

Status of Human Rights in Japan for the 42nd Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Japan for the 42nd session of the Universal Periodic Review (UPR).

Background

2. Japan is an island country located in eastern Asia. It has an estimated population of 121.2 million people.¹ The country is predominantly a mix of Shintoism, which accounts for 69% of the population, and Buddhism, which accounts for 66% of the population.² The reason for this overlap is that many people in Japan practice both Shintoism and Buddhism.³ Christianity accounts for 1.5% of the population, and 6.2% of the population identifies as other.⁴ Included within the “other” category are approximately 230,000 Muslims.⁵

3. Japan’s previous review was held on November 14, 2017.⁶ As a result of the review, Japan received 217 recommendations, 147 of which were supported by Japan. One of the recommendations made by Sweden, which was supported by Japan, was that the government “[f]urther increase its efforts to combat sexual exploitation of children, child pornography and prostitution, and provide assistance to victims of sexual exploitation.”⁷ It was also recommended by Lao People’s Democratic Republic, and supported by Japan, that the government “[i]ntensify the comprehensive approaches in eliminating sexual exploitation among women and girls.”⁸

Legal Framework

4. Under Article 27 of the Constitution of Japan, “[a]ll people shall have the right and the obligation to work. Standards for wages, hours, rest and other working conditions shall be fixed by law. Children shall not be exploited.”⁹

5. The Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children prohibits certain acts and content. For example, under Article 3-2:

Article 3-2

It is prohibited for any person to commit Child Prostitution, to possess Child Pornography or retain electronic or magnetic records falling under any of the items of paragraph 3 of Article 2 depicting the image of a Child in a form recognizable by the sense of sight without valid reason or to commit any other acts relating to sexual exploitation or sexual abuse of Children.¹⁰

6. Under Article 182 of the Penal Code of Japan:

Article 182. (Inducement to Promiscuous Intercourse)

A person who, for the purpose of profit, induces a female without a promiscuous habit to engage in sexual intercourse, shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 300,000 yen.¹¹

7. Article 3 of the Prostitution Prevention law of 1956 states that “[n]o person may either do prostitution or become the customer of it.”¹²

8. Japanese laws fall short of international standards regarding human trafficking and sexual exploitation because Japan lacks a dedicated comprehensive anti-trafficking law.¹³ In 2014, Japan enacted the 2014 Action Plan to Combat Trafficking in Persons, which states:

Furthermore, given that there are cases where Japanese women have become trafficking victims for sexual exploitation, and from the viewpoint of the promotion of women’s activities, the appropriate promotion of measures against trafficking in persons will be helpful for establishing environment where women can further play an active role without anxiety.

Therefore, the Government of Japan drew up the “Japan’s 2014 Action Plan to Combat Trafficking in Persons” for the eradication of trafficking in persons and the response with appropriate measures to the situation against trafficking in persons¹⁴

9. Japan is a party to both the U.N. Trafficking in Persons Protocol and the International Covenant on Civil and Political Rights (ICCPR) and, therefore, has a responsibility to uphold the protections enshrined within them. Article 6 of the Protocol states:

Article 6

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking 44 in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

(a) Information on relevant court and administrative proceedings;

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

- (a) Appropriate housing;
- (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- (c) Medical, psychological and material assistance; and
- (d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.¹⁵

And Articles 7, 8 and 24 of the ICCPR in particular apply to the current conditions within Japan:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.¹⁶

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour.¹⁷

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.¹⁸

10. Japan is also a party to the Convention on the Rights of the Child (CRC). Under Article 34 of the CRC:

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.¹⁹

11. Additionally, Japan is a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”²⁰

Sexual Exploitation

12. The sex industry in Japan is “[w]orth an estimated \$24 billion The pornography industry alone reached a value of approximately \$960 million in 2019.”²¹ Because the trafficking industry is so profitable and the demand is so great, traffickers prey on women and girls using lies and deceit to draw them into the sex industry.²² “It’s a common story. The coercion of young women into pornography and prostitution has become an epidemic in Japan, where the fetishization of adolescence is disturbingly common and legal protections for children shockingly lax.”²³ According to the founder of Lighthouse, an NGO that helps victims of sex trafficking in Japan, trafficking in children is “on the increase We have also seen lots more children victimized in the commercial sex industry come to us for help.”²⁴

Most shockingly, child pornography, only made illegal in 2014, remains rife. An extensive study found 15% of the male population have viewed child pornography while 10% own it. There is also a booming and perfectly legal trade in “Lolicon”—Lolita themed manga and anime—featuring extreme violence, rape and incest involving children. Sexually suggestive videos known as *chaku ero*, . . . can feature children as young as six-years-old, remain legal.²⁵

13. Each year an estimated “10,000 to 15,000 women and children are smuggled into Japan with fake papers to work in the local sex industry.”²⁶ And although, “Japan has strict laws that

punish sexual exploitation [it] is very loose in enforcing them.”²⁷

14. In March 2022, Tokyo Police arrested a married couple for violating the Anti-Prostitution Law by “forcing a 26-year-old female acquaintance into prostitution and using the earnings to pay for their rent and luxury brand items.”²⁸

Police allege the couple forced the victim into prostitution about 600 times, taking in around 8.6 million yen. Moreover, the suspects handed the woman less than 1,000 yen for each session.

Police said [the wife] became acquainted with the woman on a video-sharing website in February 2018. After learning that the woman was a struggling single mother, [the wife] invited her to live with [her] and her husband in Tokyo. In November 2018, the woman and her child moved into the couple’s home. From around July 2019, the couple started to demand that she pay rent and told her, “If you don’t have money, then work in a brothel.”

This continued until Nov 8, 2021, at which time the woman sought advice from a friend who told her to contact the police.

The woman was quoted by police as saying “I didn’t think I could get away alone since the two would look after my child while I worked.”²⁹

15. In January 2022, police arrested two men, Shinji Kashio and Tadashi Ichikawa for violating Japan’s child prostitution and pornography law in two different situations.³⁰ The first situation was in March 2019, when “the two men promised to give cash to a then-second-year junior high school student who was 14 . . . after inviting her to a hotel in Atsugi City, Kanagawa Prefecture. The two allegedly engaged in obscene acts with the girl inside the hotel room.”³¹ Then, in August of the same year, the two men “invited a then-17-year-old girl . . . to the same hotel. Kashio blindfolded the girl so she couldn’t fight back, and Ichikawa committed lewd acts on her. Moreover, both incidents were filmed and sold as child pornography online.”³²

16. In November 2020, two individuals were arrested for operating a sex parlor in Tokyo and engaging in human trafficking.³³ The two individuals hired Vietnamese women to provide sexual services to their clients.³⁴ Between April and November 2020, the individuals made 100 million yen (\$950,000) in sales by exploiting 30 women.³⁵

17. In July 2020, Ebine, “an executive with Tokyo-based entertainment and sports management company Zest” was arrested on charges of child prostitution and child pornography.³⁶ According to the Kanagawa Prefectural Police’s Juvenile Investigation Division:

[T]he 58-year-old Ebine paid them 5,000 yen (US\$46.73) and “performed obscene acts” with them in a car parked in a parking structure in the Machida section of Tokyo, which borders Kanagawa Prefecture. At the time, one of the girls was a 17-year-old second-year high school student, while the other was 15 years old and designated as “unemployed.”³⁷

18. Tragically, there are many more stories like these that go unreported.³⁸ According to a survey that “has been conducted every five years since 2000,”³⁹ only “between 9.7 percent and 18.5 percent of sex crime victims went to the police.”⁴⁰ In addition to a lack of reporting, there is also a lack of awareness and knowledge by the Japanese public about this issue.⁴¹ “[T]he general public remains largely unaware of this terrible evil occurring in plain sight. Those that are familiar with the concept of human trafficking perceive it as something that happens in developing countries as a result of poverty and lack of education, certainly not in Japan.”⁴²

Recommendations

19. It is critical that Japan work to stop the massive sex industry in the country by enacting comprehensive legislation to combat human trafficking including the sexual exploitation of girls and women. The fact that child pornography was only recently made illegal, and is still tolerated, creates a massive problem and even contributes to the scourge of human trafficking. Japan must vigorously go after those who pay for sex, as well as those who profit from the exploitation of women and children, in order to drive down the demand. It is critical that this industry no longer be viewed as financially lucrative. Japan must also increase resources and training for law enforcement to be able to effectively prosecute perpetrators and provide aid and assistance to the victims. In addition, Japan must take drastic steps to combat the sexual and criminal exploitation of children that is currently on the rise in the country.

¹ Japan, THE WORLD FACTBOOK (April 14, 2022), <https://www.cia.gov/the-world-factbook/countries/japan/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *The Number of Muslims in Japan is Growing Fast*, THE ECONOMIST (January 7, 2021),

<https://www.economist.com/asia/2021/01/07/the-number-of-muslims-in-japan-is-growing-fast>.

⁶ *Universal Periodic Review – Japan*, UNHRC, [HTTPS://WWW.OHCHR.ORG/EN/HR-BODIES/UPR/JP-INDEX](https://www.ohchr.org/en/hr-bodies/upr/jp-index).

⁷ *UPR of Japan – Thematic List of Recommendations*, A/HRC/37/15/Add.1,

<https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/JP/MatriceRecommendationsJapan.docx>.

⁸ *Id.* at A/HRC/37/15/Add.1.

⁹ THE CONST. OF JAPAN, art. 27, (1947), available at

https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.

¹⁰ Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, Act. No. 52 of May, 26, 1999, available at,

<https://www.japaneselawtranslation.go.jp/en/laws/view/2895>.

¹¹ Penal Code of Japan, art. 182, Act No. 45 of 1907, <https://www.cas.go.jp/jp/seisaku/hourei/data/PC.pdf> (unofficial translation).

¹² *Sexuality, Poverty and Law Programme: Japan*, INSTITUTE OF DEVELOPMENT STUDIES,

<http://spl.ids.ac.uk/content/japan> (last visited May 9, 2022).

¹³ Charlie Campbell, *The Sexual Exploitation of Young Girls in Japan Is “On the Increase,” an Expert Says*, TIME (October 29, 2019), <https://time.com/5712746/japan-sex-trafficking-prostitution/>.

¹⁴ Japan’s 2014 Action Plan to Combat Trafficking in Persons,

<https://www.kantei.go.jp/jp/singi/jinsintorihiki/pdf/english-ver.pdf>.

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, art. 6, available at

https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf.

¹⁶ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 95-20, 6 I.L.M. 368 (1976), 999 U.N.T.S. 171, art. 7.

¹⁷ *Id.* at art. 8.

¹⁸ *Id.* at art. 24.

¹⁹ Convention on the Rights of the Child art. 34, [https://www.ohchr.org/en/instruments-](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child)

[mechanisms/instruments/convention-rights-child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child).

²⁰ Convention on the Elimination of All Forms of Discrimination against Women art. 6, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

²¹ *Hidden in Plain Sight: The Reality of Human Trafficking & Exploitation in Japan*, IT'S A PENALTY <https://itsapenalty.org/2021/07/26/human-trafficking-and-exploitation-in-japan/>.

²² Charlie Campbell, *The Sexual Exploitation of Young Girls in Japan is "On the Increase," an Expert Says*, TIME (October 29, 2019), <https://time.com/5712746/japan-sex-trafficking-prostitution/>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Steve Suwannarat, *Thousands of Thais Victims of Sex Trafficking to Japan*, ASIA NEWS (Mar. 7, 2022, 13:42 PM), <https://www.asianews.it/news-en/Thousands-of-Thais-victims-of-sex-trafficking-to-Japan-55299.html>.

²⁷ *Id.*

²⁸ *Married Couple Accused of Forcing Women into Prostitution Around 600 Times*, JAPAN TODAY (March 2, 2022), <https://japantoday.com/category/crime/Married-couple-accused-of-forcing-woman-into-prostitution-around-600-times>.

²⁹ *Id.*

³⁰ *2 Men Re-Arrested Over Child Prostitution and Pornography with Minors*, JAPAN TODAY (January 7, 2022, 6:00 AM), <https://japantoday.com/category/crime/2-men-re-arrested-over-child-prostitution-and-pornography-with-minors?comment-order=popular/>.

³¹ *Id.*

³² *Id.*

³³ Nobuaki Tanaka, *Tokyo Sex Parlor Heads Accused of Illegally Hiring Foreign Trainees*, THE ASAHI SHIMBUN (November 10, 2020), <https://www.asahi.com/ajw/articles/13917980>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Casey Baseel, *Exec from Idol Singer Group SKE48's Management Company Arrested on Child Prostitution Charges*, SORA NEWS 24 (July 29, 2020), <https://soranews24.com/2020/07/29/exec-from-idol-singer-group-ske48s-management-company-arrested-on-child-prostitution-charges/>.

³⁷ *Id.*

³⁸ *Sex Crimes Remain Significantly Underreported in Japan: Gov't Survey*, KYODO NEWS (November 16, 2019), <https://english.kyodonews.net/news/2019/11/e73ee06f884e-sex-crimes-remain-significantly-underreported-in-japan-govt-survey.html>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Hidden in Plain Sight*, *supra* note 21.

⁴² *Id.*