

## Keynote speech by Ms. Moriyama, Minister of Justice of Japan

Your Majesty Queen Silvia, distinguished participants, ladies and gentlemen:

It is of great significance that the 2nd World Congress against Commercial Sexual Exploitation of Children is being held here in Yokohama and I am personally filled with deep emotion and happiness, as I have always been very much concerned and deeply involved in children's issues as both a citizen and a member of the Diet.

As you all know, the first Congress was organized in Stockholm in 1996, in response to the proposal and assistance of Her Majesty Queen Silvia of Sweden who is here today. To my regret, I couldn't attend that Congress at the time, but my fellow Diet members who participated in it told me that they strongly felt that the awareness of Japanese society on the sexual exploitation of children was not sufficient and that, in this respect, Japan lagged behind in the field of legislative and administrative measures. With this Congress as a turning point, these Diet members, together with interested private lawyers and members of NGOs who recognized the seriousness of the problem, started to tackle it earnestly with united efforts.

In this sense, it may be said that the first Congress in Stockholm provided Japan a stronghold to establish a route to the enactment of a law entitled 'The Law Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children'. Initiated and enacted in 1999, this law was epoch-making going against commonly accepted ideas of Japanese society prevailing in those days.

However, the problem of sexual exploitation of children is deeply rooted in society and the patterns of exploitation are becoming more and more diverse in this age of high technology. It is not the kind of problem that can be easily resolved by simply enacting laws but requires our constant attention, proper counter-measures and enforcement thereof in the future. Also, in order to solve the problems concerning children, it is essential to increase the awareness of society and, for this, cooperation amongst the government, international organs and NGOs is indispensable. Therefore, I think it is of utmost significance that this 2nd Congress has been co-organized by four parties, UNICEF, ECPAT, NGO groups and the Government of Japan.

(National approach)

We cannot deny the fact that all over the world there exist adults who pay a nominal amount and abuse young girls treating them as sex objects and many who gain profit by producing pornographic pictures of children which is a form of sexual abuse or commercial exploitation of children. Further, it is true of some developing countries that, as a result of poverty or lack of education or sexual discrimination, a number of children are sold to brothels and forced to engage in prostitution to earn their livelihood.

While the development of globalization and the rapid progress of information and communication technology benefit our lives in various fields, excessively speedy progress gives rise to distortions in society and thus what we call the 'negative sides of globalization' come out in various forms. Among others, in particular, the environments surrounding children have changed considerably and new forms of menace, including the problems of the selling of children and child pornography through use of the Internet, are becoming a grave social concern.

Japan, for one, has been worried about the worsening situation of commercial sexual exploitation of children in the midst of the diversification and globalization of society. For example, we have a Japanese word 'enjo-kosai' which is symbolic of the lack of ethics or morals in Japanese contemporary society. This is a word invented by the mass media which means compensated dating, that is, a child offers sexual intercourse in return for pecuniary benefits such as money, and this word has the effect of weakening the impression of the immoral or anti-social nature of the act of prostitution. The dissemination of this word 'enjo-kosai' clearly shows the expansion of

the 'merchandising of sex with a child'. Also, there is the deplorable tendency of the media to treat it as a kind of fashion.

While in Europe and America the drafting and revision of laws to protect the rights of children have been taking place, in Japan, too, a movement to have a new law, at the earliest possible opportunity, to punish the acts of adults as crimes infringing upon the rights of children has been promoted among Diet members since around the beginning of 1997. The awareness of the importance of this problem was heightened by the Liberal Democratic Party as well and, as I was directed by Mr. Yamazaki, Chairman of the Policy Research Council of the Party, I became the moderator for the problem and, in June 1997, the then three Government parties, including the Social Democratic Party and the New Party Sakigake set up a project team to draft a bill prohibiting the sexual exploitation of children and child pornography. Through this team, lively debates were conducted at over 30 meetings and we found, among others, that the relation between child pornography and 'the freedom of expression' or 'the right to privacy' guaranteed by the Constitution was a very thorny issue. In the meantime, the parties in power changed, which resulted in discontinuance of the debate and further complications for the team for some time. However, from the basic standpoint that enactment of a law was absolutely necessary, it was decided to prescribe in law a bare minimum to which everyone could agree and, with the participation of all the parties, including the Opposition benches, and also with the moral support of former Prime Minister Hashimoto and the then Chief Cabinet Secretary Nonaka, the Child Prostitution and Child Pornography Prevention Law was approved and enacted at the plenary session of the House of Representatives on May 18, 1999.

It took about three years after this problem was taken up politically in Japan and about two years after the debate to prepare the bill was started and in this way Japan managed to take a giant step to ensure that she was not far behind the world community. This law has made it possible to strictly punish, as a crime, the act of performing sexual intercourse with a child under 18 years of age in return for remuneration and the act of producing pornographic pictures of a child among others.

Also, any person who traffics in a child for the purpose of prostitution or produces a pornographic picture of the child or transfers a kidnapped or trafficked child overseas from the country where the child normally lives is strictly punished. These crimes are subject to punishment, whether committed in Japan or overseas, and it has now become possible to prosecute a Japanese national in Japan if he commits the act of procuring prostitution overseas.

Another important point of this law is protecting children who suffer harmful effects through sexual exploitation, mentally and physically. Specifically, the law requires that special consideration be paid to children at the stage of investigation and court proceedings and that the officials be trained. It further requires that publication which may identify child victims be prohibited and that various other measures be taken to consider and protect the rights of children. Furthermore, the Code of Criminal Procedure was amended in May 2000 by which it has now become possible to have a suitable person accompany a child victim of prostitution or of other crimes when the child testifies at a criminal trial or have the court install a screen between the witness and the defendant and, further, a new system has been introduced to enable the court to examine a witness at a place other than the courtroom through the use of video monitoring. Therefore, it can be said that our system has been improved to give special consideration to children to avoid their undergoing unnecessary suffering at trial.

Now, let me cite an example of application of the Child Prostitution and Child Pornography Prevention Law. A Japanese national was prosecuted for the crime of producing pornographic pictures of Thai girls in Thailand and was convicted by the court. When we consider that if Japan had not had this law, no action would have been taken in a case like this, we are pleased with the success of enactment of this law but, on the other hand, we hold mixed feelings at knowing that cases like these committed by Japanese nationals are still taking place.

In November last year, the Child Abuse Prevention Law was enforced. We hope that, through this law, measures to solve the problem of child abuse will be strengthened, contributing to the eradication of commercial sexual exploitation which is closely connected to the abuse of children. Since we intend to punish as a crime an act which was not previously a legal problem, being only subject to moral restrictions, it is necessary first to convert the people's way of thinking, and establishment of a law is only an initial step. From now on, it is important to heighten people's consciousness so that they will never condone child prostitution or child pornography and, needless to say, this responsibility lies with each of us who compose the local community.

The Child Prostitution and Child Pornography Prevention Law which was enacted, based on the initial thought that first "it was important to make", is subject to review three years after its enforcement, which is, in fact, next year. A lot of people (more than expected) were punished for these crimes after enforcement of this law, and I strongly feel that society as a whole should tackle the problem of commercial sexual exploitation of children from various angles including family and education. When reviewing this law in the future, not only the problems which were discussed at the outset but also the problem of how to handle child pornography on the Internet or those cases in which cellular phones are used will have to be carefully considered. Internet crimes are being debated on an international level at present at the Government/Private Sector Joint High-Level Meetings on High-Tech Crime organized within the framework of the G8. In order to tackle the problem of the crime of child pornography on the Internet, I believe it is important to listen to the opinions of the business world such as those from Internet service providers.

(In closing)

I would like to conclude my statement, wishing sincerely that, with this 2nd World Congress as an impetus, more and more people will gain a greater understanding of the problem of commercial sexual exploitation of children and build a society in which the rights and dignity of children are highly respected.