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1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your country):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

- “Child” --- Article 2(1) of [the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children](#) (Act No. 52 of 1999, as amended) (the “Child Pornography Punishment Act”)

[Unofficial English translation] The term “Child” as used in this Act means a person under 18 years of age.

- “Child” --- Article 4(1) of the [Child Welfare Act](#) (Act No. 164 of 1947, as amended)

[Unofficial English translation] The term “child” as used in this Act means a person under 18 years of age, and children are classified into the following categories:

- (i) infant: Person under one year of age
 - (ii) toddler: Person of one year of age or more before the time of commencement of elementary school; and
 - (iii) juvenile: Person under 18 years of age after the time of commencement of elementary school.
- “Child” --- Article 2(i) of the Act on Regulation on Soliciting Children by Using Opposite Sex Introducing Service on Internet (Act No. 83 of 2003, as amended) (the “Children Internet Introducing Service Regulation Act”)

[Unofficial English translation] Child refers to persons under 18 years of age.

- Each prefecture has its prefectural ordinance of juvenile protection, which often includes a definition of a child, e.g., the Tokyo Metropolitan Government Ordinance Regarding the Healthy Development of Youths (Ordinance No. 181 of 1964, as amended) (the “Tokyo Youths Ordinance”). These prefectural ordinances are not uniform and are different from



one another, however, substantively, they regulate similar matters including matters relating to child sexual exploitation. For purposes of this questionnaire, below we refer to provisions in the Tokyo Metropolitan Government Ordinance.

“Youths” --- Article 2(i) of the [Tokyo Youths Ordinance](#) (Ordinance No. 181 of 1964, as amended)

[Unofficial English translation] Youths refer to persons under 18 years of age.

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

“Child sexual exploitation” is not explicitly defined. The definition for “child prostitution” may encompass “child sexual exploitation” conduct.

“Child prostitution” is defined in Article 2(2) of [the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children](#)

[Unofficial English translation] The term "Child Prostitution" as used in this Act means Sexual Intercourse, etc. (sexual intercourse or any conduct similar to sexual intercourse, or, with the purpose of satisfying one's sexual curiosity, touching Genital Organs, etc. (meaning genital organs, anus or nipples; the same applies hereinafter) of a Child or having a Child touch one's own genital organs; the same applies hereinafter) with a Child in return for giving or promising remuneration to any person who falls under any of the following items:

- (i) the Child;
- (ii) the person who has intermediated sexual intercourse with the Child; and
- (iii) the guardian of the Child (the person who exercises parental authority, the guardian of the minor or any other individual who is taking actual custody of the Child; the same applies hereinafter) or the person who has the Child under control.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

None.

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

“Child abuse” is defined in Article 2 of the [Child Abuse Prevention and Treatment Act](#) (Act No. 82 of 2000, as amended) (the “Child Abuse Prevention Act”)

[Unofficial English translation] The term "child abuse" as used in this Act means the following acts committed by a custodian (meaning a person who exercises parental authority, a custodian of a minor or other person who is currently engaged in the custody of a child; hereinafter the same applies) against a child (meaning a person who is under 18 years of age; hereinafter the same applies) under their custody:

- (i) assaulting the child in a manner that will cause or is likely to cause external injury to the child's body;
- (ii) engaging in indecent acts against the child or cause the child to engage in indecent acts;



- (iii) substantially reducing the amount of food for the child or abandon and neglect the child for a long time period in a manner that may interfere with normal development of the child mentally or physically, or leave a person living together other than the custodian to commit any act that is equivalent to those listed in the preceding two items or the following item, or otherwise materially fail to perform the duty of custody as a custodian; or
- (iv) using significantly violent language or take an extreme attitude of rejection against the child, use violence upon one's spouse in a family in which the child is living together (meaning illegal attacks on the body of the spouse (including those who have not registered their marriage but are in a similar situation to that of a marriage) that threaten the spouse's life or body, as well as the words and behaviors equivalent to the relevant attacks which would have harmful effect on the spouse mentally or physically), or otherwise speak or behave in a manner that would be significantly traumatic to the child.

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

“Child Pornography” --- Article 2(3) of the [Child Pornography Punishment Act](#)

[Unofficial English translation] The term "Child Pornography" as used in this Act means photographs, recording medium containing electronic or magnetic records (meaning a record used in computerized information processing which is created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies hereinafter) or any of the following medium which depicts the image of a Child, in a form recognizable by the sense of sight:

- (i) any image of sexual intercourse or any conduct similar to sexual intercourse with a Child or between Children;
- (ii) any image of a Child having the Genital Organs, etc. touched by another person or of a Child touching another person's Genital Organs, etc. which arouses or stimulates sexual desire; or
- (iii) any image of a Child wholly or partially naked, in which sexual body parts of the Child (genital organs or the parts around them, buttocks or chest) are exhibited or emphasized and arouses or stimulates sexual desire.

f. computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)

None.

g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)

“Enticement” or “grooming” are not explicitly defined. The definition for “child prostitution” may encompass “enticement” or “grooming” conduct.



“Child prostitution” is defined in Article 2(2) of [the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children](#)

[Unofficial English translation] The term "Child Prostitution" as used in this Act means Sexual Intercourse, etc. (sexual intercourse or any conduct similar to sexual intercourse, or, with the purpose of satisfying one's sexual curiosity, touching Genital Organs, etc. (meaning genital organs, anus or nipples; the same applies hereinafter) of a Child or having a Child touch one's own genital organs; the same applies hereinafter) with a Child in return for giving or promising remuneration to any person who falls under any of the following items:

- (i) the Child;
- (ii) the person who has intermediated sexual intercourse with the Child; and
- (iii) the guardian of the Child (the person who exercises parental authority, the guardian of the minor or any other individual who is taking actual custody of the Child; the same applies hereinafter) or the person who has the Child under control.

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

16 years old. Articles 176(3) and 177(3) of the Penal Code (Act No. 45 of 1907, as amended)

Note: 13 – 16 years old if the counterparty is less than 5 years older than the child.

[Unofficial English translation] The same as Art 176(1) applies to a person who commits an indecent act upon another person under sixteen years of age (and if the person is under sixteen years of age but no less than thirteen years of age, this article only applies to a counterparty born five or more years earlier).

[Note 1: Art 176(1) imposes a penalty of six to ten years' imprisonment.]

[Note 2: While the excerpt provided refers to Art 176(3), Art 177(3) refers to "sexual intercourse" rather than an "indecent act" and Art 177(1) imposes a penalty of at least five years of imprisonment (with no upper limit)].

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

None.

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

Not provided as an express requirement or recommendation.



However, providing “child pornography” by electronic means is a criminal conduct under the Children Pornography Punishment Act. Article 7(2) of the [Children Pornography Punishment Act](#).

[Unofficial English translation] Article 7

- (1) Any person who possesses Child Pornography for the purpose of satisfying one's sexual curiosity (limited to those who have come to possess it voluntarily, and are clearly deemed to as such.) is punished by imprisonment for not more than 1 year or a fine of not more than 1,000,000 yen. The same applies to any person who retains electronic or magnetic records falling under any of the items of paragraph 3 of Article 2 depicting the image of a Child in a form recognizable by the sense of sight for the purpose of satisfying one's sexual curiosity (limited to those who have come to retain it voluntarily, and are clearly deemed to as such.).
- (2) Any person who provides Child Pornography is punished by imprisonment for not more than 3 years or a fine of not more than 3,000,000 yen. The same applies to any person who provides through telecommunication lines electronic or magnetic records falling under any of the items of paragraph 3 of Article 2 depicting the image of a Child in a form recognizable by the sense of sight or other records.

In this regard, for those who “use a child”, their lack of knowledge about the child’s age cannot be a defense unless they can establish that their lack of knowledge was not due to negligence. Article 9 of the [Children Pornography Punishment Act](#).

[Unofficial English translation] No one who uses a Child is exempt from punishment pursuant to the provisions of Articles 5, 6, paragraph 2 through 8 of Article 7 and the preceding article on the grounds of lacking knowledge of the age of the Child. However, this does not apply in cases where there is no negligence.

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

Not provided as an express requirement or recommendation.

However, similar to child pornography, soliciting child prostitution is a criminal conduct, and, for those who “use a child”, their lack of knowledge about the child’s age cannot be a defense unless they can establish that their lack of knowledge was not due to negligence. Articles 6(1) and 9 of the [Children Pornography Punishment Act](#)

[Unofficial English translation] Article 6(1)

Any person who solicits another person to commit Child Prostitution for the purpose of intermediating in Child Prostitution is punished by imprisonment for not more than 5 years or a fine of not more than 5,000,000 yen or both.

[Unofficial English translation] Article 9

No one who uses a Child is exempt from punishment pursuant to the provisions of



Articles 5, 6, paragraph 2 through 8 of Article 7 and the preceding article on the grounds of lacking knowledge of the age of the Child. However, this does not apply in cases where there is no negligence.

- c. **report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

Not provided.

However, the [Children Pornography Punishment Act](#) directs business operators who provide telecommunication services necessary for transmission of information to unspecified persons or for the viewing of the information using the internet to cooperate with the law enforcement, take useful measures to prevent the transmission of information relating to child pornography using their operator rights or other preventive measures. Article 16-3 of the [Children Pornography Punishment Act](#)

[Unofficial English translation] Article 16-3

In the light of the fact that the damage caused by the acts such as the possession and provision of Child Pornography easily expands through the internet, and the fact that it becomes particularly difficult to recover the rights of a Child by discarding or deleting Child Pornography once it has expanded both within and outside of Japan, the business operators who provide telecommunication services (“Telecommunication Services” as defined in article 2 paragraph 3 of the Telecommunications Business Act (Act No.86 of 1984)) necessary for the transmission of information to unspecified persons or for the viewing of the information using the internet are to endeavor to cooperate with criminal investigation authorities, take useful measures to prevent the transmission of information relating to Child Pornography based on the supervisory authority of the business operators or any other measures which contribute to prevent such acts using the internet.

- d. **remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Same as the response to c. above.

Further, under the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001, as amended) (the “Limitation on Provider Liability Act”), internet platform service operators who are aware of infringement of others’ rights may be subject to liabilities against the right holders. Article 3(1) of the [Limitation on Provider Liability Act](#). Generally, in practice, such service operators would act to remove or take down when they are notified of infringement.

[Unofficial English translation] Article 3(1)

When any right of others is infringed by information distribution via specified telecommunications, the specified telecommunications service provider who uses



specified telecommunications facilities for said specified telecommunications (hereinafter in this paragraph referred to as a "relevant service provider") shall not be liable for any loss incurred from such infringement, unless where it is technically possible to take measures for preventing such information from being transmitted to unspecified persons and such event of infringement falls under any of the following items. However, where said relevant service provider is the sender of said information infringing rights, this shall not apply.

- (i) In cases where said relevant service provider knew that the infringement of the rights of others was caused by information distribution via said specified telecommunications.
- (ii) In cases where said relevant service provider had knowledge of information distribution by said specified telecommunications, and where there is a reasonable ground to find that said relevant service provider could know the infringement of the rights of others was caused by the information distribution via said specified telecommunications.

e. review content by human moderators to screen or moderate for child pornography or CSAM

Not provided.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

Yes. See response to d. above.

g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:

- i. "Hashing technology" (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
- ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

Not provided.

h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

N/A

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

Yes. For example, the Children Internet Introducing Service Regulation Act provides that a business

operator of certain introducing services on internet has an obligation to make efforts to prevent children from using the service, and providers of services relating to electronic communications necessary for such introducing services have obligations to make efforts to prevent children from using such service such as providing software which would automatically restrict the use by children. Article 3(1)-(2) of the Children Internet Introducing Service Regulation Act.

[Unofficial English translation] Article 3

- (1) Persons involved in opposite sex introducing services on the Internet must prevent the use of said services by children in compliance with the provisions of this Act and other laws and regulations.
- (2) Persons supplying telecommunication services (as defined in Article 2(3) of the Telecommunications Business Act (Act No.86 of 1984)) required for opposite sex introducing services on the Internet ("telecommunication service providers") must make efforts to contribute to the prevention of the use of said services by children by employing measures including, in relation to telecommunications via terminal equipment in use by children:
 - imposing automatic usage restrictions on opposite sex introducing services on the Internet (i.e., automatically selecting and restricting telecommunications; the same applies to items hereafter in this article); or
 - supplying software which imposes automatic usage restrictions on opposite sex introducing services on the Internet.

[Note: The term "opposite sex introducing service on the Internet" (e.g., match-making websites) is based on the full title of the [Act](#) in English, "Act on Regulation on Soliciting Children by Using Opposite Sex Introducing Service on Internet".]

Further, a business operator of certain introducing services on internet is required to verify that potential users of certain services are not children. Article 11 of the Children Internet Introducing Service Regulation Act

[Unofficial English translation] Article 11 – Persons involved in opposite sex introducing services must confirm in advance, pursuant to the Rules of the National Public Safety Commission, that persons seeking opposite sex relationships are not children in the following circumstances. However, this does not apply to item (ii) if the person seeking opposite sex relationships under item (i) receives confirmation of the name, age, and other personal identification details (as required under the Telecommunications Business Act (Act No.86 of 1984)) of the opposite sex introducing service provider.

- (i) In response to requests of persons seeking opposite sex relationships, transmitting information on said opposite sex relationships using the Internet for publicly viewing.
- (ii) In response to requests of other persons seeking opposite sex relationships, transmitting information on the opposite sex relationships of persons under item (i) to other persons seeking opposite sex relationships using the Internet for public viewing.
- (iii) Persons seeking opposite sex relationships receiving information on opposite sex relationships under item (ii) and using said information to contact persons under item (i) via email and other electronic means.
- (iv) Persons seeking opposite sex relationships under item (i) using email and other electronic means to contact other such persons who received information on opposite sex

relationships under items (i) or (ii).

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

Under the Children Internet Introducing Service Regulation Act, parental consent does not exempt the prohibition, i.e., it is prohibited to make the platform accessible to children regardless of parental consent. Article 6 of the Children Internet Introducing Service Regulation Act.

[Unofficial English translation] Article 6 – It is prohibited for any person to use opposite sex introducing services on the Internet to commit any of the following acts (hereafter referred to as “prohibited solicitation”).

- (i) Soliciting a child into engaging in sexual Intercourse, etc. (sexual intercourse or any conduct similar to sexual intercourse, or, with the purpose of satisfying one's sexual curiosity, touching Genital Organs, etc. (meaning genital organs, anus or nipples; the same applies hereinafter) of a Child or having a Child touch one's own genital organs; the same applies hereinafter).
- (ii) Soliciting a person (excluding a child; the same applies to item (v)) into engaging in sexual intercourse, etc. with a child.
- (iii) Soliciting a child into engaging in an opposite sex relationship with a person (excluding sexual intercourse; the same applies to item (iv)) by indicating that the child will receive remuneration.
- (iv) Soliciting a person into engaging in an opposite sex relationship with a child by indicating that the child will receive remuneration.
- (v) Beyond what is set forth in the preceding items, soliciting a child into engaging in an opposite sex relationship and soliciting a person into engaging in an opposite sex relationship with a child.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

YES

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

Yes, in the sense that, under the Limitation on Provider Liability Act, if an online platform does not take down electronic publication knowing that such publication infringes a party's right, the online platform may be liable for damages. Article 3(1) of the [Limitation on Provider Liability Act](#)

[Unofficial English translation] Article 3(1) – When any right of others is infringed by information distribution via specified telecommunications, the specified telecommunications service provider who uses specified telecommunications facilities for said specified telecommunications (hereinafter in this paragraph referred to as a “relevant service provider”) shall not be liable for any loss incurred from such infringement, unless where it is technically possible to take measures for preventing such information from



being transmitted to unspecified persons and such event of infringement falls under any of the following items. However, where said relevant service provider is the sender of said information infringing rights, this shall not apply.

- (i) In cases where said relevant service provider knew that the infringement of the rights of others was caused by information distribution via said specified telecommunications.
- (ii) In cases where said relevant service provider had knowledge of information distribution by said specified telecommunications, and where there is a reasonable ground to find that said relevant service provider could know the infringement of the rights of others was caused by the information distribution via said specified telecommunications.

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

See response to a. above.

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

See response to a. above.

d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

Potentially, within the regular injunctive relief mechanism, however, generally, a preventive injunction is extremely difficult to obtain.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

Statutes do not provide specific mechanisms for these matters. Generally, victimized children who would like to seek monetary recovery or compensation, they would need to do so by claiming damages as a result of a tortious conduct.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

See response to e. above.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

No specific mechanisms for notification are provided.

6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.



a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

Generally, no.

- i. If so, must these steps be taken before the launch of an Online Platform?**

- ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?**

- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.**

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?