



# EQUALITY NOW

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## **Re: Information on Japan for consideration by the Committee on the Elimination of Discrimination against Women at its 44<sup>th</sup> Session**

Dear CEDAW Committee Members

On behalf of Equality Now I would like to submit in advance of the examination of Japan's sixth country report at the 44<sup>th</sup> CEDAW Committee session in July information regarding rape simulator games and other forms of extreme pornography produced in Japan that promote violence against women and girls. Equality Now is an international human rights organisation working to promote the equality of women and girls worldwide. We have enclosed a copy of our recent Women's Action, which focuses on the promotion of violence against women through the medium of extreme pornography made in Japan, including a rape simulator game entitled RapeLay in which the player manipulates an onscreen penis and hands to rape and sexually molest a woman and her two daughters.

Extreme pornography in the form of cartoons known as *hentai*, produced in various media such as comic books, animation, computer games and online entertainment, is easily accessible in Japan and its use is widely accepted. Common themes of *hentai* include rape, gang rape, incest and the sexual abuse of schoolgirls. This latter form of *hentai*, known as Loli-Con, often portrays girls being sexually abused by adults in familiar positions of power such as teachers. A number of computer games involving rape, sexual harassment and stalking of women and girls are produced in Japan.

When reporting to the CEDAW Committee in 2003, the Japanese Government admitted that "the image of women in the media, who were often portrayed as objects either of sex or violence, had a great impact" on gender stereotypes. In summing up the Committee's discussion, the Chair concluded that the "Government should redouble its efforts to eliminate stereotypes". *Hentai* and games such as RapeLay perpetuate gender stereotypes and in particular myths about violence against women including by portraying women and girls as "enjoying" being raped. Myths surrounding rape can have a serious detrimental impact on the way rape is perceived within the criminal justice system. During the Committee's last review of

Japan's compliance with its obligations under CEDAW, it was noted that in prosecuting the crime of rape, judges in Japan required victims to give proof that they had fiercely resisted and had been severely intimidated, and also that judges evaluated the victim's "virtue". The Committee also expressed concern that the penalty for rape was relatively lenient in Japan. Although the penalty for rape was increased in 2004 to a minimum of three years, this increase still does not reflect the severity of the crime including when compared to other serious crimes such as robbery, which carries a minimum sentence of five years.

In May 2009 some Japanese parliamentarians responded to the depiction of one or more girl-children in RapeLay by suggesting that a loophole in the child pornography legislation be closed, which would ban possession of child pornography. While this effort would be welcome, Equality Now believes that to date no concrete steps have been taken by the Government in line with its obligations under Article 5(a) of CEDAW to address the broader issue of the stereotyped portrayal of women in these games and promotion of violence against women generally. We are led to believe that there is a fundamental lack of recognition by the Japanese authorities of the harm of rape, which must be urgently addressed.

Equality Now has suffered an unprecedented hate mail campaign after the launch of our Women's Action against Rapelay. In addition to vitriolic rape and death threats, Equality Now was anonymously sent videos that appeared to depict the actual gang rape of girls in Japan. However, the Japanese police would not initially investigate the depictions on these tapes, stating that, based on the officers' analysis of the shape of the girls' pubic hair, the girls used in the tapes were not under eighteen, and as such the tapes did not represent child pornography. It was only after we impressed upon the police that actual (and not enacted) gang rape videos are sold on the open market in Japan that they finally agreed to investigate further. We do not know the current status of this investigation, but the lack of initial response serves to underline the Committee's expressed concern about the prevalence of violence against women and girls in Japan and particularly about women's apparent reluctance to seek assistance from existing public institutions.

Since issuing its Women's Action, Equality Now has learned that Illusion Software, which produced and distributed RapeLay and other similar games, has withdrawn RapeLay from sale, as has Amazon Japan. However both Illusion and Amazon Japan continue to sell similar games to RapeLay. We also understand that Japan's Ethics Organisation of Computer Software (EOCS), the industry's self regulatory body that rates computer software, has just banned its members from producing games containing certain forms of sexual violence against women. EOCS is a voluntary organisation with a large but not universal membership. In addition, it is not clear what aspects of violence against women its rules will address and to what extent they will be applied. Online gaming magazines suggest that due to international attention, game makers in Japan are merely changing titles and pictures on game covers to make them appear innocuous but they are not changing the actual content of these games. Similarly, at least two major gaming companies producing these types of games in Japan have apparently decided to prevent people from outside Japan accessing their websites in an effort to reduce criticism and therefore pressure to stop producing the games altogether. Ultimately however these steps are not enough and it is the responsibility of the Japanese Government properly to address the objectification of, and violence against, women in compliance with its obligations under CEDAW.

We would respectfully ask the Committee to raise with the Government during its review the following questions with regard to these issues:

1. What steps is the Government taking to eliminate the promotion of violence against women through *hentai* and other forms of extreme pornography, including real rape videos?
2. What measures has the Government taken to address the objectification of women and dispel stereotypes of women in popular media in accordance with Article 5 and the Committee's general recommendation No 19, noting in particular stereotypes promoted through *hentai* and other forms of extreme pornography?
3. Notwithstanding the slight increase in the penalty for rape, in order to reflect the true severity of the crime what steps is the Government taking in response to the Committee's previous recommendation to increase the penalty for rape and what measures are in place to ensure the full investigation and prosecution of all rapes in a serious and sensitive manner?
4. What kind of training is being provided to Japanese law enforcement including judges and the police to dispel institutionalised misconceptions about rape, including the myth that a woman has to put up resistance to prove she did not consent to sex?

Thank you for your consideration.

Yours faithfully

A handwritten signature in cursive script that reads "Jacqueline Hunt".

Jacqueline Hunt  
Director