

# The Ministry of Foreign Affairs of Japan

## Fourth Periodic Report on Implementation of Convention on the Elimination of All Forms of Discrimination against Women (1999)

### 5. Article 6

#### (1) Current situation of prostitution

##### 1) Actual situation of identification of crimes related to prostitution, and relevant laws

In Japan, there are several applicable laws for crimes related to prostitution, such as the Anti-Prostitution Law, the Child Welfare Law, the Penal Code and the prefectural Youth Protection Ordinances, and these penal provisions have been appropriately enforced.

The situation of identified cases of crimes related to prostitution in the last 5 years is as shown in the Statistics 50, which can be observed as indicating a more or less downward trend despite some fluctuations. The situation of identified cases in violation of the Anti-prostitution Law also shows a similar tendency. In terms of numbers of cases, procuration is the most frequent reason for identification, followed by contract and solicitation. While, in terms of the number of identified persons, procuration is indicated as the most frequent reason, followed by solicitation and contract. These three modes of crimes represent an overwhelming majority, accounting for more than 90 percent of the total cases in violation of the Anti-Prostitution Law.

In all crimes of prostitution, procuration and contract, which are often incidental to the so-called “dating clubs (escort service)”, represent a substantial portion. Therefore, it can be said that a dispatch-type prostitution service, a type as providing a prostitute upon request made of the customer, represents the most popular form of prostitution in Japan. It is also noticeable that criminal techniques for dispatch-type prostitution are becoming more unscrupulous and dexterous, such as seeking clients openly by means of sticking leaflets soliciting prostitution onto public telephone booths and using the call-forward phone and cellular phone for communication with clients.

Among these criminal cases of prostitution, cases in which organized crime groups are involved continue to share a certain portion. The ratio of members of organized crime groups to the number of offenders identified in violation of the Anti-Prostitution Law in 1996 was 18.5 percent (264 offenders), which indicates the fact that the prostitution business is a source of income for organized crime groups.

The Law Regulating Adult Entertainment Businesses was partially amended in April 1998, to prevent prostitution offence in entertainment business, to make illegal employment offence as grounds of incompetence for appointment as entertainment business, and to prevent entertainment business owners of restaurants and customers reception business or those so called “brokers” to have their employee in reception service owe large debt or to keep their passport in custody.

## 2) Sex education and advocacy activities

In school education, efforts have been made aiming at further improving sex education, mainly through such subjects as physical education, health and physical education, science, home economics, moral education and special activities, so that pupils and students will acquire scientific knowledge on sex according to their developmental stages, understand the importance of life, have healthy views on the other sex based on the spirit of respecting human rights and gender equality, and be able to behave in the appropriate manner. Various measures have been propelled by way of making out guidance materials for teachers and holding various seminars.

In addition, the following activities have been conducted as a part of social education. Classes for education at home, that are held by various municipal authorities for parents, provide information for sex education at home and teach participants correct knowledge on sex. On the other hand, subjects concerning reproductive health rights such as matters related to pregnancy and birth are coming to be taken up in a class designed for newly married couples without children and couples during pregnancy.

## 3) Prostitution by non-Japanese women

The situation of non-Japanese women involved in criminal offenses relevant to prostitution classified by nationality and working places in the last five years is shown in the Statistical Annex 52. Many of these women have entered Japan with the status of residence “Temporary Visitor” or “Entertainer”, worked at adult entertainment businesses including bars and nightclubs, and engaged in prostitution under the illegal situation of overstaying. Recently, this situation seems to be spreading into local cities, and a background of which is pointed out to be the existence of brokers engaged in the supply of non-Japanese women, and organized crime groups and unscrupulous employers who receive the supply of those women. In the most wicked of cases, women have been brought into Japan by being cheated and owed huge amounts of borrowings to such brokers, and forced to be engaged in prostitution or into menial work while the women’s pay is unreasonably reduced by the brokers.

In response to this situation, a nation-wide investigation into the actual situation of foreign entertainers’ workplaces (foreigners who have entered Japan with the status of entertainer) and their activities was conducted and as a result of this, illegal activities of foreign entertainers such as “hostess” services were found. In order to remedy the situation surrounding the activities of foreign entertainers and to prevent employers from infringing the human rights of these entertainers, the ordinance of the Ministry

of Justice was partly revised (Enforced on September 3, 1996) to ensure that the employment of foreign entertainers will be permitted only when, if the facilities concerned are so-called adult entertainment service businesses, it secures not less than 5 persons who are to be engaged in “hostess” service, and only when it is regarded that the foreign entertainers will not be engaged in “accompanying” service. In addition, the reasons for disqualification for employing foreign entertainers are clearly defined regarding inviting organization, managers and full – time working staff members of facilitation for performance.

As states in 5. Article 6, (1) 1) above, the Law Regulating Adult Entertainment Businesses was partially amended to prevent prostitution by non-Japanese women.

#### 4) Purchase of juvenile prostitution

Because an act of purchase of juvenile prostitution is an act that significantly hampers the sound development of girls and is the violation of their human rights, efforts have been extended to enforce the control by utilizing the current laws and ordinances to the maximum extent. Besides, in order to realize a society in which the purchase of juvenile prostitution will not be allowed, activities of publicity and advocacy intended for the protection of juvenile rights are actively carried out by collaboration between the relevant organizations. On the other hand, in order to prevent the cases from being latent, we are striving to establish an environment and system that will ensure that the girls feel neither afraid nor intimidated when consulting with or reporting to the police. A system by which expert staff will provide continuous support including a counseling service are also being arranged with the intent of facilitating alleviation of the mental damage of victimized girls to ensure an early recovery.

Also, so called “Youth Protection Ordinance” enacted in all local governments except Nagano prefecture have obscenity penalty provisions to control “obscene sexual act or indecent act to juvenile.”

Setting the example for other local governments, the Metropolitan Government of Tokyo revised its ordinance for juvenile protection on December 16, 1997 in response to this situation. Significant characteristics of the amendment can be found in provisions prohibiting adults from having a sexual intercourse or a similar act with a juvenile by offering money or goods or through procuration (prostitution) and, for the first time, introducing penalty regulation for adults who engaged in such intercourse with a juvenile.

“Patronage Dating” originally meant receiving money in return for sexual favors. In these days, however, this term has come to mean the kind of act conducted especially by young girls. Sexual delinquencies committed in the name of “Patronage Dating” have drastically increased in number, which also indicates a lowering trend in the age of girls.

The police has actively been engaged in the strict control of adults involved in

patronage dating, strict applications of the local government ordinances regulating telephone clubs (that play a role as a hotbed of sexual delinquency), continuous guidance to victimized girls, strict control over an act of prostitution inducement. At the same time, publicity and advocacy activities are carried out to develop the norm consciousness of young girls and formation of public opinion for the prevention of delinquency.

#### 5)Telephone club

In recent years, businesses such as “telephone clubs” and “two shots dial” that intermediate communications between many and unspecified men and women using telephone lines are increasing. This causes a problem by such establishment becoming a hotbed for damages by sexual intercourse and sexually problematic acts such as prostitution because girls who see the advertising leaflets may call the service, out of curiosity, and there is a serious anxiety about the negative influence on the juvenile. Upon formulation of local government ordinance regulating telephone clubs and the likes in 46 prefectures, the police has, in addition to the efforts on its pertinent application, commenced to proceed with the enforcement to exert control over miscellaneous illegal acts, activities to remove telephone club’s advertising materials (in cooperation with relevant organizations, groups and residents), publicity work and advocacy activities for the prevention of damage to the juvenile related to telephone clubs.

#### 6)Sex tours to developing countries

Although Article 6 does not request the state parties to take measures as regards the situation outside the country concerned, Japan takes the following measures related to sex tours to developing countries.

Article 13(3) of the Travel Agency Law stipulates that travel agents are prohibited from getting involved with their tourists conduct (including receiving services) which violate local laws or ordinances. Furthermore, a notification was issued to provide that the names of those travel agents who are involved with the immoral acts committed by Japanese tourists overseas should be disclosed in public.

In recent years, however, there have been cases of Japanese tourists being arrested for purchasing child prostitution. In another case, a Japanese tourist was prosecuted after his return to Japan. In the wake of the World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden in August 1996, the Japanese Government held a liaison meeting of ministries and agencies concerned and started advocacy activities for preventing the purchase of child prostitution and child pornography. As part of these efforts, posters appealing to eliminate the purchase of juvenile prostitution were made and distributed widely to airports, ports and windows for passport services. This was conducted in cooperation with the Japan Committee for UNICEF. The travel business association has also been making efforts to have

travel agents and tourists well informed.

The Japanese Government clarifies its position with determination to respond strictly in accordance with the relevant laws and ordinances to the travel agents in case of their involvement with unsound acts conducted by Japanese tourists overseas.

(2) Various aspects of situation in prostitution

1) Businesses related to entertainment trade on sex

In Japan, in the early part of the 1980s, new types of adult entertainment trade emerged one after the other and this had an enormous amount of negative influence on the good morals of society and sound development of the juvenile. Responding to the situation, the Entertainment Establishments Control Law (which has been superseded by the Law Regulating Adult Entertainment Businesses, etc.) was amended in 1984 to significantly strengthen regulations over such trade; defining five kinds of adult entertainment business (see Statistical Annex 56), introducing the notification system, prohibiting various acts concerning the persons under 18 years of age and brokers for adult entertainment service, and providing restrictions on advertisements, publicity and business hours in addition to the regulation on areas where business is prohibited. And in April 1998, in consideration of the current situation with the trend of diversified forms of prostitution (such as a sex entertainment business with no establishment involved), partial amendment of the adult entertainment law was made.

In addition, coping with recent changes in the business environment that have been brought about by the progress of scientific technology including the wide-spread use of personal computers, the government ordinance concerned was amended in 1996 by adding electromagnetic recording media such as the CD-ROM to the regulated items for pornography.

The number of business places of adult entertainment businesses in the last 5 years is shown in Statistical Annex 56.

For those illegal sex businesses that do not fall under the regulation for adult entertainment businesses, efforts have been made to conduct a thorough control by applying the Anti-Prostitution Law.

2) Diversified forms of prostitution

Forms of prostitution are diversified into various kinds such as prostitution in a bathroom furnished with a private room, prostitution disguised as various kinds of “accompanying” services (such as prostitution conducted in a so-called “pink bar”), prostitution of non-Japanese women carried out while working in restaurants, and conventional prostitutes, in addition to dispatch-type prostitution, including dating clubs, which represents the mainstream thereof.

### 3) Protection of women engaged in prostitution

#### (i) Facilities for the protection of women

Chapter 4 of the Anti-Prostitution Law has provisions on protection and rehabilitation for a woman who could possibly engage in prostitution in light of her disposition or circumstances (a woman in need of protection).

For that purpose, women's consultation offices based on Article 34, as well as women's protective institutions based on Article 36 of the Law have been established, and women's counselors based on Article 35 have been appointed.

In response to recent changes in the socio-economic conditions and from the standpoint of "nip an evil in the bud or prevention," these activities for the protection of women have been extending their scope of protection and support to include women who have problems that cause difficulties in their social life such as the breakup of families, a poverty-stricken life and sexual damage, in addition to women who have experience of prostituting themselves.

In the women's consultation offices, guidance and support, such as hospitalization at the women's protective institution, finding a job, returning to their families and transfer to a welfare office, are offered to women. For women in need of protection, temporary protection in the annexed temporary protective station has been implemented.

The women's counselors appointed in all 47 prefectures and some large cities conduct guidance and support services similar to what the women's consultation offices offer.

The women's protective institutions established at 52 locations in the nation provide vocational training to the inmates. These inmates will leave the institutions to commence employment, start their own business, return home, return to their parent's home, marry or transfer to other organizations or facilities.

#### (ii) Protection of victimized girls

Engagement in prostitution of a girl who is still mentally and physically immature is not only the violation of human rights of girls but also could possibly inflict substantial mental damage on her and have a bad influence on her subsequent sound development. The National Police Agency and the Ministry of Justice are striving to establish a system to offer continuous support to such girls through counseling services by expert staff members so as to facilitate an early recovery by alleviating the mental damage.

#### (iii) Protection of non-Japanese women

Among the non-Japanese women for whom the Government of Japan offered procedures for deportation for the reason of illegal working in 1996, the number of women engaged in prostitution, amounted to 484.

Regarding the problem of illegal employment of foreigners in Japan, when considering the economic condition of Japan and other Asian nations, it is expected that the inflow of foreigners who intend to work illegally may continue to increase and therefore non-Japanese women's engagement in prostitution will

also increase. The Japanese Government has propelled such measures as strict immigration inspection, more intensified raid for unscrupulous cases, more active publicity activities both at home and abroad and other required measures under the fundamental policy of preventing practice of illegally employing foreigners in Japan and reducing the number of such foreigners while considering their human rights.

Also, efforts have been made to prevent the very act of prostitution, taking into account its immorality, anti-sociality and negative influence on public morals, society and public health. In addition, when the fact of infringement of human rights such as the case of prostitution by force is found, the relevant authorities will take the necessary measures for protecting human rights, including the issue of a government notification.

For the purpose of providing temporary protection for women who have suffered from such situations as above-mentioned, there are shelters available established by private sectors of women's organizations which have been used by many non-Japanese women. (An example would be the Women's House – Help," established by the Japan Woman's Christian Temperance Union )

#### 4)Integration of the Prostitution Countermeasures Council into the Council for Gender Equality

The Council for Gender Equality, newly established by the Establishment Law of the Council for Gender Equality, passed in March 1997 and enacted in April 1997, has taken over and developed the role formerly served by the Prostitution Countermeasures Council. The Council for Gender Equality is now investigating and deliberating on the measures against prostitution (both parties involved), and other forms of violence against women.

(Source: <http://www.mofa.go.jp>)