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**JAPAN**

**CHILDREN'S RIGHTS**

*Executive Summary*

*Japan is a signatory of many international conventions which aim to protect the rights of children. There are various domestic laws to promote children's well-being. Almost all children in Japan are covered by health care insurance. Families with small children which do not have a high income level can receive an allowance from the government. Local governments support pregnant women's and infants' health and give advice to them. Schools also provide health examinations. Parents are obliged to have their children attend primary and secondary schools for nine years. The government provides this mandatory education free of charge. There are provisions which punish acts that harm children, both in special laws and in the Criminal Code. There is a juvenile justice system which is separated from the normal criminal justice system.*

**I. Introduction**

This report lists the international treaties to which Japan is a signatory in the field of children's rights. It presents a summary of the relevant legislation concerning children's rights, including child health and social welfare, child education, child labor and exploitation, the sale and trafficking of children, and juvenile justice.

**II. Implementation of International Rights of the Child**

Japan has ratified the following conventions:

- the U.N. Convention on the Rights of the Child 1989 (CRC);<sup>1</sup>
- the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography;<sup>2</sup>
- the Optional Protocol to the CRC on Involvement of Children in Armed Conflict;<sup>3</sup>
- the International Covenant on Civil and Political Rights;<sup>4</sup>
- the International Covenant on Economic, Social and Cultural Rights;<sup>5</sup>
- the Convention on the Elimination of all Forms of Discrimination against Women;<sup>6</sup>

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<sup>1</sup> Convention on the Rights of the Child, Treaty No. 2 of 1994 .

<sup>2</sup> Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, Treaty No. 2 of 2005.

<sup>3</sup> Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict, Treaty No. 10 of 2004.

<sup>4</sup> International Covenant on Civil and Political Rights, Treaty No. 7 of 1979.

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, Treaty No. 6 of 1979.

- the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;<sup>7</sup> and
- the Convention concerning Minimum Age for Admission to Employment.<sup>8</sup>

Japan has not signed the following conventions:

- the Hague Convention on the Civil Aspects of International Child Abduction;<sup>9</sup>
- the Hague Convention on the Protection of Children in Intercountry Adoption;<sup>10</sup>
- the Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions;<sup>11</sup> or
- the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.<sup>12</sup>

### III. Child Health and Social Welfare

Japan has a system of universal health coverage. Almost all residents in Japan are covered by health insurance.<sup>13</sup> Patients can choose to visit any licensed health care providers. Working-age adults and children over three years old pay, in general, thirty percent of the cost of treatment. Infants under three years old may pay twenty percent of it. Seniors who are seventy years old or older pay ten or twenty percent of it, depending on their income.<sup>14</sup> Japan has a system to support pregnant women and infants. The Mother and Child Health Law obliges municipal governments to provide counseling service for pregnant women, their spouses, and parents or custodians of infants.<sup>15</sup> When the municipal government deems it necessary, it may dispatch a medical doctor, health care officer, or midwife to a family with a newborn.<sup>16</sup> The municipal government must arrange health examinations for children whose ages are between one and one-half and two years old and between three and four years old.<sup>17</sup>

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<sup>6</sup> Convention on the Elimination of all Forms of Discrimination against Women, Treaty No. 26 of 1985.

<sup>7</sup> Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Treaty No 182 of 2001.

<sup>8</sup> Convention concerning Minimum Age for Admission to Employment, Treaty No. 5 of 2000.

<sup>9</sup> Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11,670, 1343 U.N.T.S. 89 (1980).

<sup>10</sup> Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, May 29, 1993, 32 I.L.M. 1134 (1993).

<sup>11</sup> Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions, Nov. 15, 1965.

<sup>12</sup> Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, Oct. 19, 1996, 35 I.L.M. 1391 (1996).

<sup>13</sup> Kokumin kenkō hoken hō [National Health Insurance Law], Law No. 192 of 1958, *as amended*, arts. 5 and 6.

<sup>14</sup> *Id.* art. 42; and Kenkō hoken hō [Employee Health Insurance Law], Law No. 70 of 1922, *as amended*, art. 74.

<sup>15</sup> Boshi hoken hō [Mother and Child Law], Law No. 141 of 1965, *as amended*, arts. 9 and 10.

<sup>16</sup> *Id.* art. 11.

<sup>17</sup> *Id.* art. 12.

Local governments also give advice to parents with premature babies.<sup>18</sup> If a family with a premature baby has financial difficulties, the local government may lend the family money for the infant.<sup>19</sup> The mortality rates in Japan for infants and children under five years of age are one of the world's lowest.<sup>20</sup> Schools also take care of children's health. Schools must implement measures to maintain and enhance school children's health and conduct health check-ups.<sup>21</sup> The education committee of the local government must arrange health checks for children before they enter elementary school at the age of six.<sup>22</sup> Schools subsequently conduct annual health check-ups for their students.<sup>23</sup>

Based on the Child Welfare Law, anyone who finds a child who needs protection must report it to the local government's welfare office or child guidance center.<sup>24</sup> Concerning child abuse, the Child Abuse Prevention Law obliges teachers, medical practitioners, and child welfare officers to make an effort to detect child abuse cases early.<sup>25</sup> These offices will investigate the situation of the child. If necessary, the local government sends the child to a child guidance center for medical, psychological, or other examinations.<sup>26</sup> The local government may give a warning to the child or its parents or guardian, place the child or its parents or guardian under the guidance of a welfare worker, or place the child under foster care, or in one of various child welfare facilities.<sup>27</sup>

The government provides financial support for low to moderate income families with infants. When a parent has a child who is younger than three years old, the parent can receive a child allowance from the government unless the parent's income is more than the amount specified by the Child Allowance Law.<sup>28</sup> The amount is 5,000 yen [US\$43] to 10,000 yen [US\$87] per child per month.<sup>29</sup> The government supports mothers who do not have spouses and their children. The government lends money to a woman who does not have a spouse and lives with a minor child or children when the mother starts up a business or keeps a business, or when the children needs money to attend schools.<sup>30</sup> A mother without a spouse also receives a priority when she opens a beauty shop or a kiosk in public facilities, or applies for a license to sell tobacco in public housing and admission into child care facilities.<sup>31</sup> When a mother or a father without a spouse has a hardship in taking care of daily life due to his or her illness, the local government may dispatch a helper to his or her house.<sup>32</sup>

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<sup>18</sup> *Id.* art. 19.

<sup>19</sup> *Id.* art. 20.

<sup>20</sup> UNICEF, *The State of the World's Children 2007*, Table 1. Basic Indicators.

<sup>21</sup> *Gakkō kyōiku hō* [School Education Law], Law No. 26 of 1947, *as amended*, art. 12.

<sup>22</sup> *Gakkō hoken hō* [School Health Law], Law No. 56 of 1958, *as amended*, art. 4.

<sup>23</sup> *Id.* art. 6.

<sup>24</sup> *Jidō fukushi hō* [Child Welfare Law], Law No. 164 of 1947, *as amended*, art. 25.

<sup>25</sup> *Jidō gyakutai no bōshi tō ni kansuru hōtitsu* [Child Abuse Prevention Law], Law No. 82 of 2000, *as amended*, art. 5.

<sup>26</sup> Child Welfare Law, Law No. 164 of 1947, *as amended*, art. 25-7.

<sup>27</sup> *Id.* art. 27.

<sup>28</sup> *Jidō teate hō* [Child Allowance Law], Law No. 73 of 1971, *as amended*, arts. 4 and 5.

<sup>29</sup> *Id.* art. 6.

<sup>30</sup> *Boshi oyobi kafu fukushi hō* [Mother and Child and Women without Spouses Welfare Law], Law No. 129 of 1964, *as amended*, art. 13.

<sup>31</sup> *Id.* art.

<sup>32</sup> *Id.* art. 17.

#### IV. Education

The Japanese Constitution guarantees children's rights to an education. The Constitution provides "All people shall have the right to receive an equal education correspondent to their ability, as provided by law. All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free."<sup>33</sup> Parents are obliged to have their children whose ages are between six and fifteen receive six years of primary education and three years of secondary education at schools which are authorized by the government.<sup>34</sup> School textbooks are distributed to students for free. The primary and secondary school enrollment ratio in Japan is almost 100 percent.<sup>35</sup> School teachers are prohibited from inflicting corporal punishment.<sup>36</sup>

The right to an education is also guaranteed for children with disabilities. The Education Basic Law obliges the government to take measures in order to make sure that children with a disability can receive sufficient education, depending on their disability level.<sup>37</sup> The local government is obliged to establish special schools for disabled children, including special schools for the blind, the deaf, the physically disabled, the mentally retarded, and sickly children.<sup>38</sup> Schools can establish special classes, such as a special class for the physically disabled, the mentally retarded, children with weak eyesight or weak hearing.<sup>39</sup> The local government provides financial support to parents if it is difficult for them to have their children attend schools due to financial hardship.<sup>40</sup>

#### V. Child Labor and Exploitation

The Constitution provides that children shall not be exploited.<sup>41</sup> The Labor Standards Law has provisions to protect child workers. The Labor Standards Law prohibits employers from employing children until the March 31 immediately following the child becoming fifteen years old.<sup>42</sup> March 31 is the end of a school year. Children are obliged to go to school usually until that time. Children thirteen years old or older, however, may be employed if the labor is light and not injurious to their health and welfare, and if the employer obtains permission from the local Labor Standards Administration office.<sup>43</sup> Children under thirteen years old can be employed only in motion picture production and theatrical performance enterprises, upon permission of the Labor Standards Administration office.<sup>44</sup> An employer cannot employ a person under eighteen years old for extended-hour or night-time work.<sup>45</sup> An employer

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<sup>33</sup> Nihon koku kenpō [Constitution of Japan] (1946), art. 26.

<sup>34</sup> Kyōiku kihon hō [Education Basic Law], Law No. 120 of 2006, art. 5. School Education Law, Law No. 26 of 1947, *as amended*, arts. 17, 19, 22, 35, 37, and 39.

<sup>35</sup> UNICEF, *supra* note 20, Table 5.

<sup>36</sup> School Education Law, Law No. 26 of 1947, *as amended*, art. 11.

<sup>37</sup> Education Basic Law, *id.* art. 4, para. 2.

<sup>38</sup> School Education Law, Law No. 26 of 1947, *as amended*, art. 74.

<sup>39</sup> *Id.* art. 75.

<sup>40</sup> *Id.* arts. 25 and 40.

<sup>41</sup> Constitution (1946), art. 27, para. 3.

<sup>42</sup> Rōdō kijun hō [Labor Standards Law], Law No. 49 of 1947, *as amended*, art. 56, para. 1.

<sup>43</sup> *Id.* art. 56, para. 2.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* arts. 60 and 61.

also cannot assign a person under eighteen years old to dangerous work, *e.g.*, maintenance or repair of machinery during its operation and mining.<sup>46</sup>

A parent or a guardian cannot make a labor contract for a minor, in this case a person under twenty years old.<sup>47</sup> This provision aims to prohibit a parent or guardian from forcing a minor to work for a parent or guardian's economic benefit. The parent or guardian cannot receive the wages earned by the minor in place of the minor.<sup>48</sup>

## VI. Sale and Trafficking of Children

There are several laws which punish or provide measures to prevent the sexual exploitation of children and trafficking of children, and which support those victims. Japan is among "tier 2" countries in the United States State Department assessment, whose governments do not fully comply with the United States Trafficking Victims Protection Act's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.<sup>49</sup>

### A. The Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children

The Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children prohibits child prostitution, providing child pornography for others and preparation of it, and child trafficking for child prostitution purposes.<sup>50</sup> Child prostitution means the act of performing sexual intercourse or other sexual acts (*i.e.*, an act similar to sexual intercourse, or an act for the purpose of satisfying one's sexual curiosity, including touching genital organs or other body parts on a child or of making a child touch one's genital organs or other body parts) in return for giving or promising to give remuneration to the child, by the person who acts as an intermediary in sexual acts with the child, the protector of the child (parents, a guardian, or anyone is taking actual care of the child), or a person who has placed the child under his control.<sup>51</sup> A person who commits child prostitution is punished with imprisonment for up to five years or a fine not in excess of one million yen [US\$8,700].<sup>52</sup> The same punishment is applied for a person who acts as an intermediary in child prostitution or who solicits another person to commit child prostitution for the purpose of intermediating in child prostitution.<sup>53</sup> A person who acts as an intermediary in child prostitution or a person who solicits another person to commit child prostitution for the purpose of intermediating as his business is punished with imprisonment for up to seven years and a fine not exceeding five million yen [US\$43,500].<sup>54</sup>

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<sup>46</sup> *Id.* arts. 62 and 63.

<sup>47</sup> *Id.* art. 58, para. 1.

<sup>48</sup> *Id.* art. 59.

<sup>49</sup> UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 2007, 27 (2007).

<sup>50</sup> Jidō baishun, jidō poruno ni kakaru kōi tō no shobatsu oyobi jidō no hogo ni kansuru hōritsu [Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children], Law No. 52 of 1999, *as amended*. An unofficial English translation of the law as of 1999 is available at Interpol's website, <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaJapan.asp> (last visited July 30, 2007). The 2004 amendment of the law is not reflected in the translation.

<sup>51</sup> *Id.* art. 2, para. 2.

<sup>52</sup> *Id.* art. 4.

<sup>53</sup> *Id.* art. 5, para. 1 and art. 6, para. 1.

<sup>54</sup> *Id.* art. 5, para. 2 and art. 6, para. 2.

A person who distributes, sells, or lends, as a business, child pornography is punished with imprisonment for up to three years or a fine not exceeding three million yen [US\$26,000].<sup>55</sup> A person who produces, possesses, transports, imports to or exports from Japan child pornography for the purpose of conducting any of the acts mentioned in the preceding sentence shall be punished with the same penalty.<sup>56</sup> A person who distributes child pornography for an unlimited audience or many people, or displays it in public, including the Internet, is punished with imprisonment for up to five years and/or a fine not exceeding five million yen [US\$43,500].<sup>57</sup>

A person who buys or sells a child for the purpose of making the child be a party to sexual intercourse or other sexual acts, or for the purpose of producing child pornography by depicting a child in certain poses is punished with imprisonment for between one and ten years.<sup>58</sup> A Japanese national who, for any of such purposes, transports a child, who has been abducted, kidnapped, sold, or bought in a foreign country, out of that country is punished with imprisonment for two years or more.<sup>59</sup>

### **B. Law to Regulate Solicitation of Children through Matching Business via the Internet**

Recently in Japan, some teenage girls voluntarily have been involved in meeting/dating strangers for expensive presents, nice meals, or money. In some cases, the girls know sex would be required and still pursue the date, and, in some cases, girls are raped.<sup>60</sup> The government recognizes the situation and has taken countermeasures. One of them was the passage of the Law to Regulate Solicitation of Children through Matching Business via Internet. Matching business sites in the Internet contributed to child prostitution and the rape of children.<sup>61</sup> Matching business sites targeted in the law provide websites where users can post advertisements and make their email addresses available for other users. Such matching business operators are obliged by the law to verify that the user is eighteen years old or older and to specify in the site that a person under eighteen years old cannot use the site.<sup>62</sup> If the matching business operator fails to do so, the Public Safety Committee of the prefecture orders them to follow the law.<sup>63</sup> If the operator does not follow the order, he or she will be punished with imprisonment for up to six months or a fine not exceeding one million yen (US\$8,700).<sup>64</sup> The Law also punishes the following acts with a fine not exceeding one million yen (US\$8,700): (1) soliciting a child for sexual intercourse or other sexual acts; (2) soliciting a person who is eighteen years old or older to have sexual intercourse or

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<sup>55</sup> *Id.* art. 7, para. 1.

<sup>56</sup> *Id.* art. 7, para. 2.

<sup>57</sup> *Id.* art. 7, para. 4.

<sup>58</sup> *Id.* art. 8, para. 1.

<sup>59</sup> *Id.* art. 8, para. 2.

<sup>60</sup> Seishōnen ikusei suishin kaigi [Youth's Well Growth Promotion Conference], "Deai kei saito" ni kakaru jidō kaishun tō no higai kara nenshōsha o mamoru tameni tōmen kōzu beki sochi [Measures to be taken in order to protect youth from child prostitution in relation to "Matching business site" at this time] (Oct. 21, 2002), available at <http://www8.cao.go.jp/youth/suisin/deaikei.html>.

<sup>61</sup> Explanation attached to the bill of the Law to Regulate Solicitation of Children for Matching Business via Internet.

<sup>62</sup> Inānetto isei shōkai jigyō o riyō shite jidō o yūin suru kōi no kisei tō ni kansuru hōritsu [Law Concerning Regulations of Acts of Soliciting Children through Matching Business via Internet], Law No. 83 of 2003, arts. 7 and 8.

<sup>63</sup> *Id.* art. 10.

<sup>64</sup> *Id.* art. 15.

other sexual acts with a child; (3) soliciting a child for dating by offering compensation; and (4) soliciting a person who is eighteen years old or older to have a date with a child if the person pays a fee.<sup>65</sup>

### C. Penal Code

A person who, through violence or intimidation, has sexual intercourse with a female person of thirteen years of age or older is punished with imprisonment for between two and twenty years. The same punishment applies to a person who has sexual intercourse with a female person less than thirteen years of age, with or without violence or intimidation.<sup>66</sup> A person who commits rape and thereby kills or injures the victim is punished with imprisonment for five years or more.<sup>67</sup> A person who, through violence or intimidation, forces a person of thirteen years of age or older to do any act of a sexual nature is punished with imprisonment for between six months and seven years. The same applies to a person who forces a person under thirteen years of age to do any act of a sexual nature, with or without violence or intimidation.<sup>68</sup> When such a criminal act has resulted in the victim's death or injury, the person is punished with imprisonment for three years or more.<sup>69</sup>

A person who buys a minor is punished with imprisonment for between three months and seven years.<sup>70</sup> If such sale is made for a commercial sexual exploitation purpose, harming the body of the victim, or killing the victim, the person is punished with imprisonment for between one and ten years.<sup>71</sup> The person who sells another person is punished in the same manner.<sup>72</sup> A person who transports to another country a person who has been kidnapped or sold is punished with imprisonment for between two and twenty years.<sup>73</sup>

### C. Child Welfare Law

The Child Welfare Law punishes acts of having a child have sex with others or doing other acts of sexual nature with imprisonment for ten years or less and/or fine not exceeding three million yen (US\$26,000).<sup>74</sup> The Child Welfare Law also punishes acts of having a child under fifteen years old go into a bar, a dance hall, a night club, or a restaurant in connection with the child's duty to sell or distribute goods, collecting goods or providing service, or using a child as an attendant at a table where alcohol is served, with imprisonment for three years or less and/or a fine not exceeding one million yen (US\$8,700).<sup>75</sup> A person who hands over a child acknowledging the circumstances that the child will be

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<sup>65</sup> *Id.* art. 16.

<sup>66</sup> Penal Code, Law No. 45 of 1907, *as amended*, art. 177.

<sup>67</sup> *Id.* art. 181, para. 2.

<sup>68</sup> *Id.* art. 176.

<sup>69</sup> *Id.* art. 181, para. 1.

<sup>70</sup> *Id.* art 226-2, para. 2.

<sup>71</sup> *Id.* art 226-2, para. 3.

<sup>72</sup> *Id.* art 226-2, para. 4.

<sup>73</sup> *Id.* art. 226-3.

<sup>74</sup> Child Welfare Law, Law No. 164 of 1947, *as amended*, art. 60, para. 1 and art. 34, para. 1. item 6.

<sup>75</sup> *Id.* art. 60, para. 2 and art. 34, para. 1, items 4-3 and 5.

under the control of a person who will commit one of the crimes listed in this paragraph will be also punished.<sup>76</sup>

#### D. Child Abuse Prevention Law

The Child Abuse Prevention Law prohibits anyone from committing sexual acts on a child or having a child do an act of sexual nature.<sup>77</sup> The Law obliges the national and local governments to support children who have been abused or are under risk of abuse, and to educate their parents and custodians. Based on the law, the head of an institution which takes care of an abused child, upon the local government's direction, can prohibit parents and custodians from meeting or contacting the child.<sup>78</sup>

### VII. Juvenile Justice

The Juvenile Law adopts special measures with respect to the criminal cases of juveniles. For the criminal cases of juveniles who are under twenty years old, the Juvenile Law is applied, instead of the Criminal Procedure Law. The Family Court has primary jurisdiction over such cases.<sup>79</sup> Children under fourteen years old, however, are handled primarily by the child guidance center, as provided by the Child Welfare Law, when they have committed acts, which, if committed by a person aged fourteen or over, would constitute a crime. These children under fourteen years old come under the jurisdiction of the family court only when the governor of the prefecture or the chief of the child guidance center refers them to the family court.<sup>80</sup>

When a case is filed in a family court, a judge assigns the case to a family court probation officer for the investigation.<sup>81</sup> The officer undertakes a social inquiry into the personality, personal history, family background, and environment of the juvenile. When the judge decides that the juvenile needs to be taken into a juvenile classification home for investigation, the judge may detain the juvenile for up to two weeks. The detention period may be extended once. If the case concerns a grave crime, for which the maximum punishment includes capital punishment or imprisonment, the detention period can be extended up to eight weeks.<sup>82</sup> If the juvenile is dissatisfied with the decision about detention measures, the juvenile and his or her legal representative or attendant may lodge an objection with the family court.<sup>83</sup>

Instead of defense counsel, “attendants” of the juvenile are involved in the family court procedure. A juvenile and his or her parents or guardians may appoint up to three attendants with the permission of the family court. If an attorney is to be appointed as the attendant, no permission by the court is required.<sup>84</sup> In a case where the family court decides the public prosecutor should be involved in

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<sup>76</sup> *Id.* art. 60, para. 2 and art. 34, para. 1, items 7.

<sup>77</sup> Child Abuse Prevention Law, Law No. 82 of 2000, *as amended*, arts. 2 and 3.

<sup>78</sup> *Id.* art. 12.

<sup>79</sup> Shōnen hō [Juvenile Law], Law No. 168 of 1948, *as amended*, arts. 2 and 3.

<sup>80</sup> *Id.* art. 3.

<sup>81</sup> *Id.* art. 8.

<sup>82</sup> *Id.* art. 17.

<sup>83</sup> *Id.* art. 17-2.

<sup>84</sup> *Id.* art. 10.

the proceedings, an attorney is required as an attendant on the juvenile side. If an attorney is not retained by the juvenile, the court must appoint an attorney as the attendant.<sup>85</sup>

Upon completion of the social inquiry, the family court probation officer submits a report to the judge. If the judge thinks that further investigation is necessary before a determination can be made, the juvenile may be placed under the supervision of a family court probation officer. During this period of supervision, juveniles may continue to live with their parents or guardians under conditions imposed by the family court or they may be placed under a suitable institution, agency, or individual.<sup>86</sup> A public prosecutor may be involved in the proceedings if the family court decides that it is necessary to prove the facts, that the juvenile is over fourteen years old, and when he or she has committed crimes resulting in death with criminal intent or crimes whose statutory penalties include capital punishment or imprisonment for two years or more.<sup>87</sup> Provisions of the Code of Criminal Procedure are applied for the investigation proceedings so far as the provisions of the Code are not at variance with the nature of juvenile proceedings.<sup>88</sup> The judge may set a non-public hearing.<sup>89</sup>

The judge may make one of the following decisions: (1) to dismiss the case; (2) to refer the case to the governor of the prefecture or the chief of the child guidance center; (3) to place the juvenile under probation, a support facility, or a juvenile training school; and (4) to refer the case to the public prosecutor.<sup>90</sup> The last decision can be made when the juvenile is fourteen years old or over at the time of the criminal acts and when the judge finds it is appropriate for the juvenile to be treated under the regular criminal procedure. As a general rule, when the juvenile is sixteen years old or over and has caused death by an act done with criminal intent, the court refers him or her to the public prosecutor.<sup>91</sup> When the court chooses decision (3), the juvenile may file an appeal of the case to the higher court.<sup>92</sup>

### VIII. Conclusion

It appears that Japan maintains a comprehensive system to protect children's rights.

Prepared by Sayuri Umeda  
Foreign Law Specialist  
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<sup>85</sup> *Id.* art. 22-3.

<sup>86</sup> *Id.* art. 17.

<sup>87</sup> *Id.* art. 22-2.

<sup>88</sup> *Id.* arts. 14 and 15.

<sup>89</sup> *Id.* art. 22.

<sup>90</sup> *Id.* arts. 23 and 24.

<sup>91</sup> *Id.* art. 20.

<sup>92</sup> *Id.* Chap. 2, Sec. 3.