It is my great honor to have the opportunity to speak at this important event of ISPCAN. Today I would like to share how the Japanese child welfare system has been reformed in recent years.

I would like to begin by tracing back the history of the child welfare system.

Japan’s child welfare system started with the Child Welfare Act of 1947. The main issue at that time was to provide basic needs for homeless
war orphans after World War II. Many children were put into institutions from the streets avoiding starvation and freezing death.

During the 1960’s, while there were no more war orphans, many children were continued to put into institutional care due to sick parents, poverty, or parental divorce. Even infants were easily institutionalized, where newborns, up to 2 years old, lived together in dozens in one institution.

Although concepts such as “hospitalism” and Bowlby’s “attachment theory” have been prevalent among scholars, institutional care remained as the main policy response of Japanese government for decades. Even in the year 2000, children in foster care comprised only less than 10% of the total number of children in care.
When I first visited a children’s institution in the late 1990’s, most children shared a room with sometimes 7 other children. I often saw them sitting in corridors and losing themselves in video game consoles.

From the 1950’s to the early 1970’s, Japan enjoyed an unprecedented rapid economic growth. Many young workers moved from rural agricultural areas to industrial cities where they married and formed families. Those workers became so called “corporate warriors” and they spent most of their time at work. In this way, traditional community values and family values diminished.

In the 1990’s, when the next generation of “corporate warriors” became parents, growing number of child abuse at home became a social concern. The number of reported child abuse cases began to increase exponentially.
Unfortunately, although Child Guidance Centers, which have been supposed to offer proper and timely child protection services and have been expected to intervene in child abuse cases, there had been almost no training system focused on professional and scientific child social work, in and out of government. Most social workers at Child Guidance Centers have been ordinary civil servants without any qualified expertise in child social work. They often failed to protect children by simply avoiding the confrontation with the parents who are the main sources of abuses against children. Consequently, children have been sadly losing their lives by child abuse because of the lack of timely and proper intervention.

Therefore, in order to improve the child abuse prevention system in Japan, which was unable to cope with the increase in child abuse, the Child Abuse Prevention Law, which was sponsored not by government but by Parliamentarians was enacted in the year 2000.
With the introduction of the Child Abuse Prevention Law, child abuse was first defined in the law. Local government officials are obligated for early detection and report when they detect suspected child maltreatment. Through several revisions of the Law, the executive authority of Child Guidance Center for child abuse have been strengthened. Nevertheless, there had been very limited judicial process to protect the right and the lives of children until quite recently.

Even with the growing number of reported child maltreatment cases, the fundamental philosophy and structure of child welfare system did not change and most children, including infants, continued to have been still placed in large institutions without proper professional and evidence-based scientific care. Effective systems for supporting at-risk families have not been developed, either.

In other words, despite the fact that abused children need care that considers “attachment formation” and “therapeutic interventions”,
Japanese government continued to place majority of children in institutional care. In addition, in order to guarantee “permanency” such as family support, family reintegration, and adoption, it was necessary to strengthen the expertise of social workers of the Child Guidance Centers and develop additional support networks, but none of these were provided properly.

What has happened afterwards? Due to the insufficient number and expertise of Child Guidance Center workers, the cases of abuse and death continued to increase. Partly because of the lack of involvement of the courts, many social workers faced the anger of parents, burned out and quitted their job. As a result, Child Guidance Centers were not able to perform as they were expected.

Unfortunately, in understaffed institutions, abuse of children by employees happened. And the number of cases of violence, including sexual problems between children quietly but steadily increased. When
children leave care at age 18, they end up having difficulties with daily life management, and also with regard to employment, education, and mental health.

In 2010, the UN Convention on the Rights of the Child called for Japan to comply with the “Guidelines for the Alternative Care of Children”. These guidelines clearly call for the dissolution of large institutions and the implementation of a foster family system. In response, the Ministry of Health, Labour and Welfare created a plan called the “Challenges and Future Vision of Social Care” in 2011, when we were on the opposition side. But government continued to ignore UN guidelines by preserving the use of institutional care: one third large-scale institutional care, one third small-scale institutional care, and only one third foster care.

In 2014, three years after this vision, I was appointed the Minister of Health, Labour and Welfare in charge of child care policy.
As I started re-learning the history and the main characteristics of child welfare system, one of my personal mentors taught me that the children in ordinary households say “See you later” in the morning when their parents go to work and say “Welcome back” in the evening when they come back home. However, children under the institutional care say “Welcome” when they see staff arrive for their shift in the morning and say “Goodbye, see you tomorrow” in the evening when the staff leave.

In other words, children in institutional care lead a totally different life as compared to children living at home with their parents.

This simple parable was an eye opener for me. From a child's point of view, you see a completely different picture from that of an adult. That is why we always need to think about what is needed from the child's point of view when developing a new policy.
However, it is not easy to look into the honest feeling of children. Infants still do not have a command of any language yet, and in elementary school, junior high school, and even high school, it still is difficult for them to communicate their delicate and precise feelings especially for the children in care.

In some countries, for example, children who are placed in care are assigned lawyers or advocates to represent their needs. There is also a system where children can express their opinions to the national and local governments.

In Japan, however, government, politics, courts, and many things are all adult-centered. Diet members, tended to listen to the voices of the people who run and manage the institutions, rather than the voices of children in care. Improving the work environment of caregivers and enhancing the comfortability of the institutional lives.
Of course, these improvements are indispensable, but the most important achievement to be made is always to make lives of children in care more meaningful in the longer run.

It was in the year after I was appointed Minister of Health, Labour and Welfare, my perceptions of the child welfare policy experienced a “Copernican Revolution”. It was the spring of 2015 on a Sunday afternoon, I invited ten specialists in child and family support for a brainstorming discussion session. I still remember one of them, saying the following: “The child welfare system in Japan is just a simple extension of the postwar welfare system for war orphans on the streets”.

When I encountered these expressions, I recall the images of children in the child care institution, sitting in a corridor, blank-eyed and absorbed in their games. I realized that the child welfare system did not in fact
exist for the needs of children in the long run, but for the needs of adults, especially for those who run the institutions.

I soon came to the conclusion that the Child Welfare Act needed to be thoroughly revised immediately. And then a fierce battle against the old regime started.

It was extremely difficult to change the philosophy of a 70-year-old law from the perspective of supply-side to demand-side, that is the philosophy of the children. The core of the fundamental change was to include the three principles of “children’s rights”, “children’s best interests” and “prioritizing family care”.

This would change the subject matter of the law. Before the revision, the subject of Chapter I, Article 1 was “all people,” this means all adults,
but we decided to change it to “all children”. This is the first time that children are clearly defined as the subject of legal rights in Japan.

In 1994, Japan ratified the UN Convention on the Rights of the Child. However, the government did not amend any existing domestic laws, formally stating that children’s rights had been fully guaranteed by existing laws, so there was no need to amend any domestic laws.

In 2016, the officials of Ministry of Health, Labour and Welfare strongly objected the amendment I proposed, saying, “If we insist on the rights of children, we may face strong resistance from right-wing Members of Parliament who would stress more importance on the rights of parents and the traditional ‘family values’.”

The bureaucracy also showed its reluctance when it issued an instruction to clarify the right of children to express their opinions. The
Ministry of Justice was also cautious about this revision. The reason for this was that if the right of a child to express their opinion is legally valid, a child's ability to form decisions might become a legal issue. I believe that this is due to the fact that there has been a deep-rooted belief in the Japanese legal system that children's opinions are disregarded.

When I tried to bring the priority of family care into the law, the resistance mounted. This principle is based on the following ideas. The best environment for children to be raised is at home with their biological parents. If the parents are unable to raise the child, then the child should be placed in a special adoption or foster home. These take precedence over institutional care because it allows the child to form attachments with specific adults. And the third is a small, community-dispersed facility. This is the principle of family-based care.
Again, the officials of the Ministry resisted, saying, “It’s not normal to put priorities in the law.” They would also say, “We will continue to study it,” which usually means in Japanese bureaucracy, “We will not do it”. Of course, I did not give in. Instead, I told the officials, “children cannot waste any minute of their precious young days whereas you, the civil servants, can take time in your regular job rotation.”

Fortunately, and thanks to the wide support from in and out of National Diet, the Revised Child Welfare Act was unanimously passed in May of 2016.

My assignment did not end simply revising the Child Welfare Act. In order to realize the philosophy of the law in our real society, we all must have broken free from old paradigms. For this reason, we considered it an urgent task to clearly present a new future vision of “child-centered new Japanese society” - the goal of this comprehensive reform of child welfare.
However, there was a major obstacle in creating this new future vision. Based on the 2011 plan called “Challenges and Future Vision of Social Care”, each prefectural government in Japan had just started making their own plans in 2014. This plan, however, was supported by poor scientific theories and evidence on child development and was a compromise that geared more to the interests of adult stakeholders rather than to the needs of children in care. Therefore, I had to create a new future vision based on the Revised Child Welfare Act to replace it and direct the prefectures to formulate new plans.

In 2016, immediately after the Child Welfare Act was revised, I set up a new ad hoc council directly under the Minister to make a new future vision based on the new paradigm for the child and family welfare. Old councils used to include representatives of various organizations with vested interests, and end up, producing policies mainly for the sake of
adult stakeholders. However, I set up a council with experts who would prioritize children’s needs most.

I also established a committee to discuss one of the most important remaining issues, which is the judicial involvement in parent-child separation and the mechanism by which the judiciary can order treatment of parents. The committee proposed that court permission should be needed for when children are separated from their family for more than 2 months without the parents’ consent. Although the new proposal was not sufficient, it was a small but a significant step forward.

A strong positive and tangible influence on me came from Sir Roger Singleton, who visited Japan in 2016 from the UK. He is a person who used to run a large institution in the UK but he deinstitutionalized it. In his presentation, he advised us that now Japan thoroughly revised the principle of Child Welfare Act, the next thing Japan to do is to stop institutionalization of children in need of care and reallocate budget to
family support in the community, and to foster care support. The staff at the institutions would be encouraged to develop their skills to be able to provide local family support services instead. This would be a very important new role.

After a year of discussion at the council, a “New Vision for Social Child Care” was finalized to show the completely new future direction of child care policy, and to set a time frame for the implementation of new policy measures. In principle, institutionalization of pre-school children should be prohibited, and the percentage of children entrusted to foster parents should be at least 75% within 7 years for pre-school children, and 5 years for children under 2 years old. And at least 50% within 10 years for school-age children. Based on this, prefectures were directed to announce their own numerical targets and policy measures to promote foster care. The day after this new vision was released, I left the Ministry.
After the new vision was released, the backlash from Child Guidance Centers and the institutions was fierce. They lobbied the new Minister and members of the Diet and started a campaign to invalidate our new vision for social care. However, I tried to prove the legitimacy of our work by carefully explaining the child-centered philosophy to the members of the Diet, and the importance of consideration from the children’s perspective, and not from the adult’s.

The 2016 revision of the Child Welfare Act achieved a major philosophical shift, but some important aspects were left unrealized. For example, strengthening judicial involvement at the time of parent-child separation, legislating the prohibition of corporal punishment, reviewing the disciplinary rights of parental custody, the child advocacy system, the child ombudsperson system, a need-based fee system, the legal responsibility of municipalities, national qualifications for child social workers, establishing an independent evaluation body, and so on. These are just a few of the issues that still need to be addressed.
While this paradigm shift has not spread to the entire child welfare system, two tragic cases of the abusive deaths of children occurred in 2018 and 2019 which attracted strong social attention. Consequently, the guidelines of the Ministry of Health, Labour and Welfare to renew the prefectural plan on foster care became properly in line with the new future vision of 2017 after several months long fierce debate with the Ministry, the prohibition of corporal punishment has been passed and the abolition of parental disciplinary authority is being considered. Also, it has been decided that an advocate system will be considered.

In this way, by shifting the paradigm of child and family welfare through legislative revisions, the child-centered approach is beginning to spread not only in child and family welfare system but also other child related areas. There is also a growing movement to create a “child-centered” society among the Diet members. The introduction of a “Children's
Rights Law” and a “Children's Ombudsperson” are also being considered.

Of course, there are still many obstacles ahead. Even though I am no longer a member of the Diet, I would like to continue to promote the importance of listening to children's voices, protecting their rights, and ensuring their happiness.

As a matter of fact, my wife and I are now in the process of registration for foster parents in Matsuyama City, Ehime Prefecture which used to be my election district.

I also hope many young generations would take on this reform for the brighter future of children in Japan.

Thank you very much.