

<Summary of Doctral Thesis 2016>

**New Dimension of the Regulation of Child Pornography:
Japan's Current Legal System of Virtual Child Pornography
and Issues in International Comparison**

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The purpose of this study is to show necessary directionality in finding the consistency with the international model in order to protect children's sexual rights by clarifying the factor that the discussion of the international model has not been reflected by laws and regulations of the virtual child pornography in Japan. The research question is following three points:

- ① What kind of frame do an international treaty and the foreign countries regulate child porno with?
- ② What is the viewpoint that is different from Japan in the system of an international treaty and foreign countries about child porno regulation?
- ③ Is it possible to regulate the virtual child pornography in the framework of Japanese existing law?

As a result of this study, the answers to each research question are as follows:

- ① The international treaty protects children from every sexual exploitation on the axis of children's rights. The United States limits a range for the regulation about the virtual child pornography. The U.K. does not receive unconstitutional judgment in virtual child pornography regulation unlike the United States. Canada targets for punishment regardless of the existence of the described child.
- ② The discussion and the theory of the legislation process over the virtual child pornography regulation in Japan tend to give priority to "freedom of expression" over the human rights of the child.
- ③ The "Shobunkan" case judgment mentioned that freedom of expression could have constant limitation when it collided with other interests. "Restraint of the sexual crime," "young healthy upbringing," and "the protection of human rights" that were shown as the interests protected by law are piled up with a viewpoint of an international treaty and foreign countries. Therefore, it seems that the virtual child pornography could be regulated in the framework of Japanese existing law.

Keywords: Regulation of child pornography, Virtuality, Human rights, Freedom of expression, International comparison