

## **Japan Association of Gender and Law 2013 Annual Symposium Individual Report**

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### **Relationship between "Sexual Expression of Drawings" and "Real-Life Sexual Harm" in the Media**

#### **-On the Proposed Amendment to the Child Prostitution and Child Pornography Prohibition Law**

#### **ABSTRACT**

##### **<Purpose>**

In June 2013, it was decided that the proposed amendment to the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (hereinafter referred to as the "Child Prostitution and Child Pornography prohibition Law"), which had been submitted to the ordinary Diet session, would be continued for further deliberation. In addition to introducing a "simple possession prohibition," which would prohibit the possession of child pornography, the amendment calls for the government to conduct research on the relationship between cartoons, animations, computer graphics, etc. and sexual crimes.

With regard to the latter in particular, there is strong opposition from the publishing industry and general users. One point of contention is whether "drawings depicting non-existent people should be subject to regulation," even if they depict sexual abuse, and no unified view has yet been reached.

Does a creative work not cause actual victims? This report focuses on the relationship between "sexual expression in drawings" and "actual sexual victimization," examines several recent cases of sexual crimes and research theories and data on the effects of sexual expression, and discusses the harmful effects of sexual expression in drawings.

##### **<Outline>**

Child pornography cases are on the rise, with both the number of cases and the number of people exposed in the first half of 2012 increasing 19.9% and 37.2%, respectively, from the same period last year to 764 cases and 612 people, both record

high. Internet-related cases accounted for 85.7% of child pornography cases. In addition, more than 80% of child pornography of younger children is produced by means of rape or indecent assault. The Child Prostitution and Child Pornography Prohibition Law was enacted in 1999 and was revised in 2004. However, the current law does not prohibit "simple possession" of child pornography, which is the possession of child pornography simply for personal viewing, and has been criticized by the international community amid the global proliferation of images via the Internet. Therefore, based on the view that regulations should be strengthened, the Liberal Democratic Party, Kōmeitō, and Japan Restoration Party jointly submitted an amendment to the 183rd Diet session in 2013, but it was decided to continue deliberations.

What makes this amendment particularly controversial is the fact that it calls for the government to conduct research on the relationship between "drawn child pornography" such as manga, anime, and computer graphics and sexual crimes. One of the points of debate is whether "drawings depicting non-existent people should be subject to regulation," even if the content depicts sexual abuse.

In the academic literature, there have been several reports on the relationship between sexual crimes and pornography, particularly adult videos (AV), but I am unaware of any studies that focus on drawn pornography. Therefore, this report first examines the relationship between the sexual expression of drawings and actual sexual victimization, based on recent cases of sexual crimes. Then, research theories and data on the influence of sexual expression in drawings will be organized and discussed from a social scientific viewpoint.

As a case study of "infringement of the rights of real children by drawings," it will report a case in which sexual abuse of a real child was the "source of material" for drawn child pornography, which was a comic book. As for cases of "use of drawings in sex crimes," it will introduce cases that occurred in the 2000s, in which supposedly the sexual expressions in drawings was imitated in real sex crimes, or in which the view that real children are sexual objects was planted, or in which a distorted perception of real women in general was formed.

However, it can also be inferred that perpetrators of sex crimes cite media such as videos and comics as the reason for their crimes in order to shift the blame for their

crimes to external reasons. It is also generally accepted that it is "some special people" who are affected in this way by the media. In the latter half of the report, it will examine the effects of media representations of sex on viewers from a social scientific perspective.

Various impact studies have shown that exposure to sexually explicit materials increases the tendency to form sexually violent attitudes and decreases the sense of guilt for sexual crimes. In "Limitations of the Effects Research on Sexual Expression," it reports on factors other than pornography that are associated with sexual aggression, as well as preventative factors that are believed to mitigate the effects of these risk factors.

In summary, based on the above reports, we will discuss the measures against sexual expression in drawn child pornography in Japan.

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