

# **Comprehensive Measures to Eliminate Child Pornography**

**July 2010**

**Ministerial Meeting Concerning Measures Against Crime**



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## **Introduction**

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

The number of child pornography crimes cleared and the number of victims have been on a rise in Japan, with both hitting a record high in 2009 at 935 cases (up by nearly 40% from the previous year) and at 405 victims (up by nearly 20% (id.)).

More than half of these cases were through the use of the Internet, and in particular, nearly 90% of the cases of the provision of child pornography and the public display of child pornography were through the Internet. Furthermore, circumstances are more serious, in that some of these cases are committed by the real mothers of the children, who are supposed to protect their children, or by school teachers or nursery teachers, in whom children usually place absolute trust.

Child pornography has become an issue to be addressed globally, and for three consecutive years since 2007, the Concluding Declaration of the G8 Justice and Home Affairs Ministerial Meeting contains statements concerning the necessity to promote countermeasures against child pornography in collaboration among respective countries. Through the investigation in Japan by the UN Special Rapporteur on Trafficking in Persons in July 2009, it was pointed out that Japan's efforts had not been enough for addressing the issue of child pornography. The need for countermeasures against child pornography has thus been emphasized also in the field of the fight against human trafficking.

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 withdraw child pornography once it has been placed on the Internet, and the pain of crime victims lasts long into the future. Such heinous child pornography crime is unacceptable and the spread and flow of child pornography should be stopped and eliminated.

In order to solve the issue of child pornography, the role that the police should play through strengthened crackdown is significant, but at the same time, it is also indispensable to obtain people's understanding and cooperation and take preemptive measures to prevent the occurrence and expansion of the damage of child pornography and to enhance the system to protect and support child victims.

With all of these circumstances in mind, the Japanese government established "Comprehensive Measures to Eliminate Child Pornography" with the aim of achieving the goal of eliminating child pornography in the coming three years.

These measures are a compilation of policies that the government should conduct

immediately under existing laws and regulations, and the relevant ministries and agencies will promote concrete measures based thereon, in collaboration with people, business entities, and related bodies. The results of respective efforts shall be reviewed almost every year and flexible and effective actions shall be taken in accordance with changes in circumstances.

## **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 movement for the elimination of child pornography, the Cabinet Office will convene a conference consisting of related ministries and agencies, education bodies, medical bodies, business bodies, and NPOs to discuss how to promote the movement and will disseminate the results of the discussions. (Cabinet Office)

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

Through publicly soliciting slogans and symbol marks for the elimination of child pornography as a part of public relations and awareness-raising activities, and through holding symposiums, efforts shall be made to promote people's movement in an effective manner. (Cabinet Office, National Police Agency, and other related bodies)

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

The website of the Cabinet Office introduces activities by the Working Team for Measures to Eliminate Child Pornography, and the website of the National Police Agency, under the title "No!! Child Pornography," provides information such as the definition of child pornography, measures to prevent damage, 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. (Cabinet Office, 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 the "National Month for the Prevention of Juvenile Delinquency and Juvenile Damage"**

During the "National Month for the Prevention of Juvenile Delinquency and Juvenile Damage" every July and the "National Month for the Sound Development of Youths" of November, the strengthening of public relations and awareness-raising activities for the elimination of child pornography shall be added to the priority issues, 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 of the necessity of measures to eliminate child pornography. (Cabinet Office, National Police Agency and other related bodies)

**(vi) Efforts in the "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 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)

**(viii) 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. The government will also make efforts to disseminate, in Japan, the "Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents," which was compiled at the "World Congress III against Sexual Exploitation of Children and Adolescents" held in Rio de Janeiro in November 2008. (Ministry of Foreign Affairs, National Police Agency, and Ministry of Justice)

**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**

In light of the continuous occurrence of the cases where young people are involved in crimes or troubles such as child pornography crimes through the use of the Internet, etc. the Act on Development of Internet Environment for Young People was enacted in order to provide safe and secure Internet use for young people. For the purpose of collecting data necessary for grasping the status of the enforcement of said Act, surveys shall be carried out on young people and their guardians about their knowledge of filtering services and software, dissemination thereof, and their needs for improvement thereto, etc. At the same time, measures shall be taken to improve the performance of filtering services and software based on such needs. The use of filtering services and software shall also be disseminated. Furthermore, based on said Act, 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 guardians, etc. and promote research and other comprehensive measures (Cabinet Office, Cabinet Secretariat, 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) Enhancement of media literacy for the protection of youths and assistance for new efforts**

In order 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 comprehensively promote measures, such as survey research on safe use of Social Networking Service (SNS) and other Consumer Generated Media (CGM), development of teaching materials on media literacy in accordance with the characteristics of the media, and strengthening of collaboration among related parties. Furthermore, so as to prevent the occurrence of cases where young people are involved in crimes through the use of the Internet, the ministry will provide assistance to new efforts by CGM operators for protecting young people, including the authentication of mobile phone users' age and monitoring of message exchange services, based on the recommendations by the "Study Group Concerning Various Problems with ICT Services Based on User's Viewpoints." (Ministry of Internal Affairs and Communications)

**(iii) Promotion of information sharing among public and private sectors and information provision through the portal site**

Through the network of the Round Table Conference of the Study Group on Countermeasures against Illegal/Harmful Information on the Internet, which covers both the public and private sectors, working-level staff should share information on measures by the government, efforts by the private sector, and examples of and countermeasures against illegal/harmful information. Regarding concrete countermeasures against illegal/harmful information and efforts made by related ministries and agencies and related bodies, information should be provided actively through utilizing such means as the "Portal Site for Countermeasures against Illegal/Harmful Information on the Internet." (Cabinet Secretariat, 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, and other related bodies)

**(iv) Measures to promote dissemination, etc. of filtering services**

Based on the recommendations by the "Study Group Concerning Various Problems with ICT Services Based on User's Viewpoints," assistance shall be provided further for measures to promote the dissemination and improvement of filtering services.

Awareness-raising seminars to disseminate filtering services shall be held and simple filtering software shall be provided free of charge so as to enhance awareness and understanding of young people themselves and other related parties, including guardians and teachers, about the risks in the use of the Internet and countermeasures against such risks, and thereby enhance the Internet literacy of all related parties and encourage effective voluntary efforts by guardians, etc. (Ministry of Internal Affairs and Communications and Ministry of Economy, Trade and Industry)

**(2) Promotion of dissemination of information moral, etc.**

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

Delinquency Prevention Classes, Lectures on Cyber Security and other opportunities shall be fully utilized to provide information on crime damage to young people caused by the use of the Internet, such as through introducing concrete examples of harmful information and crime damage. Warnings shall also be given to prevent young people from entering their name or telephone number or from placing their pictures on the Internet without careful consideration, and participants shall be informed of the risks behind careless association with persons they get acquainted with through the Internet. Such public relations and awareness-raising activities concerning the risks and proper use of the Internet shall be carried out actively targeting schools, communities, and families.

Leaflets and other materials explaining actual cases of damage caused by the use of the Internet and measures to prevent such damage will be prepared and used for these activities. (National Police Agency, Cabinet Office, Cabinet Secretariat, 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) Holding of Internet Safety Class**

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

**(iii) 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 crimes via the Internet. Therefore, information moral education at school should be enhanced in accordance with the new Course of Study. Furthermore, the Ministry of Education, Culture, Sports, Science and Technology will encourage local communities to

hold lectures concerning home education on the risks on 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 toward the elimination of illegal information**

The police will work hard to detect illegal information related to child pornography through cyber patrol and reports to the Internet Hotline Center and promote crackdown. The police and the Internet Hotline Center shall issue a request for deletion to site administrators if they detect any information of that kind. 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 placed to delete the information and to make efforts to prevent the recurrence of any similar cases. Furthermore, the police will introduce the activities of the Internet Hotline Center at Delinquency Prevention Classes, lectures on information security and upon other opportunities, and thereby further promote the removal of child pornography from the Internet. (National Police Agency)

#### **(ii) Assistance for the establishment of guidelines by business bodies**

In response to the recommendations in the final report compiled in August 2006 by the "Study Group on Countermeasures against Illegal/Harmful Information on the Internet," the Ministry of Internal Affairs and Communications will provide assistance for continuous review of the "Guideline on Measures for Illegal Information on the Internet" and the "Model Contract Articles on Measures for Illegal/Harmful Information" established by business bodies (Telecommunications Carriers Association, Telecom Services Association, Japan Internet Providers Association, and Japan Cable and Telecommunications Association), which include the criteria for child pornography that should be deleted. (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 measures to prevent distribution of child pornography through collaboration with the body to prepare and manage address lists of websites containing child pornography**

Preparative work should be promoted to establish a body, at the initiative of the private sector, to prepare, maintain, manage, and provide address lists of websites containing child pornography for Internet service providers (ISP), search engine service providers, and filtering service providers, with due consideration to how to secure neutrality. Public-private collaboration with the body shall be promoted to carry out measures to prevent distribution of child pornography. (National Police Agency, Cabinet Secretariat, Cabinet Office, Ministry of Internal Affairs and Communications, and Ministry of Economy, Trade and Industry)

**(v) Promotion of various measures toward the introduction of blocking**

Child pornography on the Internet significantly infringes the rights of children. Even when the Internet Hotline Center has requested the deletion of detected images to the site administrator, etc. or when the police have conducted investigation and have arrested suspects, said images are left on the Internet until they are actually deleted. 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 prevent access to such images (blocking). The following measures shall be taken so that ISPs and other related business operators can start such blocking on a voluntary basis by the end of FY2010, while paying attention not to cause any unreasonable effects on the privacy of communications and the freedom of expression of Internet users. (National Police Agency, Ministry of Internal Affairs and Communications, Cabinet Secretariat, Cabinet Office, and Ministry of Economy, Trade and Industry)

**i. Environmental arrangement toward voluntary introduction of effective blocking, such as prompt preparation and provision of address lists**

Environmental arrangement shall be made toward the introduction of effective blocking so that the body to prepare and manage address lists of websites containing child pornography can receive information from the National Police Agency and the Internet Hotline Center and provide relevant address lists promptly to service providers and other related parties.

**ii. Promotion of voluntary introduction of effective blocking by ISPs**

Efforts shall be made so as to have ISPs 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.

### **iii. Public relations and awareness-raising activities for general users**

Public relations and awareness-raising activities on the significance of blocking shall be carried out targeting general Internet users so as to obtain their understanding and foster public awareness on measures to prevent distribution of child pornography on the Internet.

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

### **(1) Early detection and 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**

The police will actively communicate with or give guidance to children and juveniles during a patrol and provide proper professional treatment upon receiving juvenile consultations, so as to prevent child pornography-related damage and detect and protect child victims at an early stage. (National Police Agency)

#### **(iii) Provision of continuous support for child victims**

In order to alleviate psychological damage of 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 arrangement in collaboration with their families and schools. (National Police Agency, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, and Ministry of Justice)

#### **(iv) 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, 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. For the purpose of alleviating the burdens of sex crime victims and promoting proper investigation, sites for sex crime victims were established in the model project in FY2010 so that various supports and investigations for such victims can be carried out at one spot. When a child sex crime victim visits any of such sites, proper treatment shall be provided in collaboration with these specialists. (National Police Agency)

**(v) Enhancement of the education consultation system fully utilizing school counselors**

The Ministry of Education, Culture, Sports, Science and Technology will deploy school counselors, who have highly specialized knowledge and experience concerning children's clinical psychology, and assist the establishment of the education consultation system so as to contribute to the early detection of child pornography crime victims. 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. (Ministry of Education, Culture, Sports, Science and Technology)

**(vi) Support for children and reporting by child guidance centers**

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.

- Counseling by Child Psychologists and guidance and assistance by Child Welfare Officers
- Temporary custody when urgent custody is needed
- Referral to specialized agency such as a medical institution when medical care is needed
- Admission to a child welfare institution when the child's life needs to be rebuilt

In the process of consulting with the child guidance center, the case shall be reported to the police after confirming the intention of the child victim. (Ministry of Health, Labour and Welfare and National Police Agency)

**(vii) Operation of Child and Family Support Centers and deployment of officials in charge of psychotherapy to child welfare institutions**

Child and Family Support Centers shall be operated in close coordination among related organizations so as to ensure that they properly provide consultation and support concerning damage caused by child pornography crimes. Officials in charge of psychotherapy will provide care and guidance to children in need of psychological treatment, and officials in charge of psychotherapy shall be deployed to foster homes, infant homes, children's self-reliance support facilities, and maternal and child living support facilities to provide psychotherapy, such as play therapy and counseling, to children in need of such therapy due to trauma caused by abuse, etc. (Ministry of Health, Labour and Welfare)

**(2) Enhancement of capacity of officials**

**(i) Study on questioning techniques with consideration to feelings of child victims**

The "Study Group on Objective Techniques for Questioning Child Victims," which

was established in the National Police Agency and consists of experts in the field of psychology, will study questioning techniques through which they can ensure admissibility of evidence and probative value of child victims' statements, while understanding victims' feelings and characteristics and paying ample attention to prevent secondary damage. They will study concrete techniques in FY2010 and prepare a manual and DVD for questioning techniques in FY 2011. In order to disseminate questioning techniques thus established to prefectural police departments, officials in charge of questioning child victims shall be provided with lectures on the necessity and effectiveness of such techniques and training for the role playing practices of questioning procedures in line with actual case examples. (National Police Agency)

**(ii) Study on how to support child victims**

The National Police Agency will provide training for prefectural police officials in charge of supporting child victims, have them study how to carry out counseling, how to deal with cases properly upon occurrence, and how to provide support to victims for their recovery, based on the characteristics of such crimes as child pornography crimes, and thereby enhance the capacity of those officials. They will collect sample cases concerning support for child victims in FY2010 and compile them into a booklet for recovery support in FY2011. (National Police Agency, Ministry of Justice, and Ministry of Health, Labour and Welfare)

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

The Ministry of Health, Labour and Welfare will conduct surveys and research on methods for early detection of child sex crime victims and for proper questioning of sexually assaulted children at child guidance centers. 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**

The Ministry of Education, Culture, Sports, Science and Technology will prepare reference materials to explain effective methods of health monitoring and health consultation for healthcare teachers and general teachers so that they can understand children's ordinary mental and physical conditions and detect and deal with their health problems at an early stage. At the same time, the ministry will hold symposiums targeting healthcare teachers and clinical psychologists dispatched to schools. (Ministry of Education, Culture, Sports, Science and Technology)

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

**(i) Strict apprehension of heinous child pornography offenders**

The National Police Agency will further promote cyber patrol, actively utilize

information collected at the Internet Hotline Center and reported through the anonymous dial system, and will encourage joint investigation among multiple prefectural police departments and figure out the reality of groups of child pornography lovers. Through these efforts, the police will strengthen investigation, prioritizing that into the manufacture of child pornography, which causes damage to young children, and strictly apprehend heinous child pornography offenders. (National Police Agency)

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

Regarding heinous business operators such as site administrators and server administrators having a part in the provision of child pornography, the police will strengthen guidance and warning and make recommendations to and lay criminal charges on these server administrators, etc. based on the Act on Control and Improvement of Amusement Business, etc. Criminal charges on such heinous related business operators shall be pursued more severely. (National Police Agency)

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

The National Police Agency will actively participate in international activities by the International Criminal Police Organization (ICPO), the G8 Roma/Lyon Group and the like, dispatch agency officials to training conducted by the Federal Bureau of Investigation (FBI), and expand Seminar and Investigators Conference on Child Prostitution /Commercial Sexual Exploitation in Southeast Asia that have been held since 2002. The police will thus make arrangements for promoting information exchange with foreign investigative authorities and international cooperation for criminal investigation and will strengthen collaborative relationships. (National Police Agency)

**(iv) Strict punishment for child pornography offenders**

Law enforcement agencies will make efforts for strictly punishment 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)

**(v) Enhancement of investigative capacity for child pornography crimes**

The National Police Agency strengthened its structure in April 2010 by newly establishing the Director for Combating Child Sexual Exploitation and image analysis section, etc. Under this new structure, the investigative capacity of the police for child pornography crimes shall be enhanced nationwide through better identification of child victims and maneuvers and more detailed analysis of child pornography images, as well as through active promotion of joint investigation. Furthermore, training specialized in the investigation of child pornography crimes shall be started from FY2010 on so as to enhance respective prefectural police departments' capacity for investigating cases,

including those using file sharing software. (National Police Agency)

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

Public prosecutors shall be provided with lectures concerning special consideration needed for children at various training sessions given according to their service years, and they are to make effort to obtain knowledge on child pornography crimes. (Ministry of Justice)

**6. Surveys, etc. of countermeasures against child pornography in foreign countries**

**(i) Promotion of "Support for Victims of Child Sexual Exploitation" project by G8 Roma/Lyon Group**

The G8 Rome/Lyon Group, comprised of the experts in counterterrorism and transnational organized crimes, proposed and approved a new project on "Support for Victims of Child Sexual Exploitation" in February 2010. By promoting this project, the National Police Agency will prepare best practices of support measures for child victims of sexual exploitation in G8 countries. (National Police Agency)

**(ii) Surveys of counter measures against child pornography in foreign countries**

Surveys have been carried out through diplomatic missions abroad concerning legislations on child pornography in G8 countries and other foreign countries. Surveys will be continued with regard to trends concerning legislations and on new regulations, such as blocking on the Internet, and other current moves, and the survey results will be compiled regularly. (Ministry of Foreign Affairs, National Police Agency, and Ministry of Justice)

**(iii) Assistance for efforts by private bodies**

Assistance shall be provided for efforts by the "Safe Net-Making Promotion Conference" and other bodies for carrying out surveys on countermeasures against distribution and access in foreign countries, including blocking. (Ministry of Internal Affairs and Communications)