

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Replies to the list of issues to the consideration of the initial report of Japan

April 2010

Question 1

(a)

Number of cases of arrests (number of people arrested)

	2006	2007	2008	2009
Trafficking of children	11(13)*1	0(0)	9(8)*2	3(2)*3
Child prostitution	1613(1140)*4	1347(984)*5	1056(860)*6	1095(865)*7
Child pornography	616(350)*8	567(377)*9	676(412)*10	935(650)*11

(Unit: Cases (people))

By nationality, sex, and age

*1	Japanese	Male	7	(one in 30s, three in 40s, three in 50s)
	Indonesian	Female	3	(two in 20s, one in 30s)
	Chinese (Taiwanese)	Female	3	(one in 40s, two in 50s)

*2	Japanese	Male	3	(one in 20s, one in 30s, one in 40s)
		Female	1	(one in 10s)
	Chinese (Taiwanese)	Male	1	(one in 50s)
		Female	3	(two in 40s, one in 50s)

*3	Japanese	Male	1	(one in 40s)
		Female	1	(one in 10s)

*4	Japanese	Male	1,096	(20 in 10s, 296 in 20s, 434 in 30s, 222 in 40s, 88 in 50s, 29 in 60s, seven above 70 years old)
		Female	31	(23 in 10s, three in 20s, two in 30s, two in 40s, one in 50s)
	South Korean	Male	6	(three in 20s, three in 30s)
	Chinese	Male	1	(one in 30s)
	American	Male	1	(one in 30s)
	Filipino	Male	1	(one in 30s)
	North Korean	Male	1	(one in 30s)
		Female	1	(one in 50s)
	Brazilian	Male	1	(one in 40s)

*5	Japanese	Male	957	(26 in 10s, 241 in 20s, 357 in 30s, 227 in 40s, 72 in 50s, 26 in 60s, eight above 70 years old)
		Female	12	(eight in 10s, two in 20s, two in 30s)
	South Korean	Male	8	(two in 20s, three in 30s, one in 40s, one in 50s, one in 60s)
	Chinese	Male	1	(one in 20s)
	Filipino	Male	1	(one in 20s)
	Pakistani	Male	1	(one in 20s)
	Brazilian	Male	1	(one in 40s)
	Indian	Male	1	(one in 30s)
	Bangladeshi	Male	1	(one in 30s)
	Argentinian	Male	1	(one in 30s)

*6	Japanese	Male	836	(15 in 10s, 209 in 20s, 335 in 30s, 180 in 40s, 67 in 50s, 26 in 60s, four above 70 years old)
		Female	16	(12 in 10s, one in 30s, one in 40s, two in 50s)
	South Korean	Male	1	(one in 40s)
	Chinese	Male	1	(one in 20s)
	Pakistani	Male	1	(one in 40s)

	North Korean	Male	1	(one in 30s)
	Bangladeshi	Male	1	(one in 40s)
	British	Male	1	(one in 30s)
	Iranian	Male	1	(one in 30s)
	Nigerian	Male	1	(one in 40s)

*7 (Tentative figures)	Japanese	Male	837	(16 in 10s, 219 in 20s, 329 in 30s, 183 in 40s, 61 in 50s, 22 in 60s, seven above 70 years old)
		Female	17	(17 in 10s)
	South Korean	Male	8	(four in 30s, two in 40s, one in 50s, one above 70 years old)
	Chinese	Male	2	(one in 20s, one in 30s)
	Bangladeshi	Male	1	(one in 40s)

*8	Japanese	Male	325	(37 in 10s, 85 in 20s, 109 in 30s, 63 in 40s, 20 in 50s, 11 in 60s)
		Female	23	(12 in 10s, one in 20s, three in 30s, three in 40s, three in 50s, one above 70 years old)
	Chinese	Male	1	(one in 20s)
		Female	1	(one in 10s)

*9	Japanese	Male	357	(28 in 10s, 77 in 20s, 130 in 30s, 87 in 40s, 23 in 50s, 12 in 60s)
		Female	20	(six in 10s, four in 20s, seven in 30s, one in 40s, one in 50s, one above 70 years old)

*10	Japanese	Male	380	(59 in 10s, 87 in 20s, 130 in 30s, 73 in 40s, 24 in 50s, seven in 60s)
		Female	28	(14 in 10s, seven in 20s, four in 30s, three in 40s)
	Mongolian	Male	1	(one in 10s)

	Peruvian	Male	1	(one in 10s)
		Female	1	(one in 10s)
	Brazilian	Male	1	(one in 10s)

*11	Japanese	Male	581	(104 in 10s, 128 in 20s, 185 in 30s, 124 in 40s, 25 in 50s, 10 in 60s, five above 70 years old)
		Female	59	(31 in 10s, 12 in 20s, 13 in 30s, two in 40s, one in 50s)
	Chinese	Male	2	(one in 10s, one in 40s)
	Brazilian	Male	2	(one in 30s, one in 40s)
	Filipino	Female	1	(one in 10s)
	South Korean	Male	5	(one in 20s, three in 30s, one in 40s)

*11 is tentative figures

(b)

1. (Response to question 1. (a) and (b) regarding the number of cases prosecuted)

The total number of people prosecuted for suspicion of violation of Articles 4 to 8 of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children is shown as below.

Year surveyed	Number of people prosecuted
2006	1,538
2007	1,393
2008	1,294

(Reference) Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children

- Article 4 Child Prostitution
- Article 5 Intermediation in Child Prostitution
- Article 6 Solicitation of Child Prostitution
- Article 7 Provision of Child Pornography and Other Related Activities
- Article 8 Trafficking in Children for the Purpose of Child Prostitution

2. Between 2006 and 2009, the police protected five child victims involved in human trafficking.

Breakdown

2006 Two: Two Indonesian females, aged 15

2007 None

2008 Two: One Japanese female, aged 17 and one Chinese female, aged 17

2009 One: One Japanese female, aged 17

3. Between 2006 and 2009, the Immigration Bureau of the Ministry of Justice either provided protection or help for return home of 10 female child victims of trafficking in persons.

By nationality, there were seven Filipinos, two Indonesians, and one Bangladeshi. By age, there were four 17-year-old victims, three 16-year-old victims, and three 15-year-old victims.

Among the child victims, seven were forced to work as hostesses, one as a hostess and prostitute, one as a prostitute, and the remaining victim was sexually exploited by a broker.

The Government of Japan granted special permission to stay to all the victims, who had entered into Japan illegally. Eight of them (six Filipinos and two Indonesians) returned home in accordance with their wish, and the remaining two victims (one Filipino and one Bangladeshi) have continued to reside in Japan. No victim has been deported.

(c)

Child guidance centers, upon receiving a request for counseling, arrange interviews and counseling by child psychologists and other experts for victims of child trafficking, child prostitution, and child pornography. The centers also arrange examinations by professional medical institutions, among other assistance measures, as necessary. Children requiring immediate protection are protected temporarily, and in cases in which recovery assistance is deemed to be necessary, they are sent to child welfare facilities.

(d)

1. There was one case of arrest in 2006 of a Japanese male citizen in his 20s, who was engaged in child prostitution abroad, though it was not a case of child sex tourism.

2. Statistical data on the number of people prosecuted under the category of "crimes related to child sex tourism involving Japanese citizens" have not been collected.

Question 2

1. In April 2004, the Government of Japan established the Inter-Ministerial Liaison Committee on Measures to Combat Trafficking in Persons under the Ministerial Meeting Concerning Measures Against Crime comprised of all the ministers, with the purpose of promptly and steadily implementing measures to eradicate trafficking in persons and protect victims in close collaboration among the ministers and agencies concerned. The government as a whole has thus been promoting comprehensive measures to combat trafficking in persons. The Inter-Ministerial Liaison Committee is currently comprised of members of the Cabinet Secretariat, the Cabinet Office, the National Police Agency, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, and the Japan Coast Guard.

In light of recent developments of trafficking in persons in Japan, the ministers decided on the Action Plan 2009 for Measures to Combat Trafficking in Persons at the 14th Ministerial Meeting Concerning Measures Against Crime in December 2009, in order to address appropriately issues of concern facing measures to combat trafficking in persons and in order for the government as a whole to continue promoting the measures. The Government of Japan has been promoting measures to combat trafficking in persons in accordance with the Action Plan 2009.

2. Child pornography has grave impacts on child victims, damaging the sound growth of youths. It was with this understanding that a team to work on measures to eradicate child pornography was established. The team considers and promotes the comprehensive measures that the ministries and agencies implement in collaboration with each other to eradicate child pornography, including national campaigns. The team convened its first meeting on February 4, 2010.

Question 3

Although there is not any official organization which specializes in monitoring the implementation of the Optional Protocol, national relevant ministries have been

implementing various measures to substantively guarantee the rights of the child stipulated in the Optional Protocol, and responsibly evaluating the measures taken.

Question 4

1. Should Japanese police discover that a suspect of trafficking in persons, such as a broker, is in a foreign country, such as in a country from which children are trafficked, the Japanese police provide investigative authorities of the country with information about the suspect and request that the authorities arrest the suspect. Likewise, should the Japanese police receive information from foreign investigative authorities on trafficking in persons, they carry out an investigation and arrest the suspect.

2. Japan has extended return and reintegration assistance to the victims of trafficking in persons through the IOM (International Organization for Migration). 176 people in total have received support through this program as of March 1st 2010, including 17 children below the age of 18 years old.

Question 5

1. The National Police Agency endeavors to identify and protect child victims by providing youth counseling services at youth support centers in the police departments of each prefecture, offering counseling interviews to crime victims, among other measures.

As part of its efforts to identify and protect child victims, the National Policy Agency has been carrying out a project since October 2007, in which the agency accepts anonymous reports of child prostitution, child pornography, and other criminal cases against youth welfare whose damages are often latent, and provides persons who have made effective anonymous reports with an informant fee.

2. In addition to measures described in paragraphs 56, 58, 61, and 65 of the Report by the Government of Japan, the court shall, according to Article 316-33 of the Code of Criminal Procedure, authorize a child victim to participate trials when the request is made by the child victim or his/her legal representative and when certain conditions are met. The victim who is allowed to participate, etc. may attend the trials and ask questions of the accused. The court also may decide not to disclose in public trials

information such as the victim's name and address in the cases where child victims are involved (Article 290-2 of the Code), and limit, by exercising the right to control trial proceedings, questions deemed to be detrimental to the child's emotions (Articles 294 and 295 of the Code).

The Public Prosecutors Office notifies crime victims of information such as results of processing of cases, trial dates, trial results, and matters related to the release of sentenced inmates. As a joint effort, starting in December 2007, the Public Prosecutors Office, penal institutions, regional parole boards, and probation offices notify victims, upon request, of matters related to treatment that a perpetrator receives in prison after the completion of a criminal trial, matters related to proceedings for parole, and matters related to treatment given during a period of probation.

Should the Ministry of Justice receive from the police a request for provision of information related to a release of a sentenced inmate that the police deem to be necessary in order to take measures such as the one to prevent direct contact of a perpetrator with a crime victim from the perspective of preventing a reoccurrence of damage, and should the Ministry of Justice consider the provision of the information to be appropriate, the Ministry of Justice provides the police with the information.

Upon receiving a request from a child victim or his/her legal representative, regional parole boards hear his/her opinions in proceedings on parole examinations whether to grant parole to a perpetrator.

3. Legal measures taken by child guidance centers

(1) Child guidance centers provide children requiring immediate protection with temporary protection in accordance with the Child Welfare Law, and in cases in which recovery assistance is deemed to be necessary, the centers send the children to child welfare facilities.

(2) Other measures

Child guidance centers, upon receiving a request for counseling, arrange interviews and counseling by child psychologists and other experts for victims of child trafficking, child prostitution, and child pornography. The centers also arrange examinations by professional medical institutions, among other assistance measures, as necessary.

Question 6

1. Measures that the National Police Agency takes to combat organized crime involving child pornography include the confiscation of proceeds from the mass production and sale of DVDs and other media that feature child pornography, which is carried out in accordance with the Act on Punishment of Organized Crimes and Control of Crime Proceeds (Law No. 136 of 18 August 2007).
2. The Ministry of Justice takes severe measures against organized crime involving child prostitution and child pornography, among other acts, and ensures the forfeiture of crime proceeds.
3. At the “Third World Congress against Sexual Exploitation of Children,” in which more than 3,000 people participated, Japan, as the host country of the Yokohama congress in 2001, expressed its commitment to proactively address the issue of the sexual exploitation of children in cooperation with the international community. Based on the “Rio de Janeiro Declaration and Call for Action” which was finalized in April 2009, Japan is working to ensure common knowledge of the declaration internally in cooperation with the relevant organizations.

Question 7

1. Although these measures are not targeting children described in the question in particular, the Government of Japan, in order to protect children from such offences, has been striving to identify and protect children without a guardian or the ones whose guardians are deemed to be inappropriate to maintain custody, by promptly notifying child guidance centers of those children when they are identified in the course of various police activities such as street guidance , youth counseling, and crime investigations.
2. Experts in psychological treatment who provide child victims requiring psychological care with psychological treatment are provided in residential care institutions such as children’s homes. Small group care is also offered in the facilities, in which emphasis is placed on building personal relations in home-like atmospheres.