AN ASSESSMENT OF THE *KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD* AND THE HUMAN RIGHTS OMBUDSPERSON ON CHILD RIGHTS IN TWO SECONDARY SCHOOLS

KISARA RATTANAPIRAT

A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS
(HUMAN RIGHTS)
FACULTY OF GRADUATE STUDIES
MAHIDOL UNIVERSITY
2008

COPYRIGHT OF MAHIDOL UNIVERSITY

Copyright by Mahidol University

Thesis
Entitled

AN ASSESSMENT OF THE *KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD* AND THE HUMAN RIGHTS OMBUDSPERSON ON CHILD RIGHTS IN TWO SECONDARY SCHOOLS

.....
Ms. Kisara Rattanapirat
Candidate

.....
Ms. Yukiko Nishikawa, Ph.D.
Major-Advisor

.....
Mr. Iljas Baker, M.Phil.
Co-Advisor

.....
Prof. Banchong Mahaisarariya, M.D.
Dean
Faculty of Graduate Studies

.....
Ms. Varaporn Chamsanit, Ph.D.
Chair
Master of Arts Program in Human Rights
Faculty of Graduate Studies

Copyright by Mahidol University

Thesis
Entitled

AN ASSESSMENT OF THE *KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD* AND THE HUMAN RIGHTS OMBUDSPERSON ON CHILD RIGHTS IN TWO SECONDARY SCHOOLS

was submitted to the Faculty of Graduate Studies, Mahidol University
for the degree of Master of Arts (Human Rights)
on
14 November 2008

.....
Ms. Kisara Rattanapirat
Candidate

.....
Mr. Akio Kawamura, Ph.D.
Chair

.....
Ms. Yukiko Nishikawa, Ph.D.

.....
Mr. Iljas Baker, M.Phil.
Member

.....
Prof. Banchong Mahaisarariya, M.D.
Dean
Faculty of Graduate Studies
Mahidol University

.....
Prof. Banchong Mahaisarariya, M.D.
Dean
Faculty of Graduate Studies
Mahidol University

Copyright by Mahidol University

ACKNOWLEDGEMENTS

I am extremely indebted to my parents, my inspiration in finishing this thesis. They have given me their utmost support from allowing me to do field research in Japan until the final writing of this thesis.

I would not be able to go through difficulties from writing a proposal until finishing the thesis without great support from my advisors, Dr. Yukiko Nishikawa and Mr. Iljas Baker. I am also thankful to Dr. Sriprapha Petcharamesree and Dr. Mike Hayes for their support, especially during the preparation for proposal defense.

I would like to show my gratitude to Ms. Mariko Akuzawa for introducing me to the issue of Japanese local governments' efforts to promote and protect child rights, which had become the starting point for writing this thesis. I am very grateful to Mr. Yuji Hirano, Mr. Akito Kita, Mr. Shigeto Aramaki, and Mr. Makio Tanaka for their generous support in accessing all useful and necessary data. I am indebted to Ms. Yoshie Abe, Mr. Makoto Kitanishi, Fujimi School and H. School, including teachers and students, for allowing me to visit them and conduct meaningful interviews.

I also would like to extend my warm thanks to my great friend Maria Godskesen, who has left us forever because of cancer but is still living in our heart. She was so kind to assist me from the very first start in developing thesis proposal. I am thankful to my fiancé, Kohei Kudo, for his encouragement and assistance in some language difficulties. I also extremely appreciate generous help from a best friend, Mathew Bates, in editing the whole thesis, especially when he was very busy.

Special thanks go to the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) and Swedish International Development Cooperation Agency (Sida) for the grant of their partial scholarship.

Finally, many thanks to Herlambang, Ali, Ryuhei, Dipu, Diep, Myra, Ces, Fred, Proad, Ed, Kay, Dao and P'Noom for their moral support, encouragement, and most of all, great friendship.

Kisara Rattanapirat

Copyright by Mahidol University

AN ASSESSMENT OF THE *KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD* AND THE HUMAN RIGHTS OMBUDSPERSON ON CHILD RIGHTS IN TWO SECONDARY SCHOOLS

KISARA RATTANAPIRAT 4837958 GRHR/M

M.A. (HUMAN RIGHTS)

THESIS ADVISORS: YUKIKO NISHIKAWA, Ph.D., ILJAS BAKER, M.Phil.

ABSTRACT

Although Japan's Constitution guarantees human rights and the country has ratified the Convention on the Rights of the Child (CRC) in 1994, in reality, child rights are not widely recognized. Children are not seen as rights holders, but have duties rather than rights. State laws, government procedures and culture and social practices have prevented child rights in Japan from becoming established in the society. Child rights and human rights violations are often seen in schools in the forms of bullying, corporal punishment, and overly strict school rules. In this research, the situation with regards to child rights was investigated at a public school and a private school in Kawasaki City.

In circumstances that are not supportive of child rights promotion and protection, Kawasaki City, among other local governments, is playing a leading role in attempting to promote and protect child rights by means of the first comprehensive ordinance on child rights and the institution of an ombudsperson system. It aims to put CRC provisions into practice and have families, schools and the community collaborate on this. The ordinance and the ombudsperson have led to the creation of special measures within public schools such as the School Education Development Conference, human rights representative teachers, and child rights education. No such mechanisms have been created within private schools because of their independent status from the education board and the City.

From the research, it was found that the implementation of the ordinance and the ombudsperson did not effectively lead to change in teachers and students' awareness and behavior in respect to child rights at the public school. Rather, it seems that the mechanisms were created on a welfare-based approach rather than a rights-based approach. The ombudsperson is also not recognized as an institution that protects "rights". On the other hand, the private school did not seem to be significantly influenced by the attempt of the City to promote and protect child rights. Various social factors that hinder child rights in Japan in general were found to play important roles in retarding the attempt of Kawasaki City to promote and protect child rights.

KEY WORDS: CHILD RIGHTS/ LOCAL GOVERNMENT/ ORDINANCE/ OMBUDSPERSON/ JAPAN/ SECONDARY SCHOOLS

120 pp.

Copyright by Mahidol University

บทประเมินผลเทศบัญญัติแห่งเมืองคาวาซากิว่าด้วยสิทธิเด็กและผู้ตรวจการสิทธิมนุษยชนที่มีต่อสิทธิเด็กในโรงเรียนมัธยมสองแห่ง
AN ASSESSMENT OF THE *KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD* AND THE HUMAN RIGHTS OMBUDSPERSON ON CHILD RIGHTS IN TWO SECONDARY SCHOOLS

กิษรา รัตนาภิรัต 4837958 GRHR/M

ศศ. ม. (สิทธิมนุษยชน)

คณะกรรมการควบคุมวิทยานิพนธ์: YUKIKO NISHIKAWA, Ph.D., ILJAS BAKER, M.Phil.

บทคัดย่อ

แม้ว่ารัฐธรรมนูญแห่งญี่ปุ่นจะได้ให้การรับรองสิทธิมนุษยชน และประเทศญี่ปุ่นได้ให้สัตยาบันในอนุสัญญาว่าด้วยสิทธิเด็กตั้งแต่เมื่อพ.ศ. 2537 แล้วก็ตาม หากแต่ในความเป็นจริงสิทธิเด็กยังคงเป็นประเด็นที่ญี่ปุ่นมิได้ให้การยอมรับนัก ซึ่งกฎหมาย กระบวนการของรัฐ รวมทั้งวัฒนธรรม และธรรมเนียมปฏิบัติทางสังคมต่างมีบทบาทในการยับยั้งมิให้ประเด็นเรื่องสิทธิเด็กหยั่งรากลึกลงในสังคมญี่ปุ่น การละเมิดสิทธิเด็กและสิทธิมนุษยชนที่มักพบในโรงเรียน ได้แก่ การรังแก การลงโทษทางกาย และกฎระเบียบของโรงเรียนที่เข้มงวดเกินไป โดยวิทยานิพนธ์ฉบับนี้ได้ทำการศึกษาสถานการณ์สิทธิเด็กในโรงเรียนรัฐและโรงเรียนเอกชนในเมืองคาวาซากิอย่างละหนึ่งโรง

เมืองคาวาซากิได้ออกเทศบัญญัติว่าด้วยสิทธิเด็ก ซึ่งมีเนื้อหาครอบคลุมมากที่สุดฉบับแรกของญี่ปุ่น รวมทั้งมีระบบผู้ตรวจการสิทธิมนุษยชนซึ่งดูแลเรื่องสิทธิเด็กด้วย ความพยายามของเมืองคาวาซากิเป็นผลให้โรงเรียนรัฐในเมืองคาวาซากิมีมาตรการเกี่ยวกับสิทธิเด็กหลายประการ หากแต่โรงเรียนเอกชนกลับไม่มีมาตรการดังกล่าว อันเนื่องมาจากโรงเรียนเอกชนมิได้อยู่ใต้อาณัติของเมืองเหมือนอย่างโรงเรียนรัฐ

จากการศึกษาพบว่า มาตรการในโรงเรียนรัฐมิได้นำไปสู่ความเปลี่ยนแปลงในเรื่องความตระหนักและพฤติกรรมของครูและนักเรียนต่อเรื่องสิทธิเด็กเท่าใดนัก และมาตรการก็เป็นไปในทางสวัสดิการมากกว่าจะเป็นเรื่องของสิทธิ นอกจากนี้ยังพบว่าปัจจัยที่เป็นอุปสรรคต่อเรื่องสิทธิเด็กในญี่ปุ่นโดยทั่วไปก็มีบทบาทในการยับยั้งไม่ให้มาตรการของเมืองคาวาซากิส่งผลเต็มที่ในโรงเรียนที่ได้ทำการศึกษาอีกด้วย

120 หน้า

Copyright by Mahidol University

CONTENTS

	Page
ACKNOWLEDGEMENTS	iii
ABSTRACT	iv
CHAPTER I INTRODUCTION	1
1.1 Statement of research problems	4
1.2 Statement of purpose	4
1.3 Research questions	5
1.4 Tools for answering research questions	5
1.5 Significance of the research	6
1.6 Framework of analysis	6
1.7 Research methodology	7
CHAPTER II LITERATURE REVIEW	11
2.1 Factors that hinder child rights promotion and protection in Japan	12
2.2 Child rights violations in Japanese schools	21
2.3 Local efforts to promote and protect child rights in Japan	25
2.4 School administrative system	27

Copyright by Mahidol University

CONTENTS (cont.)

	Page
CHAPTER III *THE KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD*, THE KAWASAKI CITY HUMAN RIGHTS OMBUDSPERSON, AND A GENERAL ASSESSMENT OF BOTH	29
3.1 Background	29
3.2 Objectives and functions	36
3.3 Policies and measures to promote and protect child rights in schools	39
CHAPTER IV THE IMPACT OF *THE KAWASAKI CITY ORDINANCE ON THE RIGHT OF THE CHILD* AND THE KAWASAKI CITY HUMAN RIGHTS OMBUDSPERSON ON THE TWO SCHOOLS	51
4.1 Public school	51
4.2 Private school	65
4.3 Impact on child rights awareness and behavioral changes	70
4.4 Factors that contribute to the failure of child rights awareness and behavioral change	72
CHAPTER V CONCLUSIONS	78
BIBLIOGRAPHY	82
APPENDIX	94
BIOGRAPHY	123

Copyright by Mahidol University

CHAPTER I
INTRODUCTION

Japan is considered a world economic superpower with high standards of living and welfare, and is not usually criticized for human rights violations, unlike the US or some developing countries. However, despite the guarantee of rights and freedoms in Chapter III of Japan's Constitution, and its ratification of the Convention on the Rights of the Child (CRC) in 1994, there is evidence demonstrating that awareness of child rights within Japanese society remains low (Children's Rights Network of Japan, 2006; OHCHR, 2006; General Research Institute of the Convention on the Rights of the Child[1], 2002). The United Nations (UN) itself comments that the notion that a child is the subject of rights is not much realized in Japan (General Research Institute of the Convention on the Rights of the Child, 2002; Committee on the Rights of the Child, 1998). Moreover, duty and responsibility are often emphasized before rights, making it difficult for the Japanese to consider the best interests of the child (Yoneyama, 1999; Angell, 1990; JFBA, 2003). At first glance, child rights and welfare seem to be well protected. For example, Japan provides nine years of free compulsory education and boasts the existence of various laws designed to protect children, including the Child Abuse Prevention Law, the Child Welfare Law and Health Law (US Department of State, 2006; JFBA, 2003). However, there are many areas where the principle of the best interests of the child and child rights are not respected. This includes the realms of legislative, executive and judicial processes, which has led to the creation of policies that infringe child rights. In the juvenile court system, for example, the age at which juveniles can receive legal punishment for

[1] The institute works in contribution to the development of child rights research in Japan, especially by establishing research basis for practicing and promoting the CRC by conducting general and interdisciplinary research on child rights, community children's rights based on local autonomy and NPO/NGO, and child rights at global level such as in Asia, examining and inspecting about child rights, and serving as reference center about the CRC (Committee of Preparation for the General Research Institute on the Convention on the Rights of the Child, 2002).

Copyright by Mahidol University

criminal acts has been lowered from 16 to 14 (Committee for NGO Reporting on the Convention on the Rights of the Child; 2003; JFBA, 2003).

Many schools, where children spend most of their time and do a great deal of their developing, also fail to share the view that children have rights. In many cases, strict school rules, which also cover students' activities beyond school hours, are unreasonably imposed (Yoneyama, 1999). Prohibitions on going out late at night, staying overnight at someone's house, working part-time, and obtaining a motorcycle are just a small sample of the controls exerted on children's lives by their schools (JFBA, 2003; NGO Group for the Convention on the Rights of the Child, 1997). Children's view is also discounted, as students in many schools do not have a voice in decision-making in school matters that are related to them. Corporal punishment is widely practiced even though it is illegal under the Article 11 of School Education Law[2] (Houko, 2007). Moreover, bullying in school is common and teachers do not often make enough effort to stop or prevent it, resulting in school refusal, suicide, or murder (JFBA, 2003; Murakami, 1991).

These problems are not surprising, especially given the government's continuing failure to implement child rights legislation. The government claims that the Convention on the Rights of the Child (CRC) is primarily written for children in developing countries, and thus does not have anything to do with Japanese children who live in an affluent society (Fukuda, 2003). Therefore, there is no need to revise domestic laws in accordance with the CRC; rather, the government argues, it is more important to strengthen child welfare and protection in practice (Ministry of Foreign Affairs of Japan, 1996). This clearly shows the insincerity of the Japanese government when it ratified the CRC, because it did not intend to take the Convention into account in relation to the drafting and revision of child-related laws. In fact, countries that have ratified the Convention are obliged to revise their domestic laws in accordance with the provisions set forth in the Convention (Centre for Human Rights,

---

[2] Article 11 of the School Education Law stipulates that "the principal and teachers are allowed to take disciplinary action against students if it is considered that the action is needed for educational reasons under the supervision of the competent authorities. However, physical punishment is forbidden." Translated by Kohei Kudo, from "*kouchou oyobi kyouin ha, kyouikujou hitsuyou ga aru to mitomeru toki ha, monbukagaku daiin no sadameru tokoro ni yori, gakusei, seito oyobi jidou ni choukai wo kuwaeru koto ga dekiru. Tadashi, taibatsu wo kuwaeru koto ha dekinai.*" (Houko, 2007).

Copyright by Mahidol University

1990). On the other hand, the government boasts that many national laws related to children have already taken "full consideration" of the Convention, such as the principle of the best interests of the child and the freedom of expression (Ministry of Foreign Affairs of Japan, 2001). Nevertheless, the reality about what is happening to children in Japan, as mentioned in the first paragraph, has proved the government's claims untrue.

The failure of the government to address the inadequate awareness of human rights/child rights issues - which has led to child-related state laws that lack a child rights approach, and a society that does not respect child rights - has prompted several local governments (such as Kawasaki City[3]) to seek measures to guarantee child rights on their own. Kawasaki City's motivation came from rising social problems involving children, which prompted the city's Mayor to promise that he would improve the situation. Moreover, Kawasaki City has previously shown a willingness to innovate on matters involving children. For example, the city developed the first Ombudsman system in Japan and successfully introduced measures to support the needs of non-Japanese children. The education board and residents of the city have also proven supportive of the plan to promote and protect child rights in the city.[4] This thesis focuses on Kawasaki City because it has adopted the first comprehensive and local child rights ordinance in Japan, which has become a model for other local governments' initiatives. In addition, it is unique in the sense that children had direct participation in the ordinance drafting process, which is reflected in the non legalistic language used in the ordinance.[5] Moreover, Kawasaki City also has its own human rights ombudsperson system to deal with child rights and gender issues (Kita, 2005). Although there are child rights ordinances that were enacted before Kawasaki City's,

---

[3] Kawasaki City is a major industrial city located in Kanagawa Prefecture, next to Tokyo, the capital city of Japan. The area is 144.35 k ㎡ with population of 1,372,762 (as of December 1, 2007). The city has 88 kindergartens, 118 primary schools, 57 lower secondary schools, 25 higher secondary schools, 3 junior colleges and 7 universities (as of 2006) (Kawasaki City, 2007).

[4] The information is based on the interview with Shigeto Aramaki on July 20, 2007. Shigeto Aramaki is the President of the Kawasaki City Committee on the Rights of the Child and a lecturer at Yamanashi University

[5] The information is based on the personal communication with Yuji Hirano through email on September 22, 2006.

Copyright by Mahidol University

these focus on more specific concerns such as supporting child happiness and healthy development (Kita, 2005; Actions for the Rights of Children, 2003).

Since children spend most of their time in school, this thesis focuses on child rights within schools rather than looking at child rights issues in general. Based on the literature review, Chapter II looks at the difficulties of child rights promotion and protection in Japan; child rights violations in schools; the intervention of local governments to address, promote and protect child rights; and school administrative systems. Chapter III examines the roles and the significance of the *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson in promoting and protecting child rights, especially in schools. Finally, Chapter IV assesses the impact of the ordinance and the ombudsperson on two lower secondary schools, a public school and a private school as samplings. The final chapter provides the conclusions of my research.

1.1 Statement of research problem

Although it has been more than ten years since the ratification of the CRC, the status of children in Japanese society has not greatly changed. Factors such as state laws, government procedures, and culture and social practices have significantly prevented the emergence of child rights awareness. Consequently, in such an environment, we need to know whether the ordinance and the ombudsperson have overcome these obstacles and gained success in changing the attitude of Kawasaki City's teachers and students towards child rights.

1.2 Statement of purpose

The purpose of this research is to identify factors that are possibly influential to the Japanese's receptivity of child rights idea. Secondly, it seeks to examine the impacts of the ordinance and the ombudsperson on schools in Kawasaki City. Thirdly, the research tries to evaluate the extent that such impacts bring about child rights awareness and behavioral changes within the teachers and students at schools. Fourthly, it seeks to analyze the factors that lead to varying degrees of awareness and behavioral changes.

Copyright by Mahidol University

1.3 Research questions

1. What factors might influence the receptivity of Japanese people in general to the idea of child rights?
2. What have the ordinance and the ombudsperson achieved generally within the school education system in Kawasaki City?
3. To what extent do the ordinance and the ombudsperson alter the awareness and behavior of teachers and students towards child rights in selected schools in Kawasaki City?
4. What factors have contributed to the level (if any) of teachers and students' awareness and behavioral changes towards child rights?

1.4 Tools for answering research questions

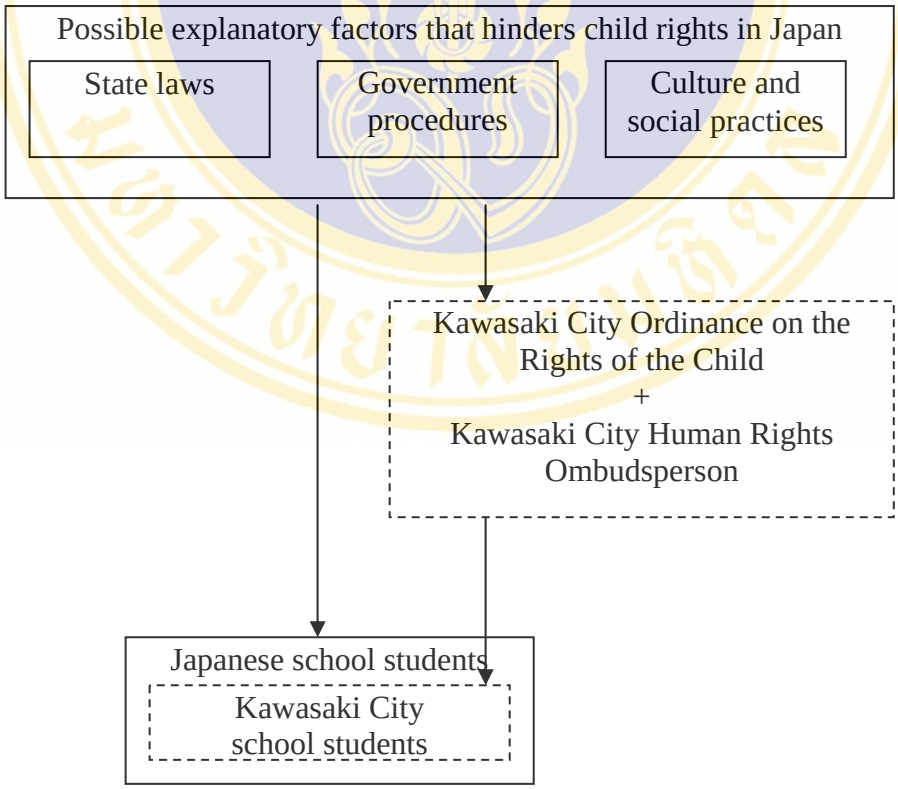
In order to examine what impact(s) the ordinance and the ombudsperson have had on the school education system (question 1), this thesis will examine the roles of the schools and school-related institutions (such as the education board) in implementing the duties stipulated in the ordinance. It will also examine the roles of the Human Rights Ombudsperson in contributing to the respect of child rights in schools. Next, in order to analyze whether the ordinance and the ombudsperson are successful in promoting and protecting child rights at school (question 2), changes in teachers and students' awareness of child rights and behavior will be used as indicators. Finally, the answers from the two questions will form a basis for scrutinizing the factors that lead to the level of such changes (question 3). These tools have been selected because the ordinance on the rights of the child was intended to lead to the implementation of the CRC at local government level (objective 1) and to prompt relevant parties, such as schools, to cooperate in the promotion and protection of child rights (objective 2). Additionally, one of the Human Rights Ombudsperson's objectives is to contribute to the respect of child rights by promoting the understanding and cooperation of residents (objective 1). Unfortunately, the other role of the ombudsperson relating to complaints and remedies (objective 2) cannot be used in this study as the information on complaints and remedies is "confidential".

Copyright by Mahidol University

1.5 Significance of the research

Most literature in English on child rights in Japan seeks to scrutinize the violations of child rights, while touching very little upon the initiatives of local municipalities to promote and protect child rights. However, information on such local municipalities' efforts is abundant in Japanese language reports, research papers, journals and forums. This study has allowed the researcher to explore child rights in Japan from beyond simply the negative side alone. In addition, it has enabled the researcher to analyze the factors that have led (or not) to expected outcome of such attempt and the rationale behind the attempts. The researcher hopes to apply and adapt the successful methods to any potential work on child rights promotion and protection in the future.

1.6 Framework of analysis:



The analysis framework of this research arises from the preliminary literature review based on the secondary materials. From the literature, three possible explanatory factors that hinder child rights in Japan are identifiable. These are state

Copyright by Mahidol University

laws, government procedures, and culture and social practices. These factors may also influence Japanese school students, including those in Kawasaki City. The *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson seek to directly intervene to improve the situation for students in Kawasaki City. However, the three factors which surround Japanese society may also have an impact on the implementation and outcome of the *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson as well.

1.7 Research methodology:

The research is composed of qualitative case studies, based on documentary research and semi-structured interview.

Units of analysis:

The units of analysis in this research are two lower secondary schools, one public and one private. Both are analyzed in terms of the impacts of the *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson in promoting and protecting child rights in schools.

Sampling:

Purposive sampling is used in this research. Two lower secondary schools in Kawasaki City, one public and one private, were selected to see how the impacts of the ordinance and the ombudsperson differed. Those chosen from each school included either Principal or Vice-principal, two randomly selected teachers (male and female) and four students from grade 7 to 9 who sat in their school's student committee. These individuals were selected to maximize the variation of the sample. In Japan, it is difficult to directly approach a public school without having a connection. Therefore, the human rights staff at Kawasaki City Education Board, who has been working cooperatively with one of the pioneers in establishing the ordinance, provided introductions to the Fujimi Public Lower Secondary School for the researcher.[6] However, private schools are not under the supervision of the education

[6] See the attached list of interviewees in the appendix

Copyright by Mahidol University

board and have no connection in any way with the team that is working on the ordinance and the ombudsperson. As a result, it was a big challenge for the researcher to approach private schools on her own. A few enquiries for possible interview were sent out to selected private schools prior to phone calls to follow-up. A school with male and female students was the ideal target, but all of them rejected the request, except H. Private School,[7] which is a boy's only school. Therefore, it was chosen for the study.

Documentary Research:

The *Kawasaki City Ordinance on the Rights of the Child,* the Kawasaki City Human Rights Ombudsperson Ordinance, relevant surveys, reports, pamphlets, booklets, books, journals, websites, and non-governmental organizations' documents were examined to gain knowledge of what Kawasaki City had done to promote and protect child rights in schools; what had been done so far by schools to implement the ordinance; what the ombudsperson's role was in promoting and protecting the rights of the child in schools; and what factors contributed to the achievement or obstacles of the effort to promote and protect child rights in Kawasaki City through both the ordinance and the ombudsperson.

Semi-structured interview:

Semi-structured interviews were conducted to gain information that could not be found in documents or from observation; namely, the perspectives, feelings and experiences of teachers and students. Interview was one of the main methods of attaining information to answer the research questions. Principal or Vice-principal, two teachers (male and female) and four students (males and females) were interviewed in order to understand how the ordinance and the ombudsperson had affected them within the scope of school. School counsellors from both schools were interviewed briefly about their work and how they helped students, especially in relation to child rights promotion and protection. The representative of the

[7] The private school preferred not to have its name published. See the attached list of interviewees in the appendix.

Copyright by Mahidol University

ombudsperson was questioned about the roles of the ombudsperson in promoting and protecting child rights in schools. Key informants, such as persons who are involved with establishing and implementing the *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson, were also interviewed to gather information about the background and significance of the ordinance and the ombudsperson on schools; what and how policies and plans had been carried out to promote and protect child rights in schools; and what contributed to obstacles and achievement in doing so. Those persons included the President of the Kawasaki City Committee on the Rights of the Child, a key member of the committee, the assistant of the key member, and the Kawasaki City Education Board staff member who is responsible for human rights issue

Data Analysis

Both deductive and inductive analyses were used in this research. Deductive analysis was applied when analysis was based on predetermined schemes, namely the items in the ordinance. Inductive analysis was applied where necessary in order to develop questions or research directions that were useful and in accordance with the research objectives and questions during interviews. In addition, existing theories were also used to explain the relationships between adults and children in Japanese society and their relevance to the success or failure of the efforts to promote or protect child rights in Kawasaki City.

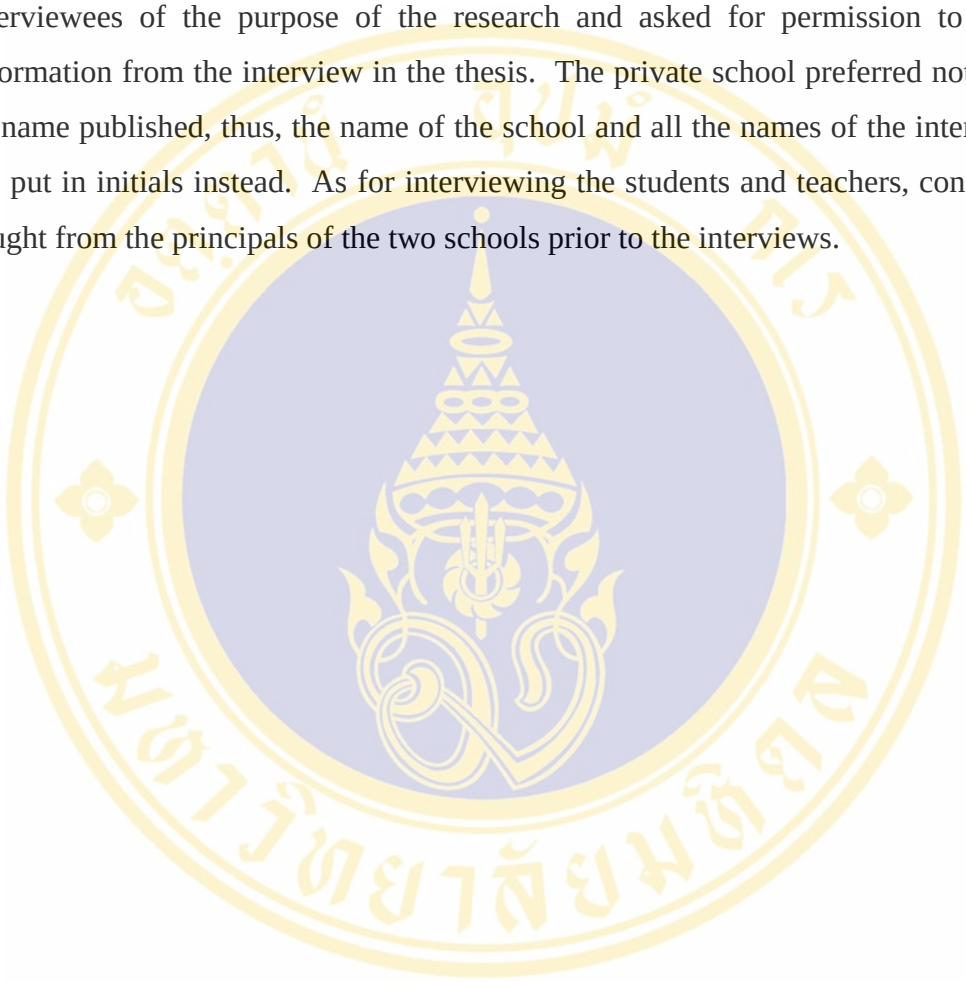
Flexibility

The researcher intended to use triangulation (documentary analysis, interview and observation) to balance the information, but observation was not fruitful as it was carried out only in the public school and not in the private one due to time limitations and the difficulties of accessing the private school. Furthermore, the observation in the public school did not provide information that proved useful for the research. Therefore, the research relies upon documentary analysis and interview.

Copyright by Mahidol University

Ethical issues

The researcher understands that, in conducting interviews, consent and confidentiality are very important. Otherwise, it might harm interviewees' occupations, status, credits, and, at worst, life. Therefore, the researcher had informed interviewees of the purpose of the research and asked for permission to use the information from the interview in the thesis. The private school preferred not to have its name published, thus, the name of the school and all the names of the interviewees are put in initials instead. As for interviewing the students and teachers, consent was sought from the principals of the two schools prior to the interviews.



Copyright by Mahidol University

CHAPTER II
LITERATURE REVIEW

As mentioned briefly in Chapter I, there are a few major factors that possibly explain the difficulties associated with child rights promotion and protection in Japan. These include child-related state laws that emphasize child welfare ahead of child rights and government reluctance to take action to prompt changes to the law. It is impossible to ignore the final factor, which is Japanese culture and social practices that emphasize responsibility, duty and conformity, while believing that children do not have rights. These attitudes are deeply rooted in Japanese society and determine to a great extent the status of children in society today.

Much research and many reports have revealed the unpleasant situations that Japanese children are exposed to at schools. This unpleasantness can include school violence such as bullying and corporal punishment and strict school rules and disciplinary regimes that infringe many rights of the child. It is possible that these cases occur because the Japanese government fails to view children as the full subjects of rights. The government's unwillingness to promote and protect child rights has, therefore, driven many local governments, such as Kawasaki City, to act on their own.

The purpose of this literature review is to identify what is already known about:

- The general difficulties associated with promoting child rights in Japan;
- The challenge of protecting children from violations of their rights in Japanese schools;
- Local mechanisms to remedy situations where children are deprived of their rights within schools; and,
- School administrative system.

Copyright by Mahidol University

2.1 Factors that hinder child rights promotion and protection in Japan

2.1.1 State laws

Several child-related laws in Japan serve to demonstrate the inconsistency between the government's claim of its respect for the principle to protect the best interests of the child and the government's failure to promote compliance with that principle (Ministry of Foreign Affairs of Japan, 2001). For example, the juvenile law amendment of 2000 has reduced from 16 to 14 the age at which children can receive legal punishment. The amendment allows juvenile cases to be transferred from the Family Court to criminal courts, which make juvenile offenders subject to legal punishments rather than remedial treatments intended to treat children's problems. This puts the interests of the society – security and satisfaction – before the best interest of the child. In many countries children are protected and given guidance when they make mistakes, while in Japan they are subject to adult punishments in order to "instil a sense of adherence to rules" in the name of "responsibility" that is frequently stressed before rights in Japanese society (Sasaki, 2005: n.p.).

Similarly, the Child Prostitution and Child Pornography Prevention Law, in addition to punishing those adults who purchase child sexual services, also focuses on punishing children who offer sexual services in exchange for money. The law seems not to view children as victims of sexual exploitation. Furthermore, there is still no solution to discrimination against victims of child sexual abuse (Committee for NGO Reporting on the Convention on the Rights of the Child, 2003).

In the area of education, Article 29 (1)(b) of the CRC states that one of the aims of education is, "[t]he development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations" (Center for Human Rights, 1990: 23). Interestingly, no mention is made of rights or freedoms in Japanese educational laws, including the Fundamental Law of Education, which was amended in 2006 and is the basis for other education laws (MEXT, 2006; MEXT, n.d.). In fact, the law was revised because the government itself showed concern that these days individual rights are likely to be overly emphasized in place of general community rights. Article 2(2) of the Fundamental Law of Education is possibly the most relevant to this provision of the CRC, as it states that one of the aims

Copyright by Mahidol University

of education is "to respect individual values"[1]. However, it does not directly indicate respect for human rights and freedom in any way (MEXT, n.d.). Without addressing a single direct word on rights or freedoms, the Fundamental Law of Education is unlikely to oblige other educational laws to promote rights and freedoms. Accordingly, it is difficult to see human rights being inserted into school curricula or practices at schools.

It would be extreme to say that all child-related laws in Japan are against child rights. In fact, there are some laws, including the Constitution, Child Abuse Prevention Law and Child Welfare Law, that go some way to forming a kind of framework for child rights. Nevertheless, child rights are still inadequately protected in Japan (Goodman & Neary, 1996; JFBA, 2003).

2.1.2 Government procedures

Japanese government reports to the UN Committee on the Rights of the Child seem convincing: Japan is committed to the Convention. Firstly, the government boasts that students receive human rights education at school. The initial government report in 1996 states that students learn international laws on human rights, including the CRC, respect for human rights, and child development (paragraph 34) (Ministry of Foreign Affairs of Japan, 1996). Its second report further states that the government's revised guidelines for teaching in 1998, or the "Courses of Study",[2] were created to promote human rights education (paragraph 270) (Ministry of Foreign Affairs of Japan, 2001). However, children do not seem to agree with those statements. According to the Japan National Coalition Group of NGOs and Citizens of Preparing the Alternative Report on the CRC Report (2004) – although the Convention is mentioned in many textbooks, only its name is mentioned and not the principles stipulated within it. According to a questionnaire survey undertaken by the same group, approximately 30% of children have heard of the Convention, while less than 10% know its content. Schools do not seem to significantly educate students about

1 Translation by the author from "*kojin no kachi wo sonchousite*"

2 Courses of Study were issued by the Ministry of Education (today the name has been changed to "Ministry of Education, Culture, Science and Technology") for the first time in 1947 for primary and secondary education. It was firstly used as a sample school curriculum but developed to become the national standard school curriculum in 1958 (Nabeshima, Yoshiro et. al., n.d.)

Copyright by Mahidol University

rights, as Yamashita (2004: 29) says "…honestly speaking, I have no memory of receiving the education which emphasizes the rights. I have never heard teacher say "[t]his is the rights of yours.""

Secondly, the government states that children have freedom of expression as this right is guaranteed under Article 21 of the Constitution (initial report, paragraph 83) (Ministry of Foreign Affairs of Japan, 1996). In contrast, the "NGO Report on the Second Periodic Report of Japan: Advanced Summary" indicates that children's views on matters related to children does not receive much respect. The report goes on to find that it is also difficult for children to participate in school decision-making processes (Committee for NGO Reporting on the Convention on the Rights of the Child, 2003).

Thirdly, the government notes that it has stressed to education boards that bullying must not be allowed (initial report, paragraph 225) (Ministry of Foreign Affairs of Japan, 1996). In the second report, it mentions that the police have a duty to protect the bullied and provide them with counselling services (paragraph 249) (Ministry of Foreign Affairs of Japan, 2001). However, in reality, bullying is still a serious problem in schools, leading many students to commit suicide. Although the Ministry of Education and educational experts suggest that schools take children's views into account and create counselling services, these suggestions and measures do not eradicate the cause of the problem and cannot decrease bullying (Japan Civil Liberties Union, 1998).

Fourthly, the government emphasizes that it pays a lot of attention to corporal punishment in schools. For example, paragraph 122 of the government's second report notes that education boards are carefully instructed to listen to students' explanations and opinions before undertaking disciplinary action. The aim is to provide an educational component to the punishment, rather than simply being retribution for poor behavior. The report continues that corporal punishment in schools is forbidden under the Article 11 of School Education Law[3] and that the government

[3] Article 11 of the School Education Law stipulates that "the principal and teachers are allowed to take disciplinary action against students if it is considered that the action is needed for educational reasons under the supervision of the competent authorities. However, physical punishment is forbidden."

Copyright by Mahidol University

has been reminding education officials of this (paragraph 163). Teachers are said to be lectured on educational laws in national training programs held by the National Center for Teachers' Development[4] (paragraph 163). In addition, the same report states that school rules must be in consistent with human dignity and that rules are periodically examined (paragraph 263b) (Ministry of Foreign Affairs of Japan, 2001). A student, however, asserts that, at the very least, paragraph 122 is untrue because she sees many students, without their explanations or opinions having been listened to, receiving corporal punishment (Hayashi, 2004). The Japanese Civil Liberties Union (1998) also adds that despite illegality, corporal punishment which involves physical and psychological violence by teachers is increasing. In some cases, it causes serious injuries, death, and suicide, but punishment of teachers is very light and the compensation for students is very low. The Committee for NGO Reporting on the Convention on the Rights of the Child (2003) concludes that instances of violence in schools, such as corporal punishment and bullying, remain common but the government still has not developed any practical instrument to solve the problem.

Those school-related problems have prompted the government to plan for education reform, although without necessarily taking into account the best interests of the child. JFBA report (2003) believes that the proposed education reform is the way to control children's behavior rather than to see them as the center of education. According to the report of the National Commission on Education Reform, which is said to be "an advisory organ to the Prime Minister" created in 2000 (Fukuda, 2003: 66), problems such as school violence, class collapse, school refusal and other crimes have to do with children's incapability to control themselves. Such bias indicates that the commission blames children who cause such trouble or face problems, while looking little at the causes of such behavior and seeking prevention accordingly. The government's response to widespread childhood behavioral and criminal problems has been to increase the severity of punishments with a strengthened Juvenile Law and

---

Translated by Kohei Kudo, from "*kouchou oyobi kyouin ha, kyouikujou hitsuyou ga aru to mitomeru toki ha, monbukagaku daiin no sadameru tokoro ni yori, gakusei, seito oyobi jidou ni choukai wo kuwaeru koto ga dekiru. Tadashi, taibatsu wo kuwaeru koto ha dekinai*." (Houko, 2007).

4 The center was established in 2001 under the government's supervision in order to give training for teachers and other educational personals in additional to the trainings given by education boards at local levels (National Center for Teachers' Development, 2004).

Copyright by Mahidol University

giving more serious penalties to children who cause trouble at school. In addition, although the government has planned, for example, to make schools more fun and to provide counseling services – in addition to other reforms, including allowing long-term absent students to study in an out-of-school environment – the JFBA report criticizes the government for simply being concerned about how to bring children back to school rather than addressing the factors that lead to student absenteeism (Fukuda, 2003; JFBA, 2003). Given the government's unwillingness to address these issues in a holistic manner, how could it be said that the government always considers the best interests of the child according to what it claims earlier in its second report (Ministry of Foreign Affairs of Japan, 2001)? The government has appeared not to be especially committed to the CRC from the very beginning. Thus, it is not surprising that there has been no significant change to the status of Japanese children after the ratification.

The government reports into promoting and protecting child rights in Japan clearly refer only to the Constitution and other existing laws and policies, including some government actions that have had very slight effect (although, arguably, closer to none). The reports do not mention the current (real) situation of children and do not measure the effectiveness of those mechanisms at improving children's lives. On the other hand, voices of children and NGOs reflect another angle that contradicts the positive images given by the government. Both children and NGOs are aware that little has changed following the ratification of the CRC, saying that, "[e]ven children came close to regarding the Convention as something useless" (Yamashita, 2004: 29) and that "the government has achieved almost nothing in realizing the Convention" (Yamashita, 2004: 7).

The UN Committee on the Rights of the Child (2004) concludes that child rights principles and provisions are not fully integrated into Japanese national laws and advises the government to revise them. In addition, there is as yet no independent body to monitor the implementation of the CRC, thus the committee suggests that Japan encourage the establishment of prefectural ombudsmen to work in collaboration with the Human Rights Commission once the latter is established.

Copyright by Mahidol University

2.1.3 Culture and social practices

It seems safe to say that the Japanese do not usually consider children as rights holders and that responsibility and rules hold greater emphasis. This is perhaps one reason why child rights and the principle of the best interests of the child are not much realized in Japanese society (Yoneyama, 1999; Angell, 1990; JFBA, 2003). Children are seen as "objects of protection and control", which must stay away from dangerous environments and be guided by strict discipline, including sanctions, so that they will behave properly in the community and society at large (NGO Group for the Convention on the Rights of the Child, 1997: 27). However, when it comes to children behaving improperly or committing crimes, they are subjected to punishment and not protection. For example, as the amount of juvenile crimes committed by children at 14 years of age has been increasing, the Juvenile Law was amended to introduce legal punishment for them. Previously, only those from 16 years of age were liable to legal punishment (JFBA, 2003; Committee for NGO Reporting on the Convention on the Rights of the Child, 2003; Sasaki, 2005). Children who sell sexual services are also punished by law (Committee for NGO Reporting on the Convention on the Rights of the Child, 2003). Sasaki (2005: n.p.) points out:

> The Japanese society is, in fact, seeing the delinquency of children as problem arising from the nature of the children themselves, and making them liable for it. Considerations regarding the background of the children's problems, their education, and home environment, etc., have diminished. The society is less prepared to support children who are trying to get back on the right track

Consequently, parts of society that deal with children directly, like schools, have been expected to play the role of disciplining children according to the mainstream's needs. Japanese teachers usually refer to students as "children" even when they are eighteen years of age. They do not encourage students to see themselves as adults but remind them of their responsibility to family, school and community without in turn mentioning their rights. Children learn to think on their own but not to express themselves. They learn to accept the authority of the teachers and not to challenge them, although they may resent it (Rohlen, 1983). Many complaints from children show how teachers suppress their rights and do not allow them to have a say, as they are viewed as "merely children". Hayashi (2004: 8) explains,

Copyright by Mahidol University

> Even if students think that [some] situations are strange, they hesitate to voice their questions for fear that they would receive violence or pressure from teachers. Even when they raise their voices, teachers would say "You are a mere child. You must not raise questions to adults" or would criticize them that "You misunderstand the meaning of the rights."

Iwabuchi (2004: 18-19) adds,

> [t]here are some teachers who hear the voices of ours seriously. But, more teachers neglect our voices and treat us as immature" and that "[t]eachers treat students who are problematic as if they were criminals.

Another child concludes "I have no choice but being obedient. Otherwise, I could not live in this society" (Yamashita, 2004: 7). This indicates that students' voices are very weak, even though schools exist to support children. In fact, what children really want is "adults and teachers who listen to [them] in daily life" and who hold a "new view that children are partners who raise questions to adults and make better world through dialogue with adults" (Yamashita, 2004: 7, 11).

The fact that children are not seen as rights holders can be explained by the concept of Japanese uniqueness in the way of thinking and behaving. Nishikawa (2005) argues that Japanese cultural concepts and social practices were greatly influenced by Confucianism, Buddhism, and Shintoism, especially in the feudal period where Japan withdrew from ties with other nations for nearly 300 years. The relationship between warriors and their lords, formed on the basis of loyalty, obedience and protection, has become the social norm. Such value is applied in Japanese hierarchical social structure where one's value depends on the superior. Rights and freedoms are also granted to an individual on the basis of the individual's loyalty to their superior. In Confucian and Buddhist perspectives, mutual respect and consideration for others are the basis of human rights. In short, it is in human relations where human rights exist: the nature of personal interactions is controlled by tradition and, therefore, perhaps many Japanese do not believe in individual rights or inherent rights like universal human rights.

Shintoism, widely recognized as a "Japanese" religion, has been shaped by both Confucianism and Buddhism and has greatly influenced Japanese thinking and behavior (Nishikawa, 2005; Kanchananomai, 1992). It is the mechanism that controls people's behavior by forming a social framework where people are expected to know their responsibility and duty from their status and circumstances. To illustrate,

Copyright by Mahidol University

Shintoism believes that one cannot live on one's own, so one must change one's feelings, thoughts and actions in the same way as others'. Any actions that are different from what the society accepts are strictly forbidden. Right or wrong is not determined by religious principles or standards, but by one's responsibility and duty that is based on one's social status at a certain time and circumstance (Kanchananomai, 1992; Klangsuwan, 2004).

Takeo Doi (1995), the writer of *Amae no Kouzo* (*The Structure of 'Amae'*), which explains what he believes is the myth behind Japanese mentality, supports and further clarifies what has been discussed earlier about the influence of Shintoism. He points out that the emphasis on groups over individuals has existed in Japanese society since ancient times. The idea of privacy or individualism that exists beyond a group attachment is not recognized, and thus personal identity is not accepted. Throwing away one's individuality for a group is seen as the right thing to do. As a result, individualism is prevented by this group value and there is nothing one can do besides doing what one is told to do and accepting other people's decisions. It is, thus, not surprising to see that the Japanese usually try to avoid conflicts and tend to follow others. It is also very unlikely for Japanese individuals to live without attaching themselves to a group, because they believe that unless they do so they will lose their place in society and finally lose themselves. Klangsuwan (2004) agrees that when an individual is in a group or community, his "self" will disappear. As everyone is a member of a group or community, the group or the community comes before individuals. Such denial of individualism, as Doi (1995) puts it, prevents the growth of freedom in Japanese society.

This explanation about Japanese uniqueness is at some point similar to the concept of Asian values, which attempts to explain the differences between Asian and Western societies. This is especially in terms of culture, where Asian societies value social harmony and collectivity above individuality, and thus do not accept universal human rights concepts that stress individual rights (Li, 1996). Donnelly (1999) adds that in Asian cultures duties - not rights - are emphasized. The rights of an individual, family and community are all dependent on duties. Hence, universal human rights are incompatible in the Asian context. Asian countries agree upon the fact that universal human rights focus too much upon individualism while ignoring social duties. Asian

Copyright by Mahidol University

critics also argue in favor of retaining their ideologies and social practices (such as the emphasis on duty) in order to preserve traditions of their family, community and society. Although the concept of Asian value are not totally valid for all Asian countries, as Asia covers a huge area and each country differs based on their background and social and political contexts, the idea seems to fit well with Japanese society.

The explanation about Japanese uniqueness and Asian values, then, clarifies why Japanese culture and social practices prevent child rights from being much recognized. In fact, adults themselves were also brought up under the same framework, so it is not surprising to see that they teach their children to comply with the same rules. The view that children are subjected to protection and control and have to obey their teachers reflects the concept of obedience and protection in feudalism. It also reflects the social norm that Japanese do not argue, but rather conform with others and that individualism is given no great significance (Nishikawa, 2005; Doi, 1995). The emphasis placed on students' responsibilities and proper behavior in family, school and community can be explained by the emphasis of one's responsibility and duty in Shintoism, duties over rights, and the significance placed on collectivity, such as family, community and society (Kanchananomai, 1992; Klangsuwan, 2004; Li, 1996; Donnelly, 1999).

In short, there is an aspect arising from the culture and society that prevents the practice of universal human rights, needless to say about the rights of children who are expected to learn to conform so that they can become a "good" member of a group or society. Yoshitaka Akimoto, the Ambassador in charge of human rights at the Ministry of Foreign Affairs, also said during the review of Japan by the Working Group on the Universal Periodic Review (UPR) that, although child rights protection is deemed significant, "due consideration must be given to the current social system in Japan" (UPR, 2008: 3). This is another aspect that indicates how much child rights and human rights are perceived as incoherent to Japanese society and that the government has little intention to address its significance as long as it may result in a negative impact to the social system: a system that has been preserved for years. It is one of the reasons why state laws and government procedures have made little progress to truly protect and promote child rights in Japan. From this conservative

Copyright by Mahidol University

point of view, it seems unlikely that child rights will be genuinely respected in schools unless society starts to look beyond perceived limitations and sees the possibility that child rights could relieve school-related problems without necessarily undermining the existing social system.

2.2 Child rights violations in Japanese schools

Due to the above factors that hinder the promotion and the protection of child rights, child rights violations in schools remain a big problem. The major violations occurring in schools are as follows:

2.2.1 Bullying

School bullying is a serious school problem found mostly among lower secondary schools. It is believed to be connected with educational pressure (Lewis, 1995; Okano & Tsuchiya, 1999; Neary, 2002; Wuwongse, 2003). It is also believed by some to be rooted in the "conformist nature of the schooling processes" (Okano & Tsuchiya, 1999: 240), which can lead to school non-attendance, social withdrawal, murder and suicide (Dziesinski, 2003; JCLU, 1998; Murakami, 1991).

Morita and Kinonaga (Wuwongse, 2006) identify the nature of bullying in Japanese schools today as follows.

1. Silent bullying

Adults usually do not realize that bullying is occurring among children until it has turned into a severe case.

2. Role changing in bullying and being bullied

It is difficult to identify who is bullying and who is being bullied as one might play both roles at the same time. For example, a victim can be told by a bully to bully another classmate. Or if the whole class turns cold towards another classmate, those who have been bullied before would choose to follow the flow in order to escape from being bullied again. Feelings of uncertainty and fear, therefore, occur to the whole class as they do not know when they will be targeted. Sometimes those who are scared of being bullied seek to bully someone first before they are attacked.

Copyright by Mahidol University

3. Discrimination and labeling

Today, students who do well in class are targeted for bullying because they are more outstanding than others. Or if someone does not have things that others have or does not know what others know, he/she will start to be accused and discriminated against. Sometimes, those who are labeled negatively are not really what they are labeled, but as they are accused of the misleading label, others tend to believe that they really are what they are labeled.

4. Group bullying

Instead of one on one bullying, bullying has turned into a group activity. A group is composed of a leader and many subordinates. They try not to act differently from others in the group so that they will not be targeted. Once a friend is targeted, one will suddenly turn cold and start to bully that friend with others. This prevents the bully from being bullied first. Those who are not involved directly in bullying or being bullied will pretend that they do not know or see anything so that they will not be targeted, while some enjoy seeing or support bullying.

5. No self-restraint

Compared to the past, today's bullying is more violent and longer lasting. It is believed that children cannot control themselves and do not think of how others feel as a result of their actions. Children are also believed to be unable to consider the outcomes of their actions. As long as there is no one trying to stop the situation, bullying will go on further.

From the above explanation, the nature of bullying in Japan reflects the strong emphasis on conformity and the denial of individualism in Japanese society. For example, those who are seen as acting or even looking differently from others are subjected to "punishment" by the group. Those who want to survive have to conform to others and neglect their real identities.

The rejection of individualism, which is reflected by the bullying in Japan's schools, also shows that bullies do not have respect for others and that they fail to see that others have dignity and rights. The bullied, on the other hand, feel lower than others despite having equal dignity and rights. Okano & Tsuchiya (1999) say that the more children are bullied, the more they feel depressed and the more they feel they deserve to die. Although most do not like bullying, only a very small number of

Copyright by Mahidol University

students say they would intervene to prevent or stop bullying (19.7%) from occurring. While 14.5 % say that they would join in bullying. This means that the rest (65.8 %) of those who do not intervene or join the bullying are bystanders. The percentage is very close to those who believe that bullying is improper (64.2%). This indicates that Japanese students are taught very little about basic human values and rights (Okano & Tsuchiya, 1999).

Although the Ministry of Education, Culture, Sports, Science and Technology (MEXT) claims that the numbers of bullying found in public schools have decreased greatly, public awareness of the issue is not decreasing. The statistics from the Ministry show that since the peak number of bullying was found in 1995 (60,096 cases), the numbers have been dropping gradually every year. However, it rose again in 2003 (23,351 cases), although has since decreased[5] (MEXT, 2006). Nevertheless, the statistics cover only cases in public schools and there are quite a number of cases that go unreported. Thus, the numbers from the Ministry alone cannot reveal the true situation. Moreover, although the numbers are claimed to have decreased, it does not mean that the severity of bullying is decreasing. This is why news about students committing suicide continues. In fact, schools often remain unaware of all the extent of bullying. Sometimes they pretend that nothing has happened, even though students report cases to teachers (Okano & Tsuchiya, 1999; Murakami, 1991). If they are aware of the problem, they think that it will be solved on its own and do not reveal anything to parents until events spiral out of control or their children are already in serious trauma or have committed suicide (JFBA, 2003). In fact, if the schools were committed to human rights, they would not have let the problem go. Furthermore, if schools were committed to human rights they would attempt to seek a rights-based approach to deal with the problem, such as teaching their students that everyone has equal rights and dignity and that no one shall take those rights away. The schools would also affirm that students can appeal if their rights are violated. Today, bullying issues still receive wide public interest. To illustrate, one of the most-searched words on the MEXT homepage in 2006 was “bullying” (MEXT, 2006). Moreover, during 2007 alone, the issue had been prominent amongst the public as many TV

[5] The record is as of 2005

Copyright by Mahidol University

programs/shows such as "*Smap x Smap Special: to you who are bullying others right now*" and "*Kazuko Hosogi's emergency big prediction: stop committing suicide because of bullying! Tonight I will give you the answer!! Special*"[6] were created to examine bullying. Another noteworthy media portrayal of bullying was a TV series about based on a comic series called "*Life*".[7]

2.2.2 Corporal punishment

Although illegal, as stipulated under the Article 11 of School Education Law, corporal punishment is widely practiced in schools, causing both physical and psychological pain to children (Lewis, 1995; JCLU, 1998). Approximately, 2.1% of public schools have corporal punishment, which is mostly hitting by hand (66.7%) and sometimes includes kicking and hitting with sticks. Sixty percent of the students are not injured, but some have "bruises, damaged eardrums and broken bones" (Okano & Tsuchiya, 1999: 209). Hayashi (2004: 9) gives examples about corporal punishment at her school,

> In the junior high school where I attended, corporal punishments and verbal violence by teachers were daily routine. Just two days after I entered the school, I saw teachers inflicting corporal punishment to students. After that, I could not tell what I thought to teachers.
> I did not receive a punch or a kick from teachers, but, teachers frequently had swings at students or kicked them in front of me without hesitation. When teachers found students having styling spritz, students were brought to watering place and forced to wash their hair with cold water even during winter. In front of the school gate, teachers took some students' bags and emptied contents of the bags on the road under the name of belonging-search. Some students were forced to go back home on the ground that they wore shoes which were different from officially designated shoes. When students wore jersey clothes before the gymnastic class began on a cold day of November, they were ordered to run three laps of the truck on the ground that they wore jersey clothes without permission. Why did they have to get permission to wear jersey clothes on a cold day? When I saw teacher order this with smile on his mouth, I really felt terror.

Strict punishment is claimed to be necessary in order to correct misbehavior and improve academic performance. It ignores completely, however, the question of human rights and whether it involves humane actions or not. Such over-emphasis on

---

[6] Translate by the author from "*Smap x Smap SP: ima ijimeteiru kimi he…*" and "*Hosogi Kazuko no kinkyuu daiyogen: ijime jisatsu ha yamenasai! Konya kotae wo dasuwayo!! SP*"

[7] From personal experience while staying in Japan in 2007

Copyright by Mahidol University

conformity in Japanese society and punishment of those who do not conform are also believed to result in the distorted development of children. Strikingly, the majority of children (63%) do not know that corporal punishment is illegal, and the punishment for teachers' mal-treatment of the child is very light (Okano & Tsuchiya, 1999).

2.2.3 Strict school rules

Japanese school rules seem to be problematic for many students because of their unreasonableness and severe strictness, which many times are not based on educational purpose and are against child rights. Moreover, they are also applied after school hours. Some schools do not allow students to attend rock concerts or to go out with members of the opposite sex. In many cases, students must have certain hairstyles or have their personal belongings checked. Some rules can be considered nonsensical and barbaric: girls have to wear a certain kind of underwear and are subjected to teachers' checking in front of other students (JFBA, 2003). Mostly, students' opinions are not reflected in school rules, although there are a few schools that let students participate in decision-making process, but that is still very exceptional (Hayashi, 2004). Any attempt to revise unreasonable school rules is deemed by teachers as being selfish in some schools (Yamashita, 2004). What's more, those who go against school rules are regarded, perhaps unreasonably, by teachers as having behavioral problems. Punishment for breaking school rules can be as severe as being expelled from school (Yoneyama, 1999).

2.3 Local efforts to promote and protect child rights in Japan

Several factors have prompted local governments to take a step on promoting and protecting child rights. Those factors include the ineffectiveness of government in promoting and protecting child rights in Japan, consideration that responsibility to carry out CRC provisions also lies on local governments as well as the government, and the transfer of child-related work to local governments (General Research Institute of the Convention on the Rights of the Child, 2002). Local governments seek to promote and protect child rights by establishing ordinances, of which the characteristics are different in each local municipality. Some ordinances focus on principles (such as in Mino City, Setagaya Ward, and Chofu City), while some focus

Copyright by Mahidol University

on remedies such as ordinances on ombudspeople in Kawanishi City, Saitama Prefecture and Ginan Town. Comprehensive ordinances have been established in Kawasaki City, Naie Town, Kosugi Town, Tajimi City, Meguro Ward, Uotsu City, Toshima Ward, Nabari City, Memuro Town, and Gifu City. However, it is said that very few local governments embed rights-based approaches in establishing ordinances on child rights, and child policies are not likely to cover child rights in the education field. Moreover, very few local governments conduct assessments and evaluations or periodical reviews, unlike Kawasaki City. Limited budgets and human resources in some local municipalities have led to difficulties carrying out the plans. There are also the problems of a lack of central government support for local initiatives and that awareness amongst the community is still low (General Research Institute of the Convention on the Rights of the Child, 2006). Nevertheless, in Kawasaki City, the attempt to promote and protect child rights is moving forward.

Kawasaki City is among the first cities in the world where child rights concerns were initiated by local government (Abe, n.d.), and where civil society and children joined in the drafting and implementing process (General Research Institute of the Convention on the Rights of the Child, 2006). Kawasaki City's child rights ordinance confirms support for all institutions that are related to child development and is committed to creating events for children to participate in. Kawasaki City's Committee on the Rights of the Child is also proactive in conducting surveys on how the residents, including children, feel about and experience child rights. The committee also creates periodic action plans[8] and carries out diverse activities to build awareness of child rights among the residents, while establishing networks with local organizations (UNICEF, n.d.; General Research Institute of the Convention on the Rights of the Child, 2006). On the other hand, child protection, remedy, and counseling services are the responsibility of the Kawasaki City Human Rights Ombudsperson (Ordinance on the Rights of the Child Homepage, 2006). The ombudsperson also works to create an environment that promotes the confidence for

[8] Action plan contains details about the objectives, plan of action, responsible parties, and timeline about the measures of Kawasaki City to promote and protect child rights such as Kawasaki City Child Homepage, Child Dream Park, child rights awareness raising, support for children who do not go to school and children who have special needs, support for children to exercise their rights to participation, expression and learn about their rights.

Copyright by Mahidol University

children to speak up about their problems (Kawasaki City Human Rights Ombudsperson Homepage, 2005).

Since Kawasaki City plays a leading role in promoting and protecting child rights at a local level, it is very interesting to assess the influence on child rights issues within schools by examining the roles of the City's ombudsperson and the ordinance on the rights of the child. Meanwhile, as this research focuses on child rights within schools, it is also important to understand the Japanese school administrative system in order to see the differences between public and private schools, and the effect that these differences may have on the city's attempt to promote and protect child rights.

2.4 School administrative system

The Japanese educational system is a 6-3-3-4 system[9] like America's. The compulsory education is the first 9 years, but 90% go to high schools, with 40% of high school graduates furthering their studies in universities or technical colleges (Japan Reference, 2004).

Like many other countries, there are both public and private schools in Japan. Although private schools are established and managed by private organizations, they are also supported with a large amount of money each year by the government in order to help reduce their educational burden.[10] While private schools are under the supervision of the governor of each prefecture,[11] public schools are under the supervision of education boards (E-gov, n.d.). Both public and private schools have to follow certain laws and regulations, such as the Fundamental Law of Education, School Education Law and the Courses of Study. Private schools must also follow Private School Law in addition to the other laws (MEXT, n.d.). Both have freedom in creating their own curriculum in accordance with the conditions of the schools, local community and children. The general administrative system of each school, however, such as objectives, goal, curriculum, period of study and subjects, must be relevant to

9 Six years in primary schools, 3 years each in lower secondary and higher secondary schools, and 4 years in universities.

10 1,038.5 billion yen (as of 2007)

11 Public schools are under supervision of local education boards (e-gov, n.d.)

Copyright by Mahidol University

the School Education Law, and the objectives and contents of each subject must follow the Courses of Study. Textbooks used must be authorized by MEXT or be of MEXT copyright, but education boards are allowed to select which one to be used in each school (MEXT, n.d.; MEXT, 2003). Therefore, it can be said that both types of schools have freedom at certain levels as long as they follow the minimum requirements of relevant laws and regulations. However, it is assumed that private schools are likely to have different management from public schools to attract parents and students due to the better financial status of private schools and their independency. Therefore, private schools could allocate more study hours than public schools to indicate that they concentrate on academic performances. This is possibly why private schools are more competitive than public schools (Wuwongse, 2006; H. School, 2008). The next chapter will examine the Kawasaki Ordinance on the Rights of the Child and the Human Rights Ombudsperson before moving to Chapter IV which will examine the impact of the ordinance and the ombudsperson on two lower secondary schools: a public school and a private school.

Copyright by Mahidol University

CHAPTER III
THE *KAWASAKI CITY ORDINANCE ON THE RIGHTS OF THE CHILD*, THE KAWASAKI CITY HUMAN RIGHTS OMBUDSPERSON, AND A GENERAL ASSESSMENT OF BOTH

3.1 Background

In Kawasaki City, the thoughts of forming an ordinance on the rights of the child were spearheaded by some scholars and the Mayor at that time, Takahashi Sei, with support from the education board and educational staff.[1] Such suggestions arose because the city found that the needs of children were not given much attention. In addition, Kawasaki City residents agreed that they would also like to see their society filled with guarantee of rights for other vulnerable groups such as foreign residents, people with disabilities and the old (General Research Institute of the Convention on the Rights of the Child, 2002). This was later reflected in the preamble of the *Kawasaki City Ordinance on the Rights of the Child* (UNICEF, n.d.):

> Efforts to guarantee the rights of the child in the City will have the effects to promote coexistence among all the residents in the City, leading to the protection of the rights of the residents themselves.

The initiative for protecting and promoting the rights of the child was then followed by several thoughts and preparation for the establishment of the ordinance by the City Office and those whose work is related to children, such as community people, school principals, and school-related officers[2] (General Research Institute of the Convention on the Rights of the Child, 2002).

---

[1] The information is based on the interview with Shigeto Aramaki on July 20, 2007. Shigeto Aramaki is the President of the Kawasaki City Committee on the Rights of the Child and a lecturer at Yamanashi University

[2] The information is also based on the interview with Shigeto Aramaki on July 20, 2007.

Copyright by Mahidol University

Rationale for actions on child rights

What made Kawasaki City feel the need to take child rights seriously? According to the General Research Institute of the Convention on the Rights of the Child (2002), the first reason was that the City perceived that child rights protection would guarantee child development as human beings. Aramaki, the President of the Kawasaki City Committee on the Rights of the Child, explained that to grow up and live one's life as a human being, human rights are indispensable. In order to be a natural and comfortable self, human rights are crucial to assert oneself in today's society. This is the same for children, so it is important to ensure that children have the necessary rights that enable them to live and grow up naturally and comfortably[3].

The second reason was that child rights were being violated despite the existence of many laws, systems and measures that help abused children and support child rearing (General Research Institute of the Convention on the Rights of the Child, 2002). Those mechanisms were accused of being impractical because they did not look at the situation in which children really lived. However, a local ordinance can promote and protect child rights more effectively, as local government knows better about its own problems and can approach those children more easily and directly than waiting for the state to act. Therefore, it was important to root child rights promotion and protection from a local level.[4]

The third reason is that there had been no information about child rights, which caused misunderstanding and confusion about the issue (General Research Institute of the Convention on the Rights of the Child, 2002). For example, many people believe that rights would only spoil children. Therefore, it is important to find a way to make those people, as well as children, understand rights correctly and what situations are of concern to rights and what are not.[5] These indicate that government measures have weaknesses associated with promoting and protecting child rights despite of its claims

---

[3] The information is based on the interview with Shigeto Aramaki on July 20, 2007.

[4] The information is based on the interview with Shigeto Aramaki on July 20, 2007 and Yoshie Abe on July 18, 2007. Yoshie Abe is a visiting lecturer at the General Institute for Women Researchers at Waseda University and the assistant to Akito Kita, a lecturer at Waseda University, who was among the first persons who took an action in establishing the Kawasaki City Ordinance on the Rights of the Child.

[5] The information is based on the interview with Shigeto Aramaki on July 20, 2007.

Copyright by Mahidol University

about the government's commitment to the CRC. These urgent issues drove the City to take child rights into consideration.

Controversies during the drafting process

The voices from both adults and children in Kawasaki City during the drafting process indicate the controversies of children's needs and adults' views about children, including adults' lack of understanding about child rights.

The issue that was subject to the hottest debate was "rights" versus "duties". While the children sought the right to be themselves and to be accepted as humans just like adults, the latter were worried that allowing children to have rights would only spoil them further and lead them to ignore their duties and responsibilities[6] (General Research Institute of the Convention on the Rights of the Child, 2002). They judged that if children did not take their responsibility into consideration, then they should not have rights. Even law specialists understood that children would be allowed to be alone if they had the right to be themselves, while parents and teachers were anxious that children would no longer listen to them. Some opinion went further to the concern that children would be in danger if they could make decisions by themselves (General Research Institute of the Convention on the Rights of the Child, 2002).

This partly reflects the unique culture and social practice in Japanese society and the concept of Asian values, where duties and responsibilities, as well as seniority and hierarchy, are very much stressed in Asian societies (Donnelly, 1999). In Japan, to know one's status means to know what one is supposed to do or expected to do so that one will not cause trouble to others and work well with others, leading to unity in society. The controversies mentioned above suggested that many Japanese took the view that adopting alien concepts like human rights seemed equal to the destruction of harmony and social structure. As a result, it is presumed to be something that negatively affects social stability. Such denial of human rights could possibly come from the Japanese' strong desire to preserve their way of life because it has helped Japan in holding its citizen together for a long time, leading the nation to play a role as

6 The information is also based on the interview with Shigeto Aramaki on July 20, 2007 and Makio Tanaka on March 14, 2007. Makio Tanaka is the officer at the Kawasaki City Education Board who is dealing with human rights and co-living education.

Copyright by Mahidol University

a world leader. On the other hand, it could simply reflect the distorted idea about human rights or the lack of understanding about the concept. Or it could be because of both.

In fact, human rights do not necessarily represent a threat to Asian societies or cultures or, more specifically, Japanese society. For example, Thai people seem to enjoy more civil and political rights such as right to freedom of expression than the Japanese, but they do not use that right to show disrespect against family or seniors. Instead they still very much value seniority and family while enjoying their rights. Moreover, rights were not granted on condition of being "responsible" before one could begin using them. Nor is there totally no duty for one in exercising one's rights. Aramaki (2002) argues that it is not that some rights will be subjected to non-existence due to the existence of duties, either. Similarly, in exercising child rights, it must be understood that it is indispensable that in order to have their rights respected and guaranteed, children must respect the rights of others in the same manner (UNICEF, n.d.). Children shall also be responsible for knowing their rights and exercising their right to human rights education. Learning and practicing their rights will enable them to become more aware of and fulfill their rights, including respecting those of others in return. In addition, allowing children to make decisions by themselves is likely to make them see the significance of things around them which are very important for their own development and independence, including enabling them to express their views and join in participation. On the other hand, not treating children as rights holders is believed by the pros to be the reason why children had become radical these days (General Research Institute of the Convention on the Rights of the Child, 2002).

The birth of the *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson

After two years since the first initiative in promoting and protecting the rights of the child in Kawasaki City, the *Kawasaki City Ordinance on the Rights of the Child* finally came into being in 2000 as the most comprehensive local ordinance on child

Copyright by Mahidol University

rights in Japan based on the provisions of the CRC.[7] The ordinance was drafted after residents' consultation had been carried out more than two hundred times at several meetings since 1998, as it was perceived that the ordinance should take root within the residents' sovereignty (General Research Institute of the Convention on the Rights of the Child, 2002). There was wide participation from the residents of Kawasaki City (including children) during the drafting process, thus this ordinance boasts that it reflects the voices of the children (Aramaki, 2002). For example, the children asked why they were not guaranteed of the right to learn or be educated about rights independently. Then, this was reflected in Article 7(3) of the ordinance as "[t]he City shall make efforts to provide necessary support to voluntary initiatives by children to learn about their own rights" (General Research Institute of the Convention on the Rights of the Child, 2002; UNICEF, n.d.).

Six months after the enactment of the ordinance, the Kawasaki City on Human Rights Ombudsperson, based on the Kawasaki City Ordinance on Human Rights Ombudsperson, came into effect to fulfill the provisions under Chapter V of the *Kawasaki City Ordinance on the Rights of the Child*, namely complaints and remedies. The Ordinance on the Rights of the Child and the ombudsperson, thus, are jointly significant to the promotion and protection of the rights of the child in Kawasaki City (General Research Institute of the Convention on the Rights of the Child, 2002).

Characteristics of the *Kawasaki City Ordinance on the Rights of the Child*

Although the *Kawasaki City Ordinance on the Rights of the Child* was formed on the basis of the CRC principles such as the child being a full subject of rights, the best interest of the child, non-discrimination and respect for the views of the child (UNICEF, n.d.; Center for Human Rights, 1990), it is not a simple copy of the CRC.

Firstly, the *Kawasaki City Ordinance on the Rights of the Child* is especially focused on child participation. The significance of this emphasis is that the right to participate is perceived as the prerequisite to exercise many other rights (General Research Institute of the Convention on the Rights of the Child, 2002). However, according to Article 15, in order to exercise the right to participation, the rights to

[7] There were other ordinances that came into being before Kawasaki City's, but they are specific to some certain rights only.

Copyright by Mahidol University

express views must be given beforehand. As a result, there are quite a few provisions in the ordinance that are based on both rights besides the two rights themselves such as Kawasaki Day of Children's Rights (Article 5), support from the City when children want to learn about their rights (Article 7(3)), right to be natural and comfortable self (Article 11), right to enrich him/herself and be empowered (Article 13), and right to receive support in accordance with individual needs (Article 16). Furthermore, while other rights are put together in chapter II, chapter IV alone is totally devoted to children's participation such as the Children's Conference (Article 30) and their rights to support and to be consulted with about school's administration (Article 33) (UNICEF, n.d.). This indicates that the ordinance gives importance to this right at a great extent.

Secondly, the *Kawasaki City Ordinance on the Rights of the Child* clearly stresses the protection of child rights at three locations that directly involve children, namely at home, in growing and learning institutions and in the community (Article 1), and divides them into three different parts under one chapter (Chapter III). In this way, it identifies the indispensability of the cooperation among the three institutions, which are parents, the establisher and administrator of a growing and learning institution, and the City, in protecting the rights of the child. The different responsibilities and measures of the three institutions are defined under chapter III in accordance with the nature of the locations. For example, at home, parents are primarily responsible for guaranteeing the rights of the child and not subjecting them to abuse or corporal punishment. At a growing and learning institution, the establisher and administrator shall arrange for safety management, improve the environment to support children's growth and learning, including preventing abuse, corporal punishment and bullying. In the community, the City is responsible for planning to improve the child-rearing and educational environment and supporting children's independent activities (UNICEF, n.d.).

Thirdly, the ordinance is the first ordinance in Japan that is rooted from the sovereignty of the residents in Kawasaki City to participate in investigation, drafting and other supporting processes. As mentioned earlier, this is seen from the debate between the pros and cons on child rights issues where both adults and children were

Copyright by Mahidol University

involved. Moreover, a "Resident Salon"[8] was also established for the residents to form their opinions independently and report to the Committee on Investigation and Research for the Ordinance on the Rights of the Child (General Research Institute of the Convention on the Rights of the Child, 2002: 101). Children are not second to adults in participation. Their voices were heard through the Child Committee established under the Investigation and Research Committee on the Ordinance on the Rights of the Child, which later was renamed as the Child Committee on the Ordinance on the Rights of the Child. The children also performed various activities as mentioned earlier of this research[9] (General Research Institute of the Convention on the Rights of the Child, 2002).

Fourthly, the provisions of the ordinance are written on the basis of actual situations surrounding the children in daily life, which national legislation and administration cannot thoroughly cope with. For instance, the provisions about bullying were created on the basis of bullied children's status rather than based on the definition by MEXT.[10] Furthermore, it was assumed that bullied individuals felt uncomfortable talking about what had happened to them because there was no place or staff in school to consult with easily. This was the origin of Article 24 (4) and (5), which define the responsibility of a growing and learning institution to develop mechanisms for children to report bullying and to take all necessary measures to settle the case (General Research Institute of the Convention on the Rights of the Child, 2002).

Fifthly, while the CRC talks about the bigger scope of child rights at national and international levels, the *Kawasaki City Ordinance on the Rights of the Child* only covers a much smaller scope. It is, however, a comprehensive law under which the

---

8 Translation by the author, from "*shimin saron*". It uses the word "salon" to make it sound softer than "*kaigi*" (committee), but it actually refers to "committee" (from interview with Yoshie Abe, July 18, 2007)

9 Under the topic "Controversies during the drafting process"

10 The definition of "bully" given by MEXT is "to physically or mentally attack a weaker person on one side, causing deep pain to the person" (General Research Institute of the Convention on the Rights of the Child, 2002: 44), translated by the author from "*jibun yori yowai mono ni taishite ippouteki ni shintaiteki, shinritekini kougeki wo kuwae aite ga shinkoku na kutsuu wo kanjiteirumono*" However, according to Abe (based on interview on July 18, 2007). , "the bullied" are not restricted to the weak only. For example, sending harsh message to someone's mobile phone or posting bad message about someone (who can be the strong) on the internet are also regarded as actions of bullying as well.

Copyright by Mahidol University

City and residents can be responsible of. To illustrate, CRC provisions also embrace child rights issues at a nation-state level such as nationality, refugees, reunification with parents, adoption, trafficking and sales of children, armed conflict and penal law as well as fundamental rights of a child like the right to life, freedom of thought, and right to development (Centre for Human Rights, 1990). On the other hand, the ordinance is limited to the City's matters only, although it is comprehensive and combines ideas, policies and systems together (Aramaki, 2002). Parents' responsibilities to guarantee their children's rights, schools' measures to protect child rights and the City's mechanisms to receive complaints and requests for remedies for the violation of child rights are some examples of the ordinance's comprehensiveness (UNICEF, n.d.).

It can be said that the *Kawasaki City Ordinance on the Rights of the Child* is on one hand a minimized version of the CRC. On the other hand, it is a local community's own mechanism to promote and protect child rights based on the participation of the residents and according to the actual facts about children in the City.

3.2 Objectives and functions

Objectives

The *Kawasaki City Ordinance on the Rights of the Child* was created based the following objectives (General Research Institute of the Convention on the Rights of the Child, 2002; UNICEF, n.d.):

1. To put the provisions of the CRC into practice at local government level (Preamble)
2. To promote and protect the rights of the child by cooperation of the City and other relevant parties either at home, in growing and learning institutions, or in the community (Article 1)

On the other hand, the Kawasaki City Human Rights Ombudsperson was established under the following objectives:

1. To contribute to the respect of child rights in the society with understanding and cooperation from the residents (Article 1)

Copyright by Mahidol University

2. To deal with complaints and provide remedies for child rights violations systematically (Article 1) (Kawasaki City Human Rights Ombudsperson Homepage, n.d.)

Functions

The fact that the attempt to promote and protect the rights of the child in Kawasaki City is enshrined as an ordinance allows the *Kawasaki City Ordinance on the Rights of the Child* to have several important functions.

Firstly, the ordinance protects children as residents of the City. Today local governments are not only the closest body that treats children as residents, but also the authority that works directly on child issues, resulting from decentralization that has increasingly emphasized the roles of local governments (General Research Institute of the Convention on the Rights of the Child, 2002). Since local governments know better about the situation of children in their responsible areas, they can create policies, plans and legislations that are more suitable and practical to the situation than those of the nation, which look at children from the above and broader level.[11]

Secondly, it builds a solid ground for rights promotion and protection because of its lawful status. It would not only guarantee rights in general but also support child rights remedies and measures for child expression and participation. Moreover, it would prompt the awareness among children themselves as well as those whose life or work is related to children, which would lead to increasing rights awareness to the residents in general as well (General Research Institute of the Convention on the Rights of the Child, 2002).

Thirdly, the ordinance sets conditions where the City and residents (home, schools, and community) must promote and protect child rights. Some activities are not possible without an ordinance and some activities will proceed better with it. With an ordinance on child rights, adults can no longer take child rights for granted. For example, the Mayor must respect the voice of the child in the Child's Conference established under the ordinance, and explain to them if and why some actions are impossible because it is the Mayor's responsibility to promote and protect child rights.

---

11 The information is based on the interview with Shigeto Aramaki on July 20, 2007 and Yoshie Abe on July 18, 2007.

Copyright by Mahidol University

Without the ordinance, the Mayor might only listen for the sake of listening. Moreover, the ordinance designates concerned people to talk to children about human rights; making people who are related to children (such as parents and teachers) protect child rights, and support child participation in community and school. Therefore, it is assumed that the ordinance would strengthen plans and policies on child rights[12] (General Research Institute of the Convention on the Rights of the Child, 2002).

Fourthly, it gives children the first priority. While the protection of the rights of women, the old, people with disabilities and foreigners was given significance, there was no awareness or measures to give priority to children. This was despite the fact that protection and assistance by adults is necessary for the development of the child as a human being and that children are being seriously influenced by social problems; problems like parents having no time for children, domestic violence, child abuse, corporal punishment, bullying, and child violence[13] (General Research Institute of the Convention on the Rights of the Child, 2002; Fukuda, 2003). With an ordinance that emphasizes children, children would then become the subject of concern.

On the other hand, the Kawasaki City Human Rights Ombudsperson acts as a defender as well as a spokesperson of children (Article 4). Normally, his/her duties are to give advice and support to a child who makes a complaint (Article 3(1)) (General Research Institute of the Convention on the Rights of the Child, 2002; Kawasaki City Human Rights Ombudsperson Homepage, n.d.). Complaints can be made by telephone, letter, the internet, and at the service counter (Kawasaki City Human Rights Ombudsperson, 2006). In case of requests for remedies, the ombudsperson will investigate the case after receiving a request, which can be made by a child whose rights are violated or by the third person (Article 14 (1)). However, consent must be sought before undertaking an investigation if the request is made by the third person, unless the ombudsperson considers such an investigation to be necessary (Article 15(3) and 15(5)). The ombudsperson can also initiate an

[12] The information is also based on the interview with Shigeto Aramaki on July 20, 2007.

[13] The information is based on the interview with Shigeto Aramaki on July 20, 2007 and Yoshie Abe on July 18, 2007.

Copyright by Mahidol University

investigation if he/she recognizes child rights violations (Article 16 (1)). If the cause of child rights violations comes from within the City institutions', the ombudsperson can recommend improvements to the system in order to prevent repeated violations (Article 19 (1)). The City institutions must respect such recommendations and views (Article 19 (3)). Provided that the ombudsperson considers that City institutions or any relevant parties cannot solve their problems on child rights violations, the fact will be publicized. In working on child rights protection, relevant parties such as the City Ombudsman[14] (Article 4 (2)), City institutions (Article 5 (2)) and residents (Article 6) are expected to be mutually cooperative with the ombudsperson. (General Research Institute of the Convention on the Rights of the Child, 2002; Kawasaki City Human Rights Ombudsperson Homepage, n.d.).

3.3 Policies and measures to promote and protect child rights in schools

The *Kawasaki City Ordinance on the Rights of the Child* and the Kawasaki City Human Rights Ombudsperson play important roles in promoting and protecting child rights in schools by ensuring that relevant institutions such as schools and the education board are responsible and cooperative with efforts to guarantee child rights. The ombudsperson has attempted to protect children whose rights are violated as well as playing a part in promoting child rights in school through various means.

The main policies and measures to promote and protect child rights in school are already regulated in the *Kawasaki City Ordinance on the Rights of the Child* under Chapter III, part 2. The provisions originated from current situations happening at school. For instance, schools were blamed for not having a place or a qualified staff for children to speak to comfortably, so the bullied did not usually report bullying incidents to school. This was the basis for the formation of Article 24 (4), and (5), which identify the responsibilities of a school to create a mechanism for children to report about bullying and make efforts to protect them by taking the best interest of the child into consideration (General Research Institute of the Convention on the Rights of the Child, 2002; UNICEF, n.d.).

---

[14] Kawasaki City's ombudsman is the first ombudsman system established in Japan. Its main function is to receive complaints against government administration, while the Ombudsperson deals with human rights violations among City residents (General Research Institute of the Convention on the Rights of the Child, 2002).

Copyright by Mahidol University

In practice, in response to the current situations on child rights in school, relevant institutions especially the ombudsperson, City Ombudsman, General Education Center[15] and education board have proactively and cooperatively invented several measures to deal with the issues.

1. Investigation

In 2004, the ombudsperson and City Ombudsman investigated and analyzed schools and the education board's measures on "Child rights issues at school – corporal punishment and bullying"[16] and gave their opinion to the Kawasaki City Education Board in the following year (Kawasaki City Human Rights Ombudsperson, 2005: 14). According to the ombudsperson and ombudsman, schools have some flaws in dealing with corporal punishment and bullying. For example, instead of considering some acts as SOS signals from children, schools often think that students who do not fit well with school rules have problems. This negatively affected attempts to prevent rights violations of children who received corporal punishment or bullying. Moreover, there was no mechanism that encouraged students to report corporal punishment, which allowed teachers to inflict corporal punishment once again. What's more, many teachers did not realize that their actions were corporal punishment and some reports on corporal punishment compiled by school principals were inaccurate as there was no double-check with students' parents (Kawasaki City Human Rights Ombudsperson, 2005). For the details on the recommendation, see page 44 under "Kawasaki City Human Rights Ombudsperson's recommendations".

Additionally, the ombudsperson also initiated an investigation on "the role of child consultation system"[17] and reported his/her idea to the Mayor (Kawasaki City

---

15 General Education Center *(sougou kyouiku sentaa)* is a City institution which plays an important role in promoting and protecting child rights in school. Its functions which are related to child rights include issuing books/booklets on child rights for using in public schools, visiting schools to evaluate schools, give advice, and talk about human/child right, teaching Japanese language to non-Japanese students in public schools, providing consultation service for children, and organizing training for schools' human rights representative teachers. Teachers in the General Education Center also participated during the preparation to establish the *Kawasaki City Ordinance on the Rights of the Child* as well (The information is based on the interview with Ritsuko Tawata on July 20, 2007).

16 Translation by the author, from "*gakkou ni okeru kodomo no jinkenmondai – taibatsu, ijime"*

17 Translation by the author, from *"jidou soudan kinou"*

Copyright by Mahidol University

Human Rights Ombudsperson, 2005: 14). The ombudsperson found that there were some problems in the Child Consultation Center[18] system in Kawasaki City, including a high workload for the supervisor at the center. The supervisor was supervising 12 staff at the same time as managing counseling proceedings. Other problems included inadequate cooperation between the two centers, the supervisor's lack of experience, the center's early closing time at 5 p.m. which made it inconvenient for many parents to access its services, the inadequate skills and experience of the staff, and inadequate space for children considering the increasing number of children accessing its services. Unfortunately, the results of the institution's recommendation were not found.

2. Training and forums[19]

Various training programs and forums about child rights issues that are both related and unrelated to schools have been conducted by Kawasaki City institutions as follows:

School-related trainings and forums

1) "School education and child rights"[20], held by Training Group on Human Rights Education on July 23, 2003 (Kawasaki City Human Rights Ombudsperson, 2004: 21)
2) "The system of the Kawasaki City Human Rights Ombudsperson and its relevance to schools"[21], held by the board of parents and teachers association (PTA) of Kawasaki City's Higashi Tachibana public lower secondary school on August 21, 2003 (Kawasaki City Human Rights Ombudsperson, 2004: 21)

---

18 Translation by the author, from *"jidou soudan jo"*. The center is the place for giving consultation about children, conducting investigation, solving child problems, introducing foster parents to children, and sending children to a child nursing home or a temporary shelter.

19 According to the ombudsperson and the education board, the information on the trainings and forums are too old and therefore cannot be found.

20 Translation by the author, from *"gakkou kyouiku to kodomo no jinken nit suite"*

21 Translation by the author, from *"jinken ombudsperson seido to gakkou tono kakawarini tsuite"*

Copyright by Mahidol University

3) "The role of lawyers in protecting child rights at school"[22], held by Japan Lawyer Union and the Committee on the Rights of the Child on August 29, 2003 (Kawasaki City Human Rights Ombudsperson, 2004: 22)

4) Training for school headmasters on "Cases of consultation at school and its response"[23], held by the Kawasaki City Education Board on October 27, 2003 (Kawasaki City Human Rights Ombudsperson, 2004: 22)

5) "Response to danger in school"[24], held by the Office of Kawasaki City Education Board, School Education Department on July 28, 2004 (Kawasaki City Human Rights Ombudsperson, 2005: 15).

Non-school-related trainings and forums

1) "Kawasaki City Human Rights Ombudsperson's measures and solution in responding to child rights violations"[25], held by the Office of Kawasaki City Tama Resident Hall (Peace and Human Rights Studies, Tama Resident Hall) on February 26, 2004 (Kawasaki City Human Rights Ombudsperson, 2004: 22)

2) "Local government and child policies forum"[26], held by Kawasaki City on October 23-24, 2003 (Kawasaki City Human Rights Ombudsperson, 2004: 23)

Apart from the above occasional events, human/child rights training for school human rights representatives, new teachers and teachers teaching at 5th and 10th year are also organized.[27]

---

22 Translation by the author, from *"gakkou ni okeru kodomo no jinkenkyuusai to benkoshi no yakuwari nit suite"*

23 Translation by the author, from *"gakkou ni okeru soudan jirei to sono taiou nitsuite"*

24 Translation by the author, from *"gakkou no kiki taiou ni tsuite"*

25 Translation by the author, from *"kodomo no jinken shingai to kaiketsu ni torikumu jinken ombudsperson nit suite"*

26 Translation by the author, from *"chihou jichi to kodomo shisaku"*

27 The information is based on the interview with Yukio Aoki on July 11, 2007 and Makio Tanaka on July 26, 2007. Yukio Aoki is the Principal of Fujimi School.

Copyright by Mahidol University

3. Public relations

While the Health Welfare Office published an "SOS card" for new students from primary to higher secondary schools, the education board created a consultation card called "Don't suffer alone"[28] and distributed it to children in public primary to higher secondary schools (Kawasaki City Human Rights Ombudsperson, 2004: 21). The ombudsperson's contact number is written on both cards, indicating that complaints and remedies can be made and requested with the institution (Kawasaki City Human Rights Ombudsperson, 2004). Furthermore, reports by the ombudsperson are put in the City administration's newsletters, while posters are attached in public institutions to promote the existence and significance of the institution (Kawasaki City Human Rights Ombudsperson, 2005). However, it is a pity that the word "rights" is not used on those cards to encourage children to report to those institutions if they feel their rights are violated. It is questionable whether this could possibly affect child rights awareness in Kawasaki City.

4. School visits

The General Education Center and the education board occasionally pay visits to Kawasaki City public schools in order to talk to teachers about human rights and child rights.[29] Sometimes it is the schools themselves that request the education board to talk about human/child rights to their teachers and students.[30] However, the problem lies in the fact that the education board staff member who takes care of human rights education does not only work on human/child rights. Sometimes he is engaged in other duties and cannot accept all requests made to him.[31] The ombudsperson has also started a school visit program called "Kawasaki City Human

---

28 Translation by the author, from *"hitori de nayamanaide"*

29 The information is based on the interview with Ritsuko Tawata on July 20, 2007 and Makio Tanaka on July 26, 2007. Ritsuko Tawata is a teacher at Fujimi School and also conducts research at the General Education Center.

30 The information is based on the interview with Yukio Aoki on July 11, 2007 and Makio Tanaka on July 26, 2007.

31 The information is based on the interview with Yukio Aoki July 11, 2007.

Copyright by Mahidol University

Rights Ombudsperson's Child Classroom"[32] since 2006 to promote his/her service and talk about human rights and bullying. The requests for visits at six public lower secondary schools were made through monthly public lower secondary schools' principals meeting, and the visits were made to six schools that year. Although the program started from public lower secondary schools, it is planned to continuously expand in the future. The feedback of the students indicated a positive outcome of the program, as students better understood the feelings of the bullied and that they did not need to tolerate bullying. They also gained confidence to use consultation services despite of their feeling of embarrassment in the past[33] (Kawasaki City Human Rights Ombudsperson, 2007).

5. Consultation

Apart from the Kawasaki City Human Rights Ombudsperson, children can seek consultation with other institutions as well. According to the education board, *soudan no madoguchi*[34] (literally, "consultation counter") which children or parents can use the service has been available in all school since April 2004. The education board also welcomes any comment from children, parents, teachers and residents if they think that school measures are not satisfactory (Kawasaki City Human Rights Ombudsperson, 2005). Moreover, today, Kawasaki City has a policy for children who refuse to go to school by adapting the idea of school counselors or nursing teachers in order to create flexible guidance classrooms (*yuuyuuhiroba*[35]), guidance consultation class (*soudan shidou gakkyuu*), and educational consultation centers (*kyouiku soudan sentaa)* (Kawasaki City Human Rights Ombudsperson, 2006).

---

32 Translation by the author, from *"jinken ombusupaason kodomo no kyoushitsu"*

33 The information is also based on the interview with Makoto Kitanishi on July 10, 2007. Makoto Kitanishi is an officer at the office of Kawasaki City Human Rights Ombudsperson.

34 Although the word literally means, "consultation counter", it is used in the meaning of persons who act as informal counselors such as homeroom teachers, nursing teachers, office teachers or any other teachers, as well as real counselors such as school counselors and counseling services available in various City institutions throughout Kawasaki City.

35 *Yuyuhiroba* is managed directly by the education board in order to support children who want to go to school but cannot do so due to various circumstances, such as children who hide themselves in their room, and children who are likely to become one of those, by providing educational consultation and other activities for them (Kawasaki City, 2005).

Copyright by Mahidol University

6. Kawasaki City Human Rights Ombudsperson's annual reports

The annual reports of the Human Rights Ombudsperson mainly provide information on the situation of complaints and requests for remedies in order to inform about the records and the response of the ombudsperson. They show many important facts, including the lack of analysis of the facts themselves and the weaknesses of the system.

First of all, many residents do not understand the functions of the Human Rights Ombudsperson or what it means by human rights. To illustrate, in 2005, there were 51 complaints which were not relevant to human rights issues and six percent of the total complaints from children came from other cities (Kawasaki City Human Rights Ombudsperson, 2006). In fact, the ombudsperson does not receive other cases beyond human rights issues or cases from other cities (Kawasaki City Ordinance on Human Rights Ombudsperson, 2001).

Secondly, the number of complaints and requests for remedies is not consistent with the seriousness of child rights violations each year, therefore, neither can it tell whether the situation has improved nor predict the direction of the situation. For example, the number of complaints received rose consistently from year 2002 to year 2004, but dropped in year 2005 (Figure 1). However, the level of bullying dropped in year 2003 despite of the higher number of complaints received, but reached its peak in the following year. Then, it dropped again to half of the amount in another year (Figure 2). Kitanishi, a staff at the Kawasaki City Human Rights Ombudsperson Office, points out that it could be because in 2004 the ombudsperson distributed the yellow cards (children consultation cards)[36] that tell children to call when they are bullied or have any other problems, therefore, the number of reported bullying rose significantly in that year (Figure 2). However, he adds, there has been no analysis or investigation on the real reason why the level of bullying has dropped[37].

---

[36] The cards write:

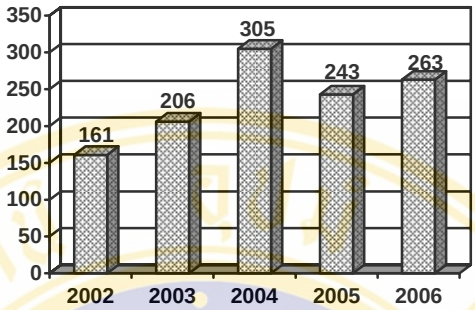
> Kawasaki City Human Rights Ombudsperson
> Call us when you are having a hard time such as being bullied or abused.
> Talk to us and set yourself free (Kawasaki City Human Rights Ombudsperson, n.d.)

Translation by the author, from "*Kawasakishi jinken ombudsperson. Ijime ya gyakutai nado de, tsuraitoki, komattatoki, denwa wo shimashou. Soudanshite genki ni narimashou*."

[37] The information is based on the interview with Makoto Kitanishi on July 10, 2007

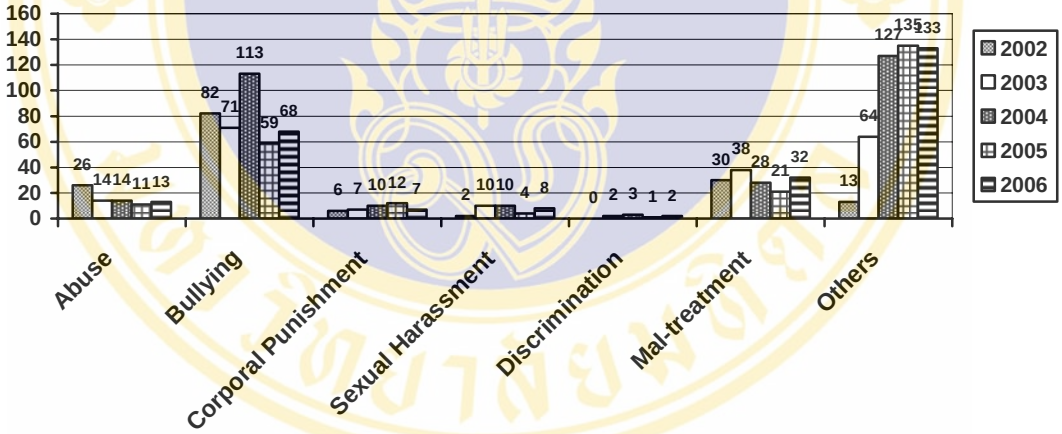
Copyright by Mahidol University

Figure 1: Total numbers of children's complaints



(Source: Kawasaki City Human Rights Ombudsperson, 2007)

Figure 2: Numbers of children's complaints divided by categories



(Source: Kawasaki City Human Rights Ombudsperson, 2007)

Secondly, most of the complaints were recorded as completely dealt with in one consultation. The reports only say that more consultation was needed for complicated cases or for those who needed more time, but do not go further on more crucial facts such as how the complaints reached their conclusion, what the conclusion was, whether the children who made the complaints were satisfied with the consultation, or whether and to what extent the consultation had helped improve the situation or solved the children's problems. In 2004, 245 out of 305 complaints, and in 2005, 201 out of 243 complaints about child rights violations reached the

Copyright by Mahidol University

conclusion in one consultation (Table 1). Approximately, one child complaint needed 3.6 visits/calls in 2004 and 6.1 visits/calls in 2005 of consultation to finish the case (Kawasaki City Human Rights Ombudsperson, 2005-2006). No further analysis was given to understand what it means by those numbers. Therefore, it is hard to tell the relevance of these numbers and difficulty or success in solving each case. Unfortunately, there has been no evaluating system for the Human Rights Ombudsperson's activities yet and the reports are not used for developing policies or measures except merely serving as references.[38] Aramaki admitted that the way that the reports show complaint statistics but not complaint details is a problem. He explained that as long as the residents do not know the details, then it is hard for them to understand the process and cooperate, and thus, he was planning to discuss this matter at the Committee on Child Rights[39].

Table 1: Number of consultation needed per one complaint[40]

Year	Number of complaints	Complaints needed one consultation	Complaints needed more consultation	Approximate number of consultation per one complaint
2004	305	245	60 (20%)	3.6
2005	243	201	42 (17%)	6.1
2006	263	218	45 (17%)	4.5

(Source: Kawasaki City Human Rights Ombudsperson, 2005-2007)

7. Kawasaki City Human Rights Ombudsperson's recommendations

Articles 3 (3), 3 (4), and 3 (5) of the Kawasaki City Ordinance on Human Rights Ombudsperson stipulate that the ombudsperson shall give his/her views for system improvement, and publicize views and reports, including views about human rights (Kawasaki City Human Rights Ombudsperson Homepage, n.d.). In response to

38 The information is based on the interview with Makoto Kitanishi on July 10, 2007 and Shigeto Aramaki on July 20, 2007

39 The information is based on the interview with Shigeto Aramaki on July 20, 2007

40 The record before year 2004 was not available.

Copyright by Mahidol University

the provisions, the ombudsperson makes recommendations in its annual reports so that the City can consider and cooperate.[41] The following instances are useful examples.

The report of year 2004 released by the ombudsperson gives several important ideas on "schools and the education board's measures towards children's rights issues such as corporal punishment and bullying"[42] (Kawasaki City Human Rights Ombudsperson, 2005: 18). Firstly, in order to prevent corporal punishment and bullying and effectively rescue children whose rights are violated, it is important that children are respected as human beings and have the right to be themselves. Unfortunately, it does not give any further details on how to carry this goal out. Secondly, cooperation of all school staff from the headmaster to all teachers is very important for solving bullying problems. Classroom teachers should consult with one another and have all teachers brainstorm to come up with solutions. Thirdly, the ombudsperson suggested that school headmasters make *hiyari hatto*[43] report which gathers daily information about teachers' actions, and present it to the education board.[44] The report also collects cases where children, parents and teachers approach the headmaster about the danger of teachers' actions regarding corporal punishment and bullying. This is believed to give a strong impression to teachers about what actions are corporal punishments, as the definition of corporal punishment was not strong enough in the past. Furthermore, the report for 2006 indicates that school refusal and bullying are caused by many factors such as inability of the children to socialize, family problems, and school environment. It also gives examples of some schools in Japan that have tried to deal with school refusal and bullying problems, saying that those schools report their situations, both good and bad, to students, parents and the community so that everyone will understand and cooperate with each other to improve the situation (Kawasaki City Human Rights Ombudsperson, 2007).

---

41 The information is based on the interview with Makoto Kitanishi on July 10, 2007.

42 Translation by the author, from *"taibatsu, ijime nado kodomo no jikenmondai heno gakkou to kyouiku iinkai no torikumi nit suite"*

43 *"Hiyari hatto"* means being careful of small things so as to prevent them from becoming a big problem (Kitanishi, 2007).

44 *Hiyari hatto* report is now practiced in all public schools in Kawasaki City (The information is based on the personal communication with Makoto Kitanishi through email on February 7, 2008).

Copyright by Mahidol University

The establishment of the *Kawasaki City Ordinance on the Rights of the Child* and the Kawasaki City Human Rights Ombudsperson, the rationale behind it, and the efforts of relevant parties in creating policies and measures on child rights have proved that Kawasaki City has a strong and genuine intention as well as making a lot of effort to promote and protect child rights in the City. However, there are several important weaknesses in the mechanisms. First is the absence of some important documents on both school-related and non-school related training and forums held by the City institutions. These documents should have helped make clear what had been done, how and what results they produced, and assisted in studying and improving child rights situations in schools. Secondly, the reluctance to use the word "rights" in various consultation cards such as the SOS card and the "Don't suffer alone" card to encourage children to seek help if their rights are violated makes it look as if consultation services are more welfare rather than rights. This is possibly as a result of two factors. One is that the government uses a welfare-based approach, not rights-based approach, to deal with children's problems. Therefore, the policy makers of those consultation services might think that it is easier to follow what is generally accepted as long as it could help children instead of introducing something else such as rights. The other is that the irrelevance of child rights in Japanese culture and society makes it difficult to use the word "rights" because people might turn away or oppose it. Thirdly, there is no publicized information about the details of complaints to the ombudsperson, which is very important to understand how the system works and the results it achieves. If confidentiality is the problem, then names could be concealed. The more details and cases are made known, the easier it would be to learn about the system and how to improve it. Moreover, the ombudsperson should have given more details about the complaints such as what kind of rights violations of each complaint are and which one needed investigation, for examples.

Whether and how the attempt to promote and protect child rights by the ordinance and the ombudsperson has in reality led to practice of the CRC at local government level (objective 1) and promotion and protection on child rights at schools by relevant parties (objective 2) must be looked at the implementation stage and the results of implementation. The next chapter will discuss about the situations on child

Copyright by Mahidol University

rights in two lower secondary schools in Kawasaki City, public and private, after the ordinance and the ombudsperson have been established.

Copyright by Mahidol University

CHAPTER IV
THE IMPACT OF THE *KAWASAKI CITY ORDINANCE ON THE RIGHT OF THE CHILD* AND THE KAWASAKI CITY HUMAN RIGHTS OMBUDSPERSON ON THE TWO SCHOOLS

The *Kawasaki City Ordinance on the Rights of the Child* and the Kawasaki City Human Rights Ombudsperson were created in order to promote and protect child rights in Kawasaki City through the collaboration of the City, families, growing and learning institution staff, and City residents (UNICEF, n.d.). However, when it comes to the promotion and protection of child rights in schools, only public schools in the City are directly influenced through the instruction of the education board. This limitation is due to the fact that the ordinance and ombudsperson were created under the auspice of the City, thus it is easier to implement the provisions of the ordinance through City institutions such as the education board and public schools, which function under the supervision of the former, whereas private schools function independently and can create their own rules and policies without having to follow the instruction of the City.[1]

4.1 Public school

Kawasaki City Fujimi Public Lower Secondary School, or Fujimi School in short, was founded in 1947. It has a total of 595 students from grade 7-9 and 31 teachers. The approximate class size is 35 students/class in grade 7; 38 students/class in grade 8; 37 students/class in grade 9, and 9 students with special needs altogether (Kawasaki City Fujimi Public Lower Secondary School, 2006). The curriculum is as follows (Kawasaki City Fujimi Public Lower Secondary School, 2006: 13).

[1] The information is based on the interview with Makio Tanaka on March 14, 2007

Copyright by Mahidol University

Semester 1 (20 weeks)

Grade	Compulsory Subjects									Morality	Class activity	Selective subjects	General	Total
	Japanese	Social Science	Mathematics	Science	Music	Art	Health and Physical Education	Skills/ Domestic Education	English					
7	4	3	3	3	1.5	1.5	3	2	3	1	1	0	2	28
8	3	3	3	3	1	1	3	2	3	1	1	2	2	28
9	3	2	3	2	1	1	3	1	3	1	1	5	2	28

Semester 2 (15 weeks)

7	4	3	3	3	1	1	2	2	3	1	1	1	3	28
8	3	3	3	3	1	1	2	2	3	1	1	2	3	28
9	3	3	3	2.6	1	1	2	1	3	1	1	3.3	3	28

At the public school, the Ordinance on the Rights of the Child and the Human Rights Ombudsperson have established mechanisms that are supposed to facilitate raising the levels of child rights awareness such as the School Education Development Conference *(Kyouiku suishin kaigi)*, human rights representative teachers and human rights/child rights education, and teacher training on human rights/ child rights. There are also other mechanisms at the school that accord with the ordinance and the duty of the ombudsperson but are more welfare-based than rights-based in practice, such as measures against corporal punishment and bullying that include all teachers' cooperation, school counselors, information about consulting services outside school, safety management and a report on corporal punishment and bullying made by the principal. Despite the achievement in establishing many mechanisms at the school, they are not effective or do not function to their fullest potential, while some mechanisms are helpful in protecting children they are welfare-based rather than rights-based.

The impact of the *Kawasaki City Ordinance on the Rights of the Child* on Fujimi School

Article 3 of the *Kawasaki City Ordinance on the Rights of the Child* requires that school staff shall "make efforts to cooperate [with] the policies and measures [of] the City and to ensure that the rights of the child in [schools] are guaranteed" (UNICEF, n.d.). After the establishment of the ordinance in Kawasaki City, there has

Copyright by Mahidol University

been no specific change in school policies but certain measures are implemented in all Kawasaki City public schools, including Fujimi School, in the forms of the School Education Development Conference, human rights representative teachers, and child rights education.[2] Other measures depend on each school's management in accordance with the ordinance (General Research Institute of the Convention on the Rights of the Child, 2002). In response to this, Fujimi School has complied with the regulations as follows.

1) Right to participation

Since the ordinance was implemented, the School Education Development Conference has been established in all Kawasaki City public schools as a forum for teachers, students, parents and community members to discuss school management (General Research Institute of the Convention on the Rights of the Child, 2002). This is also in response to Article 33 of the *Kawasaki City Ordinance on the Rights of the Child* (2001), which says,

> In order to make a growing and learning institution more open to children, their parents and other residents in the community, the establisher and administrator of the institution shall make efforts to have regular consultation with them with a view to briefing them over the administration of the institution and supporting the institution together with them and its staff,

and Article 21, which requires parents, other community members, and teachers to cooperate in improving school's environment so that children can grow up and learn on their own, while also promoting child rights.

Like other public schools in Kawasaki City, Fujimi School also has a conference of its own to discuss the activities within the school among representative teachers, students, parents and community members (Aoki,[3] newsletter, June 12, 2007). The outcome of the conference is announced to all students through a "Newsletter from the Principal". When certain issues need consultation with students such as changing uniform design, the discussion will be made with the Student

---

[2] Translation by the author, from *"kyouiku suishin kaigi"*, *"jinken sonchou kyouiku suishin tantousha"* and *"kodomo no kenri gakushuu"*, respectively.

[3] Yukio Aoki is the Principal of Fujimi School

Copyright by Mahidol University

Committee before telling the rest. In that case, the outcome will be first told to the head students of each extra-curriculum activities and the head students of each grade level. Then, these representatives will announce to the other students.[4] Although only small numbers of students can participate in the conference, it could positively, more or less, lead to the change in how adults look at children. However, this takes time to really find out whether the mechanism has brought about the outcome as expected.

2) Right to the development of respect for human rights

1. Usefulness of human rights representative teachers and teacher training

In response to Article 7 of the ordinance which requires the City to provide training on child rights to institution personnel (UNICEF, n.d.), human rights representative teachers are designated in all public schools in Kawasaki City. These teachers are appointed by principals to attend training held by the education board four times a year. Although the training is not totally devoted to child rights concerns, child rights or human rights concerns are said to be always included in the training every year. These human rights representative teachers will then inform their school staff about the training when they go back to their schools.[5] Moreover, new teachers, teachers who are teaching at their fifth year and tenth year also have to attend training and those also include concerns about human rights as well.[6] However, for Fujimi School in reality, it is difficult to have the human rights representative teacher discuss about human rights and child rights with all staff every time due to the lack of time for each staff member. Furthermore, human rights representative teachers do not have the duty to teach students about human rights.[7] Therefore, there is some concern that the knowledge of human rights and child rights that the human rights representative teachers have would not be shared with other staff members. In addition, most of the

[4] The information is based on the interview with Yukio Aoki on May 1, 2008.

[5] Human rights representative teachers do not have duties in dealing with human rights or child rights violation in school.

[6] The information is based on the interview with Yukio Aoki on May 1, 2008 and Makio Tanaka on July 26, 2007

[7] The information is based on the interview with Yukio Aoki on July 11, 2007

Copyright by Mahidol University

training provided to new teachers and teachers who have worked for some certain years is not devoted to human rights/child rights education. Thus, not enough is done to create awareness and understanding of rights with the teachers. It seems that the school is not especially concerned with the effectiveness of the human rights representative and this shows that it only follows the regulation to have a representative as demanded by the education board. No special significance is attached to the position. Perhaps it could be explained that this is due, to a certain extent, to Japanese culture itself; a culture that does not have a place for human rights. This mechanism must be reviewed in order to make it more practical.

In fact, if the government saw the importance of human rights education for teachers and supported the attempt of local governments in promoting and protecting child rights, it could have supported and helped create a more systematic way that human rights representative teachers would share their knowledge and skills with other teachers by requiring schools to spare a few hours every week/month for teachers to learn about human rights. It could have also designated the representative teachers to directly give human rights education to students as well. If this were done, the government would have to amend school education related laws so as to include provisions regarding this. Then, not only public schools but also private schools would have to comply, leading to the real promotion of human rights education to school staff. This would reduce wasting time and money on training human rights representative teachers without producing the expected outcomes. Unfortunately, lack of interest and support by the government has limited the capacity of Kawasaki City to strive on its own.

2. Problems in human rights/child rights education

Normally, with or without the ordinance, students learn about human rights in different subjects such as in *koumin,*[8] International Studies, and Social Science subjects.[9] For example, the textbook in *koumin* subject talks about rights guaranteed

[8] Part of Social Studies subject, especially for politics, economics, welfare, ethics, and current affairs.

[9] The information is based on the interview with Ritsuko Tawata, Masayasu Otsuka, and Takayuki Uehira on February 26, 2007 and Ki Kato on March 5, 2007.

Copyright by Mahidol University

under the Constitution, which explains fundamental human rights.[10] In *gakukyuukatsudou*[11] subject, students are taught that everyone can live together despite differences.[12] However, how human rights are dealt with in those classes and whether they have led to understanding and awareness of human rights are questionable.

With the presence of the ordinance, more attempts to provide human rights education have been pushed into students' curriculum and activities. Article 7(1) of the ordinance indicates the responsibility of the City to promote child rights education in school as well as at home and in social education (UNICEF, n.d.). As a result, the City has published two versions of booklets on child rights for students at primary school and secondary school levels to study and another separated two versions of booklets for teachers at primary school and secondary school levels to teach students (Kawasaki City Council of Human Rights Education Support, 2006). These booklets are distributed to all public schools in Kawasaki City. Students claimed that they had a chance to study what human rights and "unneeded rights"[13] are in *sougou*[14] class. There are cards which say something like "right to eat safely", "right to play", and "right to love and to be loved". They are asked what cards they would throw away if they found that the balloon they were riding was too heavy because it carried all the cards. Then, after students have chosen certain "rights", they will discuss about it and write an essay about what they get from the activity. Students say that such activity has made them understand more about rights and learn new things that before were not thought of as rights.[15] A teacher noted that there was no specific teaching on human

---

Ritsuko Tawata is a Social Science teacher at Fujimi School and also conducts a research at General Education Center. Masayasu Otsuka is a Science teacher at Fujimi School and is also the human rights representative teacher. Takayuki Uehira is the Vice-principal at Fujimi School. Ki Kato is a Mathematic teacher at Fujimi School.

10 The information is based on the interview with Ritsuko Tawata on February 26, 2007

11 Homeroom activity

12 The information is based on the interview with Ki Kato on March 5, 2007

13 Translation by the author, from "*iranai kenri*"

14 General subject

15 The information is based on the interview with Kana Aihara and Takumi Uchida on March 5, 2007. Kana Aihara and Takumi Uchida are grade 7 students, female and male respectively.

Copyright by Mahidol University

rights before the ordinance came into being, but after the enactment, classes that use human rights as the theme like this are taught to students twice a year.[16]

Although specific human rights classes have been provided for students following the introduction of the ordinance, having them twice a year is probably insufficient. Indeed, human rights education should be a life-long learning process and it should at least be put in normal curriculum as well. Even though the government claims that human rights education is already integrated in Courses of Study, it is not enough to create better understanding of human rights/child rights among students due to the absence of real intention to make human rights/child rights become fully acknowledged in society. In the absence of the government's action, if Kawasaki City does not assert more effort into human rights education for students, then it is rather impossible to make this mechanism work.

Apart from those subjects some students have a chance to study about the ordinance when pamphlets are given out to them. However, the pamphlets are given out once a year and that means students learn about it once a year only. Moreover, the education board only passes the pamphlet on to the school, but does not visit the school and talk about it with students.[17] Therefore, whether they will study it or not depends on each homeroom teacher. Teachers who see the importance of the ordinance will address it, while those who do not are likely to ignore it.[18]

The school's lack of effort to guide all homeroom teachers to explain the pamphlet to students and the ignorance of some teachers indicate that they do not share the view about the significance of rights and the attempt of Kawasaki City to promote child rights. It could be explained from their cultural perspective that rights are not proper to their society where duties, responsibility and conformity are more important. The idea that children do not and should not have rights is also likely to be strong in the mind of most Japanese, including teachers. Therefore, the teachers probably do not want to teach their students that they have rights, especially when they

---

16 The information is based on the interview with Ritsuko Tawata on July 13, 2007

17 The information is based on the interview with Maiko Fujimoto on February 26, 2007. Maiko Fujimoto is a grade 8 female student.

18 The information is based on the interview with Ritsuko Tawata on February 26, 2007.

Copyright by Mahidol University

are not required to do so. It is also questionable whether it is proper to have teachers who might not have much idea about the ordinance tell students about it. Instead, the human rights representative teachers should be the ones who are designated to explain the ordinance to all students in a special period, for example.

Since such human rights and child rights education happens on very rare occasions, and sometimes teachers see no importance to it, such as when they do not bother or when they lack the knowledge to explain the ordinance, it is reasonable to question if the education and lessons are sufficient to truly educate the children about the ordinance. This is an issue about which the principal is also concerned.[19] Although there are some stages where students are provided chances to exercise and learn their rights through practice, such as in the School Education Development Conference, Student Committee and meetings with the principal, those opportunities are available for designated students only.[20] In the end, the attempt to promote human rights education might not bring about any significant change, making it no different to the attempt of the government itself.

What's more, Article 24 (2) of the ordinance (2001) states that teachers shall attempt to create awareness and understanding of child rights among students. However, the students do not feel that the school has made an effort to make them aware of and understand child rights. Although some students who were interviewed agreed that teachers had a duty to make students aware of human rights, they said that in practice it was not a "must" within the school.[21] If the school really made an effort to promote child rights awareness and understanding, students would have realized that their and others' actions are directly relevant to human rights, but they are not aware of this when they interact with other students and in general do not understand well what child rights really are. It is not until students are allowed to think about rights carefully during the interview that they start to realize that many things in their

19 The information is based on the interview with Yukio Aoki on July 11, 2007

20 The information is based on the interview with Yukio Aoki on July 11, 2007

21 The information is based on the interview with Maiko Fujimoto and Natsumi Horie on February 26, 2007

Copyright by Mahidol University

daily life are relevant to human rights.[22] This proves that the attempt to educate children about rights at the public school is still very much poor.

3) Right against mal-treatment

While Article 12 (3) of the *Kawasaki City Ordinance on the Rights of the Child* states the significance of complaints and counselling in guaranteeing the right to protect and to be protected, Article 23 and 24 require schools to develop mechanisms for students to make complaints about abuse, corporal punishment and bullying (UNICEF, n.d.). There are at least three mechanisms for corporal punishment and bullying at Fujimi School.

1. Cooperation of teachers and the ease of bullying

Both corporal punishment and bullying occurred at the school, although at different level of seriousness. Although corporal punishment could be minor, the school reports cases to the education board and receives some slight reprimand. After that the principal and other teachers discuss the incident and reprimand in order to seek the best way to prevent corporal punishment. However, corporal punishment still occurs. Regarding bullying, the cases that are reported to the principal are always serious cases, while other less serious cases occur out of teachers' sights. What the school can do, according to the principal, is to ask teachers of each year level to keep an eye on the students of their year level and report to one another if bullying occurs no matter how low the seriousness. Then, they should together find out what should be the best solution.[23] A teacher confirms that when bullying happens, all teachers would discuss it and find the solution together although the level of success is another story. It is not usually a case that teachers would pretend that they do not realize what is happening. If that happened, then other teachers would ask that teacher why he/she

[22] The information is based on the interview with Maiko Fujimoto and Natsumi Horie on February 26, 2007.

[23] The information is based on the interview with Yukio Aoki on July 11, 2007.

Copyright by Mahidol University

did so.[24] This response is exactly what the ombudsperson suggested in her report of year 2004 (see Chapter III).

Several incidents have showed that this measure is effective. Another student claimed that when there is a big fight among students in his friend's school, teachers try not to involve themselves with it or pretend that they do not realize what is happening. Teachers at Fujimi School, on the other hand, would not let it go on.[25] Moreover, it also happens that some teachers are aware of students in trouble and secretly try to help them as much as they can.[26] For example, last year there was bullying in the class that a teacher was in charge of. She contacted the parents of the bullied and the bully. Then, two teachers, two mothers, and two students were brought to talk together. The bullying has stopped since then.[27]

2. Non-popularity of school counselor

In Kanagawa Prefecture, where Kawasaki City is located, school counselors are designated to all public lower secondary schools. The reason why only lower secondary schools have school counselors is that problems such as bullying and other worries usually occur at this level of schooling, as it is a change from young children to responsible adolescent, where children begin to have frustration.[28] At the public school, the counselor comes once a week and works all day. Students can go and consult with her if they have any concerns or worries during lunch time or after school.[29] Most of the clients are students, whose problems mainly involve bullying, while teachers also sometimes ask for her suggestion on how to deal with certain students. Some parents also seek advice about their children through direct calls to her

---

24 The information is based on the interview with Masayasu Otsuka on February 26, 2007

25 The information is based on the interview with Takumi Uchida on March 5, 2007

26 The information is based on the interview with Natsumi Horie on February 26, 2007

27 The information is based on the interview with Ritsuko Tawata on February 26, 2007

28 The information is based on the interview with Yukio Aoki on July 11, 2007

29 The information is based on the interview with Takumi Uchida on March 5, 2007

Copyright by Mahidol University

office at school.[30] However, when talking about consultation, students seem to think of the nursing teacher, the position which has played the role of casual consultation in Japanese schools previously, instead of a counselor. Moreover, some students do not know that a counselor exists in their school, while some do because their teachers tell them, but most of them have never consulted with the counselor.[31] The counselor's unpopularity may be explained because of the discomfort that students feel when talking to a third person who they do not know out or does not know much about them. Moreover, the lack of collaboration, feedback and evaluation makes it hard to know whether counselors really help solve or eliminate bullying or restore the bullied mentally.

3. Usefulness of information on consulting services beyond school

Apart from the school counselor, students can use some consulting services outside school, which they see from pamphlets and posters such as Number 110, Child Center and the education board.[32] However, they might not be aware of those services if they do not read these pamphlets or notice the posters that are put in the corridor. Teachers themselves also do not know whether or to what extent children and parents have used those services because these institutions are confidential and students do not inform the school about it.[33]

4) Right to safety

Article 22 of the *Kawasaki City Ordinance on the Rights of the Child* stipulates that schools shall be responsible for safety management (UNICEF, n.d.). At Fujimi School, the PTA has bought security cameras and rented an AED machine ready to use for students who have heart disease. In fact, the school can ask for money from the City for safety management such as buying security cameras or renting an AED

30 The information is based on the interview with Sakurai on July 15, 2007

31 The information is based on the interview with Kana Aihara and Takumi Uchida on March 5, 2007

32 The information is based on the interview with Takayuki Uehira on February 26, 2007

33 The information is based on the interview with Ritsuko Tawata, Masayasu Otsuka, and Takayuki Uehira on February 26, 2007

Copyright by Mahidol University

machine. However, the City has to arrange the budget for other important things as well. Therefore, the principal does not wait until the school gets the budget, but cooperates with teachers and parents to make sure of students' safety right away. Moreover, all teachers learn how to restore respiration and some also come to school from early morning to make sure of the school's safety. When students are doing extra-curricular activities, there will always be teachers looking after them. Similarly, when teachers are in meetings, they do not let students stay on their own without teachers but make them go home.[34] What Fujimi School has done for safety management is, thus, absolutely in line with the ordinance.

Apart from the mechanisms mentioned above, there are other practices at Fujimi School that are in accordance with the ordinance. However, they are not the impacts of the ordinance but depend on the initiatives, commitment and cooperation of the principal and teachers themselves. Such example is student-principal meeting.[35] Thanks to the principal's initiative, meetings with him are organized periodically so that students are given a place to speak up and he can learn and understand students' concerns and do his best for them. At the public school, not only students but also other teachers usually find a chance to speak to the principal. One student remarked that other schools probably do not provide the chance to speak to the principal like her school does.[36] Another example is that the principal also issues a "Newsletter from the Principal" called "Fujimi Lower Secondary School at Present: to students, parents and community members",[37] on his own and distributes it both inside and outside school to give out useful and interesting information, such as current situation/activities at the school, news about education and school in general, and various articles. This is very useful for supporting the School Education Development Conference, as it allows everyone involved in the conference to learn about the school's matters before and after the conference, including what works and what does not, and what has to be done next.

---

34 The information is based on the interview with Yukio Aoki on July 11, 2007

35 The information is based on the interview with Natsumi Horie on February 26, 2007

36 The information is based on the interview with Maiko Fujimoto on February 26, 2007

37 Translation by the author, from "*Fujimichuu deha ima ~ seito, hogosha, chiiki no minasamahe ~*"

Copyright by Mahidol University

The impact of the Kawasaki City Human Rights Ombudsperson on Fujimi School

It seems that the Kawasaki City Human Rights Ombudsperson does not have much significant impact on the public school besides *hiyari hatto* report that the ombudsperson has suggested principals make (and which now the education board is carrying out the idea on all public schools). Therefore, Fujimi School also has to make a report to the education board about corporal punishment and bullying in the school. Apart from this mechanism, the students only receive a yellow card (children consultation card) with telephone numbers, day and time to make a call, and a letter to their parents that explain briefly about the ombudsperson, the staff and their roles, encouraging them to use the service. However, almost none of the interviewed students know about the ombudsperson[38] and teachers do not know much beyond what is said on the poster attached at the board on the corridor.[39]

In fact, although the Ordinance on the Rights of the Child and the Ordinance on Human Rights Ombudsperson do not stipulate that schools must know or make the ombudsperson known among their staff and students, according to Articles 23 (3), 23 (4), 24 (4) and 24 (5) of the ordinance require that schools develop mechanisms for students to report on abuse, corporal punishment and bullying. This also includes cooperating with individuals and relevant institutions. Ideally, the ombudsperson should have been made recognized among students through more than merely having a poster or mentioning her occasionally because the ombudsperson's duties are directly involved with these issues. The lack of information and PR of the institution itself within school has led to most students not realizing its existence or significance. Even if it is known to some students, without further familiarity and understanding of the institution, it is difficult for them to build a trust in the ombudsperson and seek a consultation or ask for remedies from her.[40] Although the ombudsperson has started

38 The information is based on the interview with Maiko Fujimoto and Natsumi Horie on February 26, 2007; and Kana Aihara and Takumi Uchida on March 5, 2007

39 The information is based on the interview with Ritsuko Tawata and Masayasu Otsuka on February 26, 2007

40 The information is based on the interview with Ritsuko Tawata on February 26, 2007

Copyright by Mahidol University

the "Child Classroom"[41] for lower secondary schools in Kawasaki City, so far he/she has not come to the school and promoted her services at Fujimi School yet.[42] In the future when the Child Classroom is expanded to all schools in Kawasaki City, it is very likely that children would be better protected from violations and better understand bullying, which will contribute to the promotion of awareness and understanding of rights as well.

It seems that, in practice, the mechanisms established at Fujimi School are more welfare-based than rights-based. They are very weak at emphasizing that children have rights and that there are mechanisms designed to support children in enjoying their rights. For example, human rights/child rights education does not look different from other subjects that students study for the sake of study instead of learning how to exercise their rights in real life. Counseling services at school and outside are welfare based because there is no significant guidance that suggests that children report to counseling services if they feel that their rights are violated. The teachers also are not instructed that corporal punishment and bullying should not be allowed because children "have rights", not because the law prevents it or because it causes trauma to children. Safety management at school could also be understood that it is there for the sake of welfare, while the thought that safety management is there because children have right to safety could totally never appear.

What is lacking is the emphasis that mechanisms are established based on child rights approach and that teachers and children must learn and understand what rights and what duties children have based on the rights that they own. It is perhaps little wonder that teachers cannot differentiate welfare from rights. Otherwise, they would have encouraged students to enjoy their rights or to stand up for their rights and do not let anyone harm them, which should have at least helped encourage students to report to teachers or counselors when they are corporally punished or bullied.

---

41 Mentioned in Chapter III

42 The Child Classroom was not held at Fujimi School both in 2006 and 2007 (The information is based on the personal communication with Makoto Kitanishi through email on February 2, 2008).

Copyright by Mahidol University

4.2 Private school

H. School was founded in 1939 and has 589 students from grade 7-9.[43] The approximate students in each class are 39 students. It has a separated higher secondary school and university where students who maintain good performance can go straight from lower secondary school to higher secondary school and then through to university without taking entrance examinations. Or they can further their studies somewhere else. Students study 6 days a week with a total of 34 periods. The following is the school's curriculum (H. School, 2008).

Level	Japanese	Social Science	Mathematics	Science	Music	Arts	Health and Physical Education	Skills/ Domestic Education	English	Selective subjects	English/Math Review	General	Homeroom	Total
7	5	3	5	4	2	2	3	*	6		1	1	2	34
8	4	4	5	4	1	2	3	*	6		2	1	2	34
9	5	4	5	3	1	**	4	*	6	1	2	1	2	34

* This subject is studied as special classes.
** For grade 9, Arts is studied within other classes such as intensive class.

Unfortunately, the ordinance and the ombudsperson have not achieved anything in H. School because private schools are not under the supervision of cities but of prefectures, and the *Kawasaki City Ordinance on the Rights of the Child* covers only within the city sphere and only works with City institutions. Therefore, in practice, private schools in Kawasaki City are not covered by the ordinance. As a result, private schools in Kawasaki City are not supervised by the City or the education board and do not have to follow the provisions under the ordinance. That means private schools do not have the School Education Development Conferences, human rights representative teachers, teacher training held by the education board, and specific child rights education. Only the pamphlets on the ordinance are distributed to private schools with the hope that they will be used.[44] However, it would be distorted to assume that private schools do not respect, promote and protect child rights. In fact,

43 As of 2008. The number of teachers is unknown.

44 The information is based on the personal communication with Makio Tanaka through email on March 14, 2008.

Copyright by Mahidol University

H. School is an example of a private school which has its own ways in dealing with children positively.

Child rights promotion and protection at H. School

At H. School, several practices and concerns are related to child rights and are also in line with the *Kawasaki City Ordinance on the Rights of the Child* although it does not have an intention to follow its provisions.

1) Right to make decisions

An example is the right to make decisions about school rules that affect their life. For example, students are allowed to discuss among themselves if they can play trumps, listen to music, or read comics during lunch break. Although the idea of reading comics is deemed improper in students' discussion itself, they agree that they can listen to music during lunch break or after school. The teachers do not interfere in their decision making process at all.[45]

2) Right to the development of respect for human rights

In addition, the pamphlet on the ordinance was used under human rights topic in *koumin* subject for grade 9 students. A teacher stated that he learned about the ordinance from the pamphlet and the website. While he was using *koumin* textbook, which touched upon the CRC, he explained to the students that Kawasaki City also has its own, similar, mechanism for human rights. He went on to note that he had told his students what rights they have.[46]

[45] The information is based on the interview with Ms. N. on September 14, 2007. Ms. N. is a Japanese teacher at H. School.

[46] The information is based on the interview with Mr. S on September 14, 2007. Mr. S. is a Social Science teacher at H. School.

Copyright by Mahidol University

3) Right against mal-treatment

The teachers insisted that corporal punishment is absolutely prohibited within the school.[47] Students also claim that they have never seen or faced corporal punishment in their school, either.[48] However, as for bullying, the measures and practices of H. School are very much similar to those of Fujimi School.

1. Cooperation of teachers on bullying

Homeroom teachers, with assistance from other teachers at the same year level, play a big part in bullying prevention and looking after students. A teacher indicates that those who can be the first *soudan no madoguchi*[49] are homeroom teachers who can look after the class closely during the break, homeroom period, and class cleaning period. If someone looks out of emotional character (upset, distracted), then he will ask that student directly.[50] A student adds that there was a student who bullied another student by intentionally neglecting him, and later was asked by a teacher to talk about it. Then, the problem was solved.[51] This way, students are conscious that teachers are looking after them. Perhaps it is this atmosphere that makes students feel free to talk to their homeroom teachers or any other teachers they feel comfortable to talk with when they have any problems.[52] Other teachers also play an important role in checking students and exchanging information with homeroom teachers.[53] At H. School, *gakunenkai*, a weekly meeting for homeroom teachers and head teachers of each year level, is a stage for teachers to exchange the information they get about

47 The information is based on the interview with Vice-principal N. on September 14, 2007. Vice-principal N. is at H. School.

48 The information is based on the interview with M., S., K. and Y. on September 14, 2007. M. and S. are grade 9 students at H. School. Y. is a grade 8 student and K. is a grade 7 student at the same school.

49 Literally means, “consultation counter”, but it is used in the meaning of persons who act as informal counselors such as homeroom teachers, nursing teachers, office teachers or any other teachers, as well as real counselors such as school counselors and counseling services available in various City institutions throughout Kawasaki City.

50 The information is based on the interview with Mr. S. on September 14, 2007

51 The information is based on the interview with Y. on September 14, 2007

52 The information is based on the interview with M. and S. on September 14, 2007

53 The information is based on the interview with Mr. S. and Ms. N. on September 14, 2007

Copyright by Mahidol University

students so that each homeroom teacher can learn of any problems or concerns with students in their homerooms. Therefore, it is a team of teachers taking care of the whole students instead of a teacher for each class.[54] A teacher concludes that this is a way that teachers keep an eye on students and try to solve any problem, including cooperating with parents before bullying occurs.[55]

Nevertheless, when bullying occurs, teachers will examine the case from the bullied, and will also talk with other students such as classmates and those who join the same extra-curricular activities, in order to correctly identify the bully. They also contact parents to consult about the problem,[56] and the teachers will talk to the bullies and make them understand what their actions mean. Mostly, the problem can be solved. However, if it does not stop, then expulsion of the bully could be one solution considered by the school.[57]

The cooperation and attentiveness of the teachers to students can possibly pick out problems that come into their attention before they become too big, which is similar to the idea of *hiyari hatto* report[58] and carried out in all public schools in Kawasaki City now. Communication among teachers, the bullies and their parents should help make parents aware of their children and let the bullied know that what they did is not acceptable and that they cannot simply get away with it. However, it is questionable whether there are any remedies for the bullied, and whether expelling the bully should be used as the last resort if bullying does not stop because that method could be against the principle of the best interest of the child.

2. School counselors

The school has two counselors who take turns in coming to the school from Monday to Saturday. It is not only students but also teachers and parents, who use the counseling service. At first, the counselors did not come everyday, but as the needs of

---

54 The information is based on the interview with Vice-principal N. on September 14, 2007

55 The information is based on the interview with Ms. N. on September 14, 2007

56 The information is based on the interview with Mr. S. and Ms. N. on September 14, 2007

57 The information is based on the interview with Vice-principal N. on September 14, 2007

58 See Chapter III

Copyright by Mahidol University

students and parents for counselors are increasing, the school decided to have counselors attend daily.[59] However, when talking about *soudan no madoguchi*, students think about homeroom teachers and other teachers and do not mention the school counselors until they are asked about them.[60] This could possibly indicate that children are likely to seek advice from someone who they trust and are comfortable to talk with rather than a third person.

3. Information on consulting services beyond school

Apart from *soudan no madoguchi* in school, students seem to recognize those outside school as well. They know that they can make a call for consulting services especially about bullying.[61] A student knows that the service is in Kawasaki City and that the City has attempted to do something in response to today's increasing suicide and bullying.[62] Another student believes that such *soudan no madoguchi* for bullying can possibly deal with the problem that is getting more serious as today the government has received a lot of letters about bullying and suicide from children around Japan.[63] Besides which, students also recognize the Kawasaki City Human Rights Ombudsperson because they see the posters around the school while students in grade 9 studied about it in *Koumin*/Social Science class.[64] These facts have indicated that the school has informed the students well of those services, or it could be that private school students are more attentive to and eager to learn about things around them so they are better informed about the mechanisms.

---

59 The information is based on the interview with Ms. N. and Vice-principal N. on September 14, 2007; and Ms. S. on October 25, 2007. Ms. S. is a school counselor working at H. School.

60 The information is based on the interview with S., Y. and M. on September 14, 2007

61 The information is based on the interview with M., Y. and K. on September 14, 2007

62 The information is based on the interview with Y. on September 14, 2007

63 The information is based on the interview with K. on September 14, 2007

64 The information is based on the interview with M., S., K. and Y. on September 14, 2007

Copyright by Mahidol University

The recognition of the Kawasaki City Human Rights Ombudsperson at H. School

As the Human Rights Ombudsperson also works under the auspice of the City and in collaboration with the education board, it means that, in practice, the institution does not have any connection with private schools and apparently the ombudsperson does not visit H. School. Only the posters about the ombudsperson were attached on the boards along the corridor by Social Studies teachers.[65] However, although all interviewed students seemed to recognize the name well, they did not really know what the institution's significance was.[66] This is not very much different from the public school. Nonetheless, while it is not surprising that the ombudsperson's roles are not understood enough in the private school, at least they should be better aware of in the public school because the ombudsperson can do a lot more with institutions that are under the auspice of the City.

Although sometimes the word "rights" or "child rights" does not come into teachers and students' minds, daily practices at the private school still integrate the idea of child rights at some points. A possible reason could be that private schools in Japan are competitive and thus they have to provide the best quality education, including providing things that support child development (such as permission to give expression and make decision) so that parents would keep sending their children to them. Another reason is that schools, either public or private, probably share the common sense that children are important and how they develop to become good adults depends on today, so they try to do whatever necessary to ensure positive development as long as it does not interfere with the existing culture/social system. Nevertheless, this might differ in each school and that is why schools' mistreat on children is often heard.

4.3 Impact on child rights awareness and behavioral changes

It may be possible to say that the ordinance and the ombudsperson have been successful at inventing mechanisms that raise awareness and provide training in public – but not private – schools. That being said, it has not yet been successful at creating a

65 The information is based on the interview with Y. and Vice-principal N. on September 14, 2007

66 The information is based on the interview with M., S., K. and Y. on September 14, 2007

Copyright by Mahidol University

substantial impact on child rights awareness or at creating behavioral changes in teachers and students at Fujmi School. It has, however, totally failed to do so in private schools. Nonetheless, some mechanisms at public schools can be one of the first steps for adults and children to learn about child rights in practice such as School Education Development Conference, where rights to expression and participation can be exercised. Aramaki said that this is a new idea for Japanese schools, especially at primary and lower secondary schools, as students (children) had never been allowed to participate in discussion with teachers, parents and community members (adults) about school matters before. He added that the important thing is to create circumstances for children to make a decision on their own, for example, making them learn that they can make a change as a member of society.[67] Based on what he said, there should be a stage for all students to exercise those rights more at school, especially in daily life, so that not only students who attend the School Education Development Conference get the chance to do so.

The studies from Fujimi School have shown no significant impact from the ordinance and the ombudsperson on child rights awareness and behavior of teachers and students. To illustrate, some teachers do not respect the views of students and rather subject them to follow their own ideas.[68] Some teachers share the same social concept as most Japanese because they think that duty is more important than rights and wonders whether it is necessary for Japan to have an ordinance on child rights because Japanese children already have rights.[69] These things indicate that most teachers still do not accept that children have rights or that rights come second to other things that are deemed more important such as duty. They also misunderstand that an affluent society like Japan adequately supports child rights. Such incidents also show the failure of human rights representative teachers to make school staff understand and see the significance of child rights. Moreover, there is a wide practice of bullying in the school even though many teachers and the principal have tried to look after

---

67 The information is based on the interview with Shigeto Aramaki on July 20, 2007

68 The information is based on the interview with Maiko Fujimoto on February 26, 2007 and Kana Aihara and Takumi Uchida on March 5, 2007

69 The information is based on the interview with Ki Kato on March 5, 2007

Copyright by Mahidol University

students and address the problem.[70] As said earlier, the students also feel that the school does not make enough effort to make them aware of and understand child rights. Most students still do not clearly understand what rights mean or what rights they have. This proves that human rights education for students is totally useless in making them know their rights (and not to let others bully them, for example) and respect the rights of others (not to bully others, for example). In short, child rights awareness and the behavior of teachers and students at Fujimi School do not seem to be at all influenced by the mechanisms established under the ordinance to promote and protect child rights.

The ordinance and the ombudsperson have not brought about any achievement in private schools. This is true of the mechanisms established as part of the ordinance or the ombudsperson and it is also true of the impact on child rights awareness and the lack of changed behavior on the part of teachers and students. However, the students interviewed at H. School seemed to know quite well about human rights, saying that they learned about it when they were in primary school. For them, human rights is important for living and is about freedom and that all people are entitled to it, but they rather feel that human rights is something far away and seem unaware of its importance for their daily lives. Although they do not feel the impact of the ordinance and the ombudsperson, they believe that the ordinance is important and will make a difference by expanding child rights awareness.[71]

4.4 Factors that contribute to the failure of child rights awareness and behavioral changes

It is a difficult task to enlighten Japanese society with human rights or child rights in circumstances that are not supportive. As mentioned in the literature review, the fact that child-related laws in Japan are not compatible with the best interests of the child, but are based on social value that emphasizes responsibility, and that the government does not address the significance of child rights in public is evidence of an atmosphere that does not support the rise of child rights promotion and protection as a

[70] The information is based on the interview with Ritsuko Tawata, Masayasu Otsuka, Maiko Fujimoto and Natsumi Horie on February 26, 2007; and Yukio Aoki on July 11, 2007

[71] The information is based on the interview with M., S., K. Y. on September 14, 2007

Copyright by Mahidol University

whole. It further makes people see child rights as something irrelevant to them or their children. In addition, the government's claim that child rights issues are not relevant to an affluent society like Japan prevents people from looking at child rights beyond the scope of welfare and seeing them as crucial needs for child development. Moreover, in a society where individualism is seen as taboo and inappropriate to Japan's social context, talking about human rights or child rights is therefore even more challenging.

It is in such circumstances where Kawasaki City has made an attempt to promote and protect child rights at school through various mechanisms and cooperation among school-related City institutions, the ombudsperson, schools, parents and community residents. However, there has yet to be a distinct impact on child rights awareness or the behavior of teachers and students which shows that students can enjoy their rights in the CRC at Fujimi School. Needless to say, H. School, as a private school, is not covered by the ordinance and the ombudsperson. The unsuccessful stories come from various factors; namely, the school's lack of interest, failure to apply the mechanisms on private schools, absence of follow-up/improvements, and the characteristics of public and private schools. Many of these are also influenced by the circumstances as mentioned in the previous paragraph and are the factors that hinder child rights in Japan (state laws, government procedures, and culture and social practices).

1) School's lack of interest

As mentioned earlier, there are several problems regarding the mechanisms to promote and protect child rights at Fujimi School. Some mechanisms do not function effectively to create the impacts they should due to the school's lack of interest, which is possibly derived from cultural and social practices.

The study from the public school provides evidence that culture and social practices play a direct role in preventing teachers from making an effort to promote and protect child rights. The typical view that responsibility and duty should be more emphasized than rights and the idea that allowing children to have rights would only spoil children is still very much held by Japanese teachers. In a conservative atmosphere that does not encourage the growth of human rights/child rights, it is not

Copyright by Mahidol University

surprising to see that teachers have little enthusiasm in learning about human rights/child rights and educating children about them. This is reflected in the interview at Fujimi School where students felt that the school did not make an effort in creating child rights awareness and teachers felt that it was not a must, even though the ordinance requires teachers to improve the environment where students can learn by themselves with the view to promote and protect child rights (Article 21(1)) (UNICEF, n.d.).

The lack of interest to improve the effectiveness of the human rights representative teacher also indicates the inertia of the school in child rights promotion and protection. It is, again, possibly influenced by Japanese culture and social practices. It also shows that the school simply has the mechanism for the sake of having it, while still having no interest in using it fully.

Another indicator of the school's lack of interest in promoting and protecting child rights is that a great number of teachers and students do not recognize the *Kawasaki City Ordinance on the Rights of the Child* and the Human Rights Ombudsperson, including their significance. If the school really committed itself to child rights promotion and protection, the teacher and the students should be more aware of the ordinance as the mechanisms that promote and protect child rights instead of merely serving as a local law that not many people recognize as being significant. They would also know that students can seek remedies for rights violations from the ombudsperson.

These show how culture and social practices have influenced the failure of the school in implementing the ordinance's mechanisms. They have led to the failure of the school to perceive that child rights are significant to children's development as human beings. Therefore, it is hard to make them pay attention to child rights issues. Although one of the reasons why the ordinance was created is that there was not enough information and understanding about child rights, nothing much has changed in that respect, even though the public school has mechanisms directly established (General Research Institute of the Convention on the Rights of the Child, 2002).

On the other hand, if the government supported child rights actively such as making child rights promotion and protection a national agenda, the *Kawasaki City Ordinance on the Rights of the Child* and the ombudsperson would be well-known.

Copyright by Mahidol University

The City's residents including teachers would become more active and interested in fulfilling their obligations, including allowing the human rights representative to function. They would educate students about their rights and treat them with more respect. They would start to see that rights are important for children's development and for their future. Moreover, it could also pave the way for Kawasaki City to approach private schools for cooperation more easily than today.

2) Failure to apply the mechanisms on private schools

Although state laws are not the direct reason that prevents the promotion and protection of child rights in general, they are in a way an important factor that prevents private schools from being included under the ordinance's realm. In other words, under the School Education Law, private schools are under the control of prefecture governors, but not city mayors or city education boards (E-gov, n.d.). Therefore, the mechanisms created under the ordinance and the ombudsperson that demand the cooperation of City institutions, but not that of the prefecture, are unlikely to be easily applied on private schools even though they are located within the City. Indeed, it actually needs all parties in the City to promote and protect child rights in order to make the ordinance really work. Moreover, private schools are directly involved with children's education and development like public schools, so they are equally important in promoting and protecting child rights. Without the cooperation of private schools, the objectives of the ordinance, which are to apply the CRC at local government level and to promote and protect child rights by the City and relevant parties, cannot be fully achieved. As a result, the attempt to promote and protect child rights in schools through the ordinance and the ombudsperson will be only half successful, if that.

However, it is surprising to see that while the City claims that private schools are not under city authorization and nothing much can be done, the spirit of the ordinance is rather ambitious. That is, Article 4 of the ordinance seeks to promote rights in a further scope beyond the City as it stipulates that the City should ask for cooperation from the State and public institutions to ensure the promotion of rights outside the City as well (UNICEF, n.d.). In that case, if the City has already planned to expand the promotion of rights beyond its scope of authority, especially outside the

Copyright by Mahidol University

City, it should have sought to promote rights within the City first, including to private schools. The cooperation of the State to authorize a special regulation for private schools within Kawasaki City to be supervised by the education board regarding child rights promotion and protection would be extremely helpful in making the efforts of the City become fulfilled.

3) Absence of follow-up/improvement

One of the reasons that make the attempts to promote and protect child rights at the schools stagnant is that there is no follow-up or improvement of the existing mechanisms. The evidence is seen from the absence of analysis in the Human Rights Ombudsperson's annual reports, as mentioned in Chapter III. In fact, the information given in the annual reports is very crucial and useful for learning about the factors behind the increase and decrease of child rights violations, allowing for further improvement of the existing mechanisms or the development of new mechanisms to promote and protect child rights. However, this has not yet happened. What's more, if Fujimi School is an accurate indicator, there does not seem to be a systematic evaluation of the mechanisms in place. As a result, it is hard to learn whether each mechanism works or not, making it slow, if not impossible, to improve the situation.

4) The characteristics of public and private schools

Perhaps the inertia and lack of initiatives in the promotion and protection of child rights in Fujimi School could be rooted from its "public" school characteristics, apart from, possibly, the idea that rights are improper to Japanese society. To clarify, in Japan public schools are different from private schools since private schools are competitive while public schools are not. Unlike public schools, private schools have higher budgets and more freedom in school management than the former, thus they can initiate things that they regard as useful for their top students and hire higher-quality teachers and have better facilities in order to provide the best education to students. Such a proactive environment allows ideas to emerge and be accepted more easily. On the other hand, the lack of competitive nature of public schools and their passive roles compared to private schools could create an inert environment that makes school staff feel inactive in promoting and protecting child rights at school

Copyright by Mahidol University

because they would perceive that it is simply another regulation from above that they have to follow. When they have other work that they deem more important (such as teaching) already taking up all of their time, they can be too busy to listen to the human rights representative teacher. And they can easily discard the latter as they do not see it as an urgent and important matter.

It is a challenge for Kawasaki City to make the residents turn their attention to the issue of child rights promotion and protection and understand it correctly, especially under circumstances that are not very helpful in both the local and national contexts. Perhaps the City has to think about alternative ways to strengthen the existing mechanisms in school.

Copyright by Mahidol University

CHAPTER V
CONCLUSION

Japan is among the developed countries that are concerned about child welfare and have specific laws to address the issue. That makes it seem like the country gives a lot of attention to children, which should presumably extend to the promotion and protection of child rights as well. However, in reality, the issue of child rights is treated separately from child welfare, although the government often uses its child welfare policies as evidence to support the argument that it follows the CRC in promoting and protecting child rights. In fact, Japanese society still very much lacks the concept of rights, especially those for children, and believes that duties must be emphasized instead of rights. Such beliefs are reflected in the government's procedures; procedures that fail to address child rights through laws that lack a rights-based approach, as they are created by governments that do not embrace the idea of child rights. In an environment where child rights violations at school – such as bullying, corporal punishment, and strict school rules – are spreading, it is not surprising to see that the government's several measures to eradicate the problems have not yet been effective. The reason is the same: the government's measures lack a rights-based approach and "beat around the bush" in order to avoid developing "rights".

Some years after the ratification of the CRC, Japan still has not sufficiently followed the provisions of the Convention. Problems involving children due to the lack of rights awareness and guarantee have continuously increased. As a result, several local governments have sought to create mechanisms to promote and protect child rights on their own. Kawasaki City, which was the first local government to implement a comprehensive ordinance on child rights and has become the model for other cities throughout Japan, has successfully established the Ordinance on the Rights of the Child and the Human Rights Ombudsperson. The mechanisms were created to promote and protect child rights within the city with cooperation from City institutions, families, schools, and community. At school, which is the place where

Copyright by Mahidol University

this research has focused on, Kawasaki City has invented several mechanisms in accordance with the ordinance to ensure that child rights are promoted and protected.

However, from the research on one public school and one private school, it is found that the mechanisms have a lot of weaknesses that prevent success in promoting and protecting child rights at school. Those weaknesses come from several factors. They include the factors that generally prevent the emergence of child rights in Japanese society (government procedures, state laws and culture and social practices) that contribute to retarding the mechanisms from being fully made use of. They have also led to many of the problems arising in the implementation process of the ordinance and the ombudsperson, such as Fujimi School's lack of interest and failure to apply the mechanisms on private schools. However, problems involving the absence of follow-up and improvement of the existing mechanisms, in addition to the different characteristics of public and private schools, seem not to be directly influenced by the three factors.

It could be possibly said that the notion that children are not rights holders - that rights are improper in Japanese society - and that duty and responsibility should be emphasized, are still very strong in the mind of the Japanese, including those in Kawasaki City. Therefore, relevant parties who are designated to cooperate in promoting and protecting child rights at school (such as teachers) are not active or do not make enough attempt to make use of the mechanisms established in schools. This is reflected in the inert cooperation by the public school. To illustrate, its human rights representative teacher is not given much importance and does not function as he is supposed to. There has been little effort, if any, by the school to develop any methods to make him function properly. Therefore, other teachers cannot learn about the human rights/child rights issues that he is supposed to report them. It, then, leads to no action on child rights to develop or improve the current situation of children at the school. Ignorance of rights issues has also contributed to the lack of improvement in human rights education at school, which has seemingly failed to develop meaningful understanding or awareness of human rights issues amongst teachers and students. Moreover, teachers are not very cooperative when pamphlets on the ordinance are given to students because many of them simply distribute the documents without explanation of its significance. The lack of interest in implementing the

Copyright by Mahidol University

mechanisms by the school has caused the absence of follow-up and improvement of mechanisms by the school itself. However, the City also fails to follow-up and improve the situation as well.

State laws and government procedures are also influential to applying the ordinance on private schools. That is, private schools are not covered by the ordinance in reality because, by law, private schools are not under the auspice of the City but the prefecture. This is a big problem that is difficult to be solved without the cooperation of the government. If the latter were really committed to promote and protect child rights as it claimed in its reports to the UN, then it would have taken action. Because of all the previously mentioned problems, child rights awareness and any resultant behavioral changes in teachers or students does not happen.

One thing that has become obvious is that the practical application of the ordinance and the suggestions of the ombudsperson are quite mixed-up with welfare. Although the ordinance uses the word "guarantee" and emphasizes the term "rights", including defining the duties of relevant parties, which should set a legal framework and conditions for all parties to promote and protect child rights, the City still fails to make teachers and students aware of child rights and has failed to change teachers and students' attitudes towards child rights. It could be explained that the policy makers of the *Kawasaki City Ordinance on the Rights of the Child* have tried to avoid addressing the word "rights" directly. The possible reason is that it could lead to rejection and low cooperation from the parties that are designated by the ordinance to promote and protect child rights. In other words, many of Kawasaki City residents, like most Japanese, still feel that rights are improper for their society and that duty and responsibility to family and community at large should be emphasized. Given the circumstances today where children have become more and more out of control, it is not surprising to see that the Japanese would only want individual rights to be de-emphasized and duty and responsibility to be promoted. At the same time when the word "rights" seems to be avoided, designated parties are likely to implement the mechanisms for the sake of doing it, instead of actively making use of them to fully allow teachers and students to aware of child rights and change their behavior towards child rights. As a result, the concept that children have rights and that mechanisms are established to guarantee the promotion and protection of child rights at school are not

Copyright by Mahidol University

sufficiently emphasized. In actual practice, therefore, the spirit of the ordinance and the ombudsperson is very thin and not fully realized.

It could be concluded that the attempts of Kawasaki City to promote and protect child rights in schools through the ordinance and the ombudsperson have gained success by establishing mechanisms to create child rights awareness and change teachers and students' behavior in public schools. Unfortunately, however, the level of implementation of these mechanisms in both Fujimi School and H. School has been ineffective. The efforts to promote and protect child rights at both schools, especially Fujimi School, are still going through a lot of obstacles either at the bigger level (state laws, government procedures and culture/society) or at the smaller level (ineffectiveness of the invented mechanisms that are influenced by the former, lack of follow-up/improvement and characteristics of public and private schools). However, at least the mechanisms that were established there should be a good start to make a small group of people become aware of child rights to some extent, but it needs time, great commitment and a lot of research to develop the mechanisms that work in Japan's current circumstances.

This study is limited by research that was undertaken in only two sample schools, so it can neither definitively judge the overall success of Kawasaki City's attempt to promote and protect child rights at school, nor can it assume that all schools in Kawasaki City have similar tendencies. However, the study has revealed that the factors that hinder child rights awareness in Japanese society in general do contribute to hindering the success of child rights promotion and protection by Kawasaki City, at least within Fujimi School and H. School. The factors discussed in this paper could possibly be the reasons that obstruct the success of mechanisms at other schools within Kawasaki City. These factors also possibly explain the obstructions within other attempts to promote and protect child rights elsewhere in Japan because they are under the same structure of Japanese social and national contexts. The important question is how local governments' efforts to promote and protect child rights will overcome those obstacles and finally make children enjoy the rights expressed in the CRC in reality.

Copyright by Mahidol University

BIBLIOGRAPHY

Abe, Yoshie (n.d.). *Fostering a Culture of Child Participation: the Case of Tsurugushima City*. Retrieved July 18, 2006, from http://www.hurights.or.jp/asia-pacific/042/03.htm

Actions for the Rights of Children (2003). *Linku shuu: kodomo no kenri to jichitai.* [Links: child rights and municipality]. Retrieved March 30, 2008, from http://homepage2.nifty.com/childrights/link/municipal.htm

Angell, Ann. V. (1990). "The Rights of Children in Japan: A Teaching Unit for the Upper Elementary Grades (4-6)." Paper presenting at the Annual Meeting of the National Council for the Social Studies (Anaheix, CA.) 16-19 November 1990.

Aoki, Yukio. *Fujimichuu de ha Ima: seito, hogosha, chiiki no minasamahe.* [Currently at Fujimi Secondary School: to all students, parents, and community people]. Vol.12., Issue. 155. Newsletter.

Aramaki, Shigeto (2002). "*Jichitai ni okeru odomo no kenri no sougoutekina hoshou – Kawasaki-shi kodomo no kenri jourei no igi*." [General protection of child rights at local autonomy – the significance of the Kawasaki City Ordinance on the Rights of the Child]. *Kyouiku Kagaku Kenkyuukai* [Education and Science Research Group (ed.) *Kyouiku.* [Education]. No. 677 *Kokudo.*

Center for Human Rights (1990). *The Rights of the Child.* Geneva: United Nations

Children's Rights Network of Japan (2006). *Constitution of Japan.* Retrieved November 15, 2007, from http://www.crnjapan.com/japan_law/laws/en/japan_constitution.html

Copyright by Mahidol University

Committee for NGO Reporting on the Convention on the Rights of the Child (2003). *NGO report on the second periodic report of Japan: advanced summary*. Retrieved September 13, 2006, from http://www.crin.org/docs/resources/treaties/crc.35/Japan_NGO_Report_2003_Advanced_Summary(1).pdf#search=%22The%20Convention%20on%20the%20Rights%20of%20the%20Child%3A%2095%20Issues%20to%20be%20Solved%20in%20Japan%22

Committee on the Rights of the Child (1998). *Concluding observations of the Committee on the Rights of the Child: Japan. 05/06/98. CRC/C/15/Add.90. (Concluding Observations/Comments).* Retrieved July 18, 2006, from http://www.unhchr.ch/tbs/doc.nsf/0/9030c5ec1fdbd4e8802566240036f11d?Opendocument

Committee on the Rights of the Child (2004). *Concluding observations of the Committee on the Rights of the Child: Japan. 26/02/2004. CRC/C/15/Add.231. (Concluding Observations/Comments).* Retrieved August 20, 2006, from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7cdfef2209298c9bc1256e5200509a0d?Opendocument

Doi, Takeo (1995). *Amae: kaen tae jitjai konyeepun.* [Amae: the core of Japanese mentality]. Bangkok: The Foundation of Social Science and Humanity Books Project. Translated into Thai from *'Amae' no Kouzo* [The Structure of 'Amae'].

Donnelly, Jack (1999). "Human Rights and Asian Values: a defense of "Western" universalism." *The East Asian Challenge for Human Rights.* Bauer, Joanne R. & Daniel A. Bell (eds.) New York: Cambridge University Press.

Dziesinski, Michael J. (2003). "Hikkikomori: Investigations into the Phenomenon of Acute Social Withdrawal in Contemporary Japan." Research paper.

E-gov. (n.d.). *Gakkou kyouiku hou*. [School Education Law]. Retrieved April 3, 2008, from http://law.e-gov.go.jp/htmldata/S22/S22HO026.html

Copyright by Mahidol University

E-gov. (n.d.). *Shiritsu gakkou hou*. [Private School Law]. Retrieved April 11, 2008, from http://law.e-gov.go.jp/htmldata/S24/S24HO270.html

E-gov. (n.d.). *Chihou kyouiku gyousei no soshiki oyobi unei ni kansuru houritsu*. [Organization and Management of Local Educational Administration Law]. Retrieved April 11, 2008, from http://law.e-gov.go.jp/htmldata/S31/ S31HO 162.html

Fukuda, Masaaki (2003). "Framework to consider the children's issues in a "developed country," Japan: in search of the core-concept of the children's rights through the experiences of the grass-roots movements for making a citizens-NGO report from Japan to the Committee on the Convention on the Rights of the Child." *Yamanashi Gakuin Law Journal*, Vol. 1, pp. 41-115

General Headquarters, SCAP, CIE (1948). Fundamental Law of Education. *Education in the New Japan*, 2. Retrieved July 1, 2006, from http://pegasus.phys.saga-u.ac.jp/Education/law-of-educationE.html

General Research Institute of the Convention on the Rights of the Child (2002). *Kawasaki-hatsu Kodomo no Kenri Jourei*. [Kawasaki Initiated Ordinance on the Rights of the Child]. Tokyo: Eidell

General Research Institute of the Convention on the Rights of the Child (Japan) (2006). "Present status of and challenges in 'Child Friendly Cities' in Japan." Report.

Goodman, Roger & Ian Neary (1996). *Case Studies on Human Rights in Japan.* Surrey: Japan Library.

H.School (2007). Student Handbook. [*Seito Techo*].

H.School (2008). *Gakkou setsumeikai shiryou*. [Document for school orientation].

Copyright by Mahidol University

Hayashi, Chizuru (2004). *Children's voices from Japan: how we, Japanese children, have been deprived of our voices in an affluent society*. Retrieved July 18, 2006, from http://www.crin.org/docs/resources/treaties/crc.35/japan_children_ngo_report.doc

Houko (2007). *Gakkou kyouiku hou*. [School Education Law]. Retrieved December 5, 2007, from http://www.houko.com/00/01/S22/026.HTM

Iwabuchi, Susumu (2004). *Children's voices from Japan: how we, Japanese children, have been deprived of our voices in an affluent society*. Retrieved July 18, 2006, from http://www.crin.org/docs/resources/treaties/crc.35/japan_children_ngo_report.doc

Japan Civil Liberties Union (1998). *1998 report concerning the present status of human rights in Japan: rights of the child (Article 24).* Retrieved July 18, 2006, from http://www.jclu.org/katsudou/counter_report_1998/article_24.html

Japan Foundation of Bar Associations (2003). *Alternative report to the second report of the Japanese Government on the Convention on the Rights of the Child.* Retrieved July 18, 2006, from http://www.nichibenren.or.jp/en/activities/statements/data/INT03_09_PS.pdf

Japan Reference (2004). *Japan's educational system.* Retrieved on September 22, 2008, from http://www.jref.com/society/japanese_educational_system.shtml

Kanchananomai, Pensri (1992). *Shinto: Jitwinyan Kong Konyeepun.* [Shinto: the mind and soul of the Japanese]. Bangkok: Kasetsart University.

Copyright by Mahidol University

Kawasaki City (2005). *Kawasaki-shi Kodomo no Kenri ni Kansuru Koudou Keikaku: Kodomo no iken hyoumei/sanka wo chuushin ni*. [Kawasaki City's Action Plan on the Rights of the Child: Focusing on Child Expression and Participation]. Report.

Kawasaki City (2005). *Kawasaki-shi Kodomo no Kenri ni Kansuru Jissai/Ishiki Chousa Houkokusho.* [Report on Investigation of Kawasaki City's Child Rights Situation and Awareness]. Report.

Kawasaki City (2006). *The Appeal of Kawasaki*. Retrieved December 5, 2007, from http://www.city.kawasaki.jp/25/25city_sales/home/city_sales/english/01-2hitec_e.html

Kawasaki City (2007). *Kawasaki-shi no setaizuu/jinkou.* [Kawasaki City's household and population numbers]. Retrieved December 17, 2007, from http://www.city.kawasaki.jp/20/20tokei/home/suikei/jinko19/jinko1904.htm

Kawasaki City (2007). *Menseki oyobi koubou.* [Area and width]. Retrieved December 17, 2007, from http://www.city.kawasaki.jp/20/20tokei/home/tokeisyo/tokeisyo18/etokesyo/b02/hyo004.xls

Kawasaki City (2007). *The principle statistics of Kawasaki City*. Retrieved December 17, 2007 from http://www.city.kawasaki.jp/20/20tokei/home/statistics/stat/stat.htm

Kawasaki City Council of Human Rights Education Support (2006). *Minna Kagayaiteirukai: shidou shiryou.* [Are You Guys Happy? Teaching Document]. Booklets for child rights education at primary school.

Kawasaki City Council of Human Rights Education Support (2006). *Watashi mo Anata mo Kagayaite: shidou shiryou.* [You and I are Happy: Teaching

Copyright by Mahidol University

Document]. Booklets for child rights education at lower and higher secondary school.

Kawasaki City Fujimi Public Lower Secondary School (2006). *Gakkou Youran.* [School Catalogue].

Kawasaki-shi Jinken Ombuzupaason [Kawasaki City Human Rights Ombudsperson] (2004). *Kawasaki-shi Jinken Ombuzupaason Heisei 15 Nendo Houkokusho.* [Kawasaki City Human Rights Ombudsperson Report 2003]. Report

Kawasaki-shi Jinken Ombuzupaason [Kawasaki City Human Rights Ombudsperson] (2005). *Kawasaki-shi Jinken Ombuzupaason Heisei 16 Nendo Houkokusho.* [Kawasaki City Human Rights Ombudsperson Report 2004]. Report

Kawasaki-shi Jinken Ombuzupaason [Kawasaki City Human Rights Ombudsperson] (2006). *Kawasaki-shi Jinken Ombuzupaason Heisei 17 Nendo Houkokusho.* [Kawasaki City Human Rights Ombudsperson Report 2005]. Report

Kawasaki-shi Jinken Ombuzupaason [Kawasaki City Human Rights Ombudsperson] (2007). *Kawasaki-shi Jinken Ombuzupaason Heisei 18 Nendo Houkokusho.* [Kawasaki City Human Rights Ombudsperson Report 2006]. Report

Kawasaki-shi Jinken Ombuzupaason hoomu peeji [Kawasaki City Human Rights Ombudsperson Homepage] (2005). *Kawasakishi jinken Ombuzupaason no gyoumu*. [Kawasaki City's Human Rights Ombudsperson's services]. Retrieved September 26, 2006, from http://www.city.kawasaki.jp/75/75sioz/home/jimu/p-dengon.htm

Copyright by Mahidol University

Kawasaki-shi Jinken Ombuzupaason hoomu peeji [Kawasaki City Human Rights Ombudsperson Homepage] (n.d.) *Kawasaki-shi Jinken Ombuzupaason Jourei*. [Kawasaki City Ordinance on Human Rights Ombudsperson]. Retrieved September 26, 2006, from http://www.city.kawasaki.jp/75/75sioz/home/jimu/p-jourei.htm

Kita, Akito (2005). *Kodomono kenrijourei zukurino genshouto kadai.* [Current situation and issues on creating child rights ordinances]. Retrieved September 22, 2006, from http://www.city.sapporo.jp/kodomo/kenri/doc/com/com03/com03doc04.pdf

Klangsuwan, Yupa (2004). *Yeepun Sang Chat Duai Kwamrak Lae Pakdee: Poomlang Tang Wattanatam Kong Sangkom Yeepun.* [Japan Built Its Nation with Love and Loyalty: Japanese society's cultural background]. Bangkok: Matichon.

Kodomo no Kenri Jourei Hoomu Peeji [Ordinance on the Rights of the Child Homepage] (2006). *Kodomo no kenri jourei shikougo no ugoki*. [Actions after the enactment of the ordinance on the rights of the child]. Retrieved September 13, 2006, from http://www.city.kawasaki.jp/25/25zinken/home/kodomo/doukou.htm

Lewis, Catherine C. (1995). *Educating Hearts and Minds: Reflections on Japanese Preschool and Elementary Educations*. Cambridge: Cambridge University Press.

Li, Xiaorong (1996). *"Asian values" and the universality of human rights*. Retrieved September 9, 2008, from http://www.publicpolicy.umd.edu/IPPP/li.htm

Ministry of Education, Culture, Sports, Science and Technology (2003). *Course of Study for Lower Secondary Schools*. Retrieved April 13, 2008, from http://www.mext.go.jp/b_menu/shuppan/sonota/990301/03122602.htm

Copyright by Mahidol University

Ministry of Education, Culture, Sports, Science and Technology (2006). No topic. Retrieved December 3, 2007, from http://www.mext.go.jp/b_menu/houdou/18/09/06091103/002.pdf

Ministry of Education, Culture, Sports, Science and Technology (2006). *Kensaku no Ookatta Waado (18 Nendo)*. [Most accessed words (Year 2006)]. Retrieved December 3, 2007, from http://www.mext.go.jp

Ministry of Education, Culture, Sports, Science and Technology (n.d.). *Education reform plan for the 21st century*. Retrieved April 3, 2008, from http://www.mext.go.jp/english/org/f_reform.htm

Ministry of Education, Culture, Sports, Science and Technology (n.d.). *Formal education*. Retrieved April 3, 2008, from http://www.mext.go.jp/english/org/f_formal_16.htm

Ministry of Education, Culture, Sports, Science and Technology (n.d.). *Shiritsu gakkou josei no jujitsu*. [Assistance to Private Schools]. Retrieved April 14, 2008, from http://www.mext.go.jp/a_menu/koutou/shinkou/07021403/002.htm

Ministry of Education, Culture, Sports, Science and Technology (n.d.). *Shiritsu gakkou hou*. [Private School Law]. Retrieved April 7, 2008, from http://www.mext.go.jp/a_menu/koutou/shinkou/07021403/001/001.htm

Ministry of Foreign Affairs of Japan (1996). *The initial report of Japan under Article 44, Paragraph 1 of the Convention on the Rights of the Child*. Retrieved July 20, 2006, from http://www.mofa.go.jp/policy/human/child/initialreport/index.html

Ministry of Foreign Affairs of Japan (2001). *The second report of Japan under Article 44, Paragraph 1 of the Convention on the Rights of the Child*. Retrieved July 20, 2006, from http://www.mofa.go.jp/policy/human/child/report2/index.html

Copyright by Mahidol University

Murakami, Yoshio (1991). "Bullies in the Classroom." *Transcending Stereotypes: Discovering Japanese Culture and Education*. Finkelstein, Barbara et al. (eds.) Yarmouth, Maine: Intercultural Press, 190-197.

Nabeshima, Yoshiro et. al. (n.d.). *Japan: Human Rights Education in Schools*. Retrieved April 12, 2007, from http://www.hurights.or.jp/pub/hreas/3/04nabeshima.htm

National Center for Teachers' Development (2004). *Organization/Outline.* Retrieved May 19, 2008, from http://www.nctd.go.jp/X_sosiki/organization_outline_x_eng.html#point1

Neary, Ian (2002). *Human Rights in Japan, South Korea and Taiwan*. London: Routledge

NGO Group for the Convention on the Rights of the Child (1997). *The Convention on the Rights of the Child: 95 issues to be solved in Japan*. Retrieved September 13, 2006, from http://www.crin.org/docs/resources/treaties/crc.18/Japan_NGO_Report.pdf

Nishikawa, Yukiko (2005). *Japan's Changing Role in Humanitarian Crises*. London & New York: Routledge

Office of the United Nations High Commissioner for Human Rights (2006). *Status of ratifications of the principal international human rights treaties.* Retrieved September 26, 2006, from http://www2.ohchr.org/english/bodies/docs/status.pdf

Okano, Kaori & Motonori Tsuchiya (1999). *Education in Contemporary Japan: Inequality and Diversity*. Cambridge: Cambridge University Press.

Rohlen, Thomas (1983). *Japan's High Schools*. Berkeley: University of California Press.

Copyright by Mahidol University

Sasaki, Mitsuaki (2005). *Amending the Juvenile Law in Japan: ignoring the UN Committee on the Rights of the Child Recommendation*. Retrieved March 20, 2008, from http://www.hurights.or.jp/asia-pacific/040/03.htm

UNICEF (n.d.). *Kawasaki City Ordinance on the Rights of the Child.* Retrieved September 13, 2006, from http://www.childfriendlycities.org/networking/japan.html

UPR (2008). Universal Periodic Review, 2nd session Japan (adoption of report final)" 9 May, in "Human Rights Monitor Series"

US Department of State (2006). *Country Reports on Human Rights Practices – 2005, Japan.* Retrieved July 18, 2006, from http://www.state.gov/g/drl/rls/hrrpt/2005/61610.htm

Wuwongse, Warintorn (2003). *Kan Suksa Kab Kan Sang Kon Bab Yee Pun Lang Songkram Lok Krang Tee Song.* [Education and Japanese Manpower Building after World War II]. Bangkok: Ek Books.

Wuwongse, Warintorn (2006). *Nayobai Kaansuksa Kong Yiipun Tor Kaanpattana Kon Yuk 2000.* [Japan's Education Policy towards Human Development in 21st Century]. Bangkok: Thammasat University.

Yamashita, Jun-ichiro (2004). *Children's voices from Japan: how we, Japanese children, have been deprived of our voices in an affluent society*. Retrieved July 18, 2006, from http://www.crin.org/docs/resources/treaties/crc.35/japan_children_ngo_report.doc

Yoneyama, Shoko (1999). *The Japanese High School: Silence and Resistance.* London & New York: Routledge

Copyright by Mahidol University

Television Broadcast

Nakano, Toshiyuki (Producer). (2007). *Life.* [Television series]. Tokyo: Fuji Television

Tanaka, Masahiko (Producer). (2007, January 8). *Ijimeteiru kimi he…* [To you who are bullying others right now…] [Television broadcast]. Tokyo: Fuji Television

Yamamoto, Takashi (Producer). (2006, December 29). *Hosogi Kazuko no kinkyuu daiyogen: ijime jisatsu ha yamenasai! Konya kotae wo dasuwayo!! SP* [Kazuko Hosogi's emergency big prediction: Stop suicide because of bullying! Tonight I will give you the answer!! Special]. [Television broadcast]. Tokyo: Asahi Television

Copyright by Mahidol University

APPENDIX

Copyright by Mahidol University

APPENDIX A
LIST OF INTERVIEWEES

1. **List of teachers and students interviewed at Fujimi School (public school) and H. School (private school). H. School preferred not to have the names revealed, so the names are written in initials:**

Fujimi School's teachers and staff

Name	Gender	Position	Interview date
Yukio Aoki	Male	Principal	July 11, 2007 May 1, 2008
Takayuki Uehira	Male	Vice-principal	February 26, 2007
Ritsuko Tawata	Female	Social Science teacher	February 26, 2007
		Researcher at General Education Center	July 13, 2007 July 20, 2007
Masayasu Otsuka	Male	Science teacher and human rights representative teacher	February 26, 2007
Ki Kato	Male	Mathematics teacher	March 5, 2007
Sakurai -	Female	School counselor	July 15, 2007

Fujimi School's students

Name	Gender	Grade	Interview date
Maiko Fujimoto	Female	8	February 26, 2007
Natsumi Horie	Female	8	February 26, 2007
Kana Aihara	Female	7	March 5, 2007
Takumi Uchida	Male	7	March 5, 2007

H. School's teachers and staff

Name	Gender	Position	Interview date
N.	Male	Vice-principal	September 14, 2007
N.	Female	Japanese teacher	September 14, 2007
S.	Male	Social Science teacher	September 14, 2007
K.	Female	School counselor	October 25, 2007

Copyright by Mahidol University

H. School's students

Name	Gender	Grade	Interview date
M.	Male	9	September 14, 2007
S.	Male	9	September 14, 2007
Y.	Male	8	September 14, 2007
K.	Male	7	September 14, 2007

2. List of people who are involved in planning and/or implementing the Ordinance and the Ombudsperson

Name	Position	Organization	Date of interview
Shigeto Aramaki	President of Kawasaki City Committee on the Rights of the Child	Yamanashi University	July 20, 2007
Yoshie Abe	Visiting lecturer	Waseda University	July 18, 2007
Makio Tanaka	Human rights and co-living education Officer	Kawasaki City Education Board	March 14, 2007 July 26, 2007
Makoto Kinanishi	Kawasaki City Human Rights Ombudsperson staff	Kawasaki City Human Rights Ombudsperson Office	July 10, 2007 February 7, 2008

Copyright by Mahidol University

APPENDIX B
KAWASAKI CITY
ORDINANCE ON THE RIGHTS OF THE CHILD

Enacted on December 21, 2000
Kawasaki City Ordinance No.72
** Revised on June 29, 2001*

Preamble

Each and every child is an individual human being, who has unique worth and dignity. The child wishes that his/her individuality and difference from others be accepted and that respect be given to what he/she naturally is.

The child is a full subject of rights. Under the international principles including the best interest of the child, non-discrimination and respect for the views of the child, his/her rights shall be guaranteed comprehensively and in reality. These rights are indispensable for the child to realize him/herself and lead a life of his/her own with human dignity.

Children can go through affluent childhood when their rights are guaranteed. Through learning about their rights and exercising them in practice, they can have a better understanding of rights and acquire skills to realize their own rights as well as skills and responsibilities to respect the rights of others. In order that one's rights are respected and guaranteed, the rights of others must be respected and guaranteed in the same manner; it is indispensable that the rights of one's own and others are mutually respected.

Children are partners, who form society with adults. As members of the present society and as responsible actors of the future society, children have specific roles to play through the involvement in the design and formation of society as well as the right to participate in society. For this and other purposes, society shall be open to children.

Copyright by Mahidol University

Children have essential roles to play in promoting mutual understanding and exchanges with their counterparts in and outside Japan as global citizens who live in the same generation, in wishing coexistence and peace, in preserving nature and in creating better urban environment.

Efforts to guarantee the rights of the child in the City will have the effects to promote coexistence among all the residents in the City, leading to the protection of the rights of the residents themselves. Bearing in mind the first call for children and other international principles, we will seek to ensure that the necessary rights to live as an individual human being are guaranteed for each and every child.

On the basis of the above considerations as well as the philosophies of the Convention on the Rights of the Child, adopted by the U.N. General Assembly on November 20, 1989, we proclaim that we will promote the better implementation of the rights of the child and enact the present Ordinance.

Chapter I: General Provisions

Article 1 (Purposes)

The present Ordinance aims to guarantee the rights of the child by defining the responsibilities of the City and other parties with regard to the rights of the child, important rights of the child as a human being and the protection of the rights of the child at home, in growing and learning institutions and in the community.

Article 2 (Definitions)

Under the present Ordinance,

(1) The term “child” means a person below the age of eighteen years who is resident of the City or has connection with the City in other ways, or any other person for whom it is appropriate to recognize the rights herein in the same way;

(2) The term “growing and learning institution” means a child welfare facility defined under the Child Welfare Act (1947, Law No.164), a school, special training school or miscellaneous schools defined under the School Education Law (1947, Law No.26) or other kinds of institution where children enter or attend to grow and learn; and,

Copyright by Mahidol University

(3) The term “caretaker in lieu of the parents” means the foster parent or the vocational guidance parent defined under the Child Welfare Act or any other caretaker of the child in lieu of the parents.

Article 3 (Responsibilities)

1. The City shall respect the rights of the child and make efforts to guarantee them through all policies and measures.

2. The residents shall make efforts to collaborate with the City in order to guarantee the rights of the child in places where or opportunities when efforts should be made for that purpose.

3. The establisher, administrator and personnel of a growing and learning institution (hereafter referred to as “institution personnel”), other than the City itself, shall make efforts to cooperate for the policies and measures by the City and to ensure that the rights of the child in the growing and learning institution are guaranteed.

4. The employer shall make efforts to cooperate for the policies and measures by the City in the protection of the rights of the child who is cared by the employee or who is employed him/herself.

Article 4 (Request to the State and other public authorities)

In order to ensure the wide protection of the rights of the child, the City shall request the State and other public authorities for cooperation, with a view to promoting the rights of the child outside the City as well.

Article 5 (Kawasaki Day of Children’s Rights)

1. In order to promote better awareness and understanding of the rights of the child widely among the residents, a Kawasaki Day of Children’s Rights shall be designated.

2. The Kawasaki Day of Children’s Rights shall be November 20.

3. The City shall commemorate the Kawasaki Day of Children’s Rights by implementing programmes appropriate for its objectives and promote wide participation in them by the residents.

Copyright by Mahidol University

Article 6 (Publicity)

The City shall make efforts to publicize the rights of the child in order to promote better understanding of them among the residents.

Article 7 (Support for learning and training)

1. The City shall make efforts to develop necessary conditions to promote learning on the rights of the child through home, school and social education.

2. The City shall provide training opportunities for institution personnel and others who are professionally involved in the protection of the rights of the child, such as doctors and public health nurses, in order to promote better understanding of the rights of the child.

3. The City shall make efforts to provide necessary support to voluntary initiatives by children to learn about their own rights.

Article 8 (Support to the residents' activities)

The City shall make efforts to provide support to activities by the residents seeking for the protection of the rights of the child and to develop collaboration with them.

Chapter II: Important Rights of the Child as a Human Being

Article 9 (Important rights of the child)

The rights provided under the present chapter must be guaranteed as especially important rights for the child to grow up, learn and lead a life as a human being.

Article 10 (The right to live in security)

The child shall be able to live in security. For this purpose, the following rights shall be guaranteed among others:

(1) To have his/her life be protected and respected;

(2) To be nurtured in love and understanding;

(3) To be protected against all forms of discrimination;

(4) To be protected against all forms of violence or neglect;

Copyright by Mahidol University

(5) To receive attention to his/her health, to be provided with proper medical services and to live a life appropriate for his/her development; and,

(6) To live a life in peaceful and safe environment.

Article 11 (The right to be natural and comfortable self)

The child shall be able to be natural and comfortable self. For this purpose, the following rights shall be guaranteed among others:

(1) To have his/her individuality and difference from others be recognized and his/her personality be respected;

(2) To have his/her own idea and belief;

(3) To be protected against interference with his/her secrets;

(4) To be protected against unreasonable collection or use of information on him/herself;

(5) Not to be treated unfairly on the basis of his/her childhood; and,

(6) To give him/herself a rest in a place of security and to have leisure.

Article 12 (The right to protect him/herself and to be protected)

The child shall be able to protect him/herself or to be protected. For this purpose, the following rights shall be guaranteed among others:

(1) To be able to escape all violations of his/her rights;

(2) To be protected against any circumstances that may hinder his/her development;

(3) To be provided with appropriate opportunities for complaints and counseling, in accordance with his/her circumstances, in an atmosphere suited for this purpose;

(4) When decisions are made on matters affecting his/her future, to express his/her views in an atmosphere suited for this purpose and have those views respected; and,

(5) When in need of recovery, to be provided with places and opportunities for the recovery which are appropriate and suitable for this purpose.

Copyright by Mahidol University

Article 13 (The right to enrich him/herself and be empowered)

The child shall be able to enrich him/herself and to be empowered in accordance with his/her development. For this purpose, the following rights shall be guaranteed among others:

(1) To play;

(2) To learn;

(3) To participate in cultural and artistic activities;

(4) To obtain useful information; and,

(5) To pursue happiness.

Article 14 (The right to make decisions by him/herself)

The child shall be able to make decisions by him/herself on matters concerning him/herself. For this purpose, the following rights shall be guaranteed among others:

(1) To make decisions on matters concerning him/herself in accordance with his/her age and maturity;

(2) To receive appropriate support and advice in making such decisions; and,

(3) To obtain necessary information for making such decisions.

Article 15 (The right to participate)

The child shall be able to participate. For this purpose, the following rights shall be guaranteed among others:

(1) To express him/herself;

(2) To express his/her views and have those views respected;

(3) To associate and assemble with others; and,

(4) To receive appropriate support during the process of participation.

Article 16 (The right to receive support in accordance with individual needs)

The child shall be able to receive necessary support in accordance with his/her circumstances. For this purpose, the following rights shall be guaranteed among others:

Copyright by Mahidol University

(1) Not to be discriminated and disadvantaged due to or on the ground of the child's or his/her family members' nationality, ethnicity, sex, language, religion, origin, property, disability or other circumstances;

(2) To live in coexistence under the recognition of and respect for such different circumstances;

(3) For a disabled child, to be enabled to have dignity, ensure self-reliance and participate in the community;

(4) For a child with a minority status in terms of nationality, ethnicity, language and other factors, to be given respect for his/her opportunities to enjoy, learn and express his/her own culture; and,

(5) To be provided with creative ways of and arrangements for obtaining necessary information, expressing his/her views and participating, in accordance with his/her individual circumstances.

Chapter III: The Protection of the Rights of the Child at Home, in Growing and Learning Institutions and in the Community

Part 1: The Protection of the Rights of the Child at Home

Article 17 (The protection of the rights of the child by parents and other caretakers)

1. Parents or other caretakers in lieu of the parents (hereafter referred to as "parents) have the primary responsibility to make efforts to guarantee the rights of their child.

2. In order to ensure the best interests of their child when he/she exercises his/her rights, parents shall make efforts to provide support in accordance with the age and maturity of the child.

3. Parents shall make efforts to exercise the rights of their child on behalf of him/her, subject to the best interests of the child.

4. Parents shall be able to receive necessary explanation for the upbringing of their child from the growing and learning institutions as well as the relevant health, medical and child welfare services. When they seek to obtain private information of the child, they shall do so in a way that may not impede the best interests of the child.

Copyright by Mahidol University

Article 18 (Support to the upbringing of the child)

1. Parents shall be able to receive support by the City in the upbringing of their child.

2. When parents are in difficult circumstances to raise their child, the City shall make efforts to provide support to the parents, paying specific consideration to the circumstances.

3. The employer shall make arrangements to enable the employee to raise their child in security.

Article 19 (Prohibition of abuse and corporal punishment)

Parents shall not inflict abuse and corporal punishment on their child.

Article 20 (Protection and recovery from abuse)

1. The City shall make efforts to provide prompt and appropriate protection and services for recovery for an abused child.

2. In the provision of such protection and services for recovery, special consideration shall be given to physical and mental conditions of the child to prevent second victimization.

3. The City shall make efforts to collaborate with and give support to the relevant organizations for the early detection of abuse cases, prompt and appropriate protection of an abused child and recovery of the child.

Part 2: The Protection of the Rights of the Child in Growing and Learning Institutions

Article 21 (Improvement of a growing and learning environment)

1. The establisher and administrator of a growing and learning institution (hereafter referred to as “the establisher and administrator of the institution”) shall make efforts to improve the institution’s environment in which children can grow up and learn by him/herself, with a view to promoting the protection of the rights of the child.

Copyright by Mahidol University

2. Such improvement of the institution's environment shall be undertaken through collaboration with the parents of its children and other residents in the community and through spontaneous initiatives by the institution's staff.

Article 22 (Establishment and maintenance of the arrangements for safety management)

1. In order to ensure the safety of the child in the activities at a growing and learning institution, the establisher and administrator of the institution shall make efforts to establish and maintain the arrangements for safety management, seeking for the prevention of accidents and, in case an accident has happened, preventing further victimization through collaboration with the relevant bodies, parents and other residents in the community.

2. The establisher and administrator of the institution shall make arrangements for the development of the facilities and equipment in order to guarantee spontaneous activities by the children in safety.

Article 23 (Prohibition of abuse and corporal punishment)

1. Institution personnel shall not inflict abuse and corporal punishment on the child under their care.

2. The establisher and administrator of a growing and learning institution shall make efforts to provide the staff with training on the prevention of abuse and corporal punishment on the child.

3. The establisher and administrator of the institution shall make efforts to develop mechanisms in the institution, to which a child can make complaints in security about abuse and corporal punishment on him/her.

4. When they have received complaints about abuse and corporal punishment from a child, institution personnel shall make efforts to protect the child and promote his/her recovery, taking the best interests of the child into consideration, by collaborating with individuals and relevant organizations whose involvement is necessary for the settlement of the case.

Copyright by Mahidol University

Article 24 (Prevention of bullying)

1. Institution personnel shall make efforts to prevent bullying.

2. In order to prevent bullying, institution personnel shall make efforts to promote awareness and understanding of the rights of the child among the children in their care.

3. The establisher and administrator of a growing and learning institution shall make efforts to provide the staff with training on the prevention of bullying.

4. The establisher and administrator of the institution shall make efforts develop mechanisms in the institution, to which a child can make complaints in security about bullying on him/her.

5. When they have received complaints about bullying from a child, institution personnel shall make efforts to protect the child and promote his/her recovery, taking the best interests of the child into consideration, by collaborating with individuals and relevant organizations whose involvement is necessary for the settlement of the case. In such an instance, institution personnel shall seek to respond appropriately to the case while making necessary arrangements for the bully at the same time.

Article 25 (Documents and other information on the child)

1. Documents on the child in a growing and learning institution shall be managed and stored in an appropriate manner.

2. In the preparation of a document that may affect the interests of the child, arrangements shall be made to make it fair, including through asking for the views of the child him/herself or his/her parents.

3. In a growing and learning institution, information on the child shall not be collected or stored beyond the objectives of the institution.

4. Such information shall not be used or made available to the outside beyond the objectives of the institution.

5. The documents referred to in paragraph 1 or the information referred to in paragraph 3 shall be managed in a way that they can be disclosed or provided to the child him/herself, subject to the best interests of the child.

Copyright by Mahidol University

6. When an adversarial disposition will be made for the child in a growing and learning institution, arrangements shall be made to allow the child to explain him/herself and express his/her views before the decision.

Part 3: The Protection of the Rights of the Child in the Community

Article 26 (The community as a place where the child grows up)

1. Bearing in mind that the community is a place where the child grows up and which enriches his/her relationships together with the home, growing and learning institutions and cultural and sports facilities, the City shall seek for community planning aiming at the improvement of child-rearing and educational environments where children's activities can be undertaken in safety, so that the rights of the child can be guaranteed in the community.

2. The City shall make efforts in the community to develop organizations, in which children, their parents, institution personnel and other residents spontaneously undertake consultation and other activities on child-rearing and educational environments in the community, and to provide support to their activities.

Article 27 (Secure and comfortable places for the child)

1. Bearing in mind that it is important for the child to have places where the child is able to be natural and comfortable self, to take a rest and recover him/herself, to play or undertake activities freely and to nurture relationships in security (hereafter referred to as "secure and comfortable places"), the City shall make efforts to disseminate the concept of secure and comfortable places and to ensure and preserve such places.

2. The City shall make efforts to collaborate with the residents and organizations who undertake voluntary activities including the provision of secure and comfortable places for children and to provide support to them.

Article 28 (Children's activities in the community)

In view of the importance of children's activities in the community for the child to grow up in affluent relationships, the City shall make efforts to encourage children's autonomous activities in the community and to provide support to them.

Copyright by Mahidol University

Chapter IV: Children's Participation

Article 29 (Promotion of children's participation)

Bearing in mind that it is important to guarantee, in different policies, opportunities for children to express their views as the residents on municipal administration and views as the members on the management of a growing and learning institution and other bases of their activities as well as opportunities to participate in cultural and sports activities in the community, the City shall make efforts to promote children's participation or to disseminate different ways of such participation.

Article 30 (Children's Conference)

1. The Mayor shall hold a Kawasaki Children's Conference (hereafter referred to as "the Children's Conference") with a view to hearing from children on municipal administration.

2. The Children's Conference shall be administered through voluntary and spontaneous initiatives by children.

3. The Children's Conference may shape common views of the participating children in agreed ways and submit them to the Mayor.

4. The Mayor and other executive bodies shall respect such views of the Children's Conference.

5. The Mayor and other executive bodies shall provide necessary support to the Children's Conference so that children's participation in the Conference is promoted and that its meetings are organized smoothly.

Article 31 (Development of the bases of participatory activities)

In order to support voluntary and spontaneous participatory activities by children, the City shall make efforts to develop bases where children can freely get together in security without adults.

Article 32 (Encouragement of autonomous activities)

1. The establisher and administrator of an institution shall make efforts to promote and support autonomous activities by the child members of the institution.

Copyright by Mahidol University

2. The views of the children expressed through such autonomous activities shall be taken into consideration in the management of the growing and learning institution.

Article 33 (Further openness of growing and learning institutions)

In order to make a growing and learning institution more open to children, their parents and other residents in the community, the establisher and administrator of the institution shall make efforts to have regular consultation with them with a view to briefing them over the administration of the institution and supporting the institution together with them and its staff.

Article 34 (Children's views on the establishment and administration of the City's facilities)

The City shall make efforts to make arrangements for children's participation in and hearing children on the establishment and administration of the City's facilities for children's use.

Chapter V: Complaints and Remedies

Article 35 (Complaints and Remedies)

1. The child may make complaints on or seek for remedies from violations of his or her rights to the Kawasaki City Human Rights Ombudsperson.

2. In addition to the functions of the Kawasaki City Human Rights Ombudsperson, the City shall make efforts to deal with complaints or requests for remedies on violations of the rights of the child in collaboration with the relevant bodies and organizations, paying due attention to the special nature of the child and violations of his or her rights.

Chapter VI: Plan of Action on the Rights of the Child

Article 36 (Plan of Action)

1. The City shall adopt a Kawasaki Plan of Action on the Rights of the Child (hereafter referred to as "the Plan of Action") to ensure the comprehensive and

Copyright by Mahidol University

systematic protection of the rights of the child in the promotion of policies and measures on children.

2. In the adoption of the Plan of Action, the Mayor and other executive bodies shall hear the residents and the Kawasaki Committee on the Rights of the Child established in accordance with Article 38.

Article 37 (Promotion of policies and measures on children)

In order to contribute to the protection of the rights of the child, the following requirements shall be taken into consideration in the promotion of policies and measures on children by the City:

(1) That they are based on the best interests of the child;

(2) That they are comprehensive and systematic, being connected and linked with policies and measures in such fields as education, welfare and health; and,

(3) That they are intended to support each and every child through collaboration with parents, institution personnel and other residents.

Chapter VII: Verification of the Protection of the Rights of the Child

Article 38 (Committee on the Rights of the Child)

1. For the purpose of improving policies and measures on children and promoting the protection of the rights of the child, there shall be established a Kawasaki Committee on the Rights of the Child (hereafter referred to as “the Committee”).

2. In addition to the mandate stipulated in Article 36, paragraph 2, the Committee shall study and examine how the rights of the child are guaranteed in policies and measures on children, by responding to requests for advice from the Mayor and other executive bodies.

3. The Committee shall consist of no more than ten members.

4. The members of the Committee shall be appointed by the Mayor from among persons with knowledge and experience in human rights, education, welfare and other fields relevant to the rights of the child and other residents.

5. The term of the members of the Committee is three years. The term of a substitute member is the remainder of the term of his/her predecessor.

Copyright by Mahidol University

6. The members of the Committee shall be eligible for re-appointment.

7. In addition to the members of the Committee stipulated in paragraph 4, ad-hoc members can be appointed to the Committee when it is necessary for the study and examination of specialized issues.

8. A member and an ad-hoc member of the Committee shall not break secrets that came to his/her knowledge through the performance of his/her functions, even after he/she has left the post.

9. Other matters necessary for the organization and administration of the Committee shall be stipulated by the Mayor.

Article 39 (Verification)

1. When a request for advice is made in accordance with Article 38, paragraph 2, the Committee shall identify the matters that should be evaluated in relation with the policies and measures concerning the request and indicate them to the Mayor and other executive bodies.

2. The Mayor and other executive bodies shall evaluate the matters indicated by the Committee in accordance with the previous paragraph and report the outcomes to the Committee.

3. The Committee shall seek for the view of the residents when it has received such a report.

4. When the Committee seeks for the views of the residents in accordance with the previous paragraph, it shall make necessary arrangements for the methods and other matters so that it can obtain the views of children.

5. Taking into consideration the report referred to in the paragraph 2 and the views referred to in the paragraph 3 in a comprehensive manner, the Committee shall study and examine how the rights of the child are guaranteed in the said circumstances.

6. The Committee shall report the outcomes of such study and examination to the Mayor and other executive bodies.

Copyright by Mahidol University

Article 40 (Measures in accordance with the Committee's report)

1. The Mayor and other executive bodies shall respect the report of the Committee and take necessary measures.

2. The Mayor shall make public the report of the Committee referred to in Article 38 and the measures taken in accordance with it.

Chapter VIII: Miscellaneous

Article 41 (Authorization)

The Mayor and other executive bodies shall be authorized to stipulate other necessary matters for the implementation of the present Ordinance.

Schedules

(The date of entry into force)

1. The present Ordinance shall come into force on the date of April 1, 2001.

(Arrangements for the protection from violations of rights)

2. Bearing in mind that violations of the rights of the child is hard to be revealed and recognized and that they give serious and long-standing impact on physical and mental conditions of the child, the City shall develop new structures, on an urgent basis, for enabling the child to make complaints and seek for the protection in security and for ensuring the prevention of abuse and other violations of rights, protection from such violations and recovery from them.

Schedules to the Revised Ordinance

The present Ordinance shall come into force on the date specified by the Mayor.

Copyright by Mahidol University

APPENDIX C
KAWASAKI CITY ORDINANCE
ON THE HUMAN RIGHTS OMBUDSPERSON

(Translated by Dr. Yukiko Nishikawa and Kisara Rattanapirat)

Enacted on June 29, 2001
Kawasaki City Ordinance No. 19

Chapter I: General Provisions

Article 1 (Purposes and establishment)

The Kawasaki City Human Rights Ombudsperson (hereafter referred to as "The Human Rights Ombudsperson") is established to develop necessary systems under which residents can make complaints on and seek remedies for human rights violations smoothly with simple measures and in comfort, with an aim to contribute to the creation of community that respects human rights and where remedies for human rights violations are carried out promptly and flexibly under the residents' understanding and mutual cooperation.

Article 2 (Jurisdiction)

The jurisdiction of the Human Rights Ombudsperson covers the following issues related to human rights violations (hereafter referred to as "human rights violations")

(1) Violations of child rights (child as defined in the Kawasaki City Ordinance on Child Rights (Kawasaki City Ordinance, 2000 No. 72), Article 2, paragraph 1)

(2) Human rights violations concerning gender equality (as defined in the Kawasaki City Ordinance on Gender Equality (Kawasaki City Ordinance, 2001, No. 14), Article 6)

Copyright by Mahidol University

Apart from the above two items, the following matters do not fall under the Human Rights Ombudsperson's jurisdiction:

(1) Matters on rights that are already judged

(2) Matters of which the requests are made to the Parliament

(3) Matters that are already complained to the Kawasaki City Ombudsman (hereafter referred to as "City Ombudsman")

(4) Matters on the performances of the Human Rights Ombudsperson or City Ombudsman

Article 3 (Duties of the Human Rights Ombudsperson)

The Human Rights Ombudsperson carries out the following duties:

(1) Providing necessary advice and support concerning complaints on human rights violations

(2) Undertaking investigation, coordination, recommendation and request for revision based on requests for remedies or self-initiatives on human rights violations

(3) Expressing views in order to seek for improvement of the systems

(4) Publicizing the content of reports and views

(5) Publicizing views about issues on human rights

Chapter II: Responsibilities

Article 4 (Responsibilities of the Human Rights Ombudsperson)

1. The Human Rights Ombudsperson, as the human rights defender of the residents, shall carry out his/her responsibilities with justice and appropriateness.

2. When performing such duties, the Human Rights Ombudsperson shall make an effort to smoothly manage mutual duties in an effective cooperate manner with the City Ombudsman, other city institutions, relevant institutions and organizations.

3. In order to prevent any disadvantage to the person who makes complaints or requests for remedies, the Human Rights Ombudsperson shall perform

Copyright by Mahidol University

his/her duties based on the nature of the problem in concerned with such complaints and requests for remedies.

4. The Human Rights Ombudsperson shall not use his/her position for a political party or political purposes.

Article 5 (Responsibilities of city institutions)

1. City institutions shall respect the Human Rights Ombudsperson's independency in performing his/her duties.
2. City institutions shall proactively cooperate with the Human Rights Ombudsperson in performing his/her duties.

Article 6 (Responsibilities of the residents)

In order to achieve the purposes of the present Ordinance, residents shall cooperate with the Human Rights Ombudsperson in performance of his/her duties.

Article 7 (Responsibilities of employers)

In order to achieve the purposes of the present Ordinance, employers shall cooperate with the Human Rights Ombudsperson in performance of his/her duties.

Chapter III: Organizational Structure of the Human Rights Ombudsperson

Article 8 (Organizational structure of the Human Rights Ombudsperson)

1. The constant number of the Human Rights Ombudsperson is two persons. Among them, one shall be a representative of the Human Rights Ombudsperson.
2. The Human Rights Ombudsperson shall be appointed by the Mayor, in concurrence of the City Assembly, from among the persons who have noble personality and high social reputation and outstanding expertise on human rights issues.
3. The term of the Human Rights Ombudsperson is for three years, which can be extended for only one more term.
4. The Human Rights Ombudsperson shall receive appropriate remuneration following the other regulation.

Copyright by Mahidol University

Article 9 (Duties to maintain confidentiality)

The Human Rights Ombudsperson shall maintain confidentiality that came to his/her knowledge through the performance of his/her duties. This duty is valid even after he/she has left the post.

Article 10 (Discharge)

In cases that the Mayor recognizes that the Human Rights Ombudsperson is not capable of taking his/her duties due to physical and mental troubles, or violation of his/her duties and other misconducts, the Mayor, in concurrence of the City Assembly, can discharge him/her.

Article 11 (Concurrent prohibition)

1. The Human Rights Ombudsperson shall not take a position as a member of the House of Representatives or the House of Councilors, local public bodies or a political party and any other political group.
2. The Human Rights Ombudsperson shall not take a position as a member of any business circle or groups which have special relationship with Kawasaki City.
3. Besides what is prohibited in paragraph two, the Human Rights Ombudsperson shall not be involved in any other work that may incur any difficulty to achieve fair performance of his/her duties.

Chapter IV: Complaints and Remedies

Part 1: Complaints

Article 12 (Complaints)

1. Any resident (those who have an address, work or study within city districts, or are defined by a regulation as persons who have a connection with other city. The same is applied hereafter), can make complaints to the Human Rights Ombudsperson about the matters on human rights violation.
2. The Human Rights Ombudsperson shall give necessary advices and support when he/she received complaints as defined in the previous paragraph.

Copyright by Mahidol University

Part 2: Request for Remedies

Article 13 (Request for remedies)

1. When the residents consider that their rights are violated, they can request for remedies (hereafter referred to as “request”) to the Human Rights Ombudsperson.
2. The request shall be in written form that provides the following information. However, in case that a written request is not possible, the request can be in an oral form.
   (1) Name and address of the person who makes the request
   (2) Situation that leads to making the request and the day, month and year of that situation
   (3) Other matters as defined in other regulations

Article 14 (Request by a third person)

1. Any person can make a request to the Human Rights Ombudsperson on behalf of the resident(s) who consider(s) that their human rights are violated.
2. The request shall be undertaken in a written form that includes the following details. However, in case that a written request is not possible, an oral request is permitted.
   (1) Name and address of the person who makes a request (for cooperated body and other organizations, this shall be the name, office or office address and the representative’s name)
   (2) The name and address of the resident who considers that his/her rights are violated.
   (3) Situation that leads to making the request and the day, month and year of that situation
   (4) Other matters as defined in other regulations

Copyright by Mahidol University

Part 3: Investigation

Article 15 (Investigation related to the request)

1. When the Human Rights Ombudsperson receives a request, he/she shall undertake investigations on the fact.
2. In cases defined in the previous paragraph, when the request is in consistent with the previous article, paragraph one, an agreement from residents as referred to in the same article, paragraph 2(2), shall be sought for.
3. Regardless of paragraph 1, when the request falls into any of the following cases, investigation shall not be undertaken:
   (1) When the request falls under Article 2, paragraph 2
   (2) When it has passed three years since the situation that led to making the request. However, this is not applied in case there are sufficient reasons.
   (3) When the request is deceitful or without sufficient reasons.
   (4) When the situation that led to making the request occurred outside the City area. However, this is not applied if the Human Rights Ombudsperson acknowledges that special investigation is necessary.
   (5) When there is no consent concerning the previous paragraph. However, this is not applied if the Human Rights Ombudsperson acknowledges that special investigation is necessary.
4. When the Human Rights Ombudsperson does not undertake an investigation following the previous paragraphs, he/she shall promptly inform the reasons to the person who made the request (hereafter referred to as “requester”).

Article 16 (Initiated investigation)

1. The Human Rights Ombudsperson can undertake investigations based on his/her initiatives when he/she acknowledges that a resident’s human rights are violated.
2. When investigations are undertaken following the regulation in the previous paragraph, it requires consent from the resident whose human

Copyright by Mahidol University

rights are violated. However, this is not applied when the Human Rights Ombudsperson considers in particular that investigations are necessary.

Article 17 (Suspension of investigation)

1. Even after an investigation has started, when the Human Rights Ombudsperson considers that it is not necessary to do so, he/she can call off or terminate the investigation.
2. When the Human Rights Ombudsperson calls off or terminates the investigation, he/she shall promptly inform the reason to the requester, or persons under Article 15, paragraph 2, or persons who receive consent referred to in the previous article, paragraph 2 (hereafter referred to as "requesters and others").

Part 4: Investigation on City Institutions

Article 18 (Investigation on city institutions)

1. When the Human Rights Ombudsperson undertakes investigations on city institutions, he/she shall inform it to relevant city institutions.
2. When the Human Rights Ombudsperson acknowledges the necessity for investigation, he/she shall seek for explanation from relevant city institutions, inspect possessed account, documents, and other records, or request for presentation of those, or he/she can undertake an actual investigation.
3. When the Human Rights Ombudsperson acknowledges the necessity, he/she can request specialized institutions for special investigation.
4. The Human Rights Ombudsperson shall promptly inform requesters and others about the result of investigation. However, this can be changed in case of the next article, paragraph 6.

Article 19 (Recommendation to city institutions)

1. Providing that the Human Rights Ombudsperson acknowledges the necessity after the result of investigation came out, he/she can recommend relevant city institutions to improve their measures.

Copyright by Mahidol University

2. Providing that the Human Rights Ombudsperson acknowledges the necessity after the result of investigation came out, he/she can express his/her views to city institutions in order to seek for improvement of the system.
3. City institutions which received recommendations following the first paragraph or views according to the previous paragraph shall respect such recommendations and views.
4. After giving recommendations according to the first paragraph, the Human Rights Ombudsperson shall request for a report concerning the improved measures from city institutions.
5. City institutions which were demanded to make a report as stated in the previous paragraph shall report concerning the measures to improve the situation within 60 days after the date of the request.
6. When the Human Rights Ombudsperson has given recommendations as regulated in paragraph 1, expressed his/her views according to paragraph 2, or obtained a report as stated in the previous paragraph, he/she shall promptly inform it to requesters and others.
7. The Human Rights Ombudsperson shall publicize the content of his/her views according to paragraph 2. This is also the case for the recommendations as regulated in paragraph 1 or the content of the report as stated in paragraph 5, if necessary.

Article 20 (Cooperated recommendation with the City Human Rights Ombudsman)

In case that the Human Rights Ombudsperson acknowledges the necessity during his/her recommendation according to the previous article, paragraph 1, or his/her expression of views as stated in the same article, paragraph 2, he/she can seek for collaboration with the City Ombudsman.

Copyright by Mahidol University

Part 5: Investigation on non-city institutions

Article 21 (Investigation on non-city institutions)

1. The Human Rights Ombudsperson can ask for cooperation for investigation, if necessary, to the relevant persons (only those besides city institutions) for hearing the situation, undertaking actual investigations and asking questions.
2. The provision of Article 18, paragraph 3, is applied when conducting an investigation with relevant persons.
3. The Human Rights Ombudsperson shall undertake, if necessary, mediation or other adjustments (hereafter referred to as “adjustment”) as a result of investigations for the settlement of human rights violations.
4. The Human Rights Ombudsperson shall promptly report to the requesters and others about the result of investigation or adjustment.

Article 22 (Request to employers)

1. The Human Rights Ombudsperson can request an arrangement to correct and take necessary measures towards employers when he/she recognizes, as a result of investigation, that the employers do not take appropriate measures to improve the situation despite of their repeated and significant human rights violations.
2. The Human Rights Ombudsperson can request the Mayor to publicize the fact in cases that the employers do not respond without appropriate reason to the request that the Human Rights Ombudsperson made in accordance with the previous paragraph.
3. When the Mayor is requested to publicize the matter following the previous paragraph, he can publicize the details. In this case, the Mayor shall respect the Human Rights Ombudsperson’s view.
4. In case that the Mayor will publicize the matter according to previous paragraph, he shall give a chance for the employers to express his views beforehand.

Copyright by Mahidol University

Part 6: Protection of individual information

Article 23 (Protection of individual information)

When the case is publicized following the Art. 19, paragraph 7 and the previous article paragraph 3, the maximum consideration shall be paid on the protection of individual information.

Part 7: Publicity of views about issues on human rights

Article 24 (Publicity of views about issues on human rights)

The Human Rights Ombudsperson can publicize his/her opinion concerning social structural issues related to human rights that has become clear through his/her duties, in order to contribute to the efforts for solution within the community.

Chapter V: Supplementary Rules

Article 25 (Secretariat)

1. Administrative work related to the Human Rights Ombudsperson shall be handled at the Secretariat, as regulated in the Kawasaki City Ordinance on Ombudsman (Kawasaki City Ordinance No. 22, 1990), Article 21.
2. The Secretariat shall have a special investigator who undertakes investigations concerning the duties of the Human Rights Ombudsperson.

Article 26 (Report on management circumstances)

The Human Rights Ombudsperson shall report the operational situation of the present Ordinance to the Mayor and Assembly and publicize it every year.

Article 27 (Authorization)

The Mayor shall give necessary provisions for other matters in order to comply with this Ordinance, in addition to the matters defined in this Ordinance.

Copyright by Mahidol University

Attached Note

The date of entry into force

The Mayor shall determine the date of entry into force for the Ordinance. However, the parts that are agreed by the Assembly according to Article 8, paragraph 2, shall come into force from the date of proclamation.

(It shall come into force from April 1, 2002 according to the regulation no. 44 of March 29, 2002. However, the regulation of Chapter IV shall come into force from May 1, 2002.)

Expiration measures

The Ordinance shall be applied to the request for the situations that occurred during the past three years until the date of entry into force (hereafter referred to as “date of entry into force”), but not applied to the requests for the situations that occurred before the past three years.

Consideration

The City shall, when recognized the necessity, examine the jurisdiction of the Human Rights Ombudsperson and take necessary measures following the result of the examination at appropriate time after the enactment of this Ordinance, reflecting the compliance of this Ordinance and also changes related to the trend of national policies on human rights, social circumstances.

Copyright by Mahidol University

BIOGRAPHY

NAME	Ms. Kisara Rattanapirat
DATE OF BIRTH	January 24, 1979
PLACE OF BIRTH	Bangkok
INSTUTIONS ATTENDED	Thammasat University, (1996-2000) Bachelor of Arts in English University Of Western Australia, (2001-2002) Bachelor of Arts in Political Science and History
HOME ADDRESS	11/10 Moo 6 Bangkuntien Chomtong Bangkok 10150 Tel. 66 89 642 8200 Email: columbia_ny13@hotmail.com

Copyright by Mahidol University