

# **End of mission statement of the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, on her visit to Japan**

Tokyo, 26 October 2015

Good morning and thank you for coming.

I would like to thank the Government of Japan for the invitation extended to me to undertake a visit to the country from 19 to 26 October 2015. During my eight day mission I visited Tokyo, Osaka, Kawanishi and Naha, where I held meetings with representatives of various Ministries and the Cabinet Office, members of the Diet, the judiciary, law enforcement officials, the Ombudsperson for children of Kawanishi prefecture, representatives of Information and Communication Technology Companies (ICTs), representatives of the travel business, representatives of UNICEF, child rights advocates, academic researchers, non-governmental organizations as well as youth. I also visited a one-stop crisis center, a child shelter, a child guidance centre, a foster home and a youth home.

I am grateful to the Government for the collaboration before and during the visit. To everyone who met with me, I want to express my gratitude for their hospitality and readiness to engage in an open and constructive dialogue to strengthen the combat against sexual exploitation of children in Japan. I also wish to express my gratitude to UNICEF Japan Committee for their support and assistance.

The objective of my visit was to assess the situation of sale and sexual exploitation of children, including the production, possession and sale of child abuse material, and prostitution, among others, in order to make recommendations to prevent and eradicate this scourge, and ensure that child survivors have access to comprehensive care, recovery and reintegration.

## ***Sexual exploitation of children in Japan***

During my visit I have discovered the multiple forms in which sexual exploitation of children develops and manifests itself in Japan. The existence of a vast terminology on the different commercial activities that facilitate or can lead to sexual exploitation reflects the extent of the phenomena. Apart from information and data on the well-known forms of sexual exploitation of children, I have learnt first-hand about new phenomena such as compensated dating (« enjo kosai »), a trend among schoolgirls; Joshi-kosei or JK business, which refers to various activities carried out by schoolgirls such as « JK osanpo » or high-school girl walking date; child erotica (« chakuero »), which refers to photos and other material depicting elementary school girls (ages 7-12) in sexually provocative poses; and « junior idols ». These profitable activities occur in a wide variety of establishments and/or through various means, in most cases facilitated by new technologies. In many cases, these activities are preparatory stages for potential forms of sexual exploitation, such as prostitution and the involvement in the production of child abuse material. They constitute an enormous business, and appear to be socially accepted and tolerated.

According to official statistics, prostitution of children has decreased, though exploitative forms related to child abuse material have increased. While authorities have not been able to explain the decrease in prostitution of children, the increase of the dissemination, selling and buying of child abuse material is mainly due to new technologies, which facilitate the phenomena and render difficult the identification of the offender. Since the adoption of the amendment to the Act on Punishing Acts Related to Child Prostitution and Child Pornography last year, the situation in stores has improved considerably. However, child abuse material continues to be easily accessible online.

## ***Positive steps adopted by Japan***

I welcome the amendment to the Act on Punishing Acts Related to Child Prostitution and Child Pornography last year. This amendment brings national legislation closer to international human rights norms and standards, and as mentioned, it has already shown positive effects.

During the numerous meetings that I held with a variety of stakeholders, I have taken note of many good practices that contribute to combating sexual exploitation of children. In particular, I would like to highlight the work of the Tokyo metropolitan police, Aichi prefectural police and the National Police Agency in combating online child abuse material. They have shown that, through the allocation of necessary resources and expertise, to conduct cyber patrols among others, the availability of online child abuse material can be curbed. The police is also involved in awareness raising activities targeted at children on the safe use of the internet. Some child-sensitive measures adopted in the course of judicial proceedings involving child victims or witnesses were also brought to my attention, for instance, the use of forensic interviews to reduce the time of questioning of the child victim in court hearings.

Even though criminalisation, law enforcement and prosecution of offences of sexual exploitation of children are important elements in combating the phenomena, we should not forget the child survivors.

States have an obligation to ensure the right to care, recovery and reintegration of child survivors. In this respect, I would like to acknowledge the important support and assistance (e.g. protection and safety, medical, psycho-social and legal assistance) provided by the different types of centers in charge of the care and recovery of children, such as the one-stop crisis centers, child shelters, child guidance centers, foster homes and homes for youth.

I would also like to stress the important cooperation between the public and the private sector in combating sexual exploitation of children online. Thanks to the cooperation between the Government, Police and many ICT companies, various tools exist to detect, block or remove online child abuse material. In this regard, I would like to stress the important role played by Internet Content Safety Association, Safer Internet Association and the Internet Hotline Center.

### ***Gaps and challenges***

However, during my visit I have taken note of a number of gaps that Japan must address in order to effectively eradicate and prevent the sexual exploitation of children.

Investigations and prosecutions are hardly ever initiated without a complaint lodged by the child victim. Bearing in mind that the offenders are often known to the child victim, it is a big burden for the latter to be expected to file a complaint. The police should take a proactive role in this regard to overcome challenges, such as the difficulties in identifying child victims of sexual abuse material.

Moreover, the few cases that are prosecuted often end up with convictions that are suspended or entail low penalties (e.g. fines). These penalties are not commensurate to the grave nature of the offences, and send a signal of social and institutional tolerance for these crimes, while victims are stigmatised and blamed. Lack of knowledge by the perpetrator of the victim's age is accepted as an exonerating circumstance.

In relation to care and recovery, despite their important role in assisting child victims of all types and situations, child guidance centers are not adequately prepared to provide assistance to this specific category of child victims. Created after World War II to assist orphans, they do not have specialised staff, do not provide specifically adapted services, are not present at municipal level, and cannot be accessed by victims 24/7.

### ***Preliminary recommendations***

Child survivors of sexual exploitation are victims, not criminals, and should be treated and respected as right holders. They are entitled to effective remedy and redress, including

access to justice and right to care, recovery and reintegration.

Japan must seriously combat impunity for the crimes of sexual exploitation of children, through effective implementation of legislation by investigators, prosecutors and judges; proactive investigations, child-sensitive judicial proceedings to avoid retraumatisation, imposition of penalties which are commensurate to the grave nature of the offences.

In order to combat effectively this scourge, Japan must urgently adopt a comprehensive strategy against sexual exploitation of children, with the designation of an entity in charge of its design, coordination and follow up, and ensure complementarity with other existing policies adopted on trafficking, poverty and child welfare. Such a comprehensive strategy should include, among others, the following measures :

- child-friendly reporting, complaint and referral mechanisms for child victims of sexual abuse and exploitation;
- increase the number of one-stop and crisis centers; select and train specialised personnel, and provide specific services for child victims of sexual exploitation in child guidance centers; create alternatives to placement in institutions through e.g. increased support to foster homes and youth homes;
- incorporate a child rights perspective, ensuring effective consultation of children in all matters affecting them;
- adopt a gender perspective in the provision of care and recovery for girls, boys and children who identify as LGBT; provide necessary support to children with disabilities, and young mothers with children;
- awareness raising and training on the rights of the child and on victim identification for all professionals who deal with child victims, including investigators, prosecutors, judges and social workers;
- awareness raising and education of children and youth on forms and effects of child sexual exploitation;
- encourage further public-private partnerships, with the involvement of NGOs and children, to combat sexual exploitation facilitated by new technologies;
- as part of preventive efforts, address the demand factor, as well as the role of the media and advertising ;
- allocate the necessary resources to the above measures and ensure their sustainability in the long term.

Lastly, I would like to stress the importance of a comprehensive legislative framework to combat impunity for these offences. Despite the positive step represented by the amendment of the law last year to criminalise the possession of child abuse material, there are still numerous loopholes in the national legal system that have a negative impact on the child protection system. Therefore, I call on the stakeholders concerned, in particular the government and the legislature, to adopt or amend legislation in order to:

- increase the age of consent for marriage of girls as well as the age of sexual consent for girls;
- criminalise viewing and accessing child abuse material online;
- ban commercial activities which exploit the sexual commodification of children, in particular girls, and facilitate or are likely to lead to their sexual exploitation, such as the JK business and child erotica;
- and ban manga of extreme child pornographic content.

I also encourage Japan to ratify the Palermo Convention against Transnational Organised

Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, as well as the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. In addition, I urge Japan to adopt the Human Rights Protection Bill and the creation of an Ombudsperson for children at the national level.

Lastly, I would like to encourage the Government of Japan to conduct comprehensive research on the root causes, push and pull factors, scope and impact of various forms of sexual exploitation of children and the sexual commodification of children, in order to inform effective policy-making and public debate on certain topics, including the issue of manga and anime.

Poverty, gender inequality, social tolerance and impunity are indeed among the root causes of the proliferation of sexual exploitation of children, and Japan should tackle them with immediate effect if it wants to make real progress towards the eradication of sexual exploitation of children.

#### ***Concluding remarks***

Japan must build on the momentum created by the reform of the Act on Punishing Acts Related to Child Prostitution and Child Pornography last year to step up efforts to combat sexual exploitation of children and gender inequality. This legislative reform is only a first step towards the eradication of child sexual exploitation, and will be ineffective unless accompanied by other measures.

Japan has already shown its commitment to combating this scourge in the past by hosting the second World Congress against Sexual Exploitation of Children in Yokohama in 2001. Looking ahead, the upcoming Olympic Games in Japan in 2020 presents a good opportunity for the country to show that it really cares about its children and youth, through effective eradication of child sexual exploitation.

As mentioned by many of my interlocutors, "Abusers and offenders can walk under the sun while victims have to live in the shadow". It is up to the Japanese authorities to ensure that children, including girls, have their place in society.

I will present a comprehensive report on this visit to the UN Human Rights Council in Geneva in March 2016.

I thank you for your kind attention and will be pleased to answer any questions you may have.

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