

Setagaya Ordinance on the Rights of the Child

Ordinance No.64 of 10 December 2001

Amended by:

Ordinance No.82 of 10 December 2012

Ordinance No.14 of 7 March 2014

Ordinance No.11 of 4 March 2020

Ordinance No.68 of 5 March 2025

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Preamble

(Children's Voices)

1. Children's Aspirations

We feel happy when our views and aspirations are taken seriously.

We want to preserve Setagaya which is clean and rich in nature.

We want to have higher hopes for our future.

We want to be ourselves in our lives by making various choices.

We want create more opportunities for children to interact and be connected with each other.

We want to have more spaces where we can feel at ease.

We want to learn more and grow by trying to do what we want to.

We want to deliver our views and thoughts to adults.

We want to make Setagaya a town where those aspirations are realized.

2. Children's Messages to Adults

What is "normal" for the adult generation is different from what is "normal" for the child generation.

We want adults to recall how you felt when you were children and to deal with us with the same eye level.

Believe what we say and think, instead of assuming that children should be feeling like this and that.

And take what we say and think seriously before dealing with us.

We want an environment where everyone respects what others say and think, being able to express ourselves freely without fear.

Diversity needs to be respected because we want our individuality to be recognized and to be ourselves in our lives.

We want excitement be incorporated in our development and learning, including through experiences and opportunities arousing our curiosity.

We want a variety of environments where all children can feel secure and receive education.

Create more spaces with those who stand on the side of children who have different concerns.

Look at what we “are doing” as well, rather than focusing only on whether we “can do or not”.

Support us in a way adapted to each one of us, no matter which path of life we choose.

(Commitments by the Ward authorities and other adults)

Children are subjects of rights from the birth who live in the present.

The experiences of having their views and thoughts taken seriously by the people around them in their childhood would lead to children’s sense of security and confidence, giving them great power for leading lives thereafter.

We, the Ward authorities and other adults, will embrace what children feel and think, consider what is best for them earnestly, be engaged in dialogue with them and to endeavor to respond to their views and aspirations.

If children become aware of the fact that they have rights just as adults and other children do through the present Ordinance, it will result in respect for each other’s rights and the development of trusting relationships, which is important in leading responsible lives in society.

We, the Ward authorities and other adults, will endeavor to develop the community where the community support children, children enrich the community and everyone connects with and support each other, by listening to and having dialogue with children who are partners for the creation of the present and the future.

The present Ordinance is enacted in accordance with the philosophies of the Constitution of Japan, the Convention on the Rights of the Child (adopted on 20 November 1989 by the United Nations General Assembly) and the Basic Act on Children.

We, the Ward authorities and other adults, will realize a society where each and every child is guaranteed to thrive as a subject of rights, be oneself and leads a happy life in the present and can hope that good days continue after tomorrow as well.

Chapter 1: General Provisions

Article 1 (Purpose of the Ordinance)

The present Ordinance provides for the basic matters for the creation of a culture where the rights of the child are guaranteed as a matter of course and for the development of a society where each and every child can be oneself and lead a happy life and to thrive with aspirations for tomorrow.

Article 2 (Meaning of the words)

1. For the purpose of the present Ordinance, the terms “child” refers to:
 - (1) Any person who has not attained the age of 18; or,
 - (2) Any other person with respect to whom it is considered appropriate to grant the rights equivalent to those granted to any person who has not attained the age of 18.
2. For the purpose of the present Ordinance, the term “adult” refers to any person who had been a child in the past.
3. For the purpose of the present Ordinance, the term “guardian” refers to a child’s parents, grandparents, foster parents and others who care for the child in place of the child’s parents.
4. For the purpose of the present Ordinance, the term “schools as well as institutions, organizations and businesses having to do with children” refers to any places in the Ward where children can grow up, learn, be involved in activities and/or spend time as well as to any organizations and/or corporations supporting such places.
5. For the purpose of the present Ordinance, the term “citizens, organizations and/or businesses” refers to a variety of adults and children with whom a child has contact in the community as well as organizations and corporations working in the community.
6. For the purpose of the present Ordinance, the term “Ward authorities” refers to all the executive organs, including the departments under the Ward Mayor as well as the Board of Education and other administrative committees.

Article 3 (Aims of the Ordinance)

The aims of the present Ordinance are as follows:

- (1) We will create “a city where each and every child can try what they want to do in accordance with his/her unique personality with a happy face”.
- (2) Children are subjects of rights from the birth who live in the present and have the right to be themselves and to lead happy lives. We, the Ward authorities and other adults, will embrace what children feel and think, considering and realizing what is best for children with children.

- (3) We will create, develop and inherit a culture and society where all persons who have contact with children guarantee their rights as a matter of course in all places where children put themselves in, so that children themselves can realize their rights.

Chapter 2: The Rights of the Child

Article 4 (Foundational rights)

On the basis of the four general principles enshrined in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, the present Ordinance establishes the following rights. These foundational rights shall be guaranteed to all children, regardless of their age, development, gender, sexual orientation and gender identity, including LGBTQ, nationality, disability and other characteristics. In the implementation of the policies to realize these rights, due consideration shall be given to the age of the child and other factors.

- (1) The right not be discriminated against on any grounds;
- (2) The right to have what is the best for the child be considered when decisions and actions are taken with regard to the child;
- (3) The right to live, grow up and develop; and,
- (4) The right to express one's views and thoughts freely with regard to matters concerning the child.

Article 5 (The rights to be oneself)

The child shall be able to be oneself. To this end, the following rights shall be guaranteed among others:

- (1) The right to be oneself and have his/her individuality respected: and,
- (2) The right to get fair evaluation.

Article 6 (The rights to thrive)

The child shall be able to thrive through different experiences. To this end, the following rights shall be guaranteed among others:

- (1) The right to lead rich lives both in the present and in the future;
- (2) The right to pursue what he/she wants to do;
- (3) The right to play with all his/her might and to do fun things for him/her;
- (4) The right to receive information that he/she wants to know; and,
- (5) The right to take rest when he/she is mentally and/or physically tired.

Article 7 (The right to be protected and supported by society)

The child shall be able to be protected and supported by society so that he/she can stay

assured. To this end, the following rights shall be guaranteed among others:

- (1) The right to live in safety and security;
- (2) The right to live healthy; and,
- (3) The right to protection of one's living environment and natural environment.

Article 8 (The right to decide on personal matters by him/herself)

The child shall be able to decide on personal matters by him/herself. To this end, the following rights shall be guaranteed among others:

- (1) The right to make choices and decisions freely;
- (2) The right to learn, grow up and develop in accordance with his/her unique personality; and,
- (3) The right to try different things, including making failures.

Article 9 (The rights to express one's views, participate and be involved)

The child shall be able to express his/her views and thoughts and to participate and be involved in matters concerning him/herself. To this end, the following rights shall be guaranteed among others:

- (1) The right to express his/her views and thoughts in different ways;
- (2) The right to be engaged in dialogue and work together; and,
- (3) The right to be involved in the community.

Chapter 3: Development of the Supportive Community for Children and Parenting

Article 10 (Roles of the guardian)

1. The guardian plays an important role in safeguarding the rights of the child by considering what is best for the child, hearing the child's views, standing on the side of the child for the realization of his/her views, supporting his/her development and being a secure base close to the child.
2. The guardian shall consider, together with the child and while listening to the child's views and thoughts, whether or not what he/she does for the child assuming that it will be beneficial to the child may be contrary to the child's will or lead to the deprivation of opportunities for him/her to grow up and develop.
3. It is important that the guardian can feel reassured, be oneself and be happy. The rights of the guardian to be supported in the community in terms of parenting and to receive necessary support shall be guaranteed.

Article 11 (Responsibilities of schools as well as institutions, organizations and businesses having to do with children)

1. Schools as well as institutions, organizations and businesses having to do with children have the responsibilities to respect children's agency and to guarantee the rights of the child so that children can enrich their human nature and unlock the potential for the future.
2. Schools as well as institutions and organizations having to do with children have the responsibilities to collaborate and cooperate with the Ward authorities, citizens, organizations and/or businesses in order to guarantee the rights of the child.
3. Businesses having to do with children have the responsibilities to develop the conditions for making it easier for their employees to rear their children as well as to undertake their business activities with considerations for children in the community so that they can thrive in accordance with their unique personality.

Article 12 (Roles of citizens, organizations and/or businesses)

1. Citizens, organizations and/or businesses shall be involved in the development of the community where the rights of the child are guaranteed, being aware that they should keep an eye on children and families with children in the community with a view to working together to make the community easier to live.
2. Businesses shall endeavor to develop the conditions for making it easier for their employees to rear their children as well as to give considerations to ensure that their business activities contribute to the protection and promotion of the rights of the child.

Article 13 (Responsibilities of the Ward authorities)

1. The Ward authorities have the responsibilities to implement policies to guarantee the rights of the child in a comprehensive manner.
2. In implementing policies concerning children, the Ward authorities shall collaborate and cooperate with guardians, schools, institutions, organizations and businesses having to do with children as well as citizens, organizations and/or businesses to provide support for children.

Article 14 (Development of a child-friendly city which provides support in the community)

The Ward authorities and all citizens, including children, shall be involved in necessary initiatives towards the realization of a child-friendly city which provides support in the community, by connecting with and supporting each other so that voluntary activities can be continued.

Chapter 4: Basic Policies

Article 15 (Ensuring opportunities for children’s participation and involvement as well as respect for their views and thoughts)

1. The Ward authorities shall work to realize the rights of the child with children by taking their diverse views and thoughts seriously and having dialogue with them in different settings and on different occasions.
2. The Ward authorities shall endeavor to create mechanisms through which children can participate and be involved in as active agents of the community, by organizing meetings where children can actively express their views at ease and ensuring other routes for them to express their views.
3. The Ward authorities shall think out different measures to hear from children who are not good at expressing their views or who have difficulties to express their views even if they have opportunities to do so, endeavoring to take the views of young children and other children who have limited means of expression seriously and to respect their views.
4. The Ward authorities shall embrace children’s views and thoughts and endeavor to inform children of the outcomes of the consideration of the realization of their views and thoughts as well as the reasons of the outcomes.

Article 16 (Creation of third places for children)

1. The Ward authorities shall endeavor to create a variety of third places that are considered necessary by children and to ensure the quality of such places.
2. The Ward authorities shall endeavor to realize third places for children with the following conditions, in addition to ensuring that children can feel comfortable and at ease there, through continuous dialogue with children:
 - (1) That children are free and able to be themselves from the perspectives of the rights of the child;
 - (2) That children can have a sense of belonging, be willing to communicate what they think and feel that their views are taken seriously; and,
 - (3) That children can decide about themselves by themselves.
3. Schools as well as institutions, organizations and businesses having to do with children shall reinforce collaboration to work towards the development of the comfortable environment where children can grow up carefree in different communities with a sense of security.

Article 17 (Prevention of abuse)

1. No one should abuse children.
2. With a view to preventing abuse, the Ward authorities shall endeavor to do necessary things for families with children by contacting and cooperating with schools, institutions,

organizations and businesses having to do with children and other actors.

3. In order to identify cases of abuse at an early stage and protect the life and safety of children, the Ward authorities shall endeavor to provide appropriate support for children and families with children and to ensure proper protection of children in strong partnership with the Child Guidance Center and the Children and Families Support Centers. In addition, the Ward authorities shall endeavor to spread necessary awareness among all citizens and to prevent abuse by contacting and cooperating with schools; institutions, organizations and businesses having to do with children; and other actors.

Article 18 (Prevention of bullying and discrimination)

1. All people have the right to be safe and secure without being bullied or discriminated against.
2. With a view to preventing bullying and discrimination, the Ward authorities shall promote dissemination and awareness-raising to ensure that all citizens have necessary understanding and work for the prevention and early identification. The Ward authorities endeavor to develop necessary mechanisms to ensure early resolution of cases of bullying and discrimination, including by contacting and cooperating with guardians; schools; institutions, organizations and businesses having to do with children; and other actors

Article 19 (Measures against poverty)

1. All people have the right to grow up with a sense of security, regardless of to whom they were born, in what environment they have grown up and other factors associated with poverty and other problems.
2. With a view to preventing and eliminating poverty and other problems, and in order to ensure that children's present and future would not depend on to whom they were born and in what environment they have grown, the Ward authorities shall endeavor to develop conditions where all children can thrive in accordance with their unique personality.

Article 20 (Promotion of health and good conditions)

The Ward authorities shall preserve and promote children's health and endeavor to develop safe and good conditions to enable children to thrive in accordance with their unique personality.

Article 21 (Support for learning on the rights of the child)

1. The Ward authorities shall endeavor to support children to learn about their rights.

2. The Ward authorities shall endeavor to support adults having to do with children to understand the rights of the child and become able to teach children about these rights.

Article 22 (Development of parenting support networks)

1. The Ward authorities shall promote the development of communities where children's development and parenting are not left to the responsibility of individual children and their guardians but is supported by the entire communities and where the rights of each and every child are guaranteed.
2. The Ward authorities shall play a central role in the development of parenting support networks by a variety of actors.

Article 23 (Development of human resources)

1. The Ward authorities shall endeavor to promote the development of human resources necessary to support children in forming and expressing their views.
2. The Ward authorities shall train supporters for children in forming and expressing their views on a continuous basis and endeavor to create conditions resulting in a cycle in which children who have been supported would become next supporters.

Article 24 (Dissemination and awareness-raising)

1. The Ward authorities shall endeavor to ensure that all citizens are aware of the existence and philosophies of the present Ordinance.
2. The Ward authorities shall undertake the dissemination of and awareness-raising on the present Ordinance, not only for children (including younger children) but also for adults, by thinking out different ways and methods.
3. The Ward authorities and adults shall inform children that they have rights as children and that it is important to recognize and respect each other, so that children can think on their own and lead responsible lives in society where they can live the way they are.
4. In order to promote the improvement of citizens' understanding of and interest in the rights of the child, the 20th of November, the date when the Convention on the Rights of the Child was adopted by the United Nations, shall be proclaimed as "Setagaya Day of the Rights of the Child".

Chapter 5: Children's Rights Commissioners

Article 25 (Appointment of Setagaya Children's Rights Commissioners)

1. With a view to upholding children's rights and promptly stopping violations of these rights, the Ward authorities shall appoint Setagaya Children's Rights Commissioners as affiliated organizations of the Ward Mayor and the Board of Education.

2. Up to five Commissioners shall be appointed.
3. The Commissioners shall be appointed by the Ward Maor and the Board of Education from among persons of integrity who are experts on the rights of the child.
4. The Commissioners shall be appointed for a term of three years. They shall be eligible for reappointment.
5. The Ward Mayor and the Board of Education may discharge a Commissioner from the post when they find that he/she cannot perform his/her functions due to mental or physical disorder or that he/she has been involved in behavior unsuitable for a Commissioner.

Article 26 (Functions of the Commissioners)

The Commissioners shall assume the following functions:

- (1) To respond to consultations on violations of children's rights and provide necessary advice and support;
- (2) To conduct inquiries into violations of children's rights;
- (3) To make arrangements and requests for the purpose of stopping violations of children's rights;
- (4) To express their views for the purpose of preventing violations of children's rights;
- (5) To publish their requests for the purpose of stopping violations of children's rights and/or their views for the purpose of preventing violations of children's rights;
- (6) To provide follow-up and other forms of support to prevent violations of children's rights;
- (7) To report on their activities and make it available to the public; and,
- (8) To promote necessary awareness of upholding children's rights.

Article 27 (Duties of the Commissioners)

1. In order to uphold children's rights and stop violations of these rights, the Commissioners shall perform their functions in a fair and neutral manner by contacting and cooperating with the Ward Mayor, the Board of Education, guardians, citizens, businesses and other actors.
2. The Commissioners shall not make advantage of their position for political parties and/or political purposes.
3. The Commissioners shall not reveal any confidential information of others made known to them in the course of their functions. This duty applies after the Commissioners left their position.

Article 28 (Cooperation to the Commissioners)

1. In the light of the aims of the appointment of the Commissioners, the Ward authorities

shall cooperate with them in the performance of the Commissioners' functions.

2. Guardians, citizens, businesses and other actors shall endeavor to cooperate with the Commissioners in the performance of the Commissioners' functions.
3. The Ward authorities shall respect the independence of the Commissioners who work in the capacity as their affiliate organizations.

Article 29 (Consultations and complaints)

Any of the following persons may consult the Commissioners on violations of their rights and/or make complaints to stop such violations. Anyone may consult the Commissioners on violations of the rights of any of the following persons and/or make complaints to stop such violations.

- (1) A child whose address is registered in the Ward;
- (2) A child who works for a business located in the Ward;
- (3) A child who attends or lives in a school, child welfare institutions and other facilities located in the Ward; or,
- (4) A person who is defined by the regulations as being equivalent to a child for the purpose of the present Ordinance.

Article 30 (Inquiries and arrangements)

1. The Commissioners shall conduct an inquiry into violations of children's rights upon a complaint to stop such violations or when necessary. The Commissioners may not conduct an inquiry in such cases as are provided in the regulations, unless the Commissioners find special circumstances to conduct an inquiry.
2. The Commissioners may demand the relevant bodies to submit the documents necessary for an inquiry or pose questions to their staff in order to conduct an inquiry.
3. The Commissioners may make arrangements to stop violations of children rights, including mediation between a child and the relevant bodies, when they find it necessary to do so based on the outcome of the inquiry.

Article 31 (Requests and views)

1. When the Commissioners find it necessary based on the outcome of an inquiry or arrangements, they may make requests to the relevant bodies for the purpose of stopping violations of the rights of the child.
2. The Commissioners may express their views to the relevant bodies for the prevention of violations of children's rights when they find it necessary.
3. When the Ward Mayor and the Board of Education receive requests or views from the Commissioners, they shall respect them and take appropriate responses.
4. When the relevant bodies other than the Ward Mayor and the Board of Education

receive requests or views from the Commissioners, they shall respect them and endeavor to take appropriate responses.

5. After having made requests or expressed their views to the Ward Mayor and/or the Board of Education, the Commissioners may demand them to report on the responses they have taken.
6. The Commissioners may publish their requests, views and reports on the responses when they find it necessary, provided that sufficient care is taken to protect personal information.
7. The Commissioners shall consult with each other when they make requests, express their views and/or make them public.

Article 32 (Follow-up and other forms of support)

After having made requests for the purpose of stopping violations of the rights of the child or taken other action, the Commissioners may provide the child with follow-up and other forms of support when necessary in cooperation with the relevant bodies and other actors.

Article 33 (Reports and their publication)

The Commissioners shall report on their activities annually to the Ward Mayor and the Board of Education and make the contents of the reports publicly available.

Article 34 (General affairs of the Commissioners)

The Children and Youth Affairs Department shall be responsible for the general affairs of the Commissioners.

Article 35 (Consultation and inquiry experts)

1. Consultation and inquiry experts shall be appointed to assist the Commissioners in the performance of their functions.
2. As specialists on hearing from children, the consultation and inquiry experts shall deal with consultations from children themselves or other persons and, when necessary, report to the Commissioners.
3. The consultation and inquiry experts shall conduct activities to disseminate and raise awareness on the rights of the child.
4. The provisions of Article 27 shall apply to the consultation and inquiry experts similarly with the Commissioners.

Chapter 6: Implementation Plan, Implementation Structures, Evaluation and Review and Other Matters

Article 36 (Implementation plan)

1. The Ward Mayor shall formulate a plan providing the basis for the implementation of the policies concerning children.
2. In the development of the implementation plan, the Ward Mayor shall endeavor to ensure that it is informed by the views expressed by children, who are affected by the plan, as well as citizens.
3. When the implementation plan is adopted, the Ward Mayor shall promptly make it available to the public.

Article 37 (Implementation structures)

The Ward Mayor shall develop implementation structures to implement the policies concerning children in a systematic way.

Article 38 (Cooperation with the State and the Tokyo Metropolitan Government)

The Ward authorities shall seek for the cooperation of the State, the Tokyo Metropolitan Government and other relevant actors to create conditions where children can thrive in accordance with their unique personality.

Article 39 (Evaluation and review)

1. With a view to protect and promote the rights of the child in the policies concerning children, the Ward Mayor shall develop structures for inquiries as well as evaluation and review by independent bodies.
2. In the evaluation and review, the Ward Mayor shall endeavor to ensure that it is informed by the views expressed by children, who are affected by the plan, as well as citizens.

Chapter 7: Miscellaneous Provisions

Article 40 (Delegation)

Necessary particulars concerning the implementation of the present Ordinance shall be provided for by the Ward Mayor.

Supplementary Provisions

The present Ordinance shall enter into force on 1 April 2002.

Supplementary Provisions (Ordinance No.82 of 10 December 2012)

Article 1 of the present Ordinance shall enter into force on 1 April 2013. However, the amendment provisions of the Article, which add a chapter after Chapter 2 of the Setagaya Children's Ordinance (only those concerning Articles 19 – 23), shall enter into force on the

day designated by a regulation. (The provisions entered into force on 1 July 2013 in accordance with the Regulation No.64 of May 2013.)

Supplementary Provisions (Ordinance No.14 of 7 March 2014)

The present Ordinance shall enter into force on 1 April 2014.

Supplementary Provisions (Ordinance No.11 of 4 March 2020)

The present Ordinance shall enter into force on 1 April 2020.

Supplementary Provisions (Ordinance No.68 of 5 March 2025)

(Date of entry into force)

1. The present Ordinance shall enter into force on 1 April 2025.

(Partial amendment to the Setagaya Ordinance on the Promotion of Local Health and Welfare)

2. The Setagaya Ordinance on the Promotion of Local Health and Welfare shall be partially amended as follows:

In Article 28, paragraph 1 (4), the term “the Setagaya Children’s Ordinance” shall be changed to the term “the Setagaya Ordinance on the Rights of the Child” and the reference to “Article 19” shall be changed to the reference to “Article 29”.