

Child Rights Education in Japanese Schools*

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CHILD RIGHTS EDUCATION in Japanese schools has not yet taken root, though a number of initiatives have been made in creating an environment where such education can flourish and become part of school education.

In Japanese schools, the difference between the conventional “human rights education,” as it is called, and “child rights education” has not been well understood. I present their respective definitions to highlight the difference between them.

Child Rights Education and Human Rights Education

Child rights education is part of educational and learning activities within the category of human rights education. At the same time, it mostly refers to the activities by children to learn about their own rights that are indispensable in their day-to-day lives. It can be said that such education is a crucial part of learning activities at present when children cannot live or study without feeling safe and secure.

Children the world over are affected by never-ending acts of violence and armed conflicts. In Japan, children fall victim to incidents such as “strangers entering schools,” kidnapping leading to murder/injury, school bullying and corporal punishment, group violence, domestic child abuse, local traffic accidents, bacteria infections (such as the E.coli O157), viral diseases (such as avian influenza), food-related hazards such as contaminated rice, and so on. In recent years, children have suffered from natural disasters such as earthquakes, tsunamis, torrential rains, flash floods and lightning strikes.

Against such a backdrop, topics such as “education on the rights of the child” and “study of rights” have become increasingly popular in the field of human rights education and in various violence prevention programs such

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as those against bullying and child abuse. The 2004 recommendations of the United Nations Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child (CRC), called upon the Japanese government to make child rights education part of the school education curriculum.¹ The recommendation implied that children should learn their rights that are indispensable to their childhood lives, and apply what they have learned to their day-to-day lives. Therefore, such study should be clearly distinguished from what has been referred to as human rights education. Child rights education differs from human rights education because it focuses on the learning of “the rights of the child” that helps children exercise their rights during childhood.

From Human Rights Education to the Learning of Rights

In Japanese schools rights/human rights education has been promoted in a multifaceted way within the framework of the Constitution and the Fundamental Law of Education. For children, moral education and education on the Constitution and human rights in academic subjects such as social studies have been the major opportunities to learn about human rights. Human rights education has also been part of training for education officials and school administrators, and home education classes for parents. In the education and recruitment of prospective teachers, as well as in in-service training for teachers, human rights education is provided in line with Article 11 of the Fundamental Law of Education that prohibits corporal punishment. Article 11 on “Early Childhood Education” provides that²

[C]onsidering the importance of early childhood education as a basis for the lifelong formation of one’s personality, the national and local governments shall endeavor to promote such education by providing an environment favorable to the healthy growth of young children, and other appropriate measures.

However, in spite of such multidimensional human rights education in the education community, human rights violations in schools such as bullying, corporal punishment, child abuse, and group violence still remain. Human rights problems such as discrimination, prejudice, and exclusion of those different from the mainstream population are still left unresolved, too. Why is this the case?

Looking at the reality of Japanese school education, I think there are two major reasons for this situation.

The first is the gap between the knowledge and behavior regarding rights/human rights. Many children must have learned about rights/human rights in schools, but they cannot apply what they have learned when needed. When children experience bullying, corporal punishment, and/or abuse, they could not see them as human rights violations, and they would rather remain silent. The reality is such that children have been unable to make use of the knowledge in order to stand up and defend their own rights and/or those of their friends.

The second reason is that children have had few opportunities to learn, purposefully, about human rights and “the rights of the child” that are needed in childhood life.

In order to address such a gap, the “study of rights” appeared in Japan.

How to Achieve Human Rights Awareness and a Sense of Self-Approval

What kind of learning is needed for children to gain the ability to exercise their rights so that they can defend and respect their own rights as well as those of others, rather than learn about rights only as knowledge or information?

An educational material of UNICEF³ poses the question: How can young people be helped to learn about their rights? While knowledge is the first step, it is not enough “to ensure that young people develop a sense of personal involvement and commitment to action on rights issues.” Three steps are needed: 1) exploring, 2) responding, and 3) taking action. The key here is “responding” as it connects “exploring” and “taking action.” Regarding “responding,” the UNICEF material states that it refers to “becoming familiar with a range of perspectives, becoming sensitized to the human dimension of rights issues, cultivating a sense of empathy, and developing interest in becoming involved.”

In the “study of rights,” the sensitivity that stimulates inner motivation is emphasized as it links knowledge with the behavior to exercise rights, and it calls for “becoming sensitized to the human dimension of rights issues,” namely, the awareness of rights/human rights and respect. The Plan of Action for the “United Nations Decade for Human Rights Education” (1995-2004) adopted in 1994 also called for “the full development of the human

personality and the sense of its dignity” (Article 2b, definition of human rights education). Fostering the “sense of human dignity” as a human being is the foundation for the development of an independent citizen who is aware of rights/human rights, and uses such awareness in day-to-day life. The “sense of human dignity” is the fundamental “sense” that lays the foundation for all types of study of rights.⁴

What then is the origin of the sense of dignity, and its more concrete form, “the sense of rights/human rights”? According to Ralph Pettman⁵ and others, improving the sense of self-approval, or self-esteem, is the top priority in acquiring a sense of rights/human rights, while enhancing the sense of respect for self and others is equally important. By developing such empathy-based relationship through the acquisition of the sense of rights/human rights, a human being gradually builds up dignity and rights/human rights as his/her own, and becomes capable of integrating the knowledge of rights/human rights with behavior.

Development of Rights Education and its Significance

What societal context brought out the need for the study of rights?

Before the adoption by the United Nations (UN) of the CRC in 1989, the dominant view was that even though children were subject of rights, they were not capable of exercising their rights. Therefore, the state, parents/guardians, local governments and civil society organizations must exercise or guarantee the rights for them. According to this view, the adults need to become aware of the rights of the child, not the children themselves. The need for children to become aware of their rights was not recognized.

Of course, human rights education was seen in Japan as necessary to children as they were the future members of a rights-respecting society. Therefore, fundamental human rights set forth in the Constitution and relevant provisions in international human rights instruments such as the Universal Declaration of Human Rights, and study of the history of discrimination and human rights were included in the curriculum of school education.

The international community started to pay attention to child rights/human rights around the middle of the 1980s. Back then, many countries in the world began to develop programs for human rights education, and “human rights education in schools” started. Pettman,⁶ a researcher on hu-

man rights education in Australia, and others called on the UN to promote human rights education in primary and secondary schools. In the United Kingdom and Canada, David Selby and Graham Pike started to consider developing “human rights” programs.⁷ Around the same time Sally Cooper and Yuri Morita started developing the Child Assault Prevention (CAP) program in the US.⁸

In the 1980s, Japanese schools were in a great turmoil as incidents of student death due to corporal punishment (a Tokyo High Court ruling in 1981 tolerated corporal punishment within a certain limit in the “Mito Fifth School Case”), the issue of school rules and rule-oriented education, and incidents of suicide due to bullying (Fujimi Junior High School case in Tokyo, 1986) came to light one after another. “School Life and Child Rights” came to be viewed as a social issue.⁹ The pre-established harmonious relationship that “adults guarantee the rights/human rights of children” was in reality beginning to fall apart.

CRC and the Increased Need for the Study of Rights

With the adoption of the CRC by the UN in 1989, children were recognized legally as subjects who could exercise their own rights, not just subjects whose rights were guaranteed and protected. Prior to the CRC, there was a strong notion in Japan that adults should take the leadership role in securing the rights of children, and therefore children should be given what adults think was good, and protected from what adults believe was bad. But this notion alone did not make children happy. The UN incorporated in the CRC the rights of children to express their views (Article 12)¹⁰ with the belief that it was important to respect the will of children in judging what was good and what was bad for them. It also added, to the list of the rights of the child, civil rights such as freedom of expression and information, freedom of thought and religion, and freedom of association and assembly in order to open the opportunities for children as citizens to participate in and raise their voices to the adults who make the decisions in society. With the new perspective that children themselves are the agents to exercise their rights, the CRC also required State-parties to disseminate information about the rights stipulated in this instrument not only to adults but also to children (Article 42).

Without doubt, the fact that CRC provides that children have the right to express their views and exercise their civil rights, and that child rights should be promoted internationally to make children become aware of their rights, serve as the driving force for promoting “child rights education.”¹¹

Development of Child Rights Education and the Japanese Schools

With the growing societal awareness on the rights of the child, as discussed earlier, the need for child rights education surged in Japan in the early 1990s.

Japanese schools in the 1990s experienced repeated incidents of student death due to bullying (such as the 1994 Tobu Middle School Incident in Aichi prefecture) and corporal punishment (Women’s High School of Kinki University in 1996). In families, child abuse cases leading to death attracted attention as a social problem. Violence against children intensified. Even in communities, abduction and murder of children (serial murder and injury of primary school students in the Suma area of Kobe City in 1997) took place. These incidents led to the societal recognition that the children themselves should understand their own rights and serve as the agent of change to solve the problem of violence as it is a form of human rights violation, and, that learning and education for empowerment of children were indispensable for them to become agents of such change. The ratification of the CRC by the Japanese government in 1994 in particular stimulated 1) the work of the Japanese civil society on children through the non-profit organizations (NPOs) and citizens, and 2) the development of local government measures to support children from the viewpoint of the “rights of the child,” especially the enactment of “local ordinances on the rights of the child.”¹²

Development of the “Rights Education” by Citizens, Parents and Guardians

The U.S.-developed CAP program on rights education attracted a lot of attention in the Japanese civil society. Following the murder and injury of primary school students in the Suma area of Kobe City, the program spread nationwide. Thousands of workshops by many CAP groups in forty-seven prefectures of Japan have involved millions of children and adults over the years.¹³ The workshops included those held in schools, in local homes for children, and workshops for children with disabilities. The holding of these workshops reflect the anxiety of parents about their children’s life.

As has been discussed, in order for children to defend their own rights and those of their friends, real-life study of rights has to be facilitated and the sense of rights/human rights should be nurtured. What are needed are not only the conventional and dominant lecture-based education but learning experiences using the body and senses as seen in the CAP workshops, more specifically, participatory education using activities that encourage children to act on their rights.¹⁴

Furthermore, in late 1990s, help-lines attracted a lot of attention as a civil society effort to raise awareness on the rights of the child and to empower children. Help-lines exclusively for children have been established in more than thirty prefectures in Japan. In recent years, international non-governmental organizations (NGOs) such as Save the Children Japan have launched programs on child rights education designed for audiences within Japan.

Rights Education in Schools

While the civil society has been undertaking various activities to promote the study of rights, what have local governments and schools done?

The numerous initiatives on information dissemination, awareness-raising, and learning about the rights of the child (and the CRC) that gathered momentum since the ratification of the CRC in 1994, did not seem to lead to acceptance by the Japanese educational community, especially schools, of the concept of child rights and/or child rights education. Though Japanese schools were familiar with the idea that adults had to ensure that child rights were protected, it was totally unimaginable for them to see children themselves exercising their rights, or children learning about their rights with a view to exercising them. This was also true of the Japanese society as a whole. Schools, with their culture of rule-oriented education that prioritized guidance of children, were confused and even partly hindered from engaging in child rights education because of lack of experience.

Against this background, local governments started to compile various measures focused on child rights after the ratification of the CRC. In Kawanishi city, Hyogo prefecture, the local legislature enacted the “Kawanishi City Child Rights Ombudsperson Ordinance” in December 1998, in response to the incidents of bullying including those resulting in

suicide. The ordinance established an independent body for consultation and redress, and was meant to work closely with child victims.¹⁵

Parallel with the efforts in Kawanishi city, Kawasaki city in Kanagawa prefecture also enacted its “Ordinance on the Rights of the Child” in 1998. The enactment of “child rights ordinances” in the cities of Kawanishi and Kawasaki inspired other local governments to enact their respective child rights ordinances too. See Annexes A and B on some of the child rights ordinances that have been enacted.

Finally, the schools went beyond the framework of existing human rights education, and started to introduce the child rights education and empowerment education to address the problems of bullying and child abuse. But the schools suffered from confusion before getting the programs right.

The Case of Kawasaki City

Kawasaki city, along with other local communities, faced a huge obstacle in preparing the child rights bill. Public opinion still held the view that “teaching rights spoils children” and that “teaching responsibility before rights” was the need. Adults would say that children “should first do what should be done and leave imprudence behind” or would tell children “don’t talk about rights, when you can’t even fulfill your own responsibilities.” Such comment was enough to keep children silent. It was obvious that any rights education would not succeed if rights were not recognized and obligations were not fulfilled.

The committee in Kawasaki city that was studying the child rights bill posed a question to the local populace: Should rights and obligations always go side by side? Because of the assumption that they should go together, the logical consequence was that rights should be denied to a person if he/she could not fulfill his/her obligations, or one should fulfill his/her obligations if he/she wanted his/her rights granted. The committee communicated to the local populace the message that, in principle, the obligations corresponding to child rights rested with the adults in society, the government and the humankind. It pointed out that in CRC, generally speaking, the parties that have the rights and the parties that were under the obligation to guarantee the rights (such as the States and legal guardians) were different. The committee had to emphasize that children had to assume the responsibility (responsibility being more appropriate term than “legal obligation”)

not to violate the rights of others or rights pertaining to both of them when they exercised their own rights, and children were expected to learn the accompanying responsibility in their study of rights.

Junior and senior secondary schools, with high incidence of delinquency, strongly resisted child rights education. Schools expressed the view that “no rights are needed for children who have not even learned basic discipline,” “we have just managed to use school rules to bring order to our tumultuous school. Abolishing the rules that control the rights of the students because they go against the proposed ordinance would cause the school to fall apart,” and so on.

Schools were opposed to the proposed bill based on the belief that children could not exercise their rights, and that school rules and rule-oriented education (which developed their sense of obedience to norms and discipline) and guidance (which helped children acquire the sense of responsibility and good habits) must be the priority.

But this view was reversed by the words of a middle school principal when he said:

I believe too that for our students learning responsibility is more important than learning rights. But I cannot say this with confidence because we have not provided enough opportunities for them to learn their rights.

This remark drastically changed the direction of the discussion to “we should give the students an opportunity to learn” and “we cannot talk about responsibility without guaranteeing rights.” As a result, a social environment developed that accepted the ordinance on the condition that students studied their rights.

After the enactment of the ordinance, Kawasaki city set up “The Rights Education Material Compilation Committee” that compiled the “rights education materials” to support rights education in schools.

Child rights education has been undertaken in Kawasaki city by flexibly using a set educational materials (see list of the materials in Annex C).

Of special note is the fact that there are places for children to exercise their rights, namely opportunities for them to turn what they have learned about their rights into action to improve their school life. Kawasaki City has several committees such as the “Kawasaki City School Education Promotion Conference” and the “Kawasaki City Children’s Forum” that were created

according to the Child Rights Ordinance. A school education promotion conference (consisting of teachers, guardians, local residents and students) was established in every primary, junior and senior secondary schools in the city through which students take part in school management. The Kawasaki City Children's Forum is a committee that proposes children's views and opinions to the Kawasaki city government. In a survey of four thousand five hundred children between eleven and seventeen years old in 2005 on the reality and awareness about child rights, 72.9% of the respondents said they had a sense of self-approval, thanks to the advancement of the participation of children in society and the support measures. Similar surveys in other places had only about half of the respondents giving this response.

Conclusion

The effort in Kawasaki city is an isolated case in Japanese schools. Child rights education has not yet taken hold in Japanese schools in general. Here is an example that vividly illustrates the reality.

This happened in a CAP workshop offered in a class at the request of a local government in Tokyo prefecture. During the workshop, a staff member of CAP was talking about the basic concept of rights saying "rights are about feeling safe, strong and free. You have the right to feel safe." The homeroom teacher was observing the workshop from the back of the room. Suddenly the teacher approached a student who was falling asleep, and hit the student on the head shouting, "Listen!" The staff members on the platform flinched.

For school teachers in Japan, a sense of human rights and "education through human rights" are desperately needed in their teaching practice.

Annex A

List of Comprehensive Ordinances in Japan on the Rights of the Child

- (1) Ordinance on the Rights of the Child - Kawasaki city, Kanagawa prefecture (December 2000)
- (2) Ordinance on the Rights of the Child - Naie, Hokkaido prefecture (March 2002)
- (3) Ordinance on the Rights of the Child - Tajimi city, Gifu prefecture (September 2003)
- (4) Ordinance on Children's Rights - Meguro city, Tokyo (November 2005)
- (5) Ordinance on the Rights of the Child - Toshima City, Tokyo (March 2006)
- (6) Ordinance on the Rights of the Child - Uozu city, Toyama prefecture (March 2006)
- (7) Ordinance on the Rights of the Child - Memuro Town, Hokkaido prefecture (March 2006)
- (8) Ordinance on Children's Rights - Nabari city, Mie prefecture (March 2006)
- (9) Ordinance on the Rights of the Child - Gifu city, Gifu prefecture (March 2006)
- (10) Ordinance on the Rights of the Child - Hakusan city, Ishikawa prefecture (December 2006)
- (11) Ordinance on the Rights of the Child - Shime town, Fukuoka prefecture (December 2006)
- (12) Ordinance on Children's Rights - Imizu city, Toyama prefecture (June 2007)
- (13) Ordinance on Children's Rights - Toyota city, Aichi prefecture (October 2007)
- (14) Ordinance on Children's Rights - Nagoya city, Aichi (March 2008)
- (15) Ordinance on the Rights of the Child - Joetsu city, Niigata prefecture (March 2008)
- (16) Ordinance on Children's Rights - Hino city, Tokyo (June 2008)
- (17) Ordinance on Rights for the Best Interests of the Child - Sapporo city, Hokkaido prefecture (November 2008).

Annex B

Ordinances on Remedies for Child Rights Violations

- (1) Children's Rights Ombudsperson Ordinance - Kawanishi city, Hyogo (December 1998)
- (2) Children's Rights Ombudsperson Ordinance - Ginan, Gifu (March 2001)
- (3) Human Rights Ombudsperson Ordinance - Kawasaki city, Kanagawa (June 2001)
- (4) Saitama Prefectural Ordinance of the Committee on the Rights of the Child - Saitama prefecture (March 2002)

Annex C

Teaching and Learning Materials for Teachers compiled and published by Kawasaki City Assembly for the Promotion of Human Rights Education

- Kodomo to tomori Manabu Kodomo no Kenri-Gakushu (Learn with Children: Children's Rights Study) for primary school students
- Minna de Kagayaiteirukai (Are All of You Shining?) – a teaching material (revised each year)
- Kodomo no Kenri-Gakushu (Children's Rights Study) material for junior and senior secondary school students (revised each year)

Additional materials

- Koushite Dekita "Kawasaki shi Kodomo no Kenri ni Kansuru Jourei" (This is How the Kawasaki City Ordinance on the Rights of the Child was Born), a video prepared by Kawasaki City Comprehensive Education Center
- Pamphlets and other materials about the Ordinance on the Rights of the Child (for children)

Endnotes

1. Paragraph 21d, Concluding observations of the Committee on the Rights of the Child: Japan, CRC/C/15/Add.231, 26 February 2004, available at <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/15/Add.231>.

2. Text taken from the website of the Ministry of Education, Culture, Science and Technology of Japan, available at www.mext.go.jp/english/lawandplan/1303462.htm

3. Susan Fountain, *It's Only Right! / Watashi no Kenri Minna no Kenri* (Tokyo: The Japan Committee for UNICEF, 1993).

4. Akito Kita, *Kodomo no Jinken-Kankaku wo Hagukumu - Korekara no Jinken-Kyouiku ni Mukete* (Develop Children's Sense of Human Rights - Toward the Future Human Rights Education); and Akito Kita, et al., *Jinken Kyouiku wo Tsukuru* (Create Human Rights Education), (Tokyo: Ootsuki Shoten, 1997).

5. Ralph Pettman, *Teaching for Human Rights: Activities for Schools / Jinken no tame no Kyouiku* (translated by Hiroshi Fukuda and Kiyoko Nakagawa), (Tokyo: Akashi Shoten, 1987).

6. Ibid.

7. Bob Hill, Graham Pike and David Selby, *Perspectives on Childhood: A Resource Book for Teachers/Kodomo no Kenri-Kyouiku Manual* (translated by Akito Kita, Noriko Kawauchi, et al.) (Tokyo: Nippon Hyoronsha, 1995; David Selby and Graham Pike, *Human Rights - An Activity File* (Tokyo: Nippon Hyoronsha, 1988); and *Children's Rights Kankou Inkai* (Tokyo: Nippon Hyoronsha, 1989).

8. Sally Cooper, *New Strategies for Free Children: Child Abuse Prevention for Elementary School Children / No wo Ieru Kodomo ni* (translated by Masumi Sunagawa, with supervision by Yuri Morita) (Nagasaki: Douwakan, 1995).

9. See the report on the 1986 Annual Human Rights Conference of the Federation of Japan Bar Associations.

10. Article 12 of the CRC provides:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

11. Following the spirit of the CRC, the author, as an advocate and educator of child rights, published the following books:

- *Watashitachi no Dokuritsu-Sengen* (Our Declaration of Independence), (Kyouyou-Bunko 27) (Tokyo: Poplar Publishing, 1992).
- *Manga de Gakushu - Yoku Wakaru Kodomo no Kenri-Jouyaku Jiten* (Learn through Manga - Easy-to-Understand Dictionary on the Convention on the Rights of the Child) (collective writing) (Tokyo: Akane Shobou, 1995).
- *Ikasou! Kodomo no Kenri-Jouyaku* (Let's Take Advantage of the Convention on the Rights of the Child!) (Tokyo: Poplar Publishing, 1997).

- *Minna no Kenri-Jouyaku* (Everyone's Convention on the Rights of the Child) (collectively written and compiled in Professor Kita's Seminar.), 1997, Tokyo: Soudo Bunka.
- "Sorette Jinken?" (Is That a Human Right?), volume 3, and "Jinken-Sengen" (The Declaration of Human Rights), volume 4, in *Jinken no Ehon* (Picture-Books on Human Rights) (Tokyo: Ootsuki Shoten, 2000).
- "Iken wo Itte Mawari mo Jibun mo Kawaru" (Speaking Out Will Change Me and Others), volume 3, in *Watashin no Jinken Minna no Jinken* (My Human Rights, Their Human Rights) (Tokyo: Poplar Publishing, 2004).

12. For further information on local government actions, see Kita, et al., *Kodomo ni Yasashii Machi-zukuri - Jichitai-Kodomo-Sisaku no Genzai to Korekara* (Child-Friendly Community Development - Now and the Future of the Measures and Policies of Local Governments) (Tokyo: Nippon Hyoronsha, 2004).

13. See CAP Center, CAP NEWS No. 14 (statistics on CAP workshops). Japan CAP has two regional training centers (Northern Japan CAP Regional Training Center, Japan CAP Training & Action (J-CAPTA) with forty-six CAP groups and five hundred specialists, and Southern Japan CAP Regional Training Center, CAP CENTER JAPAN (CCJ) with forty CAP projects and almost 2,000 facilitators. See ICAP (International Center for Assault Prevention) Member Projects, www.internationalcap.org/projects_projects.html.

14. Akito Kita, et al., *Irasuto-ban Kodomo no Kenri - Kodomo to Master suru 50 no Kenri-Gakushu* (Children's Rights: Illustrated Version - 50 Cases of Rights Study with Children) (Tokyo: Godo Shuppan, 2006).

15. See Akito Kita, et al., *Kodomo Ombudsperson Kodomo no SOS wo Uketomete* (Children's Ombudspersons: Receiving SOS from Children) (Tokyo: Nippon Hyoronsha, 2001); and Aramaki, et al., *Kodomo-Shien no Soudan - Kyusai* (Advice and Aids for Child Support) (Tokyo: Nippon Hyoronsha, 2008).