



Human Rights Council

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Submission on:

The Situation on the Rights of the Child in Japan

Submitted by:

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(NGO in Consultative Status with ECOSOC)

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I. Introduction

1. This stakeholder's report is a submission of the Istituto Internazionale Maria Ausiliatrice - IIMA. The report highlights key concerns related to the **Rights of the Child** in Japan in the following areas: the **right to education, corporal punishment against children and human rights of the children of Fukushima**. Each section conveys recommendations to the Swiss Government.

2. The data and information obtained for this submission has come from various sources and includes information from IIMA's members in Japan, in particular in the cities of Nagasaki, Oita, Osaka, Tokyo, and Yokohama where they interviewed children attending public and private schools and their families, teachers, educators, psychologists and civil society members. All information concerns the period from January 2009 to April 2012.

3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 93 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

4. This NGO appreciates the measures taken by the Japanese government in improving the implementation of the international treaties of which it is part at a national level and in particular welcomes the establishment of its Headquarters to Promote Reform of the System for Persons with Disabilities that was established in December 2009 in order to promote measures for persons with disabilities.

5. Furthermore IIMA notes with appreciation the adoption of the Act on Promotion of Development and Support for Children and Young People in April 2010 even if it does not cover the full scope of the Convention on the Rights of the Child nor guarantee child rights and still lacks a comprehensive child rights law .

6. Finally, IIMA welcomes the amendment, in 2010, of the Fundamental Law on Education that states that the purpose of education is the full development of the person.

I. Right to education

Public school

7. IIMA appreciates Japan's efforts in the field of education. In fact, Japan has one of the world's best-educated populations, with 100% enrollment in compulsory grades and zero illiteracy. While not compulsory, high school (koukou) enrollment is over 96% nationwide and nearly 100% in the cities. The high school drop out rate is about 2%. About 46% of all high school graduates go on to university or junior college.

8. Despite the performance of this system, the Japanese educational system is affected by several problems.

9. First, the Japanese **educational system is too competitive and does not encourage creativity** among the students due to the regulation of university entrance examination criteria which does not depend on the students' performance in high school but on the result from the entrance examinations. This leads to an overemphasis on memorization in the high school curriculum. Students are very busy learning specific techniques, sacrificing time for other activities such as class discussions, presentations, or experiments, which are supposed to help students learn to explore, express their opinions, and think analytically. By removing all of these important activities, the Japanese educational system prevents students from developing creativity. IIMA also remains concerned about the excessively competitive and stressful nature of all levels of education, which results in school absence, illness, and even suicide by students. Furthermore, this school environment may contribute to bullying, mental disorders, truancy, and drop-outs.

10. Second, **students do not have much freedom**. One reason for this is the number of assignments and examinations in high schools. For example, in the third year of high school, students have at least one exam every week, so they hardly have any free time. They spend almost all their holidays attending supplementary classes. Another reason is the class size. Suburban schools tend to be large with student populations ranging from around 700 to over 1,000 pupils, while remote rural schools (19% of schools) can be single-class schools. Japanese high schools usually have approximately 35-40 students with only one teacher per class. These class sizes are too large for the teacher to pay attention to each student, so some students cannot get the help that they need. In particular, students with learning difficulties do not receive special help.

11. Third, **Japanese education rejects individual differences**. The Ministry of Education plans a fixed national curriculum avoiding any form of flexibility and foreseeing the same speed for every student, independently of his or her personal capabilities. This goes along with the overall tendency of the society towards conformity.

12. Finally, the Japanese educational system creates the **lack of a vision for the future among students**. One of the main causes is the pressure from teachers. For each high school, the percentage of students entering university, especially prestigious ones, directly influences the school's reputation. The more students that go to prestigious universities, the better image the high school will enjoy. Therefore, more students will apply to that high school. As a result, teachers push students to aim for prestigious universities rather than focusing on their career goals. These pressures from teachers, strongly supported by parents and society, make students unable to develop a clear vision of their desired future.

Private school

13. Japan has one of the largest systems of private higher education in the world. About 5.7% of Japanese students attend private middle schools. The main reasons why parents

choose such schools are the high priority on academic achievement or because they wish to take their children out of the high school selection process since such schools allow their students direct entry into their affiliated high schools, and often into the affiliated universities.

14. Furthermore, in order to pass entrance exams to the best institutions, many students decide to attend private afterschool study sessions (*juku* or *gakken*) that take place after regular classes in public school, and/or special private preparation institutions for one to two years between high school and university (*yobiko*). These schools are very intensive and it is common for students to study until 10 p.m. This factor causes students to have hardly any free time to balance their life.

Discrimination in education

15. IIMA notes that in Japan children belonging to vulnerable groups are still victim to discrimination especially in entering the highest levels of education and/or passing the entrance examination for the most prestigious universities in the country.

16. Societal discrimination persists against children belonging to ethnic minorities, children of non-Japanese nationality, children of migrant workers, refugee children and children with disabilities.

17. In particular, the government is unable to deal with the education of non-Japanese children or with the re-integration of returnee Japanese children who have spent time overseas. These pupils often get bullied for being considered “different”.

18. As well, studies in Chinese, North Korean or other countries’ schools within Japan are not recognized and these students receive unequal treatment with regard to access to higher education.

19. IIMA appreciates the efforts of the Japanese government in implementing minorities’ rights; nevertheless discrimination in the field of education persists also against all minority groups in Japanese society, including the Buraku people, the people of Okinawa and the indigenous Ainu. Discrimination persists also in the fields of employment and housing.

20. Finally, IIMA notes that despite several laws and measures adopted by the Japanese government in favor of children with disabilities, deep-rooted discrimination still exists especially in the access to public schools where they continue to have limited access due to lack of political will and financial resources for the necessary equipment and facilities as well as adequate programs.

21. Children with disabilities are generally educated in special schools. Actually, Japan numbers 70 schools for the deaf (*rougakko*); 107 for the blind (*mougakko*); 790 for those

with other disabilities (*yougogakko*). However, the number of these schools is considered to be inadequate compared to the total number of disabled children in the country.

22. IIMA encourages the Japanese government to:

a) Undertake a comprehensive review of the educational system taking into consideration academic excellence and child-centred promotion of capacities and focus the review in particular on the frequent excessively competitive and stressful nature of all levels of education, which impact students' well-being.

b) Increase support to vulnerable children and ensure that access to university and college entrance examinations are non-discriminatory.

c) Guarantee the children's right to rest, leisure and cultural activities and support initiatives which promote and facilitate children's play-time and other self-organized activities in public places, schools, children institutions and at home.

d) Ensure the flexibility of school curricula, programs and teaching materials in order to encourage creativity, freedom, individual differences and to guarantee children's vision of the future.

e) Recognize minority schools that comply with the national education curriculum, and recognize the schools not requiring certificates for university entrance examination qualifications.

f) Introduce mother-tongue instruction in the official curricula of public schools enrolling a significant number of pupils belonging to linguistic minorities.

23. Moreover, IIMA strongly encourages Japan to:

g) Take the necessary measures, including awareness-raising campaigns and human-rights education, to reduce and prevent discriminatory practices, particularly against girls, children belonging to ethnic minorities, children of non-Japanese origin and children with disabilities and to ensure their equal access to all services

h) Make every effort to provide programmes and services for children with disabilities with adequate human and financial resources; equip public schools with the necessary facilities in order to guarantee the inclusive education of disabled children and ensure their free choice between regular schools and special needs schools according to their best interests. Finally, provide training for professional staff working with children with disabilities, such as teachers, social workers, health, medical, therapeutic and care personnel.

II. Corporal punishment

24. IIMA remains concerned about the fact that despite Article 11 of Japan's School Education Law which strictly prohibits corporal punishment and promotes positive and non-violent forms of discipline, this prohibition is not effectively implemented because on the other hand, Article 822 of the Japanese Civil Code stipulates that a person who exercises parental authority may discipline a child to the extent deemed necessary. Furthermore, corporal punishment in the home and in alternative care settings is not expressly prohibited by law and in particular, the Civil Code and the Child Abuse Prevention Law allow the use of appropriate discipline and are unclear as to the admissibility of corporal punishment.

25. IIMA recommends Japan to:

a) Explicitly prohibit corporal punishment and all forms of degrading treatment of children in all settings by law, including the home and alternative care settings;

b) Undertake communications programmes, including campaigns, to educate families, teachers, and other professionals working with and for children on alternative, non-violent forms of discipline.

III. Human Rights of the Children of Fukushima

26. After the Great East Japan Earthquake and the Fukushima Daiichi Nuclear Disaster in 2011, Japan was exposed to an enormous amount of radioactivity released from the destroyed nuclear reactors. Many people in Fukushima were evacuated, while many others, living in the 20-kilometer exclusion zone around the damaged Fukushima Daiichi nuclear power plant, continue to live in fear of nuclear pollution.

27. The International Atomic Energy Agency has developed nuclear safety standards that set individual radiation exposure at one millisievert per year. Japan adopted that standard and it applies to all regions in the country except for Fukushima. In fact, on April 19, 2011, following the Fukushima nuclear accident, the Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT) raised the safety standard from one millisievert per year to 20 millisieverts per year. This standard applies to adults, children and pregnant women alike.

28. IIMA is seriously concerned about this directive that raises the permissible limit of the level of radiation exposure to as high as 20mSv/year for adults working at nuclear power plants. In fact, several experts affirmed that children and pregnant women are much more vulnerable to radiation exposure than adults, and fetuses are even more vulnerable.

29. IIMA denounces the attitude of the Japanese government in underestimating this critical situation. In particular, we criticize some information campaigns promoted immediately after the disaster aimed at reducing the concern about the radiation exposure to children.

30. Moreover, IIMA notes the lack of monitoring of radiation levels by government authorities in the Fukushima prefecture, especially in schools, as shown by the fact that elementary and junior high schools in the Fukushima prefecture commenced the new semester on 5 April 2011 without proper decontamination and in spite of the greater health risks and vulnerability of children to radiation. Their exposure to unhealthy levels of radiation places them at higher risks of cancer and other medical conditions, including death.

31. IIMA considers that insufficient efforts have been made to thoroughly decontaminate children's schools, homes and playgrounds. In fact, measurements of radiation in Fukushima schools, carried out by parents, are so high that if the schools were governed by Japan's workplace laws, children would not even be permitted to enter the facilities.

32. IIMA notes that in this specific situation Japan is violating several children's rights, including the right to survive, the right to achieve the highest attainable standard of health and the right to non-discrimination.

33. In order to guarantee children's rights IIMA urges Japan to:

a) Extend the International Atomic Energy Agency's nuclear safety standards to the Fukushima prefecture as currently applied in all other regions in the country.

b) Promote and disseminate realistic and updated studies concerning the impact of radiation on children and pregnant women and take appropriate measures, even new evacuations, to guarantee children's and pregnant women's lives.

c) Monitor radiation levels in schools and carry out the proper decontamination, beginning with those places most frequently occupied by children and pregnant women.

34. IIMA recognizes that the international community should assist Japan in handling this nuclear disaster. In fact, the international community should:

d) Provide financial and technical support to decontaminate the region effectively.

e) Share global expertise and resources to contain the radiation emanating from the nuclear plant.