

Japan

National Child Protection Legislation

National Legislation

- a) *Age of Consent*: 13 years old

[Penal Code of Japan, Article 176](#) (Forcible Indecency):

A person, who through assault or intimidation, forcibly commits an indecent act upon a male or female of not less than thirteen years of age shall be punished by imprisonment with work for not less than 6 months but not more than 10 years. The same shall apply to a person who commits an indecent act upon a male or female under thirteen years of age.

- b) *Age of Criminal Responsibility*: 20 years old

[Civil Code of Japan, Article 4](#) (Age of Majority):

The age of majority is reached when a person has reached the age of 20.

- c) *Age of Marriage*

[Civil Code of Japan, Article 731](#): A man may not marry until the completion of his full eighteen years of age, not a woman until the completion of her full sixteen years of age.

[Civil Code of Japan, Article 738](#): A minor (under 20 years old) child shall obtain the consent of both of his or her father and mother in order to marry.

Below are laws related to sexual offenses against children:

1956 Prostitution Prevention Law

Articles 7-12: criminalize the procurement of prostitutes and forced prostitution.

[1947 Employment Security Act](#): this law makes it a crime for a person to engage in labor recruitment by means of violence, intimidation, confinement, or other unjust restraint on mental or physical freedom or to recruit laborers for work harmful to the public health or morals.

[1947 Child Welfare Act](#): broadly criminalizes harming a child, including causing a child to commit an obscene act or an act of harm to the child. This act does not cover all forms of child sex trafficking, it does not reach recruitment, transport, transfer, or receipt of a child for the purpose of prostitution.

Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act. No. 52 of May 26, 1999)

- **Article 2. Definitions:** The term 'child' in the Act is used to refer to a person under the age of eighteen. The term 'child prostitution' refers to acts of sexual intercourse and sexual touching in exchange for money or the promise of payment. The term 'child pornography' refers to visual and electronic media which depicts a child engaging in sexual intercourse or being touched in a sexual manner, or a naked image of a child designed to stimulate sexually.

- **Article 4. Child Prostitution:** States that any person who commits child prostitution will be sentenced to imprisonment with labor for up to five years or fined up to 3 million yen.
- **Article 5. Intermediation in Child Prostitution:** States that anyone who acts as intermediary in child prostitution is liable to a term of imprisonment with labor for up to five years and/or a fine of up to 5 million yen. If the offender acts as an intermediary as their business, the term of imprisonment is increased up to seven years and the fine becomes mandatory, increasing to a maximum of 10 million yen.
- **Article 6. Solicitation.** States that any person who solicits a person to commit child prostitution for the purposes of acting as an intermediary is liable to imprisonment with labor for up to five years/ or a fine of up to 5 million yen. If the offender commits the offense as their business, the term of imprisonment is increased up to seven years and the fine becomes mandatory, increasing to a maximum of 10 million yen.
- **Article 7. Possession, Supply of Child Pornography and Other Related Articles.** The section states that a person who supplies child pornography is liable to imprisonment with work for up to three years or a fine of up to 3 million yen. The same penalty applies to anyone who supplies such images via electronic means. It also applies to anyone who possesses such images via electronic format with the intention of distributing them. The import, export, production or possession with intent to distribute such images is also prohibited. In addition to the offenses previously stated, the same penalties apply to someone who makes a child pose in any of the ways defined under 'child pornography' under the title of this Act above. The section also defines the offense of offering child pornography images (including those stored electronically) to the general public or publicly displaying such material, including via telecommunication networks. In 2014, an amendment was made to include: "a person who possesses child pornography for the purpose of satisfying one's sexual curiosity is liable to imprisonment with work for up to one year or a fine of up to one million yen" and "the same penalties (of producing child pornography) apply to someone who covertly depicts a child in such pose as defined under 'child pornography'. The penalty for this is imprisonment with labor for up to three years and/or a fine of up to three million yen.
- **Article 8. Trafficking in Children for the Purpose of Child Prostitution.** Defines the crime or purchasing a child for the purpose of involving the child in child prostitution or prostitution or the production of child pornography. The offense is punishable by imprisonment with labor for between one year and 10 years. If the offender transports a child who resides in a foreign state out of that state, who has been kidnapped, purchased, enticed or forced, they face a sentence of imprisonment with labor for a minimum term of two years.

[Penal Code of Japan](#)

- **Chapter XXII, Article 174, Penal code. Public Indecency:** A person who commits an indecent act in public shall be punished by imprisonment with work for not more than 6 months, a fine of not more than 300,000 yen, misdemeanor imprisonment without work or a petty fine.
- **Chapter XXII, Article 175. Distribution of Obscene Objects:** A person who distributes, sells or displays in public an obscene document, drawing or other objects shall be punished by imprisonment with work for not more than 2 years, a fine of not more than 2,500,000 yen or a petty fine. The same shall apply to a person who possess the same for the purpose of the sale.

- **Chapter XXII, Article 176. Forcible Indecency:** A person who, through assault or intimidation, forcibly commits an indecent act upon a male or female of not less than thirteen years of age shall be punished by imprisonment with work for not less than 6 months but not more than 10 years. The same shall apply to a person who commits an indecent act upon a male or female under thirteen years of age.
- **Chapter XXII, Article 177. Rape:** A person who, through assault or intimidation forcible commits sexual intercourse with a female of not less than thirteen years of age commits the crime of rape and shall be punished by imprisonment with work for a definite term of not less than 3 years. The same shall apply to a person who commits sexual intercourse with a female under thirteen years of age.
- **Chapter XXII, Article 178. Quasi Forcible Indecency; Quasi Rape**
 - A person who commits an indecent act upon a male or female by taking advantage of loss of consciousness or inability to resist or by causing a loss of consciousness or inability to resist, shall be punished in the same manner as prescribed for in Article 176.
 - A person who commits sexual intercourse with a female by taking advantage of a loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist, shall be punished in the same matter as prescribed in the preceding Article.
- **Chapter XXII, Article 178-2. Gang Rape:** When two or more persons jointly commit the crimes proscribed under Article 177 or paragraph 2 of Article 178, they shall be punished by imprisonment with work for a definite term of not less than 4 years.
- **Chapter XXXIII Crimes of Kidnapping and Buying or Selling of Human Beings**
 - **Article 224. Kidnapping of Minors:** A person who kidnaps a minor by force or enticement shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.
 - **Article 225. Kidnapping for Profit:** A person who kidnaps another by force or enticement for the purpose of profit, indecency, marriage or threat to the life or body shall be punished by imprisonment with work not less than 1 year but not more than 10 years.
 - **Article 224-2. Kidnapping for Ransom:**
 - (1) A person who kidnaps another by force or enticement, for the purpose of causing the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to deliver any property, taking advantage of such concern, shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.
 - (2) The same shall apply to a person, who having kidnapped another by force or enticement, causes or demands the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to deliver any property, taking advantage of such concern.
 - **Article 226. Kidnapping for Transportation out of a Country:** A person who kidnaps another by force or enticement for the purpose of transporting another from one country to another country shall be punished by imprisonment with work for a definite term of not less than 2 years.

- **Article 226-2. Buying and Selling of Human Beings:**
 - (1) a person who buys another shall be punished by imprisonment with work for not less than 3 months but no more than 5 years.
 - (2) A person who buys a minor shall be punished by imprisonment with work for not less than 4 months but not more than 7 years.
 - (3) A person who buys another for the purpose of profit, indecency, marriage or threat to life or body, shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.
 - (4) The preceding paragraph shall apply to a person who sells another.
 - (5) A person who sells or buys another for the purpose of transporting him/her from one country to another country shall be punished by imprisonment with work not less than 2 years.

- **Article 226-3. Transportation of Kidnapped Persons out of a Country:** A person who transports another kidnapped by force or enticement or another who has been bought or sold, from one country to another country, shall be punished by imprisonment with work for not less than 2 years.

- **Article 227. Delivery of Kidnapped Persons.**
 - (1) A person who, for the purpose of aiding another who has committed any of the crime proscribed under Articles 224 225 or the preceding three Articles, delivers, receives, transports or hides a person who has been kidnapped by force or enticement or has been bought or sold, shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.
 - (2) A person who, for the purpose of aiding another who has committed the crime proscribed under paragraph 1 of Article 225-2, delivers, receives, transports or hides a person who has been kidnapped shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.
 - (3) A person who, for the purpose of profit, indecency, or threat to the life or body receives a person who has been kidnapped or sold, shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.
 - (4) A person who, for purpose proscribed under paragraph 1 of Article 225-2. receives a person who has been kidnapped shall be punished by imprisonment with work for a definite term of not less than 2 years. The same shall apply to a person who has received a kidnapped person and causes or demands such person's relative or any other person who would be concerned about the safety of the kidnapped person to deliver any property, taking advantage of such concern.

- **Article 228, Attempts.**

An attempt of the crimes proscribed under Articles 224, 225, paragraph 1 of Article 225-2, Articles 226 through 226-3 and paragraphs 1 through 3 and the first sentence of paragraph 4 of the preceding Article shall be punished.

Extraterritoriality provisions - [Penal Code of Japan](#)

(Crimes Committed by Japanese Nationals outside Japan)

- **Article 3.** This Code shall apply to any Japanese national who commits one of the following crimes outside the territory of Japan:

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- (v) The crimes prescribed under Articles 176 through 179 (Forcible Indecency; Rape; Quasi Forcible Indecency and Quasi Rape; Gang Rape; Attempts), 181 (Forcible Indecency Causing Death or Injury) and 184 (Bigamy);
- (vi) The crime prescribed under Article 199 (Homicide) and attempt thereof;
- (vii) The crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- (x) The crimes prescribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
- (xi) The crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Buying or Selling of Human Beings; Transportation of Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts)

(Crimes Committed by Non-Japanese Nationals outside Japan)

- **Article 3-2.** This Code shall apply to any non-Japanese national who commits one of the following crimes against a Japanese national outside the territory of Japan.
 - (i) The crimes prescribed under Articles 176 through 179 (Forcible Indecency; Rape; Quasi Forcible Indecency and Quasi Rape; Gang Rape; Attempts), 181 (Forcible Indecency Causing Death or Injury);
 - (ii) The crime prescribed under Articles 199 (Homicide) and attempt thereof;
 - (iii) The crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
 - (iv) The crimes prescribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
 - (v) The crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Buying or Selling of Human Beings; Transportation of Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);
 - (vi) The crimes prescribed under Articles 236 (Robbery), 238 through 241 (Constructive Robbery; Robbery through Causing Unconsciousness; Death or Injury on the Occasion of Robbery; Rape on the Scene of Robbery; Causing Death Thereby), and 243 (Attempts).
- **Article 4-2. (Crimes Committed outside Japan Governed by a Treaty)** In addition to the provisions of Article 2 through the preceding Article, this Code shall also apply to anyone who commits outside the territory of Japan those crimes proscribed under Part II which are governed by a treaty even if committed outside the territory of Japan.

Dual Criminality provisions

[Law of Extradition of Japan](#)

Article 2.

A fugitive shall not be surrendered in any of the following circumstances, provided that this shall not apply, in cases falling under items (3), (4), (8), or (9), when the treaty of extradition provides otherwise:

- (1) When the offense for which extradition is requested is a political offense;
- (2) When the request for extradition is deemed to have been made with a view to trying or punishing the fugitive for a political offense which he has committed;
- (3) When the offense for which extradition is requested is not punishable by death, or by imprisonment for life or for a maximum term of three years or more by the laws, regulations or ordinances of the requesting country;

- (4) When the act constituting the offense for which extradition is requested would not be punishable under the laws, regulations or ordinances of Japan by death or by imprisonment for life or for a maximum term of three years or more if the act were committed in Japan;
- (5) When it is deemed that under the laws, regulations or ordinances of Japan it would be impossible to impose or to execute punishment upon the fugitive, if the act constituting the offense for which extradition is requested were committed in Japan, or if the trial therefor were held in a court of Japan;
- (6) Except in the case of a fugitive who has been convicted of an offense for which extradition is requested by a court of the requesting country, when there is no probable cause to suspect that the fugitive has committed the act which constitutes an offense for which extradition is requested;
- (7) When a criminal prosecution based on the act constituting an offense for which extradition is requested is pending in a Japanese court, or when a judgment in such a case has become final;
- (8) When a criminal prosecution for an offense committed by the fugitive other than the offense for which extradition is requested is pending in a Japanese court, or when the fugitive has been sentenced to punishment by a Japanese court for such an offense and the execution of the sentence of the fugitive has not been completed or the sentence has yet to be non-executable;
- (9) When the fugitive is a Japanese national.