

# CHILD GUIDANCE CENTRE, 'SOCIAL CARE' AND ECONOMIC CONSCRIPTION IN JAPAN

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

# Domestic Legal Provisions to Remove Children from Their Families

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- **Article 33 of the Child Welfare Act** allows the child guidance centre the catch-as-catch-can removal of child from a family. **Significant human rights infringements** have ensued.
- **Article 28 of the Child Welfare Act** allows the child guidance centre to file a plea to family court. Once the plea is upheld, the child will be transferred to an alternative care facility (ACF) against the will of the parents. Many children have suffered from **institutional abuse** at ACF.
- **Article 817-2 to 11 of Civil Code** allows the child guidance centre to transfer children thus removed for **adoption for money** with the child's biological birth record erased from the family register.

# Past UN Recommendations on the Issue/ 1. CRC

3

- UN recommendation made by the Committee on the Rights of the Child (UNCRC) in 2019:

**28(c)** There is allegedly **a strong financial incentive** for child guidance centres to receive more children.

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

# Past UN Recommendations on the Issue/ 2. CCPR

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- UN recommendation made by the Human Rights Committee in 2022:

**45(b)** Amend the legislation to **establish clear criteria for removal of a child** from the family and introduce a **mandatory judicial review for all cases** to determine whether that is warranted, ensuring that children are separated from their parents **as a measure of last resort only**, when it is necessary for their protection and in their best interests, **after hearing the child and the parents**

**47** In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the **State party is requested to provide, by 4 November 2025**, information on the **implementation of the recommendations** made by the Committee in paragraphs ... **45 (Rights of the child)** above.

➔ **Japan is asked to implement the UNCRC Urgent Recommendation 29(a) within three years.**

# Current Situation in Japan

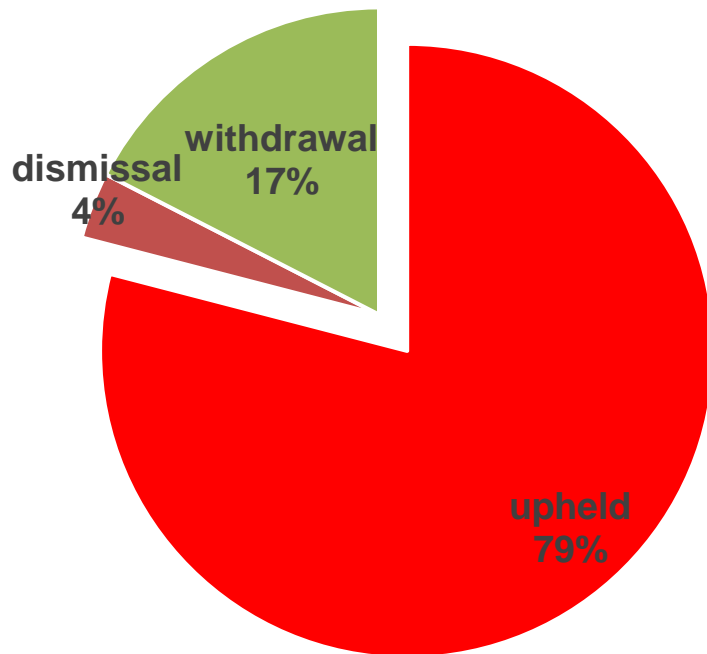
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- Japanese Government will introduce **‘temporary custody warrant’** issued by court; it is **far from fulfilling the conditions of judicial review set by the UNCRC** 2019 urgent recommendation 29(a), as Paras. 45 & 46 of the UNCCPR 2022 recommendation suggest.
- The Government **Child and Family Agency** (to be established in April 2023) will **increase the number of child guidance centres by 10 times.**

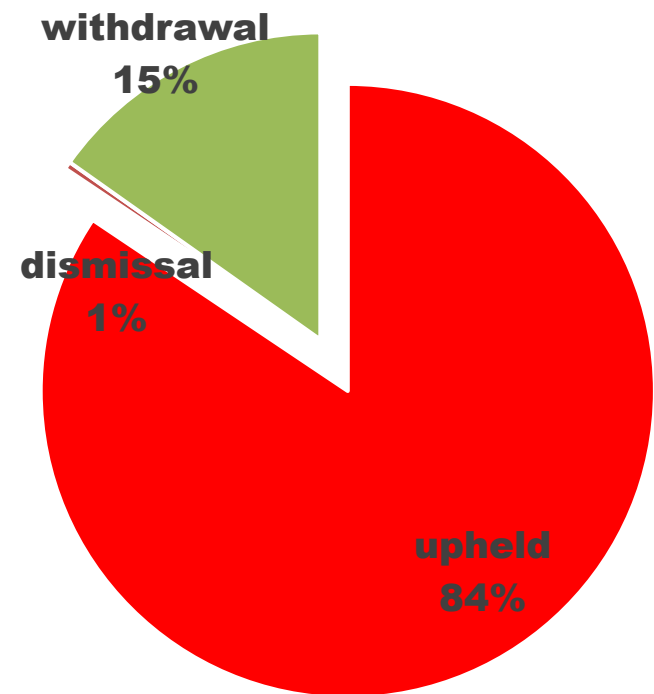
# Judiciary is a Mere Appendage of the Child Guidance Centre

6

**ARTICLE 28:** judicial review  
in transferring children to  
alternative care facility  
(2021)



**ARTICLE 33:** judicial review  
in extending the temporary  
custody beyond initial two  
months (2021)



**WHY IS THE JAPANESE  
GOVERNMENT SO  
AVARICIOUS WHEN IT COMES  
TO REMOVING CHILDREN  
FROM THEIR FAMILIES AND  
PUTTING THEM UNDER THE  
STATE CONTROL?**

# ‘Strong Financial Incentive’

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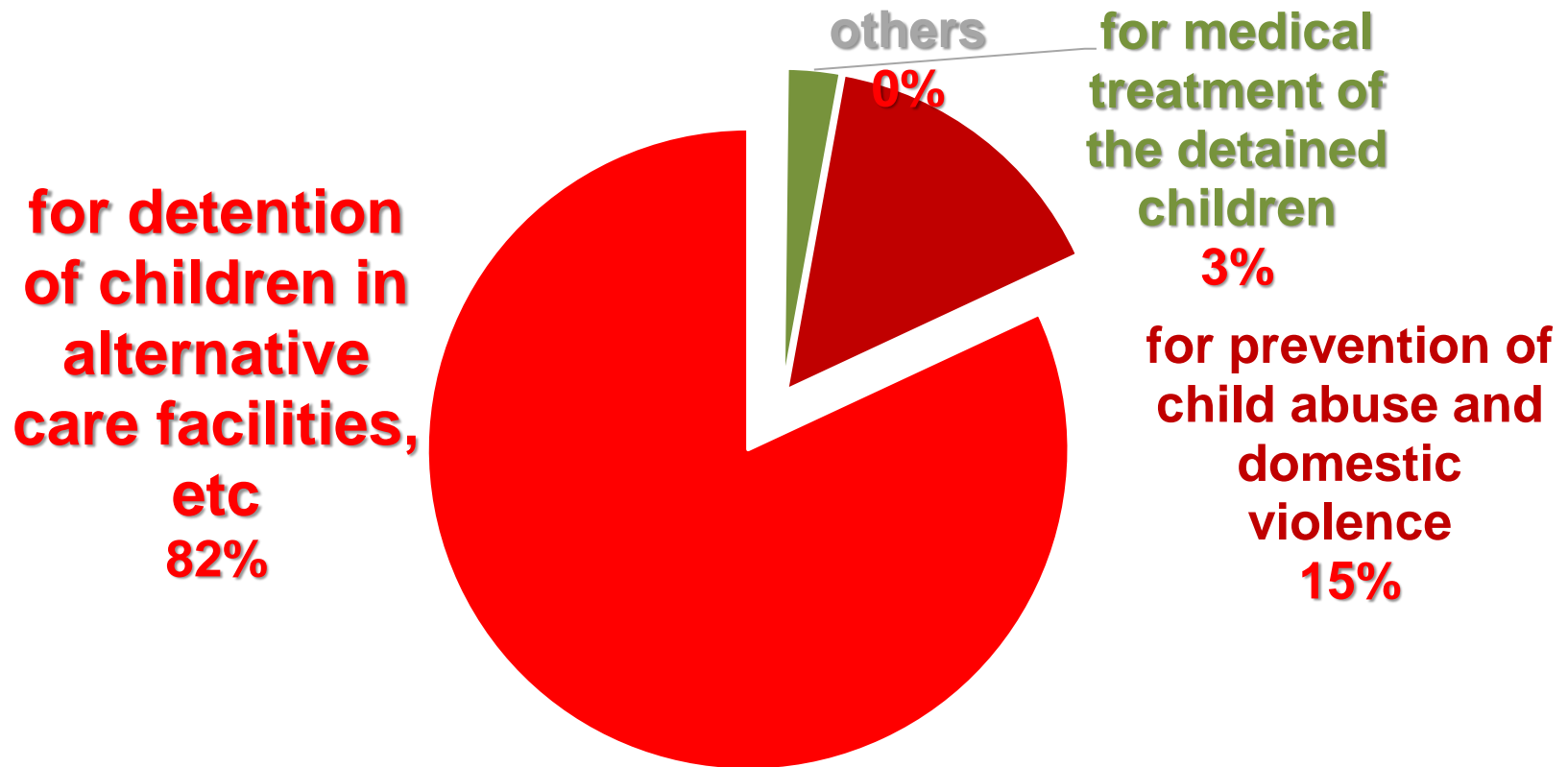
- The Government keeps paying ca JPY350 to 400 thousand/month/child to child guidance centres as **‘unit custody allowance’** and to alternative care facilities as ‘involuntary admission allowance’ (*sochi-hi*) to run their business, thereby maintaining their vested interests.
- The annual budget of CGC is allocated based on the unit custody allowance multiplied by the **anticipated number of children to be removed from family for that fiscal year (=‘abduction quota’)**



# 82% of the Budget for 'Child Abuse Prevention Measures' Goes to the Detainment of Children

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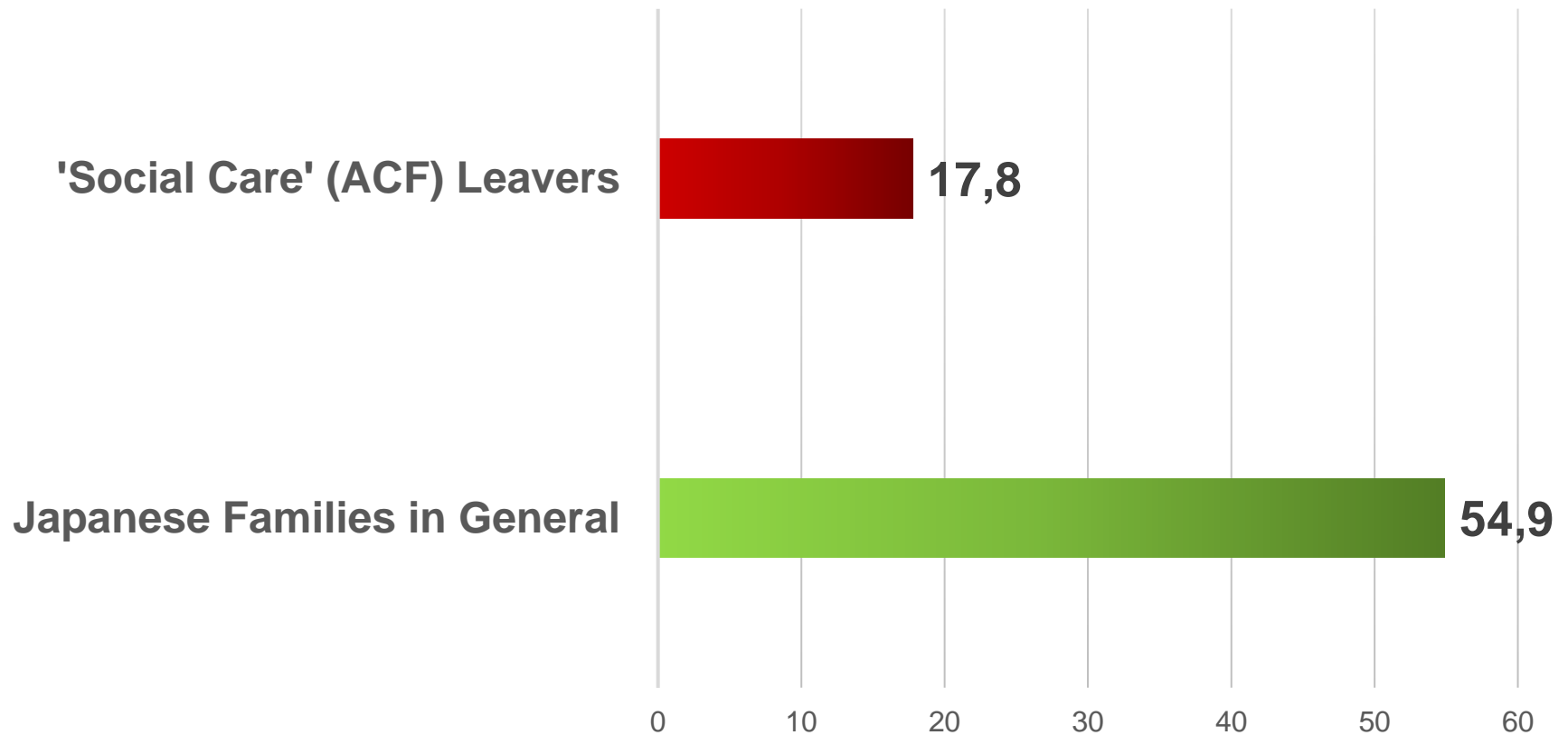
**Total budget in FY2022: JPY 160.7 billion**



# University Enrolment Rates

10

**COMPARISON IN % OF THE TOTAL (2020-21)**



# Alternative Care Leavers Have No Future, and Are Prone to Go Homeless

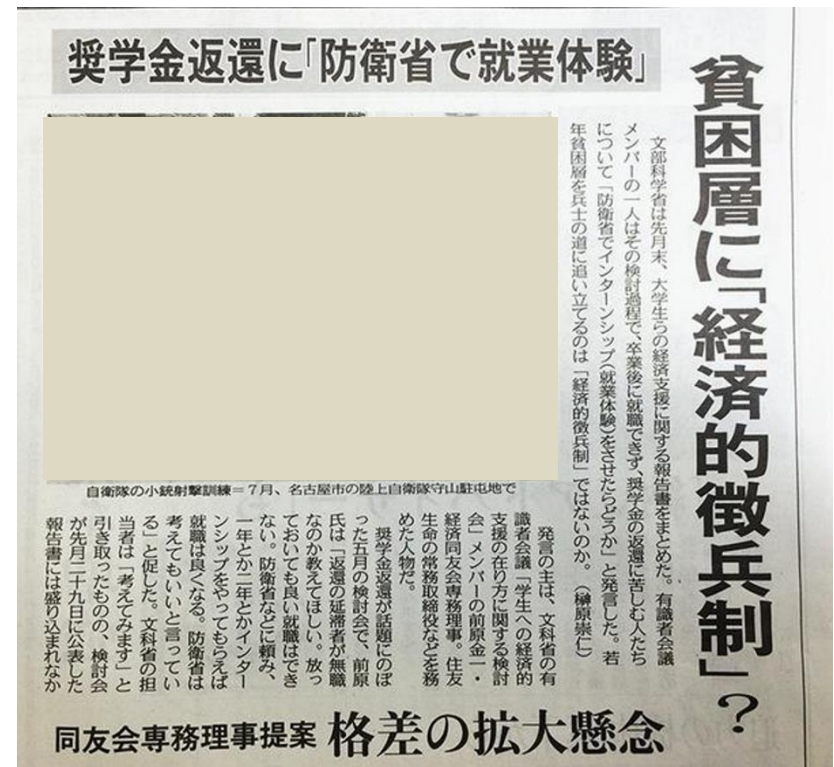
11

- ‘once they leave the alternative care, system leaves them prone to **homelessness, low-paying work, little opportunity for higher education...**’  
(*WITHOUT DREAMS: Children in Alternative Care in Japan*, Human Rights Watch, 2014, p.13)
- An ACF leaver: ‘I have no hope in my future; thus, I’m thinking of **committing suicide before 40.**’
- **Poverty is artificially created** in this system of state appropriation of the child.

# Economic Conscription

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- **‘Economic conscription** is the mechanisms for recruitment of personnel for the armed forces through the use of **[poverty]**....’ (Wikipedia)
- In Japan, those young people who are unable to repay student loan were reported to have been brought into the economic conscription.

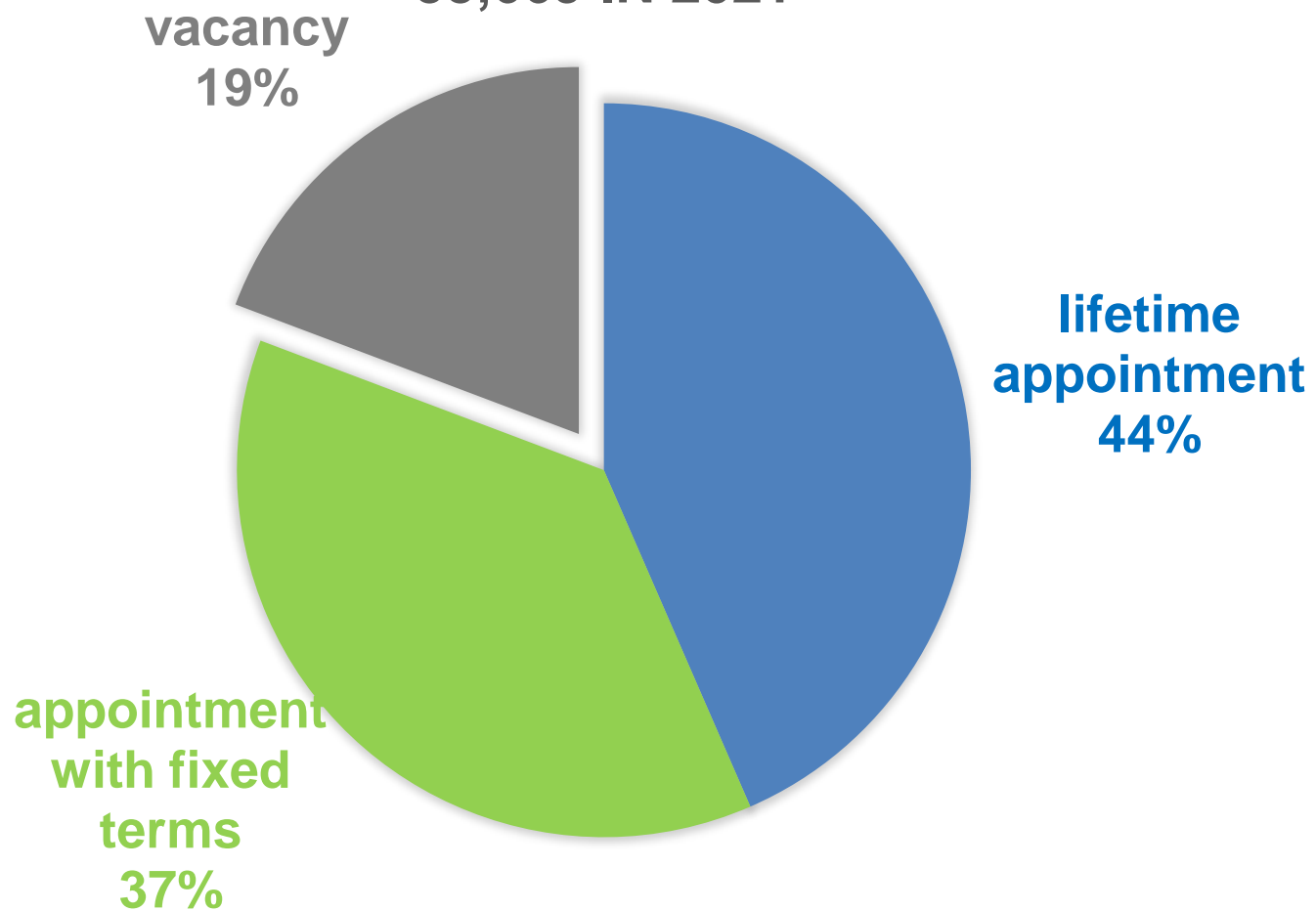


**‘Economic conscription’ to those in poverty?** Tokyo Shimbun 3 Sept 2014

# Many Unfilled Positions in Japanese Self-defence (Armed) Force Soldiers

13

**TOTAL NUMBER OF SOLDIER POSITIONS:  
55,669 IN 2021**



# Self-defense (armed) Force Recruiters Visit an Alternative Care Facility (ACF)

14



She is absorbingly interested in the military jeep.

A boy leaving this ACF this year will join the armed forces.



## 過去の活動レポート

[« 一覧へ戻る](#)

自衛隊のジープに興味深々です。

2018-03-07

3月7日 今年度卒業・就職する子どもの中に進路が自衛隊入隊する男子がいます。 本日、自衛隊の方が来寮した際に外で遊んでいた子ども達がジープに興味心身で集まっていました！ 自衛隊の方より、いろいろと説明を受けて貴重な体験をさせていただきました！

- ▶ 児童養護施設 洗心寮
- ▶ 子ども家庭支援センター和合
- ▶ 里親制度について
- ▶ あさがおレオクラブ
- ▶ 活動レポート
- ▶ 交通アクセス
- ▶ 情報公開
- ▶ 寄付募集
- ▶ 個人情報保護方針
- ▶ リンク集

[https://www.wago.or.jp/publics/index/7/detail=1/b\\_id=43/r\\_id=873/](https://www.wago.or.jp/publics/index/7/detail=1/b_id=43/r_id=873/)


# It's Legal! -- **Child Trafficking** in the Name of 'Special Adoption'

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A public case worker labels a pregnant woman who fits under certain criteria (e.g. poverty, psychological trouble) as '**SPECIFIED EXPECTANT MOTHER**'



Once the mother gives birth, the child guidance centre (CGC) abducts the baby under **ARTICLE 33** of Child Welfare Act.



The CGC files a petition to a family court to **deprive the legal parental responsibility of the biological mother** under **Article 817-2 to 11** of Civil Code.



**The baby's biological family relation is erased** from the family register and the **baby is transferred to an NPO.**



The NPO hands over (**≈sells**) the baby **for ca. JPY 2 million** to an infertile family, **sometimes overseas.**



# The 'Child and Family Agency' of Japanese Government

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- To be established in April 2023.
- The ruling LDP plans to increase the nefarious child guidance centres (with name changes) and their personnel by **10 TIMES!!**
- ➔ More children are brought into 'social care'!
- ➔ Larger pool for economic conscription and child trafficking.





# Suggested Recommendations

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- This bizarre **system of state appropriation of the Child MUST BE STOPPED** immediately.
- To achieve this:
  1. Honestly and thoroughly **abide by all the UNCRC and CCPR recommendations** in this regard.
  2. **Eradicate** and dismantle the current human-right depriving system consisting of child guidance centre and 'social care' altogether.
  3. **Repeal Articles 28** (involuntary placement of a child to ACF) **and 33** (temporary custody at arbitrary discretion of CGC) of the Child Welfare Act and **Articles 817-2 to 11** of Civil Code ( 'special adoption' )



# ‘UNCRC Urgent Recommendation 29(a) issued in 2019

19

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

# 1. 'Introduce a mandatory judicial review ...'

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- What Japanese government will introduce is NOT a mandatory review. The families which agree with the removal of their children to the Child Guidance Centre (CGC) are **excluded from the judicial review**. The review applies ONLY to those family which **explicitly disagrees** with the removal of their children.

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## 2. 'for determining whether a child should be removed from the family ...'

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- The CGC often **fabricates** the documents related to the 'abuse' case. The 'judicial review' is **carried out with these fake documents under the fait accompli created by the CGC**. the court proceedings are therefor quite undue.

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### 3. 'set up clear criteria for removal

'

...

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- With the child detained, the CGC often **coerces the parents into a confession of 'abuse in exchange for the return of the child**, which is unconstitutional.
- Here, the **CGC takes advantage of the absence of any clear criteria of 'abuse'**.
- This current practice of using a childr detained in the CGC as a **'hostage'** shall remain unchanged, even after the introduction of 'temporary custody warrant'.



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25

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## 4. 'measure of last resort only ...'

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- Children are often removed from families for the purpose of **mere investigation**.
- Furthermore, the removal is often carried out in an attempt of a school to cover up the bullying or corporal disciplining of teachers at the school or to get rid of unwanted pupils (e.g. those with mental problems).
- In these cases, the removal is rather **a measure of first resort**.

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## 5. 'in their best interests...'

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- The detention quarters of the CGC and the alternative care facility are more **akin to a prison**, which does not treat the children in the way to promote their best interests.
  - The children are forced to leave their alternative care facilities with low academic attainment thus forced to live in poverty.
- ➔ **Economic conscription.**

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29

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## 6. 'after hearing the child and its parents.'

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- **Parents are NEVER to be heard** in the 'judicial review' proceedings in the court.
- The child and parents themselves **cannot appear in the court**, thus the will of the child and family can never be confirmed by the judge through an interrogation.