

# **Third Comprehensive Measures to Eliminate Child Pornography**

**July 2016**

**Ministerial Meeting Concerning Measures Against Crime**



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## **Introduction**

### **Upon establishing "Third Comprehensive Measures to Eliminate Child Pornography"**

Following Comprehensive Measures to Eliminate Child Pornography established in July 2010, the Ministerial Meeting Concerning Measures against Crime established Second Comprehensive Measures to Eliminate Child Pornography in May 2013 in order to stop the spread and proliferation of child pornography and to promote its elimination, and the government and private sectors have worked together to promote the efforts. In these six years, significant progress has been achieved in relation to measures to eliminate child pornography in Japan, including promotion of a people's movement through conferences and symposiums, initiation of measures to prevent access to child pornography images on the Internet (blocking) as private voluntary efforts, and commencement of application of penal provisions regarding possession, etc., of child pornography for the purpose of satisfying one's sexual curiosity effective from July 2015 pursuant to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act No. 52 of 1999) amended in June 2014.

However, the number of child pornography cases cleared and the number of such offenders continue to be on the rise in Japan, with both hitting a record high in 2015, at 1,938 cases and at 1,483 offenders. Most of these cases relate to the Internet, half of which involve the production of child pornography that will cause new child victims. Some of them are still committed by groups of child pornography lovers who are targeting younger children or by child pornography selling groups. As the number of production cases has increased, the number of child victims hit a record high 905. In particular, the number of child victims of crimes in which they are deceived or threatened to take their own nude photos using smartphones and send the photos by email is rapidly increasing. Further, circumstances are more serious, especially in that about 50% of child pornography – in particular, pornography of younger children who are unable to resist – are produced by means of rape or indecent assault.

Child pornography is a record of sexual exploitation and sexual abuse of children, which violates children's rights protected under the Convention on the Rights of the Child. It is almost impossible to remove child pornography once it has been placed on the Internet, and, in fact, child pornography produced more than ten years ago still remains in circulation. The pain of abused victims lasts long into the future. Such heinous child pornography crime is in no way acceptable.

With all of these circumstances in mind, the Japanese government has decided to review Second Comprehensive Measures to Eliminate Child Pornography and to establish "Third Comprehensive

Measures to Eliminate Child Pornography" with the view of achieving the goal of eliminating child pornography. Issues of particular concern are:

- (i) Promotion of measures to prevent damage caused by Internet-related offenses through proliferation of filtering and enhancement of information literacy
- (ii) Promotion of measures to prevent distribution and access on the Internet through deletion of images, etc., of child pornography and promotion of introduction of blocking by Internet service providers (ISPs)
- (iii) Strengthening of crackdown on heinous crimes and promotion of protection of child victims

These comprehensive measures are a compilation of policies that the government should implement under existing laws and regulations, and the relevant ministries and agencies will conduct a review as necessary and promote concrete measures, in cooperation not only with the general public, business entities and organizations concerned but also with international society.

## **1. Promotion of the People's Movement for the Elimination of Child Pornography**

### **(i) Convening of a conference**

In order to jointly promote public and private momentum for the elimination of child pornography, the Cabinet Office will convene a conference consisting of related ministries and agencies, educational bodies, medical bodies, business bodies, and NPOs to discuss how to promote people's movements and will promote collaboration and cooperation through exchange of mutual information. (Cabinet Office, and other related bodies)

### **(ii) Effective promotion of the people's movement**

For the purpose of eliminating child pornography and raising awareness among the general public, efforts such as holding public symposiums shall be made to promote people's movements in an effective manner. In addition, efforts toward eliminating child pornography led by related bodies such as local governments and NGOs shall be actively assisted.

Furthermore, the human rights bodies of the Ministry of Justice will put up a slogan "Protect Children's Rights" as one of their annual priority targets of activities for human rights awareness-raising, and carry out various promotion activities such as distributing booklets, etc., with respect to children's rights issues including the child pornography issue. (Cabinet Office, National Police Agency, Ministry of Justice, and other related bodies)

### **(iii) Public relations and awareness-raising activities on a website**

The website of the National Police Agency introduces activities by the Related Ministries and Agencies Liaison Meeting regarding Measures against Child Sexual Exploitation, and under the title "No!! Child Pornography," provides information such as measures to prevent damage caused by child pornography, the current situation of cleared cases and damage, and the seriousness of the damage caused to child victims. Through these efforts, people's understanding of measures to eliminate child pornography should be deepened. (National Police Agency, and other related bodies)

### **(iv) Efforts during "Child Abuse Prevention Month"**

During "Child Abuse Prevention Month" every November, public relations and awareness-raising activities shall be promoted jointly with local governments and related bodies, so as to raise social awareness toward the issue of child abuse including child pornography. (Ministry of Health, Labour and Welfare, and other related bodies)

**(v) Efforts during "National Month for the Prevention of Juvenile Delinquency and Juvenile Damage"**

During the "National Month for the Prevention of Juvenile Delinquency and Juvenile Damage" observed every July and the "National Month for Assisting the Development of Children and Youths" observed every November, the strengthening of public relations and awareness-raising activities for eliminating child pornography shall be given high priority, and related organizations and bodies and local residents shall mutually cooperate and collaborate with each other to promote such activities so as to enhance people's understanding about measures to eliminate child pornography. (Cabinet Office, National Police Agency, and other related bodies)

**(vi) Efforts in "Campaign for Eliminating Violence against Women"**

In the "Campaign for Eliminating Violence against Women" every November, public relations and awareness-raising activities should be promoted in collaboration and cooperation with local governments, women's groups and other related bodies, so as to eliminate violence against women including sexual exploitation of children. (Cabinet Office, and other related bodies)

**(vii) Approach to parents/guardians through PTA**

Related ministries and agencies shall closely collaborate with national PTA organizations to disseminate the significance of the elimination of child pornography upon such opportunities as the National Convention and General Meeting of the PTA. (Ministry of Education, Culture, Sports, Science and Technology, and other related bodies)

**2. Promotion of Measures to Prevent Damage**

**(1) Development of an environment that provides safe and secure Internet use for young people**

**(i) Promotion of comprehensive measures to prevent damage based on the Act on Development of Internet Environment for Young People, etc.**

In light of the ongoing occurrence of cases where young people suffer damages or are involved in trouble from child pornography crimes through the use of the Internet, etc., pursuant to the Act on Establishment of Enhanced Environment for Youth's Safe and Secure

Internet Use (Act No. 79 of 2008) and (Third) Basic Plan regarding Measures to Ensure Youth's Safe and Secure Internet Use (July 30, 2015 Decision of the Headquarters for the Promotion of Development and Support for Children and Young People), measures to reduce opportunities where young people access information harmful to them as much as possible will be taken so that young people can use the Internet safely and securely. In addition, related ministries and agencies and related business operators shall be united to carry out public announcements and awareness-raising activities on proper Internet use by young people for themselves and their parents/guardians, etc., and promote research and other comprehensive measures.

In particular, related ministries and agencies, local governments and related business operators will cooperate in promotion and awareness-raising activities at schools and local communities – so called "Spring Safety Net / New Term Action" – to promote the use of filtering and preparing rules at home with the focus on the new school year in spring. (Cabinet Office, National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

**(ii) Measures to improve performance and promote dissemination, etc., of filtering services**

Survey to ask young people and their parents/guardians about recognition, use and needs for improvement of filtering services will be conducted. Measures to improve performance of filtering software in consideration of the needs for improvement will be examined and the use of filtering services will be encouraged.

Further, for the purpose of promotion of dissemination of filtering services, in collaboration with organizations concerned, assistance will be provided to mobile carriers and distributors in their efforts to explain to parents/guardians about the needs and method of setting up filtering services effective for Internet access through smartphone wireless LAN and function-restriction applications that restrict certain smartphone applications from starting up. (Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry, Cabinet Office, National Police Agency, and Ministry of Education, Culture, Sports, Science and Technology)

**(iii) Assistance for content operators' efforts to protect young people**

In order to prevent in advance young people from being involved in crimes through the Internet, the Ministry of Internal Affairs and Communications will continue to support the content operators' efforts to protect young people such as through age verification of cell

phone users and monitoring of message exchange services through activities by the Content Evaluation and Monitoring Association (EMA) and Japan Internet Safety Promotion Association in line with the recommendations made at the ICT Service Safety and Security Study Group, etc. (Ministry of Internal Affairs and Communications)

## **(2) Enhancement of information literacy**

### **(i) Public relations and awareness-raising activities concerning risks and proper use of the Internet**

Parent Briefing Sessions, Delinquency Prevention Classes, Lectures on Cyber Security and other opportunities will be fully utilized to provide to schools, local communities and families the information on crime-related damage to young people caused by the use of the Internet, such as online dating sites, community sites and smartphone applications as well as examples of harmful information. Also, warnings in using the Internet not to enter their name, telephone number or other personal information or post their pictures on the Internet without careful consideration, and risks of being a crime victim and resulting in problems due to careless association with persons acquainted with through the Internet will be made widely known. Such public relations and awareness-raising activities concerning the risks and proper use of the Internet will be promoted.

In addition to continuous promotion of dissemination of filtering services for traditional mobile phones, in light of the circumstances where smartphones are rapidly proliferating among children, with the aim to promote the use of filtering services effective for Internet access through smartphone wireless LAN and function-restricting applications to restrict certain smartphone applications from starting up, public relations and awareness-raising activities regarding the necessity of such services and methods of setting up such applications will be carried out. (National Police Agency, Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, and Ministry of Economy, Trade and Industry)

### **(ii) Enhancement of media literacy for protection of young people and promotion of strengthening of cooperation among related parties**

As part of measures to enhance young people's capacity to accurately understand and use information necessary for the promotion of the sound use of media (media literacy), the Ministry of Internal Affairs and Communications will develop and conduct tests which measure young people's Internet literacy, and endeavor to understand the actual situation of

their Internet literacy. In addition, the Ministry will comprehensively promote collaboration with organizations concerned in providing e-net caravan and other awareness-raising courses, (Ministry of Internal Affairs and Communications) and strengthening of cooperation among related parties by assisting promotion activities and development of necessary systems at the local level. (Ministry of Internal Affairs and Communications)

### **(iii) Holding of Internet Safety Class**

With the cooperation of the police and in collaboration with NPOs nationwide, the Internet Safety Class for young people, their parents/guardians, and teachers will be held so as to raise awareness on information security and countermeasures against illegal/harmful information. (Ministry of Economy, Trade and Industry, and National Police Agency)

### **(iv) Enhancement of information moral education at schools and at home**

The negative side of informatization, such as the issue of illegal/harmful information on the Internet, has had a significant impact on children, and they are now prone to child pornography crimes via the Internet. Therefore, information pertaining to moral education at school will be steadily carried out in accordance with the Course of Study. Furthermore, the Ministry of Education, Culture, Sports, Science and Technology will encourage local communities to hold lectures concerning education at home on the risks of the Internet, through which damage by child pornography crimes is often caused, and proper use of the Internet. (Ministry of Education, Culture, Sports, Science and Technology)

## **3. Promotion of measures to prevent distribution of and access to images of child pornography on the Internet**

### **(i) Promotion of efforts to eliminate illegal information**

The police will work hard to detect illegal information related to child pornography through cyber patrols and reports to the Internet Hotline Center or Anonymous Reporting Dial to promote crackdowns. The police and the Internet Hotline Center shall issue a request for deletion to site administrators if they detect such information. When having arrested a suspect of a child pornography crime using the Internet, the police will request or instruct the administrator and other interested parties of the bulletin board on which said illegal information was posted to delete the information and to make efforts to prevent the recurrence of any similar cases.

Furthermore, the police will provide necessary information and other assistance to ensure that related business operators can take measures to prevent distribution and access such as

deleting child pornography stored on the servers administered by them based on their administrator authority. (National Police Agency)

**(ii) Assistance for the operation of guidelines, etc., by business bodies**

The Ministry of Internal Affairs and Communications will provide assistance for proper operation of the "Guidelines on Measures for Illegal Information on the Internet," including the criteria for child pornography that should be deleted and the "Model Contract Articles on Measures for Illegal/Harmful Information," including the provisions regarding blocking of child pornography which were established by business bodies (Telecommunications Carriers Association, Telecom Services Association, Japan Internet Providers Association, and Japan Cable and Telecommunications Association). (Ministry of Internal Affairs and Communications)

**(iii) Assistance for the operation of the Consultation Center for Illegal/Harmful Information**

In order to strengthen measures taken by providers, etc., for illegal/harmful information on the Internet based on relevant guidelines, the Ministry of Internal Affairs and Communications will provide assistance for the operation of the Consultation Center for Illegal/Harmful Information that conducts consultation for providers, etc., on how to cope with respective cases concerning illegal/harmful information on the Internet. (Ministry of Internal Affairs and Communications)

**(iv) Promotion of public relations and awareness-raising activities to the general public for prevention of distribution and access**

In order to further promote the elimination of child pornography from the Internet, activities by various organizations and entities in both the public and private sectors will be promoted so that public relations and awareness-raising activities to the general public regarding efforts to prevent distribution and access and reporting illegal information of child pornography to related organizations will be widely carried out at various occasions including Delinquency Prevention Classes and information security courses. (National Police Agency, Ministry of Internal Affairs and Communications, Cabinet Office, and Ministry of Economy, Trade and Industry)

#### **(v) Promotion of various measures toward improvement in the effectiveness of blocking**

Child pornography on the Internet significantly infringes the rights of children. In order to protect the rights of children, it is necessary to prepare an address list of websites containing child pornography immediately after detecting any problematic images, irrespective of the nationality of the servers, and have ISPs take measures to implement blocking. Since April 2011, ISPs and other business operators have been implementing blocking on a voluntary basis. The following measures shall be taken so that ISPs and other business operators will be encouraged to introduce blocking on a voluntary basis and the blocking can be effective, while paying attention not to cause any unreasonable effects on the secrecy of communications and the freedom of expression of Internet users.

More specifically, assistance will be provided so that provision of information from the National Police Agency and the Internet Hotline Center and provision of relevant address lists to ISPs and other related parties from the body to prepare and manage address lists of websites containing child pornography can be more rapidly implemented, and assistance will be continuously provided so that ISPs can implement blocking in a stable manner.

Furthermore, continuous efforts will be made so as to have ISPs and other related parties understand the significance and effectiveness of blocking for preventing distribution of child pornography on the Internet and to encourage them to introduce effective blocking on a voluntary basis. (National Police Agency, Ministry of Internal Affairs and Communications, Cabinet Office, and Ministry of Economy, Trade and Industry)

#### **4. Early detection of child victims and promotion of support activities**

##### **(1) Early detection / support activities**

###### **(i) Awareness-raising of related officials**

In collaboration with local governments, awareness-raising activities shall be carried out for officials, such as school teachers and child welfare-related officials, who are highly likely to have contact with potential child pornography crime victims, so as to detect any damage at an early stage. (National Police Agency, Ministry of Health, Labour and Welfare, and Ministry of Education, Culture, Sports, Science and Technology)

###### **(ii) Damage prevention through street guidance activities and early detection and protection of child victims**

Given that traditional street patrols alone are not sufficient to effectively prevent damage caused by child pornography crimes particularly in the circumstances where damage caused

by child pornography crimes through the Internet is increasing, the police will promote cyber guidance and professional staff will deal with the matter accordingly upon receiving juvenile consultation requests, so as to prevent child pornography-related damage and detect and protect child victims at an early stage. (National Police Agency)

**(iii) Strengthening of collaboration among related organizations in efforts to implement interviews with consideration of children's psychological stress, etc.**

In order to reduce the burden on children for cases involving children as victims, organizations concerned such as prosecutors, police and child guidance centers will establish a contact point for day-to-day and close information exchange , and, before starting an interview of children, those in charge from each organizations will promote the discussion for appropriate approach such as interview by one representative of organizations concerned. (Ministry of Justice, National Police Agency, and Ministry of Health, Labour and Welfare)

**(iv) Provision of continuous support for child victims**

In order to alleviate the psychological damage to child victims, the police will support them continuously by providing planned counseling by juvenile guidance officials and juvenile counseling experts in accordance with the characteristics of respective victims and by making environmental arrangements in collaboration with their families, schools and child guidance centers. (National Police Agency, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Health, Labour and Welfare)

**(v) Enhancement of the counseling system**

As it is often difficult for police officials in charge alone to continuously support child victims to alleviate their psychological damage, which often requires specialized knowledge, a system needs to be established, under which external specialists, such as clinical psychologists and psychiatrists, are commissioned in advance to provide advice to those officials as needed. (National Police Agency)

**(vi) Enhancement of the consultation system utilizing school counselors, social workers, "Children's Rights Dial 110" and "Children's Rights SOS Mini-Letters"**

The Ministry of Education, Culture, Sports, Science and Technology will develop a system where child pornography crime victims feel comfortable in consulting and contributing to the early detection of such victims by deploying school counselors who have

highly specialized knowledge and experience concerning children's clinical psychology and social workers who not only have knowledge concerning educational fields but also specialized knowledge and experience about social welfare, and assisting the establishment of the consultation system. Furthermore, as measures for children in need of mental care due to disasters or incidents and accidents including child pornography crimes, the ministry will provide assistance for emergency dispatch of school counselors.

The Ministry of Justice will develop a system where children feel comfortable in consulting and contributing to the early detection of child victims by setting up a special helpline concerning children's rights called "Children's Rights Hotline" (toll-free) and distributing "Children's Rights SOS Mini-Letters" (letter paper with a pre-stamped envelope for human rights counseling) to elementary and junior high school children across Japan. (Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Justice)

**(vii) Support, etc., for children, etc., at child guidance centers and local governments**

The following support shall be provided when a child guidance center receives any consultation concerning a child who has been harmed mentally and physically due to damage by sexual abuse or a child pornography crime.

- Temporary custody when his/her safety needs to be secured
- Assistance concerning a visit to a medical institution to receive specialized medical care
- Counseling by child psychologists
- Admission to a child welfare facility for the child for whom it is difficult to return home

In the process of consulting with the child guidance center, the case shall be reported to the police after confirming the damage situation.

Local governments will fully collaborate with child guidance centers and other organizations concerned to provide continuous support in a more familiar environment. (Ministry of Health, Labour and Welfare, and National Police Agency)

**(viii) Provision of support at child welfare facilities**

Child welfare facilities (foster homes, infant homes, children's self-reliance support facilities, and maternal and child living support facilities) and Child and Family Support Centers will, in collaboration with child guidance centers and local government organizations concerned, provide tailored consultation and assistance to children who have been harmed mentally and physically due to damage by sexual abuse or a child pornography crime. Officials in charge of psychotherapy will be deployed to provide play therapy and

counseling as psychotherapy for trauma caused by abuse, etc. (Ministry of Health, Labour and Welfare)

**(ix) Verification, etc., of measures relating to the protection of children who have suffered mental and/or physical damage**

Regular verification and assessment of the implementation status of measures relating to the protection of children who have suffered mental and/or physical damage as a result of production of child pornography will be conducted so as to promote child protection measures. (National Police Agency and Ministry of Health, Labour and Welfare)

**(2) Capacity building of officials**

**(i) Dissemination of questioning techniques with consideration of psychological effect on child victims**

While paying ample attention to prevent secondary damage and understanding victims' psychologies and characteristics, questioning techniques, which can ensure admissibility of evidence and probative value of child victims' statements, shall be disseminated among prefectural police headquarters. (National Police Agency)

**(ii) Improvement of education to officials in charge of supporting child victims**

The National Police Agency will improve education concerning the support for child victims based on the characteristics of such child pornography crimes, including how to carry out counseling, how to deal with cases properly upon occurrence, and how to provide support to victims for their recovery in order to enhance the capacity of prefectural police officials in charge of supporting child victims. (National Police Agency)

**(iii) Implementation of training concerning care for child sex crime victims**

The Children's Rainbow Center will provide child guidance center officials with training on how to deal with sexual abuse cases. (Ministry of Health, Labour and Welfare)

**(iv) Enhancement of treatment for mental care for child sex crime victims**

The Ministry of Education, Culture, Sports, Science and Technology will distribute reference materials, which include examples where teachers detect and deal with child sex crime victims at an early stage through health monitoring and health consultation. At the

same time, the Ministry will hold training sessions targeting teachers to enhance treatment for children's mental care. (Ministry of Education, Culture, Sports, Science and Technology)

## **5. Strengthening of crackdown on child pornography crimes**

### **(i) Strict apprehension, etc., of heinous child pornography offenders**

The National Police Agency will encourage joint investigation among multiple prefectural police headquarters so as to strictly apprehend heinous child pornography offenders such as groups of younger child pornography lovers, child pornography selling groups and those involving the use of file sharing software. The Agency will, by gathering and analyzing information on child pornography offenders, identify and protect child victims, and arrest suspected producers to eliminate the source of supply of child pornography. In addition, as for "offence of possession of child pornography for the purpose of satisfying one's own sexual curiosity" with respect to which the penal provisions became effective in July 2015, the Agency will continue to ensure appropriate application. (National Police Agency)

### **(ii) Strengthening of charges on heinous business operators**

The police will strengthen guidance and warning to site operators (including administrators of smartphone applications) or server administrators whose services are used to provide child pornography, and lay criminal charges on any heinous business operators who engage in illegal practice. (National Police Agency)

### **(iii) Strict punishment for child pornography offenders**

Law enforcement agencies will make efforts for strictly punishing child pornography offenders by positively applying the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children, as well as the provision of crimes committed by Japanese nationals outside Japan. (Ministry of Justice)

### **(iv) Enhancement of investigative capacity to deal with child pornography crimes**

The National Police Agency will continue to provide training specialized in the investigation of child pornography crimes, analyze the situation of damage caused by child pornography crimes and put in place materials and equipment necessary for investigating

child pornography crimes so as to properly respond to changes in the situation and enhance the investigative capacity to deal with child pornography crimes. (National Police Agency)

**(v) Implementation of training for public prosecutors**

Public prosecutors shall be provided with lectures concerning relevant laws and regulations regarding child pornography according to their service years, and they are to make every effort to obtain knowledge on child pornography crimes. (Ministry of Justice)

**6. Establishment of the framework of cooperation with foreign countries and strengthening of international cooperation**

**(i) Participation in global efforts**

Based on the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which Japan ratified in 2005, the Government of Japan will endeavor to ensure the implementation of the said Optional Protocol, in line with the purport of the concluding observations that were issued by the Committee on the Rights of the Child in response to the government's report to the committee and in consideration of recommendations in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography as necessary.

Through active participation in G7 Rome / Lyon Group and global efforts to prevent online sexual exploitation of children, exchange of information with countries around the world will be promoted, thereby strengthening global collaboration. Also, a public announcement regarding efforts in Japan will be made. (Ministry of Foreign Affairs, National Police Agency, Ministry of Justice)

**(ii) Strengthening of collaboration with foreign investigative authorities**

To promote arrests of criminals who commit crimes outside Japan, investigation officials from the International Criminal Police Organization (ICPO) and those in charge of child pornography crimes from investigative authorities of Southeast Asian countries will be invited to international conferences held in Japan. Taking advantage of these opportunities, arrangements for promoting information exchange with foreign investigative authorities and international cooperation for criminal investigation will be made, and cooperative relationships will be strengthened. (National Police Agency, Ministry of Justice, and Ministry of Foreign Affairs)

**(iii) Survey contributing to consideration of the regulations in connection with child pornography**

Surveys on actual child pornography crimes in Japan will continue to be carried out in order to contribute to consideration of the regulations in connection with child pornography. While surveys have been carried out through diplomatic missions abroad concerning legislation on child pornography in G7 countries and other foreign countries, such surveys will be continued with regard to trends concerning legislation, and the survey results will be compiled regularly. (Ministry of Foreign Affairs, Ministry of Justice, Cabinet Office, and National Police Agency)