Children (ABCPC)

The Concerned Japanese Citizens for the Rights of the Child to Eradicate Child Guidance Centre Sufferings (JCREC)

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