

# Sexualized Child Images on Japan Commerce Sites Prompt a Crusade

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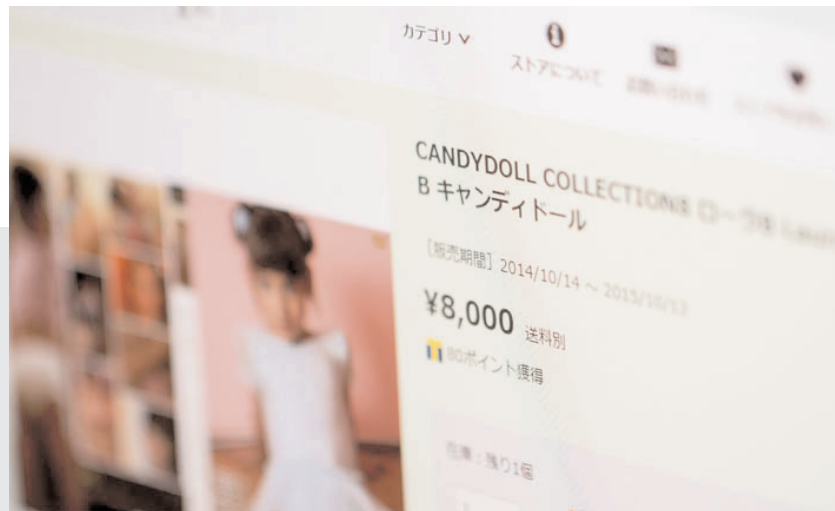
November 20, 2014 – When Tokyo mothers recently searched

Amazon Japan's website for Halloween "candy," they got a shock: pictures of scantily clad pre-pubescent girls popped up on their screens.

The photobooks and DVDs, which were available last month at Japan's three largest retail websites – Amazon Japan K.K., Rakuten Inc. and Yahoo Japan Corp. – are part of the "idol" industry that generated \$615 million last year from bands, models and starlets.

"It's disgusting. They are the age of my first-grader," said one Tokyo mother of three. She asked not to be named because of threats against her online campaign to rid retailers of the material. "They shouldn't be selling these products."

Five months after Japan revised its laws to ban possession of child pornography, it remains unclear how the amendment applies to the junior idol industry, which features young children. The gray area allows mainstream retailers such as Amazon Japan, Rakuten and Yahoo Japan to carry the products, leaving lawyers and regulators to debate where child abuse ends and freedom of expression begins.



As of Nov. 19, a search for "Candy Doll Collection" on Yahoo Japan's shopping site returned 17 results containing images of girls who appear about 6 or 7 years old, wearing underwear, bikinis and costumes.

Photographer: Brent Lewin/Bloomberg

"It's extremely difficult to say whether these materials can be classified as child pornography," said Ryoji Mori, an attorney at Cyber Law Japan Eichi Law Offices in Tokyo. "It's obvious that the target audience is pedophiles, but the manufacturers have done it in such a way that it's difficult to say if it's illegal."

Mori is an adviser to the Japan Internet Safety Promotion Association, a non-profit organization working with the police to block online child pornography.

## 'Candy Doll'

As of Nov. 19, a search for "Candy Doll Collection" on Yahoo Japan's shopping site

returned 17 results containing images of girls who appear about 6 or 7 years old, wearing underwear, bikinis and costumes. While none of the pictures revealed private parts, some of the girls pose with spread legs, showing their underwear. One 4,000 yen (\$35) DVD advertises: "Margaret-chan, who dresses as a maid and ballerina, generously displays her sweet body and cute charm."

Yahoo Japan contacted the police about the Candy Doll Collection and hasn't been told that the DVDs violate anti-child pornography laws, Yoshinari Kaji, a spokesman for Yahoo Japan, said in an e-mailed response.

### **Daily Monitoring**

"We haven't confirmed the contents of the products in question, but if we identify that there is a problem, we intend to deal with it swiftly and appropriately," Kaji wrote. He said the company monitors its website daily to check for products that infringe laws.

Yahoo Japan was 42.9 percent owned by SoftBank Corp. and its group companies as of March 31, making it a subsidiary, said Matthew Nicholson, a SoftBank spokesman in Tokyo.

"As this is a matter for Yahoo Japan, a separate listed entity, we decline to comment," Nicholson said.

On Amazon Japan, the Candy Doll series can no longer be found. From the same DVD producer's website, a link redirects to Amazon.co.jp, advertising an out-of-stock video from its Nymphet series.

Amazon Japan said it reviews products "if customers find an item on our site they find objectionable." The company offers more than

100 million items on its website, it said.

Amazon.com Inc.'s Japan policy states that products sold on Amazon.co.jp must follow Japanese laws, Craig Berman, a spokesman for the Seattle-based company, said in an e-mail.

A search on Rakuten's site no longer shows any Candy Doll DVDs for sale. The company declined to comment.

### **'Under Japanese Law'**

A call to the Tokyo office of the Candy Doll DVD series producer was answered by a Mr. Takashiro, who declined to give his first name or title.

"We operate under Japanese law," said Takashiro, who stressed he was speaking in his personal capacity. "It's up to the law to decide and it's not for my company to decide."

With the revised law, Japan became one of the last industrialized nations to ban possession of pornography featuring children under the age of 18. The amendment clarified the definition of child pornography to outlaw materials that "particularly expose or emphasize sexual organs such as buttocks or the chest area of a child."

The revised law added to the previous definition of child pornography as any material showing a sexually physical act with a minor such as touching or being touched in or around the genitals, or material where the child has removed all clothing or parts of clothing to excite and stimulate sexual desire.

### **Manga Exempt**

The law exempts manga, anime and computer games, after groups including the Japan Magazine Publishers Association lobbied

against restrictions on freedom of expression.

Sales of idol products, which include pop albums from supergroup AKB48, generated about 72 billion yen in the year ended March 2013 in the country, according to Yano Research Institute Ltd. The figure includes photobooks, DVDs, concert tickets and related products.

Critics say the definition of child porn in the amended law is still vague, making it difficult to enforce regulation.

“The definition still remains broad and obscure, and is unclear,” Japan Federation of Bar Associations President Susumu Murakoshi said in a statement on June 18 after the amended law passed. There should be explanatory guidelines for how to interpret the law, otherwise there is “uncertainty about the practical use” of the amendment, Murakoshi said.

The Ministry of Justice has no plan to create guidelines, said an official at the criminal affairs bureau at the ministry, who asked to not be named citing department policy. It’s up to the courts to decide how to apply the law, the official said.

On the cover of one of the Candy Doll DVDs, a young girl in a ballerina outfit is shown sitting on the floor with splayed legs, wearing a tight leotard that reveals the outline of her genitals.

### **‘Looks Problematic’**

“It’s debatable if it’s illegal or not,” said Shino Uenuma, an attorney at South Toranomon Law Offices, commenting on the image. “Let’s put aside whether this was intentionally shot in a way that is sexual. Based on the law, it looks problematic.”

Law enforcement and prosecution agencies have so far focused on the worst cases of sexual abuse of children, lawyers said. The junior idol industry is free to sell its products with no police interference unless the general public steps in, said Uenuma.

Retailers in Japan could receive a maximum 5 million yen fine or up to five years in prison if found guilty of distribution, according to Mori. If the retailer takes down the material within a “reasonable amount of time” after being notified of the sale, charges are unlikely to apply, he said. Two weeks is considered a fair amount of time, the lawyer said.

By comparison, in the U.S., those found guilty of distribution of child pornography face a maximum of 40 years of jail time.

### **International Hub**

According to a U.S. Department of State’s 2013 Human Rights Report, Japan is an international hub for the production and trafficking of child pornography.

The number of child pornography investigations in Japan rose to a record 1,644 cases in 2013, according to the latest data from the National Police Agency’s website. A majority of them were Internet-based crimes such as posting and sharing of photos or videos with illegal content. Internet-related child porn accounted for 84 percent of the cases in 2013, the agency said.

### **Video Game**

This isn’t the first time Amazon Japan has come under fire for products on its site. In 2009, Equality Now campaigned against a video game

where players attack and rape females including a 12-year-old schoolgirl. The London-based women's rights group said Amazon Japan removed the product from its website, while Japan's software association subsequently banned the game.

Amazon Japan in 2007 removed DVDs which included footage of underage girls wearing see-through bikinis, according to a report by J-Cast News, an online news site. Amazon Japan last week declined to comment on the report.

The mother who found the DVDs on Amazon Japan's website says more can be done to protect young children.

"What companies are allowing them to sell these DVDs online? It's not minor companies. It's Amazon," she said. "They need to uphold higher standards. They need to set an example for others to follow."

While the Candy Doll DVDs she asked to be removed from Amazon Japan could no longer be found on the website, "there are still many others under different publishers on Amazon," she said.

Leaving the legality of the material aside, retailers should review the ethics of selling these products, said advocacy groups such as Unicef.

"It's a serious problem for Japan," said Hiromasa Nakai, a Unicef spokesman in Tokyo. "We want retailers to realize that it's not just about making money, and to think about how they are affecting the development of children. Just because it sells, doesn't make it OK."

– *Editors: Teo Chian Wei, Brian Bremner, Terje Langeland*