



Japan

The government is invited to provide the most accurate and updated information on developments that may have taken place between 2001 and 2008 in implementing measures to protect children from sexual exploitation, as well as to indicate prevailing gaps and challenges where it sees its energy and resources being most urgently required.

1. Legal framework, law reform, law enforcement mechanisms and relevant jurisprudence

●The first Government report of the "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography"

Japan ratified the "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" on January 24, 2005, which entered into force in Japan on February 24, 2005. On April 22, 2008, according to the stipulation of the Protocol, Japan submitted a Government report to the Committee on the Rights of the Child in order to provide comprehensive information on the measures it has taken to implement the provisions of the Protocol.

●Amendment of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (June 2004), and submission of the amendment bill to the Diet (June 2008)

In order to restrict child pornography and child prostitution, and to protect children from sexual exploitation and sexual abuse, the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (referred to as "Child Prostitution / Child Pornography Act" hereinafter) was enacted in 1999. The said law was revised in 2004 to increase the statutory penalties for crimes of child prostitution and the provision of child pornography to the general public, as well as to expand the scope of punishable crimes by criminalizing the provision of child pornography to a small number of specified persons. In recognition of the importance of eliminating the demand for the child pornography in order to eliminate the child pornography itself, a bill was proposed in the Diet in June 2008 to criminalize the simple possession of child pornography.

●Recent situation of arrests for child prostitution / child pornography (the first half-year period of 2008)

In the first half-year period of 2008, the number of cases of arrests for child prostitution / child pornography was 830, which has decreased 139 cases from the same period last year. While the number of cases of child prostitution has decreased by 26.0%, that of child pornography has increased by 17.2%. In particular, the number of arrests for child pornography offence using the Internet shows rapid increase: 15.6% by cases and 31.3% by persons.

Due to the tightened restriction by the legal amendment in 2004, the number of cases and persons arrested under the Act has been increasing particularly those for child

pornography.

Chart1: Recent Situation of Arrests under the Child Prostitution / Child Pornography Act (the first half-year period of 2008)

Year	Cases						Persons					
	Total	Child Prostitution			Child Pornography		Total	Child Prostitution			Child Pornography	
		Matters Related with Online Dating Site	Matters Related with Telephone Club Business		Matters Related to Internet Usage			Matters Related with Online Dating Site	Matters Related with Telephone Club Business		Matters Related to Internet Usage	
2008	830	523	284	21	307	111	627	436	255	21	191	105
2007	969	707	357	28	262	96	654	495	311	28	159	80
Number of Increase / Decrease	-139	-184	-73	-7	45	15	-27	-59	-56	-7	32	25
Increase/ Decrease Ratio	-14.3	26.0	-20.4	-25.0	17.2	15.6	-4.1	-11.9	-18.0	-25.0	20.1	31.3
2006	1080	856	356	107	224	97	748	605	277	93	143	76
2005	903	739	299	85	164	68	602	500	229	61	102	68
2004	900	827	371	92	73	33	652	604	270	77	48	23
2003	855	762	326	116	93	55	612	537	254	103	75	50
2002	930	849	400	236	81	64	613	555	249	161	58	46
2001	727	654	133	243	73	55	458	394	73	161	64	46

●Amendment to the “Online Dating Site Regulating Act” (June 2008)

In June 2003, the Law About Regulation of the Act which Attracts Children Using Internet Opposite-Sex Introduction Sites, etc. (hereinafter referred to as the "Online Dating Site Regulation Act") was enacted, and entered into force in December of the same year. The said Law prohibits the act which lures children to become involved in sexual intercourse through the usage of opposite-sex introduction sites on the Internet, and prescribes measures to prevent children from using such sites, with the aim to protect children from child prostitution and other crimes caused by the usage of such sites and to ensure the sound development of children.

In May 2008, the said Law was amended, which strengthens measures to protect children from child prostitution and other crimes caused by online dating site, for example, by introducing registration system of the online dating site service providers.

The police cleared 159 illegal enticement cases which violated the said Law during the first half-year of 2008.

●Amendments to the “Child Abuse Prevention Law” and the “Child Welfare Law” (April 2004 (with a view to ratification of the Optional Protocol) and May 2007)

The Child Abuse Prevention Law defines that sexual abuse or sexual exploitation of a child by legal guardians as abuse, and prohibits any person from causing such abuse.

The said Law was partially amended in April 2004, and the definition of child abuse has been reviewed, the responsibilities of national and local governments has been clarified, the obligations to report cases of abuse has been expanded, the request for assistance from the police to ensure the safety of children has become compulsory, and provisions on guidance offered to abusive parents and on support for abused children for their access to higher education and employment have been included. The Child Welfare Law was also partially amended in November of the same year with a view to improving a local child guidance system, whereby child guidance is legally defined as a service to be offered by local governments, the role of Child Guidance Centers is focused on the response to difficult cases that require higher expertise, and local governments are allowed to establish local councils on measures for children who need protection with the cooperation of relevant organizations,



The Child Abuse Prevention Law and the Child Welfare Law were further amended in May 2007. Consequently, the following measures have been taken to enforce the safeguard against child abuse (and legally effective as of April 2008); namely, strengthening the on-site inspection for the purpose of ensuring child safety, restriction on meeting and communication by legal guardians, clarification of measures in case legal guardians would not follow an order, and a mandatory analysis of serious child abuse cases by national and local government has become compulsory.

●Effective prosecution and punishment of those involved in trafficking in persons

The Penal Code was revised in 2005 to criminalize all forms of trafficking in persons demanded for criminalization under the Palermo Protocol, and the Japanese authorities have been prosecuting and winning convictions for crimes of trafficking in persons since then.

Chart2: Situation of Human Trafficking Offences Cleared (2001-2007)

	2001	2002	2003	2004	2005	2006	2007
Number of cases cleared	64	44	51	79	81	72	40
Number of cases arrested	40	28	41	58	83	78	41
Brokers	9	7	8	23	26	24	11
Number of victims	65	55	83	77	117	58	43
Philippines	12	2		13	40	30	22
Indonesia	4		3		44	14	11
Korea				3	1	1	5
Thailand	39	40	21	48	21	3	4
Japan							1
China (Taiwan)	7	3	12	5	4	10	
Rumania					4		
Australia					1		
Estonia					1		
Colombia	3	6	43	5	1		
Russia				2			
Lao				1			
China		4	2				
Cambodia			2				

●Enactment of the “Act on Development, etc. of an Environment that provides Safe and Secure Internet Use for Young People” (June 2008)

The Act on Development, etc. of an Environment that provides Safe and Secure Internet Use for Young People was enacted as legislation by members of the Diet and promulgated on the 18th June, 2008.

A mobile ISP (Internet Service Provider) shall provide service to filter its contents there are harmful to young people (under the age 18) unless the guardians of the young people request the non-use of the service. Also, PC manufacturers, etc. shall sell PCs, etc. only after having taken measures (e.g. pre-installing) to facilitate the use of software for filtering contents harmful to young people. The Act contributes to protecting children from sexual exploitation by reducing occasions of young people viewing harmful contents regarding sexual offense etc.

The Act will enter into force by June 2009.



2. Government institutions responsible for coordinating measures and relevant national or regional plans

Relevant national ministries and agencies have been planning and implementing measures and national or regional plans against sexual exploitation of children in accordance with their own responsibilities.

3. Measures adopted to prevent sexual exploitation

●The Action Plan of Measures to Combat Trafficking in Persons

As regards trafficking in persons including children, the Government of Japan developed the Action Plan of Measures to Combat Trafficking in Persons in December 2004, aiming at adopting integrated and comprehensive measures to combat trafficking in persons in order to ensure the prevention and eradication of trafficking in persons and the protection of victims. Through various legislations and measures, including revision of the Immigration Control and Refugee Recognition Act and the enactment of article 226-2 (Buying or Selling of Human Beings) of the Penal Code, the relevant ministries and agencies work toward the prevention, crackdown, prosecution, and protection of victims of trafficking in persons. In addition, in relation to measures against trafficking in persons, the Government of Japan has entrusted temporary protective custody of victims to NGOs and sent notifications to the travel industry not to take any part in sexual exploitation of children, while regional immigration bureaus work in cooperation with relevant organizations at various levels, including by calling on relevant agencies, organizations, and ministries to hold liaison conferences. The Government of Japan also organizes periodical discussions between NGOs and the relevant ministries and agencies.

●Awareness raising activities against trafficking in persons

Since 2004, the Cabinet Office has actively conducted public information and awareness-raising activities including the annual publication of posters regarding measures to eradicate trafficking in persons, targeting the general public and foreign residents in Japan. In FY 2007, these posters (28,000 copies) and leaflets (50,000 copies) were distributed to more than 1,000 entities such as related agencies, local governments, private organizations, airports and harbours.

●Act against the illegal and harmful information on the Internet

In light of the increasing spread of illegal/harmful information including child pornography through the Internet, the Ministry of Internal Affairs and Communications (MIC) had held the "Study Group on Countermeasures against Illegal/Harmful Information on the Internet" since August 2005, and wrapped up its final report in August 2006. In response to this report: a) a related industry group formulated a guideline and the model contract conditions in cooperation with MIC in November 2006, and b) MIC has been striving to promote public awareness of these guidelines and conditions, as well as supporting voluntary countermeasures based on them.



For the purpose of studying comprehensive countermeasures against illegal/harmful information, the "Study Group II on Countermeasures against Illegal/Harmful Information on the Internet" has been working since November 2007. This study group has principally been discussing the "*Japan Safer Internet Program*", which will be a comprehensive policy package of countermeasures against illegal/harmful information, and aims at formulating this program by the end of 2008.

●Operation of the Internet Hotline Center

Since June 2006, the Internet Hotline Center (IHC), which is funded by the National Police Agency, has received reports from Internet users regarding illegal or harmful content on the Internet, and has taken measures such as notification of illegal contents to the Police and requests of deletion to Internet service providers or administrators of websites.

IHC received 1,609 reports regarding child pornography in 2007. As for the content hosted in Japan, IHC notified 939 cases to the police, and for 526 cases requested the deletion of the contents to service providers and others in 2007.

As for the contents hosted overseas, IHC notified 335 cases from March to December in 2007 to Hotlines of member countries of The International Association of Internet Hotline Providers (INHOPE).

●Awareness raising activities against Online Dating Site

The National Police Agency distributed, through prefectural police, leaflets to junior high schools nationwide regarding the dangers of using online dating sites which have a tendency to become a breeding ground for child prostitution, and regarding the contents of the Online Dating Site Regulation Law enacted in September 2003. It also distributed to prefectural police headquarters promotional and educational videos to urge people not to use online dating sites. The National Policy Agency also offered lectures to junior high school and high school students on how to avoid becoming crime victims, organized awareness-raising activities to prevent people from suffering from offences, and delivered lectures targeting parents/legal guardians, teachers, and other school personnel on the prevention of damage caused by high-tech crimes.

●Awareness raising activities for Japanese tourists overseas

As an awareness raising activity for Japanese tourists going overseas, the Ministry of Foreign Affairs produced Booklets regarding overseas safety measures for Japanese tourists, emphasizing that child prostitution even committed outside Japan shall be subject to punishment as an extraterritorial crime. 350,000 copies of the booklet have been distributed to Passport Centres and travel agencies etc. with a view to promoting the prevention of child prostitution committed by Japanese tourists overseas.

●Protection of children from sexual exploitation through education

Within the school education here, we intend to grasp correctly the risks in regard to the sex-related health problems of schoolchildren in accordance with their stage of development and give guidance concerning sex so that appropriate behaviour is taken. We, furthermore, aim to raise consciousness about morals and respect for human rights through the whole school education activities and to substantiate education that views each and every person as important. In addition, we are making moves to disseminate and promote information education such as instruction in information morals to enable



schoolchildren to deal appropriately with the information society.

● **Recidivism prevention programs for sex offenders**

The research group on sex offender treatment programs was jointly launched by the Correction Bureau and the Rehabilitation Bureau of the Ministry of Justice in April 2005. A treatment program based on the ideas of cognitive-behavioral therapy has been drawn up in cooperation with outside experts.

After enforcement of “the Act on Penal Institutions and the Treatment of Sentenced Inmates” in May 2006, sex offenders have been placed under the necessary programs in accordance with their risk-level of recidivism at designated correctional institutions.

Probation officers implement the sex offender treatment program based on the cognitive behavioural therapy toward parolee or persons with suspended sentence under probation in order to prevent them from recidivism.

4. Measures adopted to protect and assist victims and ensure recovery and reintegration

● **Special consideration for the child victims during criminal proceedings (Information offered to the child victim)**

If the child victim or his/her relatives etc. requests notification under the Victim Notification System, the relevant institutions including public prosecutors offices, juvenile training schools and probation offices are to coordinate with one another to inform the child, his/her relatives etc. of their disposition of the case, trial date, the results of the trial and the state of the treatment of the perpetrator after the sentence, the protective measures of juvenile proceedings or the probation order. In addition, in order to prevent revictimization, the public prosecutors offices inform relevant victims on the prospect of release of the perpetrator.

(Support services during legal proceedings)

The public prosecutors offices, if requested by victims including children and their relatives under the Victim Notification System, offer them information on such areas as the disposition of the case, factual summary of the charged, trial date and the results of the criminal trial.

By enactment of the Act Amending Part of the Code of Criminal Procedure with the Aim of Protection of the Rights and Interests of Crime Victims, etc. in June 2007, procedures for crime victims etc. to participate in criminal trials were introduced. Under this system, victims of certain offences such as murder, rape and forcible indecency can, under the certain condition and with permission of the court, appear at the trial and take certain procedural actions such as questioning the accused directly by themselves. There is no age limitation to this system and thus child victims can also use this system through their statutory representatives.

In addition, public prosecutors may request the counsel during the disclosure of evidence that no information to specify the victim be disclosed to the accused or other parties if there deemed to be a risk of physical or property harm to victim by the disclosure of such information. By the amendments to the Code of Criminal Procedures in



2007, the courts also can decide not to disclose information that specifies the victim, such as his/her name and address for certain crimes, inter alia, the buying or selling of human beings for indecent purposes.

These provisions give protection to victims as witnesses.

● **Child victim protection at child guidance centers**

When consultations are made upon request of the child victim, or when urgent protection of the child victim is requested, child guidance centers offer temporary protection as well as mental care such as counselling, and respond to the physical and psychological conditions of each child.

● **Rehabilitation support for child victims**

At the law-enforcement agencies, specialists in juvenile guidance officials who possess specialized knowledge in the area of child psychology and juvenile characteristics and have the necessary skills to deal with juveniles offer, mainly in the juvenile support centers established in the prefectural law-enforcement agencies, detailed counselling based on the individuality of each juvenile with the cooperation of outside specialists or private volunteers. Ongoing assistance is also offered to juveniles, who have suffered damage including offences such as child prostitution which harms the welfare of the juvenile, together with their legal guardian to encourage their full social reintegration and to allow them to quickly recover from the psychological damage suffered.

In addition, the law-enforcement agencies send, according to the age and circumstances of each child, notification to child guidance centers to inform them of children in need of protection as support for the recovery of child victims involved in child prostitution, and offer appropriate assistance to ensure their recovery and to prevent the damage from being repeated.

Moreover, with regard to the protection of juveniles from hazardous work, law-enforcement agencies take continuous action using applicable laws and regulations to protect juveniles placed in harmful surroundings such as dangerous work environments or sex-related businesses. In order to alleviate the physical and psychological suffering of the juvenile victims and to seek their quick recovery, counselling services are offered and measures to prevent repeated damage are adopted jointly with child guidance centers.

5. Multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for offences related to sexual exploitation

● **Cooperation with the G8**

In 2003, the G8 Child Protection Strategy, which aims at protecting children from sexual exploitation on the Internet, was approved at the G8 Justice and Home Affairs Ministerial Meeting. The strategy defines that the G8 countries including Japan should collect and share information, cooperate with private industries and NGOs and engage in reaching out to countries other than G8 members. To this end, National Police Agency has given consideration to the establishment of an international database on sexual exploitation of children. In September 2005, the task of establishing the database was



handed over to the ICPO, which is to manage and operate the database mainly, and Japan will continue to be involved in its establishment. Moreover, the Government of Japan attended the "23rd Conference of Experts on Crimes Against Children" hosted by ICPO in Lyon in September 2005, where it shared information with participating countries on child prostitution and child pornography through case studies and exchanged information with foreign investigation authorities to build cooperative relationships.

● **Contribution to the Bali Process**

The "Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime", co-chaired by the Governments of Indonesia and Australia was held in Bali in February 2002, in which 34 ministers (including then Senior Vice-Minister for Foreign Affairs Sugiura from Japan) from 38 countries and relevant organizations in the Asia-Pacific region and Middle East participated. As a follow-up process of the said conference (see Note on Bali Process), two Ad Hoc Expert Groups were established regarding "Regional and International Cooperation" and "Policy, Legal Frameworks, and Law Enforcement". As the coordinator of the information sharing sector, Government of Japan held conferences on the issue of smuggling of people, and organized the "Bali Process Workshop on Developing a Coordinated Inter-Agency National Action Plan to Eradicate Trafficking in Persons and Transnational Crime" in Tokyo in June 2005. Moreover, Japan participated in the "Combating Child Sex Tourism Strategy Seminar" in the Bali Process held in Bangkok, Thailand in November 2005, during which it made presentations on the efforts of Japanese police against child prostitution and child pornography and has been continuously sharing information with investigating authorities of participating countries.

Moreover, the Government of Japan has offered an annual contribution of USD 10,000 to the International Organization for Migration (IOM) since 2003 to maintain and operate the Bali Process website, which constitutes the information sharing tool of the results of the Bali Process.

(Note) Bali Process: It is a framework for regional cooperation on smuggling and trafficking in persons and other related transnational crimes with participation of 40 countries, the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Since its launch, there have been two ministerial conferences (from Japan, the Senior Vice-Minister for Foreign Affairs has participated in both) and three senior officials meetings. Japan has been actively involved since its beginning, and is particularly contributing in the sector of information sharing.

● **Seminar on Commercial Sexual Exploitation of Children in Southeast Asia and Investigator's Council**

Every year since 2002, Japan's National Policy Agency invites representatives of law-enforcement agencies, judicial institutions, and NGOs from South East Asian countries—who are working on the issue of commercial sexual exploitation of children to hold a Seminar on Commercial Sexual Exploitation of Children in Southeast Asia and an Investigator's Council (Seven times as of October 2008). In these fora, opinions are exchanged on efforts in relation to commercial sexual exploitation of children in Southeast Asia and the protection of child victims. The general public is also invited to



participate in the seminars and efforts are made toward the dissemination of relevant information.

•Support to address trafficking in persons through the Trust Fund for Human Security, etc,

Poverty and economic disparities in developing countries are part of the root causes of the problem of trafficking in persons including children. Insufficient education and job opportunities also encourage sexual exploitation and trafficking of children. The Government of Japan has been actively working on enhancing Human Security and poverty reduction in developing countries through Official Development Assistance (ODA).

The basic policy of Japan's ODA emphasizes human security of each individual. Japan contributes aid both bilaterally and also through the UN Human Security Fund to the projects combating sexual exploitation and trafficking of children. Japan has extended support for five projects, amounting to approximately 3.6 million US Dollars through the Fund. In addition, Japan assists UNICEF's activities on combating child trafficking by earmarking its contribution to UNICEF regular resources.

6. Relevant studies on sale of children, sexual exploitation and child pornography

N/A

7. Monitoring, child impact assessment, independent institutions

N/A

8. Unaddressed concerns and emerging challenges

Japan has been coping with concerns which were raised in the past concluding observation of the Government Report in relation to the issue of sexual exploitation of children as follows:

• Minimum age of sexual consent

Japan received the recommendation in the concluding observations of the Committee on the Rights of the Child in response to the Second Report that it should raise the minimum age of sexual consent (13 years old). Regarding this issue, the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children enacted in 1999 stipulates that, based upon the understanding that child prostitution infringes upon the rights of the child and causes the child to suffer psychologically and physically, the act of child prostitution involving any child who has not yet reached 18 years of age shall be punished. In accordance with the said law, the act of offering compensation to a child or making such a promise and entering into sexual intercourse with such a child may be appropriately punished, even in cases where the child is 13 years of age or older and the requirements of rape under the Penal Code are not

satisfied for lack of violence or threat.

● **Narrow definition of rape as an act committed by a male against a female in the Penal Code**

While it is true that the offences under Article 177 (rape), Article 178, paragraph 2 (quasi-rape), Article 178-2 (group rape), Article 181, paragraphs 2 and 3 (rape resulting in death or bodily injury), Article 182 (inducement to sexual intercourse) and Article 241 (rape on the occasion of robbery resulting in death) of the Penal Code can only be perpetrated against females, both males and females can commit these offences. Also, it is a reasonable distinction to limit the protection of these offences to females, considering that, from the perspective of criminology, such indecent acts are generally committed by a male against a female and that there are physical and physiological differences in composition, structure and function between the sexes which justify such distinction. Furthermore, when a male becomes a victim of sexual violence, the offender may be punished for offences that can be perpetrated against both sexes, such as those under Article 176 (forcible indecency), Article 178, paragraph 1 (quasi-forcible indecency), Article 181, paragraph 1 (forcible indecency resulting in death or bodily injury) of the Penal Code and under the Act on punishment of Activities Relating to Child Prostitution and Child Pornography.

● **Lack of access by child victims to appropriate recovery and assistance services**

There is not an exclusive phone number to call in cases of the damage caused by child prostitution, but all child guidance centers have some consultation receptionist systems ready at night and on holidays.

● **Countermeasures to "Enjo kosai", or compensated dating**

The National Police Agency has been offering awareness-raising activities, such as lectures to junior high school and high school students on how to prevent themselves from becoming crime victims, concerning the risk of using online dating sites which have a tendency to become a breeding ground for child prostitution. In addition, using the occasion of national meetings, Police departments disseminate information to police personnel regarding the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children and the Child Welfare Law in order to exercise strict control over such offences.

● **Increase of the counsellor caring psychological recovery of child victims**

In child guidance centers, an increase of the number of staff is planned about child psychological counselor carrying out counseling for a child needing mental care, not limited to a child victim of child prostitution.

● **Training aimed at law enforcement officials regarding studies and investigation of sexual offences in a child-sensitive manner**

Police officers who are engaged in controlling offences such as child prostitution which harm the welfare of youth receive education and training aimed at increasing knowledge and skills necessary for criminal investigations and the protection of the child. At the same time, juvenile officers who work in juvenile support centers established by prefectural police departments receive education on counselling techniques by university professors and experts such as counsellors.



Prosecutors are provided with various training programs in accordance with their levels of experience, during which they are offered lectures on children's and women's issues.

As regards personnel working in correctional institutions, various training programs are offered in the Training Institute for Correctional Personnel and in its branch offices (8 nationwide), where lectures on human right issues including child abuse, child prostitution and child pornography are given, to ensure that the correctional officials have substantial knowledge of the purpose of the Protocol.

As regards probation officers, learning and training opportunities on the protection and welfare of juveniles (less than 20 years old) including children (less than 18 years old) are offered. More specifically, various training programs are offered according to the years of probation officers' experience, based on curricula that include lectures and observation at child counseling centers and youth developmental psychology, as well as study of psychotherapy such as counseling.

As regards immigration officials, the education on topics concerning trafficking in persons including the case of children under 18 and human rights conventions including the Convention on the Rights of the Child is offered by visiting lecturers (such as IOM officials) through various training programs. In FY 2008, a training program for widely acquiring the knowledge of human rights was conducted and covered not only the case of trafficking in persons but also the case of domestic violence.