



# Global Monitoring

status of action against commercial sexual exploitation of children

## JAPAN



2<sup>nd</sup> EDITION

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# GLOSSARY OF TERMS AND ACRONYMS

- **APEC:** Asia-Pacific Economic Cooperation
- **CSEC:** Commercial Sexual Exploitation of Children
- **CST:** Child Sex Tourism
- **Code of Conduct :** Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism
- **Deai-Kei :** Match-making websites
- **ECOSOC:** United Nations Economic and Social Council
- **ECPAT:** End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **Enjo Kosai :** Compensated dating
- **Fuzoku:** Sex market venues
- **G8:** Group of Eight, is a forum, created by France in 1975 for the governments of six major countries: France, Germany, Italy, Japan, the United Kingdom, and the United States to begin with. The Group added Canada and Russia 1976 and 1997 respectively , thus becoming the G8.
- **ICSE:** International Child Sexual Exploitation Database
- **ICPO:** International Criminal Police Organisation
- **IAJ :** Internet Association Japan
- **IWF:** Internet Watch Foundation
- **ISP:** Internet Service Provider
- **JWAT:** Juvenile and Woman Aegis Team
- **Manga:** Comics and print cartoons that portray very detailed images of sexual such as child rape
- **NPA:** National Police Agency
- **NPO :** Non Profit Organisation
- **OECD:** Organisation for Economic Co-operation and Development
- **Terekura:** Telephone dating club

# FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake  
Executive Director, ECPAT International

# METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2<sup>nd</sup> Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2<sup>nd</sup> Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2<sup>nd</sup> Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



# JAPAN

## INTRODUCTION

The Japanese Government is a constitutional monarchy with an elected parliamentary form of government. With an estimated population of 127 million, Japan is the third largest economy in the world<sup>1</sup> and ranks 11 out of 169 countries in terms of human development index<sup>2</sup>. Japan's rapid economic development is backed by a welfare state system with various governmental schemes benefiting children, such as, subsidised universal healthcare; availability of financial support for single mothers or low-income families with children; and compulsory free education for all children in primary and secondary school<sup>3</sup>. Japan is a world leader in technology and ranks third in terms of number of internet users<sup>4</sup>.

While the welfare state system has ensured high living standards, there has been deterioration in the parent-child relationship resulting in a gradual breakdown of traditional family structures. In addition, children are growing up in a highly consumer driven economy, a stressful and rigorous educational and work environment and sometimes with little or no parental support. This in effect has taken a toll on children and they are sometimes involved in school violence, truancy, bullying, deteriorating morals<sup>5</sup> and/or suffer other emotional and psychological issues<sup>6</sup>.

Reports indicate that there has been an alarming growth in serious criminal incidents of murder and group suicide linked with the growing number of young people using

web-capable mobile phones with unrestricted access to the internet. Hundreds of children are victimised, every year, after using a dating or social network website through their phones<sup>7</sup>. With almost 78 percent of the population of adults and children (sometimes as young as 6 years of age) accessing the internet,<sup>8</sup> the unrestricted internet is fast becoming an easy means to get private access to children for sexual purposes<sup>9</sup>.

Japan is notorious for producing explicit 'manga' comics and print cartoons that portray very detailed images of sexual abuses such as child rape. Possession and distribution of 'manga' is perfectly legal in Japan. Japan produces other pornographic items like books, films, videotapes with explicit sexual encounters, for adults and it is not uncommon in Japan to find vending machines that sell unusual fetish items or sex markets, which range from a cubicle to a department store, that have provocative pictures of girls displayed to entice customers<sup>10</sup>. Prostitution of women and sexual objectification of children in Japan has assumed a commercial face with linkages to various forms of entertainment and attractions. Consequently, Japan's commercial sex market continues to flourish quite openly with '*fuzoku*' or sex market venues linked with other commercial activities such as in big malls or theatres or as independent businesses in the form of 'soaplands', pink salons, telephone clubs, date clubs and health clubs, where children are also recruited.<sup>11</sup> The practice of *enjo kosai* or compensated dating

is still continuing among school girls<sup>12</sup>.

While girls constitute a large portion of target population for commercial sexual exploitation in Japan, there is evidence that local Japanese men or foreigners in the western part of Shinjuku district and in various clubs located in the Taito-ku and Ikebukuro districts of Tokyo recruit boys for gay clubs where they are sexually exploited<sup>13</sup>.

The social acceptance of prostitution in Japan<sup>14</sup> as a legitimate source of extramarital sex, and the tolerance for the promiscuous male sexuality in Japanese corporate culture, continues to fuel local demand<sup>15</sup>. The clientele range from rich educated Japanese and foreign businessmen entertaining clients to white-collar workers in corporations and college students<sup>16</sup>. Japanese men continue to be a source of demand for child sex tourism in Southeast Asian countries like Philippines, Cambodia and Thailand<sup>17</sup>. This adds to the problem of commercial sexual exploitation of children in the sub-region.

Unfortunately, the combination of disposable income and a strong sexualised culture has contributed to several manifestations of commercial sexual exploitation of children (CSEC), particularly in relation to the exploitation of children through prostitution and child pornography. After adopting the 1996 *Stockholm Declaration and Agenda for Action* at the First World Congress against the Commercial Sexual Exploitation of Children and hosting the Second World Congress in Yokohama in 2001, Japan reaffirmed its commitments in 2008 at the World Congress III against the Sexual Exploitation of Children and Adolescents in Brazil. The Third World Congress renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents. More than 3000 people took part in the three-day gathering, including representatives from government, the private sector and civil society, as well as 300 children and adolescents from around the world.

## Child prostitution

Due to Japan's economic prosperity, child prostitution does not generally involve victims that are forced to prostitute by third parties or for survival. Instead, the form of child prostitution that appears to be prevalent in Japan involves children from relatively comfortable economic circumstances who engage in sexual activity in order to get cash due to the pressure of consumerism, or because they desire independence from their parents and/or wish to express a rejection of their parents' values<sup>18</sup>. This culture of consumerism is a key push factor for children to seek new and easy ways to access funds necessary to purchase expensive items such as designer clothes or electronics<sup>19</sup>.

The classic example of this is *enjo kosai*,

a practice thought to originate in Japan whereby older men offer money or luxury gifts to young women they find attractive in return for companionship, which may include sexual favours<sup>20</sup>. *Enjo kosai* does not necessarily involve sexual acts with children under 18, but it is reported that all too often it does<sup>21</sup>. It has been reported that girls as young as 12 may be involved and that dates often lead to some form of sexual contact<sup>22</sup>. Statistics on the number of children involved in *enjo kosai* are hard to find. However, some estimates have put the number of school-aged girls practicing *enjo kosai* at about 13%<sup>23</sup>. A Tokyo survey by Friday magazine reportedly found that 75% of schoolgirls claimed that older men seeking an *enjo kosai* relationship had solicited them<sup>24</sup>.

A third party does generally not arrange *enjo kosai* relationships; instead there are several message boards and dating sites available on the internet that facilitate the process<sup>25</sup>. There does not appear to be any recent research on the motivations of children victimised by *enjo kosai*. However, interviews featured in media articles on the topic suggest that young people are motivated by a desire for money, for attention and out of curiosity<sup>26</sup>. In order to identify the factors that push them into sexually exploitative situations, these potential motivations must be recognised and analysed.

Related to *enjo kosai* are *terekura* (telephone clubs) or *deai-kei* (match-making websites) providing services ranging from telephone sex to having actual sexual contact. According to a government survey a quarter of school going children are involved in this phenomenon. Advertisements intended for buyers are apparently distributed openly and found in nondescript items like tissue boxes,

flyers, coupons, books, sports newspapers sold in public transport system, and in magazines sold in convenience stores<sup>27</sup>.

Another setting in which child prostitution occurs is in dating-service cafes. In these cafes, men are able to choose from among the female clientele and try to secure dates with them. It is reported that the system has led to many instances of prostitution involving minors. According to the National Police Agency, the first cases of child prostitution and sexual abuse involving dating-service cafes surfaced in 2007, when 26 such incidents were reported; 22 were reported in 2008<sup>28</sup>.

While there are many local women and children drawn into prostitution, Japan has a long history of trafficking in women and children for prostitution from neighbouring countries by use of force, fraud and coercion<sup>29</sup>.

## Child trafficking

Despite minimal research on child trafficking to or within Japan, recorded cases by the Japanese Government and news reports show that child sex trafficking constitutes a significant area of concern for the country. Japan is considered to be a 'destination' country for human trafficking<sup>30</sup>. Women and child victims of trafficking primarily come from countries in East and Southeast Asia (especially China, Philippines, Vietnam and Indonesia); South America; Eastern Europe and Russia<sup>31</sup>. Girls often enter the country with false passports showing that they are over 18 and believe they have secured jobs in modelling, catering or the entertainment

business (entertainment visas are often used to gain entry). In some cases, girls enter the country as 'mail-order brides' using spouse visas.

Japanese women and children are also targeted by traffickers for forced prostitution and pornography production<sup>32</sup>.

Trafficking in children for sexual purposes to and within in Japan is frequently managed by organised criminal networks, such as the Japanese '*Yakuza*'. These criminal networks operate at both ends of the trafficking process, in sending countries and in Japan<sup>33</sup>.

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**<sup>34</sup>.

In the 2010 report, Japan was placed in **Tier 2**<sup>35</sup>.

## Child pornography/Child abuse images

Japan is considered to be a major global source of child pornography. Although producing and distributing such material is illegal, possession is not criminalised. Online child pornography incidences have gone up significantly in recent years. Newly released national police data for 2009 indicated a rise in the number of child abuse materials in the form of still images and videos. The National

Police Agency reported that law enforcers took action in 935 child pornography cases in 2009<sup>36</sup>.

The new Japanese Government, which assumed office in 2009, has created a working group comprised of police, education, justice and other senior officials, to tighten measures against child pornography.

### “Rapelay”

A Japanese company called Illusion has created an extremely violent 3D game which is about the rape and torture of two young sisters and their mother by a *chikan* (‘perverted man’)<sup>37</sup>. Due to the weaknesses of Japanese legal framework with regard to child abuse materials, this game, although it features extremely violent child abuse images, is not prohibited.

Due to the extreme sexual violence featured in the game, it has been banned in the US, and Amazon stopped selling it online in the UK after a round of protests<sup>38</sup>. The publisher has defended its position, stating that the game was only meant for use and distribution in Japan and is perfectly legitimate under Japanese law. One concern is that, although the game was intended only for Japan, the Internet makes it readily available to the global community through popular peer-to-peer (P2P) file sharing networks and other online distribution channels.

### Mothers sold naked photographs of their young daughters to child sex offenders

Twelve people, including several mothers, have been arrested since June 2009 on suspicion that they distributed photographs of their young daughters, or let them meet with men despite knowing the girls were likely to be sexually abused. The incidents involved people in Tokyo and seven other prefectures, including Osaka, Miyagi and Kanagawa.

One young mother is alleged to have taken and sold nude photos of her then one-year-old daughter. The woman said she wanted to make money so that she could move into a new house where she could live with her husband. After learning that photos of children fetched high prices, the mother took about 80 digital photos and videos featuring her naked child, for which she was paid a total of about 150,000 yen. As the investigation progressed, police discovered there were other mothers who had sold their daughters' photos via matchmaking sites and sites that auction women's used underwear. They also tracked down men who bought child pornography.

According to the indictments, one of arrested men not only bought photos, but also solicited some of the mothers to deliver their daughters to his home, as well as hotels. The mothers allegedly let their daughters meet the man, knowing that their daughters would be sexually abused, and received 20,000 to 50,000 yen each time. The five victims ranged in age from one to 12<sup>39</sup>.

Sexually explicit comics are said to account for a sizeable portion of Japan's lucrative *manga* market<sup>40</sup>. Many of these comics feature schoolgirls or childlike adults being raped or engaging in sadomasochism<sup>41</sup>. Similarly, there have been reports of animated films and video games depicting sexual violence against schoolgirls or containing explicit sexual content being sold on the Internet and in stores<sup>42</sup>.

Additionally, there has been controversy in Japan surrounding the popularity of "junior idols", a term used to refer to children in their early teens or younger that pursue careers as models<sup>43</sup>. Images of junior idols appear in magazines, photo books and image DVDs. According to TV reports published

on the blog-based information service, Japan Probe, many junior idol magazines available in mainstream bookstores contain photos of elementary school girls (aged six to 12) in sexually provocative poses<sup>44</sup>.

In terms of online child pornography, in November 2006, the Internet Watch Foundation, based in the UK, had placed Japan third on a list of hosts of child abuse websites<sup>45</sup>. Based on reports of abuse by web users, nearly 16,250 websites (11.7%) could be traced to Japan<sup>46</sup>. More recently, in November 2009, the Canadian Centre for Child Protection placed Japan fourth among the top five countries hosting websites with child abuse images<sup>47</sup>.

## Child sex tourism

Japanese men are a source of demand for child sex tourism. It is reported that Japanese men travel to other Asian countries, particularly the Philippines, Cambodia and Thailand, to engage in sex with children<sup>48</sup>. Research conducted on child sex tourism in Cambodia in 2006, found that there are sexual services that are available exclusively to Japanese tourists<sup>49</sup>. The significant presence of Japanese travelling sex offenders in Cambodia has been confirmed by another report, published in 2007, which

reported that of 45 perpetrators and alleged perpetrators identified as having been arrested in Cambodia between the years of 1999 and 2006, six were of Japanese nationality<sup>50</sup>. In a regional review report published by Child Wise Australia, *Travelling Child-Sex Offenders in South East Asia*, among the 97 arrests made during the period 2007/2008 of alleged travelling sex offenders in the South East Asia region, two were Japanese nationals caught in Cambodia and Philippines<sup>51</sup>.

## NATIONAL PLAN OF ACTION

It appears that Japan has several national plans in place that contribute to combating CSEC. However, there is concern that the existing plans may be outdated and insufficiently comprehensive.

Although CSEC is an alarming phenomenon that Japan re-committed to addressing during the World Congress III against Sexual Exploitation of Children and Adolescents, (held in Rio de Janeiro in November 2008), Japan's *National Plan of Action Against the Commercial Sexual Exploitation of Children*, adopted in 2001, does not appear to have been updated in recent years.

However, the *National Plan of Action to Prevent and Eradicate Human Trafficking*, adopted in 2004, was renewed in late December 2009 by the Japanese Prime Minister, Yukio Hatoyama, and cabinet, to support increased efforts to combat trafficking in human beings in the country based on an integrated and comprehensive approach. With this updated strategy, Japan's Government will undertake a number of additional anti-trafficking measures, including strengthening immigration controls, cracking down on unscrupulous employers and brokers and providing more thorough protection to victims by offering counselling and medical services. In light of the close link between child trafficking and the production of child abuse images, the renewed anti-trafficking policy also envisages the creation of a working team to tackle child pornography<sup>52</sup>. The team, which was created by a cabinet panel on crime, held its first meeting in February 2010<sup>53</sup>.

Under the new Action Plan to Combat Trafficking in Persons, the government of Japan has declared 'zero tolerance policy' against perpetrators of child prostitution

and child pornography. The government has assured strict application of the law and to proactively assist foreign governments in investigation and to cooperate with the International Criminal Police Organisation (ICPO) in cases where Japanese nationals are indicted in cases of child prostitution or other forms of exploitation<sup>54</sup>. Among other things, the new plan suggests various efforts to raise awareness of the demand side of sexual exploitation: by publicising that victims of trafficking are sexual exploited through prostitution and/or child sex tourism is illegal, by posting posters at and distributing leaflets to travel agencies, passport centers, and related organizations in Japan<sup>55</sup>. However, the new plan is silent on resource allocation for the implementation of each activity<sup>56</sup>. The Committee on the Rights of the Child mentioned that there is lack of information on the relationship between the two Action Plans and their impact<sup>57</sup>. The Committee has recommended to Japan to review the Action Plans with a view to harmonise implementation in consultation with relevant stakeholders including children and civil society to include specific time-bound measurable goals and ensure allocation of adequate human and financial resources for implementation<sup>58</sup>.

As a follow up to the *First National Youth Development Policy*, which was formulated in December 2003 by the Headquarters for Youth Development in order to set basic principles for medium and long-term measures in relation to the development of youth, a new *National Youth Development Policy* was adopted in 2008. A number of actions foreseen under this updated plan address child pornography and child prostitution, including measures to raise awareness in schools that target youth, parents and society as a whole; appropriate treatment of child victims; and appeals to

internet-related business organisations, movie-related organisations and others so that no harm is done to the welfare of youth<sup>59</sup>. During a review of the policy in mid 2010, the youth representatives were invited to give their comments and ideas<sup>60</sup>.

Also relevant is the *Basic Plan for Gender Equality*, adopted in 1999 and updated in 2005. The 2005<sup>61</sup> version reportedly refers to the *Convention on the Rights of the Child (CRC)* and, from the perspective of eliminating all forms of violence against women, stipulates that the Government will take measures against child abuse and child prostitution, which girls are often most vulnerable to<sup>62</sup>. After a long delay due to lack

of government interest, in December 2010, the Cabinet approved the third *Basic Plan for Gender Equality* that lists broad priorities for improving conditions of women and children, such as, to make efforts to dispel stereotype roles depicted in the media that treat women and children solely as sexual objects of sex and violence and to develop strategies to effectively prevent the harm caused by sexual violence against children<sup>63</sup>. Gender roles and gender segregation play an important part in the manifestation of child prostitution of boys and girls<sup>64</sup>.

The *Basic Plan for Gender Equality* is now in the process of evaluation and updating (to be completed by mid 2011)<sup>65</sup>.

## COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the *Stockholm Declaration and Agenda for Action*, close interaction and

cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

### Local and national levels

The Cabinet Office, acting through the Headquarters for Youth Development, is charged with coordinating policies on children and youth; but collaboration fostered through this body does not appear to be focused on the implementation of the OPSC<sup>66</sup>. It is reported that the Cabinet Office organises conferences with departments for promoting youth policy at the prefecture and municipal levels and promotes the exchange of information between national and local governments<sup>67</sup>.

A good example of cooperation and coordination at the national level is in

relation to the protection of children from harmful information, such as that related to sex and violence. In 2004 the Japanese Government formulated *Guidelines for the Improvement of Environment Surrounding Youth*. Implementation and follow-up of the guidelines is said to be undertaken every year by government agencies, in collaboration with local authorities and industry organisations. Results of the follow-up work are shared among concerned stakeholders to ensure the exchange of information and further enhancement of efforts<sup>68</sup>. A portal site on sharing information by public and private sectors counter-measures against

illegal/harmful information has been set up by the Ministry of Internal Affairs and Communications (Ministry) to discuss issues of telecommunication, problems and exchanging views and to eventually summarize the efforts by ministries, agencies and related bodies in a report<sup>69</sup>. In addition, the Ministry established a Consultation Centre for providers to strengthen measures and provide assistance to cope with respective cases concerning illegal/harmful information on the Internet<sup>70</sup>.

In addition, to address the problem of websites offering harmful content, such as online dating sites, law enforcement agencies reportedly cooperate with private organisations to prevent juveniles from accessing such websites<sup>71</sup>.

In 2009 the Council for Prevention of On-line Child Pornography funded by National Police Agency, a *Working Group on Child Pornography* was established and coordinated by the private sector body Internet Association Japan (IAJ). Members of the working group include the local NGO, ECPAT/STOP Japan (a key player in addressing child sex abuse materials), and major Internet Service Providers (ISPs) (such as Google Japan and Yahoo Japan). The working group aims to prevent distribution and dissemination of child pornography on the Internet. Also in 2008 the Council for On-line Safety was established under Ministry of Internal Affairs and Communications. In February 2010, the working group conducted research in other European countries to examine how these countries block child pornography on the Internet. This research is funded by Japan's Ministry of Communications<sup>72</sup>.

The Committee on the Rights of the Child notes that despite a few initiatives, cooperation and collaboration between governmental agencies and civil society on the implementation of the OPSC is still very limited<sup>73</sup>. Furthermore, the Committee

expressed concern at the lack of continuous cooperation among government agencies and civil society which is crucial for development, implementation and evaluation of policies and programmes for child rights<sup>74</sup>.

In its efforts to engage the private sector in increasing the protection of children from CSEC, ECPAT/STOP Japan has worked in close collaboration with the Peace Boat, a Japanese NGO, to raise awareness on issues related to commercial sexual exploitation of children among Japanese who participated in a three-month cruise to East Asia, Africa, Latin America and the Pacific from 28 December 2009 to 9 April 2010. The Peace Boat carries out its main activities through a chartered cruise trip that travels the world on peace voyages. The Peace Boat has special consultative status with the UN Economic and Social Council (ECOSOC). Japan Grace Co., Ltd, the company that manages and administers the Peace Boat voyage, is a signatory to the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*<sup>75</sup> and a member of the code promotion committee in Japan<sup>76</sup>.

Commercial sexual exploitation of children is one of key topics of this three-month cruise programme. ECPAT/STOP Japan was invited to join the trip on its voyage to Taiwan, the Philippines and Singapore in December 2009 and January 2010 in order to share information about commercial sexual exploitation of children with the boat's passengers. ECPAT/STOP Japan also arranged for the boat to visit ECPAT Taiwan and ECPAT Philippines where the passengers learnt more about CSEC. In debriefing sessions after the visits and in their responses to questionnaires, many participants said that they felt they gained knowledge about CSEC and they wanted to join in actions against CSEC. Consequently, Japan Grace is planning to include CSEC as one of the focused topics for future cruises. As for its future programmes, the boat is planned to travel to countries in Europe

and the Middle East. A similar programme, focusing on CSEC, is being planned through the collaboration and coordination of ECPAT/STOP Japan<sup>77</sup>.

In relation to trafficking, national cooperation has been strengthened as a result of the implementation of the *National Plan of Action to Prevent and Eradicate Human Trafficking* and the 2004 creation of an Inter-Ministerial Liaison Committee for Trafficking<sup>78</sup>. Another area where cooperation is said to require improvement is assistance to trafficking victims. It is reported that the Ministry of Health, Labour and Welfare has published a manual for assisting trafficking victims in women's consulting centres that directs the centres to "coordinate with police and other agencies"<sup>79</sup>. However, there are no clear procedures for assisting victims in filing criminal or civil complaints against their alleged traffickers<sup>80</sup>. The guidelines only apply if a victim wishes to prosecute, but do not give any instructions for encouraging victims to do so<sup>81</sup>.

While the Committee on the Rights of the Child expressed concern in 2004 that not enough work was being devoted to collecting data on all aspects of the *CRC*,<sup>82</sup> some efforts

have been made to enhance data collection on the different manifestations of CSEC. In 2008 a database of trafficking cases was reportedly created by the Immigration Bureau<sup>83</sup>. The Immigration Bureau continues to publish data on the number of victims of trafficking<sup>84</sup>. However lack of cooperation among various bureaucracies handling trafficking cases continue to be a problem to furnish clear statistics on investigation, prosecution and sentencing<sup>85</sup>. Furthermore, it is unclear if data gathered by this agency is disaggregated by age, gender and type of exploitation so that specific information can be extrapolated on child trafficking for sexual exploitation or other manifestations of CSEC related to trafficking.

In addition, the National Police Agency collects and publishes on its website statistical data related to child prostitution and child abuse images<sup>86</sup>. It provides numbers for child pornography victims identified and for instances involving the use of the Internet<sup>87</sup>. Additionally, since 2002 the National Police Agency has had the Child Pornography Automatic Searching System in place, a central database of images used to assist the investigation of cases of child pornography<sup>88</sup>.

## Regional and international levels

Effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

The National Police has been making efforts to arrest Japanese sex tourists, however, they face difficulties in collecting evidence, and identification and accessing the victims abroad. Cooperation with the police in the victims' country can also be a challenge. Just recently ECPAT/STOP Japan helped

Tokyo Metropolitan Police to have contact with the respective section's personnel in the Philippines through the ECPAT-network for their investigation of a child prostitution case<sup>89</sup>.

A good example of international cooperation is the annual seminar on Commercial Sexual Exploitation of Children in Southeast Asia, organised by Japan's National Police Agency. This is an annual event, held since 2002, where representatives from law enforcement agencies, judicial institutions and NGOs

from South East Asian countries that work on CSEC are invited to exchange information on the status of efforts to protect children from commercial sexual exploitation<sup>90</sup>.

Several other initiatives to enhance regional and international cooperation have addressed the issue of human trafficking, including child trafficking for sexual purposes. In addition to dispatching its government delegation to other countries (mainly to countries of origin) to discuss prevention of trafficking with other governments and stakeholders, Japan has established a “contact point” between the National Police Agency and foreign embassies, international organisations, and NGOs that deal with human trafficking. As a result, information about specific trafficking cases can be exchanged whenever the need arises. Moreover, the Government hosts a contact point meeting annually for all involved parties to meet and exchange information and views on human trafficking<sup>91</sup>.

In terms of bilateral cooperation, in May 2006 Japan reached an agreement with Thailand to establish the Japan-Thailand Joint Task Force on Counter Trafficking. The task force, which has already met a number of times, aims to strengthen cooperation between the two countries on prevention, law enforcement and protection of victims<sup>92</sup>.

Japan has also participated in a number of international events aimed at fostering collaborative approaches to combating human trafficking and child pornography. As an active contributor to the “Bali Process”, Japan took part in the Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali from 14 to 15 April 2009. Although not focused on child trafficking specifically, the conference resulted in a re-commitment by participating states to refine regional strategies to address new challenges connected to the issue of human trafficking,

such as the current global economic crisis<sup>93</sup>.

With a view toward exchanging information and expertise with law enforcement agencies of other countries on combating child abuse images and child prostitution, Japan attended the 25<sup>th</sup> and 26<sup>th</sup> meetings of Interpol’s Specialist Group on Crimes against Children, which took place in Lyon (June 2007)<sup>94</sup> and Australia (June 2008)<sup>95</sup>, respectively.

As part of its participation in the Group of Eight (G8), Japan is providing funds for the new, improved International Child Sexual Exploitation (ICSE) Database (launched by Interpol in March 2009)<sup>96</sup> and has agreed (through a joint declaration issued during the G8 meeting in Berlin on 24 May 2007) to re-double its efforts to combat online child abuse; especially by tackling the production, possession and distribution of images of child abuse and encouraging cooperation both within and outside of the G8<sup>97</sup>.

Japan has also been active in the framework of the Asia-Pacific Economic Cooperation (APEC) forum and the Organisation for Economic Co-operation and Development (OECD) work. In addition to participating in the Seoul Ministerial Meeting on the Future of the Internet Economy in June 2008 (which ended with a declaration calling on governments, law enforcers, the private sector, civil society and the internet technical community to increase national and cross-border cooperation to enhance the protection of and support for minors using the Internet), Japan attended the APEC-OECD Joint Symposium on Initiatives among Member Economies Promoting Safer Internet Environment, which was convened on 15 April 2009, in Singapore, on Japan’s initiative<sup>98</sup>. The joint symposium, which aimed to promote awareness and exchange best practices for approaches to protecting children on the Internet, was due to be followed by the publication of a study<sup>99</sup>. Recently in May 2011 the publication consumption was released for public and it

provides an overview of the risks faced by children online and of policy responses to address these risks, as well as an analysis of commonalities and differences in approaches to protecting children online and of possible modalities to increase cooperation<sup>100</sup>.

The Government of Japan continues to support international cooperative projects against child sexual exploitation, human trafficking and other CSEC-related issues (such as HIV/AIDS) through its official development assistance. Initiatives were funded bilaterally or through the UN Human Security Fund and were implemented in a number of countries, including Afghanistan, Bangladesh, Cambodia, India, Nepal,

Pakistan and Vietnam<sup>101</sup>.

In addition, Japan has entered into extradition agreements and mutual legal assistance agreements in criminal matters with various foreign governments. These agreements can be used to assist in investigating alleged CSEC offences where the offender is a national or resident of a country that has an agreement with Japan. Japan has extradition agreements in place with both the US and South Korea and has entered into mutual legal assistance agreements with several countries, including the US, South Korea, China,<sup>102</sup> Hong Kong,<sup>103</sup> Russia<sup>104</sup> and 27 countries within the European Union<sup>105</sup>.

## PREVENTION

Effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children.

In its efforts to prevent human trafficking, the Government of Japan has promoted a number of actions to raise awareness among vulnerable groups and the public at large. Activities undertaken in this framework include sharing information on combating trafficking through various media, such as TV, radio, newspapers and journals; distribution of pamphlets on the Government's anti-trafficking measures and leaflets, written in nine languages, to inform potential victims of where to ask for help;<sup>106</sup> and anti-trafficking education campaigns in rural communities<sup>107</sup>. Unfortunately, most of these sensitisation activities were geared towards adult victims of trafficking and did not address child trafficking specifically.

The 2004 *National Plan of Action to Prevent*

*and Eradicate Human Trafficking*, renewed in 2009, provides for specific awareness raising measures in schools, as well as home education to prevent prostitution<sup>108</sup>. As a result of this policy, the Government provided financial support to the National Women's Education Center of Japan to conduct field research on human trafficking for prostitution and to determine what kind of education, training and awareness raising is needed to prevent it<sup>109</sup>.

In an effort to respond to the situation of female trafficking victims being exploited through the adult entertainment industry, the *Law on Control and Improvement of Amusement and Entertainment Businesses* was amended in 2006 so that the buying and selling of persons can now result in cancellation of entertainment and amusement business licenses.<sup>110</sup> Under the same law, an order to suspend business operations may be imposed where a person engaged in the entertainment business commits a crime involving the distribution of obscene material or child pornography<sup>111</sup>.

Further measures to deter trafficking people (including children) to Japan include stricter border controls in airports in Taiwan, Korea and Bangkok; checking visas with equipment that has advanced anti-forgery mechanisms; and strengthened examination of “temporary visitor” visa applications to address fraud<sup>112</sup>.

Child prostitution had been addressed by the Government of Japan in a number of ways. In 2008 a new *National Youth Development Policy* was adopted, which emphasises encouraging operators of businesses that can potentially lead to child prostitution to institute self-imposed regulatory measures<sup>113</sup>, including by prohibiting children from accessing dating-service coffee shops (where girls under 18 are often welcomed)<sup>114</sup>.

The government is also in the process of revising and drafting the Act Regulating Adults Entertainment Business etc. which will prohibit the dating-service coffee shops to receive any child under 18yrs as customer or employee<sup>115</sup>.

Law enforcement, in Japan has been active in addressing prostitution. They have worked in cooperation with local residents to promote activities such as eliminating vending machines that sell harmful books, as well as illegal and harmful advertisements (such as leaflets stuck on public telephone booths for the purpose of soliciting prostitution). Law enforcement have also organised the distribution of leaflets in junior high schools throughout Japan regarding the dangers of using online dating sites. The leaflets raise awareness of child prostitution and draw attention to the contents of the law on online dating sites (discussed in further detail in the protection section below). The National Police Agency has distributed promotional and educational videos, urging people not to use online dating sites. It has also offered lectures on this subject to junior high school and high school students, as well as to parents, legal guardians, teachers and other school personnel<sup>116</sup>.

In addition to its awareness raising around online dating, law enforcement is reportedly working in cooperation with schools to educate children on the risks associated with encountering illegal and harmful information on the Internet. Advocacy activities targeting youth and their parents include disseminating and promoting the use of filtering systems at home<sup>117</sup>.

Japanese students are also reportedly learning about the significance and role of international law relating to human rights, including the *Convention on the Rights of the Child*<sup>118</sup>. Sex education is also being provided<sup>119</sup>. Issues covered in the sex education curriculum include safe sex and reproduction, gender equality, respect for life and respect for oneself<sup>120</sup>.

The Japanese Government has requested that relevant industries in the communications sector, such as internet service providers and mobile phone companies, fully implement self-imposed regulations to protect children from harmful information, such as that related to sex and violence<sup>121</sup>. The Internet Association Japan has reportedly set up a special filtering website and has provided filtering software free of charge<sup>122</sup>. Measures taken by mobile phone companies include obtaining parental authority when setting up a contract with a minor and providing functions that restrict Internet access<sup>123</sup>.

Even though this move primarily addresses misuse of internet bandwidth and copyright violations, it will definitely have an impact on the way child pornography related materials are distributed through the peer-to-peer systems.

The Internet Hotline Center, set up in 2006 with funds from the National Police Agency and the Ministry of Internal Affairs and Communication, continued to receive reports from internet users regarding illegal or harmful content on the Internet. Statistics elaborated by the centre show an increase in

the number of reports received from January to December 2010 (175,956), compared to January to December 2009 (130,586)<sup>124</sup>. A little over twenty-five percent of the reports of illegal information received in the first semester of 2009 involved public displays of child pornography (2332 reports involved material hosted by domestic servers, while 378 reports involved material hosted overseas)<sup>125</sup>. In regard to the domestically hosted content, the centre notified the police in 1813 cases and requested deletion of the material by service providers in 1069 cases<sup>126</sup>.

In relation to child sex tourism, the Ministry of Land, Infrastructure and Transport has issued warnings to travel agencies that the names of those that have clearly been involved in child sex tourism perpetrated by Japanese nationals would be publicly disclosed<sup>127</sup>. In order to reduce Japanese demand for child sex tourism, in 2008 the Government displayed posters on child sex tourism in airports and at harbour facilities<sup>128</sup>.

In addition, as an awareness raising activity, the Ministry of Foreign Affairs produced booklets addressing overseas safety measures for Japanese tourists, and emphasising that child prostitution, even when committed outside of Japan, is subject to punishment as an extraterritorial crime. Three-hundred-fifty-thousand copies of the booklet were distributed to passport centres and travel agencies with a view toward preventing child prostitution committed by Japanese tourists overseas<sup>129</sup>.

The Japanese tourism industry has shown increasing attention to the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*, adopted in 2005, in particular, from the Japan Association of Travel Agents, the Japan Travel Bureau and the Overseas Tour Operators Association of Japan<sup>130</sup>. In addition, travel agency associations have continued their independent efforts to address child sex tourism, such as providing education to employees of travel agencies<sup>131</sup>.

In June 2010, the Code of Conduct promotion committee held a seminar for the member agents of JATA, OTOA etc. where the president of the Body Shop company in Japan was invited as a speaker to share about their CSR experiences and the campaign with ECPAT against child trafficking. Soon after the seminar, being inspired, another new travel agent signed the Code, and so by August 2010, 82 agents and associations had signed<sup>132</sup>.

Also of note with regard to prevention activities, in April 2005, the Correction and Rehabilitation Bureaus of the Ministry of Justice launched research on sex offender treatment programmes. The aim of this research was to develop preventative measures to reduce recidivism among sex offenders<sup>133</sup>.



## STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three-year campaign, launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.



The Body Shop and ECPAT Stop Japan launched the “Stop Trafficking of Children and Young People” campaign in Tokyo on 21 August 2009 with three media events at The Body Shop’s new store in Shinjuku. At the press conference, information on the campaign and the issue of child trafficking was provided

to the public. The first public awareness raising event was the “No-No Walk”, held on 19 September in the Shinjuku area of Tokyo. Employees from The Body Shop and NGOs joined in a walk through Shinjuku, wearing the official campaign T-shirts while distributing brochures.

Another special initiative of The Body Shop Japan is the donation boxes located at Body Shop stores to collect funds for ECPAT STOP Japan. From 4 September to 29 October alone, the donation box raised 1,581,504 yen; the highest amount of money ever raised by a Body Shop campaign in Japan. Funds raised in Japan go towards funding child and youth participation projects aimed at preventing commercial sexual exploitation of children, including child sex trafficking.

## PROTECTION

Comprehensive and effective legislation is essential to protect children from commercial sexual exploitation. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, as well as changes in the international legal framework. Not only must states enact legislation that is compliant with international standards and obligations,

but such laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

Japan has signed and ratified the principal international treaties relating to child rights such as the Convention on the Rights of the Child (CRC), its Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol) and the ILO Convention on the Worst Forms of Child Labour. Although the Government has signed the UN Protocol to Prevent,

Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), the treaty has not yet been ratified.

Japan is also the only country in the region to have signed (but not yet ratified) the Council of Europe's Convention on Cybercrime.

International instruments	
Human rights bodies related to child rights	Comments
<b>Charter-based bodies</b>	
Working Group of the Universal Periodic Review – Human Rights Council	Japan was reviewed on 9 May 2008. Key recommendations: <ul style="list-style-type: none"> <li>• Establish a human rights institution in accordance with the Paris principles.</li> <li>• Continue efforts to reduce trafficking in women and children.</li> </ul>
Special Rapporteur on the sale of children, child prostitution and child pornography	No visit so far.
Special Rapporteur on trafficking in persons, especially in women and children	Country visit: 12-17 July 2009 <ul style="list-style-type: none"> <li>• Urgent ratification on UN Convention on Transnational Organised Crime and Trafficking Protocol.</li> <li>• Adopt clear definition of Trafficking.</li> <li>• Strengthen penalties on trafficking.</li> <li>• Adopt new legislation to ensure protection of victims of trafficking and comprehensive assistance.</li> <li>• Amend Act on Child Prostitution and Child Pornography to criminalise possession of child pornography. Declare Zero Tolerance.</li> <li>• Include men and boys to be in Action Plan.</li> <li>• Set up multi-lingual hot lines.</li> <li>• Provide Free legal aid services for victims.</li> </ul>
<b>Treaty-based bodies</b>	
Committee on the Rights of the Child	Concluding observations on initial report of Japan under the OPSC (June 2010): <ul style="list-style-type: none"> <li>• Amend its legislation to include possession of child pornography as a criminal offence in line with article 3(1)(c) of the Optional Protocol.</li> <li>• Revise the Online Dating Site Regulation Law with a view to prohibiting the solicitation of child prostitution through all internet sites.</li> <li>• Ensure, by appropriate amendments to its legislation, that all children who are victims of violations of the Optional Protocol be treated as victims, not offenders.</li> <li>• Urgently review, in consultation with experts in the field, its procedures for the provision of support and assistance to child victims who are witnesses, with a view to ensuring that children are not subjected to additional trauma as a result of being required to testify repeatedly and consider, to this end, the use of video evidence rather than oral testimony in such proceedings.</li> </ul>

Children's rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child - 1989	Ratified 22 April 1994	2009 – 3rd-4th periodic report submitted 2001 – 2 <sup>nd</sup> periodic report submitted 1996– initial report submitted
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	Ratified 24 January 2005	2008 – Concluding observations of the committee 2007 – initial report submitted
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	Ratified 18 June 2001	2009 – Report submitted
UN Convention against Transnational Organized Crime	Not yet ratified	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	Not yet ratified	
Regional instruments		
Council of Europe Convention on Cybercrime	Signed but not yet ratified	

## Legislation

The principal legal instrument dealing with CSEC in Japan is the 1999 *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* and related amendments passed in 2004. There do not appear to have been any material changes in the law since 2006. The

main area requiring urgent reform is the law with regard to child pornography, which has attracted international criticism. Additionally, Japanese law with regard to trafficking requires amendment to be brought in line with international standards.

### CHILD PROSTITUTION

Japanese law on child prostitution is largely in compliance with international standards and it has not been amended since 2006 when the 1st edition of this report was released.

The *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* defines a child as a person under 18 years of age<sup>134</sup>. Under Article 2 of this law, child prostitution is defined as the act of performing sexual intercourse

or similar acts (i.e., sexual intercourse, an act similar to sexual intercourse, or for the purpose of satisfying one's sexual curiosity an act with a child of touching the genital organs, (i.e., genital organs, anus and nipples; the same shall apply hereinafter) of the

child or of making the child touch one's own genital organs in return for giving or promising to give remuneration to the child, the person who acts as an intermediary in sexual intercourse or similar acts with the child or a person responsible for protecting the child (ie, parent, guardian, or a person who takes care of or supervises the child).

Those who engage in child prostitution may be imprisoned with labour for up to five years or fined up to three million yen<sup>135</sup>. Those who facilitate or solicit the prostitution of a child may be imprisoned with labour for up to five years or fined up to five million yen<sup>136</sup>. Those who engage in the business of facilitating or soliciting child prostitution may be imprisoned with labour for up to seven years and fined up to 10 million yen<sup>137</sup>.

While these provisions are in compliance with the *Optional Protocol* and, in some cases, afford further protection to children (for example actual remuneration, as well as the promise of remuneration, is punishable under Section 2.2), concerns have been expressed about the application of the law.

In terms of punishment, a person who engages in, facilitates or solicits child prostitution could be (and indeed has been in many cases) subject to a mere fine or probation, rather than imprisonment. Such punishment would not appear to comply with the *Optional Protocol's* requirement that penalties for child prostitution take into account the grave nature of the crime<sup>138</sup>.

According to government data, in the first semester of 2008, 627 persons were arrested for violation of the *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children*. Of those arrests, 523 cases involved child prostitution related offences, 284 cases

involved the use of online dating services and 21 cases involved the use of telephone clubs<sup>139</sup>.

In June 2003, the *Law Concerning Regulation of the Acts Inducing Children Using the Internet Dating Services and Other Matters* was enacted. The law prohibits acts that induce children to become involved in sexual intercourse using online dating sites and provides measures to prevent children from using online dating sites<sup>140</sup>. In 2008 the law was amended to oblige website operators to delete postings by adults aimed at luring children as soon as the operator becomes aware of such postings<sup>141</sup>. According to government data, the police cleared 159 illegal enticement cases that violated the law during the first half of 2008<sup>142</sup>.

The *Law on Control and Improvement of Amusement and Entertainment Businesses* prohibits entertainment and amusement businesses from employing persons under 18 to entertain or dance with guests, or to work as waiters or waitresses from 10pm until sunrise. The same law also prohibits sex-related businesses from employing anyone under 18 years of age<sup>143</sup>. Note that the law does not apply to dating service cafes because the women and girls involved are not employees<sup>144</sup>. It is possible to address this gap by prohibiting minors from entering the cafes and limiting the areas in which such facilities can operate. In March 2009, an expert panel of the National Police Agency considered the need for regulating of entry of minors to dating service cafes under the law given the expected increase in the number of such cafes<sup>145</sup>. Dating cafes exist throughout Japan and a few local governments, including Tokyo, Kanagawa and Kyoto, have local laws in place to prohibit the entry of children into such establishments<sup>146</sup>.

Japan has not yet ratified the *Trafficking Protocol*. In 2005, in preparation for ratification, it enacted anti-trafficking legislation that criminalises some of the acts that constitute trafficking. However, Japan's anti-trafficking legislation has not been amended since 2006 (when the 1st edition of this report was released) and still falls short of international standards.

The *Immigration Control and Refugee Recognition Act* deals with trafficking in all persons and its Article 2 defines trafficking as kidnapping, buying or selling a person to: make a profit, commit an indecent act or cause injury to the trafficked person's life or physical being. Violations of the act are punishable by one to 10 years' imprisonment<sup>147</sup>. The law also prohibits delivering, receiving, transporting or harbouring a person who has been kidnapped, bought or sold for the purpose of making a profit, committing an indecent act or causing injury to the trafficked person's life or physical being. This definition is not in line with Article 3 of the *Trafficking Protocol* which stipulates that trafficking shall mean: "*recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs*".

Violators may be punished with three months' to five years' imprisonment<sup>148</sup>. The law also makes it illegal to control a person under 18 years of age for the purpose of making a profit, committing an indecent act or causing injury to the trafficked person's life or physical being. Punishment may be up to seven years' imprisonment<sup>149</sup>.

The *Immigration Control and Refugee Recognition Act* (Article 2-2) also provides some protection to victims by stipulating that trafficking victims should not be denied permission to land in Japan or be deported on the basis of having engaged in prostitution. Further, trafficking victims should be eligible for special permission to land and reside in Japan.

The *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* contains provisions specific to trafficking in children. Section 8.1 prohibits buying or selling a child for the purposes of child prostitution or of producing child pornography. The crime is punishable by imprisonment for one to 10 years. It is also prohibited for Japanese nationals to transport a child out of the country who has been abducted, kidnapped, sold or bought in a foreign country for the purposes of child prostitution or child pornography<sup>150</sup>. The punishment for this crime is imprisonment for not less than two years<sup>151</sup>. Attempts to commit these crimes are also punishable<sup>152</sup>.

Contrary to international standards, neither the law for protecting children nor the *Immigration Control Act* contain provisions criminalising merely transporting, transferring, harbouring or receiving a child for purposes of exploitation. The law should be amended to address this gap. Furthermore, penalties for the related crime should be increased to reflect the grave nature of this offence when committed against children. It should also explicitly state that consent of a child to exploitation is irrelevant.

In relation to human trafficking, the primary criticism of the law enforcement strategy is that there are no formal policies or programmes to encourage victim testimony, nor systematic training of law enforcers on investigation techniques and victims' identification<sup>153</sup>. Application of existing anti-trafficking legislation is also hindered by the difficulty of establishing the level of documentary evidence required for proving a trafficking crime, as well as by a lack of proactive law enforcement efforts to investigate trafficking in commercial sex businesses, especially in relation to call-girl services, *enjo kosai* (compensated dating) websites and social networking sites<sup>154</sup>.

The Committee on the Rights of the Child recently pointed out the inadequacy of existing procedures for the provision of support and assistance to child victims who are witnesses. The Committee highlighted that there are no formal arrangements to limit the number of times children are required to testify and that the use of video evidence, in lieu of oral testimony, is prohibited during criminal proceedings. Due to these weaknesses, child victims

and witnesses in criminal justice may be subjected to additional trauma. Therefore the Committee recommends that relevant procedures should be reviewed and modified accordingly with a view to ensuring that children are not subjected to additional trauma as a result of being required to testify repeatedly and consider, to this end, the use of video evidence rather than oral testimony in such proceedings<sup>155</sup>.

The Government reported 29 prosecutions and 13 convictions for trafficking in 2008, all of which were for sex trafficking offences. This represents an increase from 2007 when there were 11 prosecutions and 12 convictions. Offenders received sentences ranging from six months to four years' imprisonment with labour. Eleven of the 13 convicted offenders received suspended sentences, however, and were not imprisoned. It is unknown whether any of the sex trafficking investigations and prosecutions reported in 2008 involved children<sup>156</sup>. In 2009, there were 28 arrest cases (24 offenders including 6 brokers, 17 victims from 5 countries including Japan)<sup>157</sup>.

## CHILD PORNOGRAPHY

## CHILD ABUSE IMAGES

Japanese law on child pornography is not in line with international legal standards. The most serious problem is that Japanese law fails to punish virtual child pornography and the simple possession of child pornography (possession without intention to distribute). The law should be amended in order to address these gaps and should also incorporate measures criminalising knowingly viewing and accessing child pornography online and the solicitation of children for sexual purposes (grooming)<sup>158</sup>.

Article 2.3 of the *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* defines child pornography as photographs and other electro-magnetic records and other representations that depict, in a way that can be recognized visually, a child as a sexual partner; engaged in sexual intercourse;

engaged in acts similar to sexual intercourse; having his/her genital organs touched by another person; touching another person's genital organs in order to arouse or stimulate the viewer's sexual desire; where the child is partially or totally naked in order to arouse or stimulate the viewer's sexual desire.

This definition does not cover virtual pornography (i.e. cartoons, computer generated images) as it only criminalises representations of real children engaged in sexual intercourse or similar to sexual intercourse. This is not in line with the definition of child pornography provided by Article 2 (c) of the OPSC and it is a major concern as Japan is producing a lot of materials (*hentai* publications, anime and movies, videogames, Internet websites, etc.) which depict children in a way that should be considered as child pornography under the OPSC. In addition, this definition does not include audio abuse materials.

Under Article 7.1 of the Law, offering child pornography is punishable by three years' imprisonment or a fine of three million yen. Under Article 7.2, producing, possessing, transporting, importing to or exporting from Japan child pornography for the purpose of offering it is also prohibited and carries the same punishment. Producing pornography, by making a child depict one of the acts covered in the definition of child pornography is also subject to the same punishment.

Offering or displaying child pornography for the public is punishable by up to five years' imprisonment or a fine of up to five million yen, or both (Article 7.4). This same punishment applies to any person producing, possessing, transporting, importing or exporting from Japan child pornography or a Japanese national importing or exporting from a foreign country child pornography for the same purpose (Article 7.5).

According to the above mentioned provisions of Article 7, possession of child pornography is only criminalized

if the offender has the intention to offer/distribute the materials. Therefore it does not punish simple possession of child pornography. The Committee on the Rights of the Child encourages Japan to criminalise simple possession. In its 2010 Concluding observations on the initial periodic report on the OPSC submitted by Japan, the Committee recommended that Japan criminalises: "*Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography*"<sup>159</sup>.

It has to be highlighted that the *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* also fails to criminalise new forms of CSEC acts which are knowingly accessing, viewing child pornography through the use of information and communication technologies have not yet been criminalised.

In February 2010 the Government of Japan formed a working team on child abuse images. This team aims to seek to ban the distribution and viewing of these images online, to support victims and to educate the public about the issue. Another measure under consideration is to block users from accessing such images on the Internet. It is expected that the National Police Agency, the Internal Affairs and Communications Ministry and other related government bodies will compile the new anti-child pornography law by June 2010, and that the Cabinet Office will annually review the effectiveness of the working team over the next three years<sup>160</sup>. In July 2010, the working team surveyed various legislations on internet blocking and has asked ISPs to start with voluntary blocking for preventing the distribution of child pornography<sup>161</sup>.

## Japanese poll: majority accepts manga child porn regulation and criminalisation of mere possession

In October 2007 the Japanese Government's Cabinet Office presented the results of a special opinion poll on harmful materials. Nearly 87% of the 1,767 people who responded to the questionnaire said that manga should be subject to regulation for child pornography, while only 6.6% were against it. Around 91% said that harmful materials on the Internet should be regulated and mere possession of child pornography criminalised. Also, 80.8% of respondents thought that the regulation of magazines, DVDs and other harmful materials should be strengthened, while 51.2% did not know about the existence of mobile phone filtering.<sup>158</sup>

According to the National Police Agency, it is almost impossible for local investigators to obtain search warrants to confiscate or search suspects' computers because simple possession of child pornography is not illegal. Currently, child pornography prosecutions almost always involve images contained on computer hard drives or start with an internet protocol (IP) address that is known to have accessed child pornography material. The fact that Japanese courts cannot grant search warrants based on IP address information hampers the fight against child pornography.<sup>163</sup>

Additionally, the absence of a law criminalising possession of child pornography prevents the Japanese National Police Agency from cooperating in international child pornography investigations. In cases where international police agencies cooperate to target customer lists from commercial pornography websites, shared evidence will usually lead to search warrants and seizure of personal computers. In most cases, the application for the search warrant and grounds for arrest can only be based on possession charges until further investigation takes place. It is reported that in many of these cases, investigators find people who not only possess the material, but also produce it by violating children directly.<sup>164</sup>

Under Article 17(1) of the *Act on Development of an Environment that provides Safe and Secure Internet Use for Young People*, all mobile ISPs are required to provide services to filter content that is harmful to

young people (under the age 18), unless the guardians of the young people request otherwise. The same obligation is applicable to ISPs under Article 18. Additionally, manufacturers of equipment with functions to access the Internet can only sell such equipment (eg, computers) after taking measures to facilitate the use of filtering software to protect young people from harmful content.<sup>165</sup> The Act, which entered into force in June 2009, seeks to protect children from sexual exploitation by reducing their exposure to harmful sexual content.<sup>166</sup>

Japanese legislation does not contain provision that specifically criminalises the solicitation of children for sexual purposes (grooming) by means of information and communication technology. Therefore, the Committee on the Rights of the Child recommends therefore that Japan “*revise the Online Dating Site Regulation Law with a view to prohibiting the solicitation of child prostitution through all internet sites*”<sup>167</sup>.

In 2008, 191 people (307 cases) were arrested for child pornography, of which 105 people (111 cases) were arrested for offences involving the Internet.<sup>168</sup> An analysis of statistics from 2007 shows a 26% decrease in the number of cases of child prostitution, and a 17.2% increase in child pornography cases, especially for offences involving the Internet.<sup>169</sup> This increase is said to be due to tightened restrictions introduced by the 2004 amendment of the *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children*<sup>170</sup>

and, according to police, is a sign of increasing awareness when it comes to child

sexual exploitation.<sup>171</sup>

## Extraterritorial legislation with regard to child sex tourism related offences

Japanese law includes a provision whereby Japanese nationals who engage in child prostitution, child pornography and trafficking in children outside of Japan may be subject to Japanese criminal laws and be prosecuted in Japan, if they are not extradited to the requesting countries.<sup>172</sup>

Article 10 of the *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* provides extraterritorial effects to the offences relating to child prostitution and child pornography. This means that Japanese nationals who commit such crimes in foreign countries can be prosecuted by Japanese courts. However, this extraterritorial legislation is not applicable to non-nationals having habitual residence in Japan.

Japan's law does not contain a double criminality requirement (which would require that the relevant act be criminal in both the country where the offence was committed, as well as in Japan), nor does it require a complaint by the victim or the victim's country to initiate an investigation and prosecution.

Under Article 2 of the *Law of Extradition*, Japanese nationals who have allegedly committed crimes in a foreign country cannot be extradited to stand trial. However, extradition treaties can provide otherwise. Japan has extradition agreements in place with both the US and South Korea. In relation to the extradition agreement with South Korea, to be covered, offences must be punishable under the laws of both countries by imprisonment for at least one year.<sup>173</sup> If Japanese authorities receive a request for extradition from another state party to the *Optional Protocol on the sale of children, child prostitution and child pornography* with which it has no extradition treaty, they may consider it as a legal basis for extradition in respect of

offences relating to that document.<sup>174</sup>

Article 13(3) of the *Travel Agency Law* stipulates that travel agents are prohibited from getting involved in their tourists' conduct and receiving services which violate the local laws or ordinances of their destinations.<sup>175</sup>

Despite the existence of these laws, and research indicating those Japanese nationals engage in sex tourism with children in countries within the region,<sup>176</sup> it is reported that no Japanese nationals were prosecuted under extraterritorial legislation during the past year.<sup>177</sup> However, there were at least two arrests of Japanese nationals in Cambodia in 2009, one for engaging in child prostitution and the other for producing child pornography.<sup>178</sup>

It has been argued that it is difficult to say whether Japan fails to invest in enforcement of its comprehensive extraterritorial legislation because of the difficulties of implementing the laws or because the country is not committed to solving this problem.<sup>179</sup> Lack of investigation and prosecution for child sex tourism crimes might be due to a lack of specialised training and of periodic formal instructions for the National Police Agency and Japanese embassies and consulates. Such training would ensure that officials have the capacity to deal with these offences and cooperate with foreign authorities in investigating Japanese nationals involved in child sexual exploitation committed abroad.

## Child protection units

The Office for Protection of Juveniles, established in 1999 by the National Police Agency, continues to play a major role in protecting juvenile victims.<sup>180</sup> Similarly, the Cybercrime Task Force Division, set up in 2004, remains the main agency tasked with counteracting online child pornography and online crimes. In recent years, staff of this division participated in a number of trainings and events aimed at strengthening international cooperation and enhancing the capacity of law enforcers to counteract cybercrimes, including the proliferation of child abuse images (eg, the 140<sup>th</sup> international training course on “the Criminal Justice Response to Cybercrime”, which took place in Japan from 1 September to 10 October 2008).<sup>181</sup> It is also reported that law enforcement agencies have created cyber-patrols against illegal and harmful online content such as child pornography.<sup>182</sup> Despite the existence of these specialised agencies, Japanese ISPs have acknowledged that law enforcement authorities are unable to keep up with the massive growth in Japanese e-groups, newsgroups and bulletin boards dedicated to the exchange and proliferation of child pornography.<sup>183</sup>

The police set up a Juvenile and Woman Aegis Team (JWAT) in April 2009, in order to expedite arrests. JWAT is an exclusive unit dedicated to identify persons who are involved in harassing or stalking, showing warning signs of sexual crime targeting women and children.<sup>184</sup> More recently, in April 2010, the National Police Agency has appointed a Director for Combating Child Sexual Exploitation and image analysis section to enhance the investigative capacity in child pornography crimes and victim identification<sup>185</sup> in the juvenile division of its Community Safety Bureau to promote measures against child pornography. It is reported that the police has also set up a model project to support the creation of an

environment to protect children from the crime. The programme has 15 volunteer crime prevention groups across the country to serve as the model project operators taking the initiative to promote installation of security cameras to supplement activities to watch over the safety of children and the management of online sites.<sup>186</sup>

In relation to human trafficking, where local police in Japan encounter a suspected case of trafficking they are instructed to immediately refer the case to the National Police Agency’s Consumer and Environmental Protection Division, members of which have received special training. This has been described as a valuable procedure because the most successful prosecutions in trafficking cases result where a specialised agency is involved in providing the first response.<sup>187</sup>

In accordance with the code of criminal investigation and the rules of engagement for the police, law enforcement agencies, in addition to taking into consideration a child’s individuality during questioning, must carefully consider the characteristics of the offence and pay utmost attention to the selection of the police investigator in charge, as well as to the selection of other aspects, such as methods, frequency, time and place of interview. Careful consideration is given to the state of mind of the child victim. Depending on the case and circumstances surrounding the child victim, a female police officer may be assigned as the investigator in charge or female police personnel may attend the interviews.<sup>188</sup>

With regard to criminal proceedings, Article 12 of the *Law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children* stipulates that persons who are officially involved in the investigation and trial shall, when conducting their duties, give consideration to the rights and characteristics of the child and take

care not to harm their reputation or dignity. The Code of Criminal Procedure, for its part, provides specific procedures aimed at protecting the rights of children as witnesses. In cases where a child victim is asked to testify, if the child does not feel comfortable testifying in court, examination may sometimes be conducted privately, outside of the court. In such cases, arrangements are made that make it easier for the child, such as using facilities that are located close to the child's residence. Furthermore, when victims

testify, family members of the victim, or a psychological counsellor, may accompany them; a partition may be used so that the victim cannot be seen by the defendant or courtroom spectators; or the examination may be conducted via video link.

Unfortunately, as of 2010, these special procedures were still not mandatory in the law, although in practice they are usually respected.<sup>189</sup>

## Support service for children

Although not directly aimed at CSEC, law enforcement agencies in Japan attempt to promote an environment where children feel free to ask for help by distributing and publicising leaflets aimed at children with telephone numbers and information on counselling services. The Japanese Government has established several hotline services that could be used by child victims of commercial sexual exploitation. The Ministry of Justice, for example, has established a nationwide victims' hotline at the district public prosecutors offices for consultation and inquiries. The human rights division of the Ministry of Justice has also set up a Children's Rights Hotline in order to facilitate early detection and resolution of violations of children's rights. Also, prefecture police headquarters offer telephone counselling services called Young Telephone Corners, as well as free phone and email counselling services for children in need of help. This service is nationwide, but not 24 hours.<sup>190</sup>

In each prefecture, and in designated cities, child guidance centres are equipped with temporary shelter facilities. These centres are prepared to provide advice for urgent situations at night and during holidays. Some centres offer 24-hour telephone consultations. Additionally, juvenile support

centres have been set up in all prefecture police headquarters, and juvenile sections exist in police departments to deal with the concerns and problems of children. Services are provided by specialists who often work in cooperation with outside experts and private volunteers to help child victims to recover from any psychological damage they have suffered. Children are reportedly given individualised counselling. While in 2005 there were 190 juvenile support centres;<sup>191</sup> it is reported that as of April 2010 197 juvenile support are functioning throughout the country in all prefectural police departments.<sup>192</sup>

The staff in child guidance centres and juvenile support centres are reported to receive training on how to deal with children who have been abused, as well as children who have suffered psychologically and physically from various causes.<sup>193</sup>

The NGO Committee reveals that there is lack of shelters for adolescents from dysfunctional families or who have been abused by parents. Child victims of abuse often become victims of sexual exploitation after attempting to find places of stay through Internet sites for runaways. An example of a transitional home for child victims is the, "Home of Comfort", is a

private facility that receive children who cannot go home after having come out from residential child care facilities or juvenile training centers or who are sent by child guidance centers and family courts. This home differs from other shelters as it provides support only for a temporary period of time to child victims and assists them until they are independent to go into society.<sup>194</sup>

With regard to victims of trafficking, Japanese law was amended in 2005 to specify that victims of human trafficking will not be subject to deportation even if they have been engaged in prostitution.<sup>195</sup> However, in practice it appears that more work needs to be done to ensure that victims of trafficking are not deported. It has been pointed out that since Japan does not have formal victim identification procedures, the Government cannot guarantee that victims of human trafficking are not being deported.<sup>196</sup>

As envisioned in the National Plan of Action to Prevent and Eradicate Human Trafficking, adopted in 2004 and renewed in 2009, the Government has established women's consulting offices in each prefecture. These offices are mandated to provide appropriate protection in accordance with the situation of victims at temporary shelters affiliated with the offices. If a victim is under 18-years-old, the office cooperates with the child guidance centre, as needed, to take the appropriate assistance measures.<sup>197</sup> Unfortunately, the existing facilities accommodate both children and adults and are not specialised enough to ensure effective support to child victims of sex trafficking.<sup>198</sup>

Apart from shelter, services provided by the Government to victims of trafficking include financial support for travel, counselling and medical assistance.<sup>199</sup> In addition, the new national plan against trafficking, adopted in 2009, provides for counselling and psychological services for child victims of trafficking "as necessary", including specialised psychological services. Despite the

available assistance, it is reported that services for foreign victims of trafficking require improvement. In particular, counselling for victims in their native language is not provided at women's consulting centres and, although interpretation services can be procured, interpreters are not trained in victim counselling and have been known to use interrogative interviewing techniques with victims, which can add to psychological trauma.<sup>200</sup>

Japan has also developed recidivism prevention programmes for sex offenders. Since the Act on Penal Institutions and the Treatment of Sentenced Inmates came into effect in May 2006, sex offenders have been placed into programmes in accordance with their risk-level for recidivism. Probation officers implement the sex offender treatment programme based on cognitive behavioural therapy for parolees or persons with suspended sentences under probation, in an effort to prevent them from reoffending.<sup>201</sup>

So far, independent oversight bodies such as that of the 'ombudsperson for children' to coordinate and resolve problems relating to children and young people have been appointed only in five municipalities. According to the government response to the Committee on the Rights of the Child, the ombudsperson is tasked with research, coordination, recommendations, requests for corrections and other measures upon request for remedies or on a voluntary basis. These ombudspersons are financed mainly by the local governments. There is no clarity on the mandate, the independence of the office of the ombudsperson or of the powers and functions. Under these circumstances it difficult to assess the efficacy of the office of the ombudsperson in investigation complaints and monitoring of children's rights. The Committee expresses concerned that there is no national mechanism/nodal agency to monitor the implementation of the CRC<sup>202</sup> and Optional Protocol and that the remaining municipalities in Japan are not served by ombudspersons.<sup>203</sup>

## Law enforcement training

Police officers who are engaged in combating offences such as child prostitution are said to receive education and training aimed at increasing the knowledge and skills necessary for criminal investigations and the protection of children. At the same time, juvenile officers who work in juvenile support centres established by prefecture police departments receive education on counselling techniques by university professors and other experts.<sup>204</sup>

Public prosecutors, probation officers and personnel working in correctional institutions are also reportedly provided with training on a number of CSEC related issues, such as international human rights (including child rights), crimes against children under the *Optional Protocol*, child prostitution and child pornography and child and juvenile protection.<sup>205</sup>

NGOs familiar with the regular training courses given to police, judges and prosecutors have expressed a desire that such courses be improved, as some potential trafficking victims appear to have been

punished for crimes committed as a direct consequence of being trafficked, including for immigration violations. With regard to sex trafficking, as a result of a lack of victim identification procedures and related training, law enforcers do not seem to consistently recognise victims who initially enter into the commercial sex industry willingly, but later find themselves to be victims of trafficking (this problem may extend to child victims).<sup>206</sup>

The NGO Committee submitting the alternative report on implementation of the CRC to the Committee of the Rights of the Child reveals that child victims of commercial sexual exploitation are more often than not treated as criminals depriving them of their right to care and protection. The NGO Committee pointed out that the existing laws such as the *Online Dating Sites Regulation Act* introduces criminal sanctions against children who offered themselves for prostitution should be repealed to fully implement the principle of decriminalisation of child victims.<sup>207</sup>

## CHILD AND YOUTH PARTICIPATION

Children's participation has grown significantly in the past decade in Japan, mainly due to two contributing factors: changes in municipal policies related to ratification of the CRC and a progressive citizen movement calling for greater public participation in general<sup>208</sup>. Following ratification of the CRC, several local governments in Japan were eager to establish their own child rights ordinances to ensure children's participation<sup>209</sup>. Similarly, popular citizen movements have resulted in pushing legal systems towards more citizen participation and citizen governance<sup>210</sup>. These movements have focused on the rights of expression and participation in government, particularly with regard to

helping children to be protected from abuse, neglect and bullying, as well as freedom from authoritarian control, particularly in schools<sup>211</sup>. As such, there has been a focus on promoting analytical and critical thinking in the school curricula<sup>212</sup> and also a growth in student councils, children's associations and junior leadership programmes within the Japanese schools<sup>213</sup>.

The Government's experiment with new policies and practices with regard to child participation in local governance has resulted in many initiatives, including meetings with children at the community/municipal level<sup>214</sup>. Municipal ordinances have established child and youth committees,

which have opened up opportunities for young people to legitimately express their political views<sup>215</sup>. Although progressive, many of these initiatives, in practice, are primarily adult-led processes and tokenistic due to a lack of awareness among policy makers on participatory methodologies and best practices in working with children<sup>216</sup>.

There have also been numerous initiatives by NGOs and civil society organisations to promote children's rights to participate. The "General Research Institute of the Convention on the Right of the Child" was established to support municipalities in establishing legal systems and policies under the CRC<sup>217</sup>. There is also a citizen network promoting awareness on the CRC, as well as the participation of young people<sup>218</sup>. Additionally, a radio programme called the VOICE has been initiated, providing young people aged nine to 18 with a platform to share their views on social and political issues<sup>219</sup>.

The NGO Committee submitting the alternative report to the CRC, in its' latest report on the implementation of the *Convention on the Rights of the Child*, highlights the fact that despite the change in the government attitude, in reality, "the views of the child have never been systematically sought for in matters of crucial legislative amendment or policy-making related to children."<sup>220</sup> The NGO Committee states that the government encourages volunteer-like participation and it has carefully refrained from touching upon effective child participation which can lead to transformative impact in schools or the community<sup>221</sup>. Furthermore, the NGO Committee point to the existing laws that needs to be repealed which restrict and prevent child participation. It calls upon the government to enact laws to guarantee each child the right to participate, express their views and to be heard: in schools, welfare institutions for children, courts, correctional facilities for juveniles and in all matters that affect them<sup>222</sup>.

In April 2010, the government of Japan in an

effort to have a comprehensive child rights law enforced the pending *Act on Promotion of Development and Support for Children and Young People* (The Act). The Act, for the first time, attempts to lay out a basic framework of measures to develop and support children and young people in accordance with the standards set out in the Convention on the Rights of the Child. The Committee however remains critical of the legislation for its limited scope and observes that it does not cover all the aspects of the Convention on the Rights of the Child<sup>223</sup>.

Following the promulgation of the *Act on Promotion of Development and Support for Children and Young People*, two elaborate documents, "*Visions for Children and Childcare*" and "*Visions for Children and Young People*," have been formulated. The later vision statement on children and young people encapsulates various measures for support and development forms the threshold to support participation of children in educational institutions, social development, policy making processes, aiming to secure opportunities for children and young people to express their views and opinions through public solicitation of opinions via internet and other means. Whereas, the vision statement includes some measures at the national level to eliminate child prostitution such as awareness campaigns and promoting the participation of citizens or people's movement for the elimination of child pornography etc., there are no particular measures included in the vision statement to be implemented at the local level to address issues of child prostitution and child pornography<sup>224</sup>. Despite the enactment of the new *Act on Promotion of Development and Support of Children* and the formulation of the vision statements elaborating the measures to be undertaken to improve the quality of life of children, the Committee on the Rights of the Child remains sceptical, expressed concern at the lack of a rights based, comprehensive plan of action for children at various points under the concluding observations<sup>225</sup>.

In regard to sexual exploitation of

children specifically, the most significant demonstration of commitment was the 2<sup>nd</sup> World Congress against the Commercial Sexual Exploitation of Children, organised in Yokohama in 2001, by the Government of Japan. At the 2<sup>nd</sup> World Congress, many children and youth, including experiential youth, participated in a global advocacy event alongside high-level government representatives and other delegates. These youth voiced concrete recommendations in addressing CSEC as set forth in the

*Yokohama Youth Declaration.*

More recently, ECPAT/STOP Japan has joined hands with young people to raise awareness against child sex trafficking through a joint campaign of ECPAT International and The Body Shop. ECPAT Japan has organised a meeting with youth and plans to conduct many more awareness raising activities this year, including a petition drive in support of the campaign.

## STOP Sex Trafficking of Children & Young People Campaign



An important advocacy component of The Body Shop and ECPAT's 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop have created to assess the progress of state action on specific commitments and promises to uphold the rights of children to protection from sex trafficking and all other forms of commercial sexual exploitation. In line with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' actions to combat child trafficking, specifically with regard to the three goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and Specialised government services for child victims of trafficking are integrated into national policies.

Japan: summary of progress card <sup>226</sup>			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling

Green = significant action taken by state; Yellow = partial action taken by state;  
Red = inadequate level of state action; Star = work undertaken by NGOs

Based on a global assessment of the progress cards, Japan is among the 51% of states that have made some progress to stop sex trafficking of children and young people. Japan has made some efforts to combat trafficking in human beings. However, law enforcement against this crime remains very limited, despite the extent of the phenomenon. Furthermore, most of the preventive and assistance measures in place are geared towards adult victims of trafficking and do not directly address child trafficking and the particular needs and rights of children.



## PRIORITY ACTIONS REQUIRED



### National plans and policies

- The Working Team for elimination of child pornography under the Ministerial Meeting concerning measures against Crime and the Cabinet Office discussed and approved more comprehensive measures to eliminate Child Pornography with the timeframe of 3 years. The implementation of the plan should however be monitored closely.
- Japan should speed up approval of the *Human Rights Protection Bill* (presented in 2002 and currently being reviewed), which provides for the establishment of an independent human rights commission in compliance with the *Paris Principles*. In so doing, Japan must ensure that 1) the institution has an explicit mandate to deal with children's rights and 2) that experts in children's rights are appointed to it.

### Coordination and cooperation

- In light of the widespread involvement of children in the different manifestations of CSEC, Japan should consider creating a body responsible for coordinating all aspects of the fight against CSEC.
- Japan must ensure that its' methods for data collection on CSEC crimes are effective so that statistics on all forms of CSEC (including child sex trafficking and child sex tourism) are available and can be used for policy formulation and analysis of trends.

### Prevention

- Japan should ensure that awareness raising initiatives on the different manifestations of CSEC are made a part of pluriannual policies and programmes to guarantee long-term impact and real behaviour change. Japan should also develop a comprehensive campaign to reduce demand for sex services from children, reaching out to nationals that sexually exploit children at home or abroad (e.g. targeting users of dating service cafes and online dating sites, as well as child sex tourists going abroad to harm foreign children).
- The Japanese Government must develop policies and programmes to specifically address trafficking in children for sexual purposes. A survey that would better assess the situation of children in this regard is recommended so that appropriate action can be designed and implemented.
- Japan should carry out research on the root causes of CSEC and potential measures to reduce vulnerability of children at risk (such as including awareness-raising on commercial sexual exploitation of children in school curricula). Sex education topics must be broad, covering issues such as respectful sexual relationships, self-integrity, perceptions of sexuality, group behaviour and peer pressure.

## Protection

- ✎ Japan must ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.
- ✎ Japan must review legislation regulating trafficking in children so that all acts constituting trafficking are covered, including those outlined in the *Trafficking Protocol*. Additionally, penalties should be increased to reflect the grave nature of this crime.
- ✎ Japan must amend its definition of child pornography to include virtual images of children engaging in sexual activities.
- ✎ Japan must amend its definition of child pornography to criminalise simple possession of child pornography/child abuse materials.
- ✎ Japan must take steps to criminalise solicitation of children for sexual purposes (grooming) through the use of information and communication technology and the intentional viewing and accessing of child pornography.
- ✎ Japan should impose an obligation on internet service providers to report child pornography.
- ✎ Japan should strengthen law enforcement efforts against CSEC crimes committed at home and abroad by adopting proactive investigation methods (especially in rural areas and with regard to call-girl services, *enjo kosai* websites and social networking sites) and also by ensuring systematic training.
- ✎ Indicators for the identification of child victims of trafficking and sexual exploitation should be developed and training on child-sensitive approaches for staff of the Office for Juvenile Protection and other law enforcers should be systematically delivered so that child victims can be proactively identified and properly assisted.

## Recovery and reintegration

- ✎ Japan should put formal victim identification procedures in place for trafficking victims in order to ensure that victims are not deported as criminals.
- ✎ Japan must ensure that foreign victims of trafficking receive assistance, including counselling in a language that they are able to understand.
- ✎ Japan must improve its assessment procedures for repatriating foreign victims of trafficking to ensure that they are not sent back to dangerous environments.
- ✎ Specialised support services for children victimised by commercial sexual exploitation must be urgently established in Japan. Special consideration should be given to the rights and needs of children abused for the production of pornography and children involved in *enjo kosai* or in prostitution through dating-service cafes.
- ✎ Capacity building on CSEC issues for staff operating in women's consulting offices, child guidance centres, juvenile support centres and other relevant caregivers should be systematically delivered.

## Child participation

- ✎ Although there is a growing level of support within the government for child and youth participation, mainstreaming and institutionalising their involvement in decision making bodies and process is important to avoid such participation being ad hoc or tokenistic.

# ANNEX

## The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents\*

*Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.*

### C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

#### I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

#### II – Forms of Sexual Exploitation and its New Scenarios

*Child pornography/child abuse images*

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

\* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: [http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\\_Outcome\\_Document\\_Final.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf)

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
  - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
  - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
  - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
  - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
  - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
  - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
  - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
  - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

*Sexual exploitation of children and adolescents in travel and tourism.*

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.
- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

*Trafficking and the sexual exploitation of children and adolescents*

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

*Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).*

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

### **III – Legal Frameworks and Enforcement of the Law**

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

#### **IV – Integrated Cross-Sectoral Policies and National Plans of Action General**

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

#### *Prevention*

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

#### *Protection of the child*

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

## V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

## **VI – Social Responsibility Initiatives**

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

## **VII – Monitoring**

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

## C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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