

## ABUSE OF CHILDREN IN JAPAN

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1. The word, "abuse of children," in this paper is defined in the sense that parents use violence (battery, confinement, long term providing no food, etc.) and thereby injure children bodily.

When such kind of cases takes place, the prefectural governor is allowed to take a measure of placing a child into the child care institute (Child Welfare Act, art. 27, para. 1, no. 3), providing the governor should obtain an approval of family courts in case parents or guardians object the governor's placement measure (*ibid.*, art. 28, para. 1, no. 1). Approximately 20 applications for approval are made to family courts all over the country per year (see Table 1). The number is greatly small in comparison with the number of the people arrested on charge of child murder which amounts to 200 a year, even if the fact that there might be many cases that parents and guardians do not object the governor's measure must be taken into consideration.

2. We have organized the study group consisted of lawyers and psychiatrists, and a member of our group tried to pick up several matters concerning abuse and murder of children from the collection of all the documents relating to the case (1950-1971) which is preserved by the Tokyo District Attorneys' Office. According to that investigation, following two things can be pointed out.

a. Abuse and murder of children occurred more often from 1961 onward than during the years following to our defeat of World War II when we had suffered from great shortage of foods and inflation (see Table 2). The period from 1961 to 1970 was the time when the population of Tokyo increased rapidly, and it is assumed that many isolated and helpless families not incorporated to the community were formed during that period. I believe that abuse and murder of children arose at such kind of families.

As the telephone network already had ramified through the length and breadth of the country, anyone could have called and consulted parents or brothers who lived in the home town before he committed the crime if he had wanted to. Why didn't he try to make even a phonecall? I suppose there was something to be observed in the life history of parents who committed abuse or murder of children, and those crimes seem to have been caused fundamentally by the disturbance of basic trust in interpersonal relationships of parents.

b. Abuse of children is committed much more by father than by mother, and more than half of child abuses made by fathers are batteries under intoxication. As for the direct motives of child abuses, psychological motives exceed in number a great deal economical ones such as uncertainty of daily life due to unemployment. Psychological factors are as follows: vexation resulted from the wife's escape, doubt if the child may be an issue of wife's

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TABLE 1. CASES CONCERNING CHILD WELFARE ACT, ART. 28

Year	Total	Approved
1952	6	6
1953	7	2
1954	7	3
1955	4	4
1956	10	3
1957	9	7
1958	10	5
1959	7	7
1960	12	5
1961	13	9
1962	10	5
1963	17	13
1964	7	6
1965	4	2
1966	11	10
1967	6	3
1968	28	23
1969	11	8
1970	5	2
1971	13	9
1972	20	14
1973	23	16
1974	12	5
1975	24	14

Made from General Secretariat, Supreme Court, Annual Report of Judicial Statistics, Vol. 3 Family Cases.

adultery and feelings of constraint to the remarried wife. In addition, there are a few cases motivated by failure of training concerning urination and defecation.

3. In conclusion, I would like to add some comments on the Japanese practice.

a. Child abuse is difficult to be found out, and it is not rare that it is found out, just like in case of child murder, through the course of medical practitioner-police-Child Consultation Center. Even though it is provided by Child Welfare Act that a person who finds child abuse should notify the fact to the Social Welfare Office or the Child Consultation Center (*ibid.*, art. 25), there are few notifications by community inhabitants in a jungle of such a big city as Tokyo.<sup>1</sup> Moreover, the cooperation between school teachers and social workers is not very effective.<sup>2</sup>

b. In this country, although the approval of Family Court is provided to be taken in connection with placing a child in the child care institute, it is not made necessary when the prefectural governor (actually the chief of Child Consultation Center) releases a child from the institute. I think such a situation is a lack of legislation. There are many cases that the Child Consultation Center and parents are sharply opposed each other. In case

<sup>1</sup> It is said that, as people are inclined to be interested in other's privacy in *Kansai* (western parts of Japan), notification by inhabitants are relatively frequent there.

<sup>2</sup> cf. Report of the Committee of Inquiry into the Care and Supervision Provided in Relation to Maria Colwell, para. 240.

TABLE 2.

	Abuse of Children		Murder of Unwanted Children	
	Father	Mother	Father	Mother
1950	0	0	0	1
1951	1	0	0	2
1952	0	1	0	2
1953	0	0	0	1
1954	0	0	0	2
1955	0	0	0	1
1956	1	1	0	3
1957	0	0	0	0
1958	0	0	0	0
1959	0	0	0	0
1960	0	0	1	2
1961	0	0	0	5
1962	1	0	0	3
1963	0	0	1	4
1964	1	1	0	4
1965	0	0	0	3
1966	2	1	1	4
1967	1	1	0	1
1968	1	1	1	7
1969	4	1	0	4
1970	1	0	0	4
1971	0	0	0	3
	13	7	4	56
	20		60	

Made from Tokyo District Attorneys' Office, collection of all the documents relating to the case (1950-1971).

of placing a child into the institute, family courts intervene between them and take part in mitigating the antagonism of parents, but for the Center there is no way to lighten the pressure coming from the parents who want the release of their children. Court approval should be provided regarding the release of a child from the institute.

c. Family courts usually spend time more than one month to reach the decision concerning approval, and till then investigations are made by probation officers. In such an emergency case as child abuse, inquiry and decision must be made immediately. For that purpose, besides such kind of cases be given the first priority, court should omit, as a rule, investigations by probation officers, and instead inquire the case chiefly by way of interviewing with child and parents. Furthermore, court should initiate the inquiry on an oral application made by the chief of Child Consultation Center who carries medical certificates, written statements given before policemen and others. Since our family court judges generally tend to depend on probation officers so that they may avoid the interview with children, technique of child interview is desirable to be acquired by judges.