

Section 5. Improvement of Measures for Children in Need of Care including Measures to Prevent Child Abuse

1. Current Situation with Child Abuse

With regard to measures to prevent child abuse, the “Law for Prevention of Child Abuse” (hereinafter referred to as the “Child Abuse Prevention Law”) was enforced in November 2000. In FY 2004, the Child Abuse Prevention Law and the Child Welfare Law were revised to improve the system. However, serious child abuse cases involving children being killed show no sign of decline and the number of consultations on child abuse at child guidance centers across the nation continue to grow. In FY 2006, the number of consultation reached 37,323, which is 3 times larger than that of the period just before enforcement of the Child Abuse Prevention Law. Hence child abuse is an important issue to be worked immediately on by our entire society.

2. State of Measures to Prevent Child Abuse

Child abuse seriously effects children’s mental and physical development as well as personality formulation. Therefore, a comprehensive and seamless support system to prevent child abuse is necessary which covers “prevention”, “early detection/response”, and provides “protection/self-sufficiency support” for abused children.

The following measures have been implemented to cope with this issue:

- ① Measures for prevention include promotion of home visit services for infants 4 months after childbirth (Hello Babies Services) where all families having infants of 4 months old after childbirth are visited to provide information on childrearing support and identifying the appropriate rearing environment, promotion of a home visitation program to visit families who are in need of support to provide assistance with childrearing/housework and other specific technical support, and establishment of community-based childrearing support centers where childrearing parents can ask for advice and exchange information.
- ② Measures for early detection/response include promoting the establishment and expanded functions of municipal networks for protecting children (Council of Prevention Measures for Child Abuse), strengthening the system of child guidance centers including improved placement of child welfare officers, promotion of support for parents for reunification of families and restoring/improving families’ childrearing functions as recurrence prevention measures for parents who have abused children.
- ③ Measures for “protection/self-sufficiency support” include promoting small-size care such as children’s nursing homes, improved the quality and quantity of care staff, including placement of individually assigned staffs and family social workers, promotion of foster carers, and programs for securing personal guarantors.

3. Revision of the Child Abuse Prevention Law and Child Welfare Law

The Child Abuse Prevention Law and Child Welfare Law were revised by the “Law to Amend the Child Abuse Prevention Law and the Child Welfare Law” in 2007. The revised law, reviewed in accordance with the supplementary provisions of the amended Child Abuse Prevention Law of 2004, was introduced by members of the Diet at a regular Diet session in 2007, approved on May 25, 2007 and enforced in April 2008. Key amended matters are as follows.

In the meantime, revision of the operating policy of child guidance centers took place accordingly.

- ① Enhancement of on-site investigations to enable homes to be entered with a written permit from a judge for securing the safety of children.
- ② Tightening limitations on visits and correspondence by guardians and establishment of a system in which prefectural governors can prohibit guardians from following children and wandering around near children’s residences.
- ③ Clarifying measures to be taken in case guardians do not follow the guidance.

4. Reviewing the Social Nursing Care System

In order to cope with the situation and issues surrounding the social nursing care system, a “Study Group on Social Nursing Care System for Children in the Future” was held in February 2007 and an “interim report” compiled in May 2007. In consideration of this report, a “Special Committee on Social Nursing Care of the Subcommittee for Childcare under the Medical Social Security Council” was held in September 2007 and a report published in November 2007.

Taking the content of the report into consideration, improved quality and quantity of social nursing care system such as

- ① Reform of the foster parent system to distinguish between foster parents with the intention of adoption and nurturing foster parents
- ② Establishment of small-sized family-type child nurturing services
- ③ Enhancing the functions of the Council of Prevention Measures for Child Abuse, including facilitating specialization of coordination institutions
- ④ Enhancing family support functions that include expanding entrusted contractors to give guidance to guardians at child guidance centers
- ⑤ Review of children's self-reliant living assistance services
- ⑥ Prevention of abuse at nursing care facilities
- ⑦ Measures for systematic establishment of a system to provide foster parents and children’s nursing homes in all prefectures

were included in the “Draft Law to Amend the Child Welfare Law” described in section 1.

In addition, this draft law establishes legal status of childrearing support services including home visit services for infants 4 months old after childbirth (Hello Babies Services).

5. Public Enlightenment Efforts to Prevent Child Abuse

Every November has been designated as “child abuse prevention promotion month” since 2004 to raise public interest in the child abuse problem. During this period, intensive public enlightenment activities are implemented in cooperation with related ministries and agencies as well as local governments and related organizations. In FY 2007, public enlightenment activities included inviting public contributions of a monthly slogan and its selection, holding nationwide forums (November 10 to 11 in Kumamoto City, Kumamoto Prefecture), creating and distributing public enlightenment posters and fliers, and utilizing government publicity through various media (televisions, news papers, and magazines). In addition, support is being provided for the “orange ribbon campaign” implemented mainly by a private organization (National Network of Child Abuse Prevention) with the aim of facilitating enlightenment efforts on child abuse prevention.

6. Current Situation with Spousal Violence

Spousal violence is a serious infringement of human rights and also a grave social problem. In FY 2006, 75,377 women (73,058 women in FY 2005) visited women’s consulting offices and female consultants across the nation, of which 22,315 women (21,125 women in FY 2005) reported spousal violence. Spousal violence accounts for 29.6% (28.9% in FY 2005) of the reasons they sought consultations. As the number of victims of spousal violence is increasing, the government needs to accelerate measures to address the issue.

7. State of Measures against Spousal Violence

A range of consultations and protection measures are being taken to improve the support system for victims of spousal violence and include ① providing a telephone consultation service on holidays and during night time at women’s consulting offices and establishing networks among related organizations, ② providing specialized training for consulting staff at women’s consulting offices, ③ placing specialized psychotherapy staff and providing night guards at temporary protection centers of women’s consulting offices, ④ programs for securing personal guarantors.

In FY 2008, a commission on temporary protection services for victims of spousal violence at women’s consulting offices was expanded and support for escaping women’s consulting offices improved.

8. Revision of the Act on the Prevention of Spousal Violence and the Protection of Victims

The “Act on the Prevention of Spousal Violence and the Protection of Victims” was to be reviewed 3 years after the enforcement as necessary in accordance with Article 3 of the supplementary provisions included in the revision of 2004. In consideration of this, the “Law to Amend the Act on the Prevention of Spousal Violence and the Protection of Victims” introduced by a Diet member was approved on July 5, 2007, and enforced on January 11, 2008.

Summary of the amendment is as follows:

- (1) Obligating municipalities to make the effort to formulate basic plans and establish Spousal Violence Counselling and Support Centers
- (2) Enhancement of the protection order system
 - ① Protection order for victims facing threats to their lives
 - ② Protection order to prohibit telephone calls
 - ③ Protection order to prohibit approaching relatives of the victims etc
- (3) Notification from the relevant court to Spousal Violence Counselling and Support Centers on issuing protection orders