

Joint Written Request for Legislation to End Forced Appearances in Adult Pornographic Videos

9 May 2022

PAPS, Spring, Human Rights Now, BOND Project, Wakakusa Project, Colabo

We are a group of civil society organizations that tackles the issues of sexual violence and sexual exploitation against young women. According to PAPS, a total of 634 consultations regarding the damage of forced appearances in adult pornographic videos have been received between 2014 and May 2022. Because there is not any effective legal system other than the cancellation right for minors, victims often suffer from PTSD, or commit suicide in some cases.

Most of the consultations involved a situation where the victim was forced to have “sexual intercourse” in the name of contract, and physical and psychological harms to the victim are obvious. That is sexual violence and sexual exploitation. With the aim of eradicating human rights violations by adult pornographic video business operators, we strongly demand effective legal measures as follows.

1. Definitions and Provisions, etc.

- **Please revise "free decision-making of the person performing" to "dignity" or "human rights" of the "subject person."**
- **Please change the term "video works of a sexual act" to "recorded images of a sexual act."**
- **Please define "recorded images of a sexual act" as “a record that includes images of a person performing sexual intercourse or a sexual intercourse-like act, or touching or having someone touch his/her genitals, or performing assault, rape, humiliation, or cruelty, and that as a whole exclusively arouses or stimulates sexual desire, and please ensure consistency with the current legal system that does not permit forced sexual intercourse through contracts.”**
- **Contracts for the purpose of sexual intercourse, assault, rape, humiliation, or cruelty should be prohibited, and the definitions should be changed on that premise.**
- **Recorded images exposing genitals are not permitted and should be removed.**

2. Realization of protection for young people equivalent to the cancellation right for minors

- **Please determine that 18- and 19- year-olds are able to unconditionally terminate contracts.**

- For 18- and 19- year-olds, the unconditional and indefinite cancellation right or the voluntary termination right should be introduced.
 - For 20-year-olds and older, the involuntary termination right that permits the termination of a contract within 1 year after the release or 2 years after the filming of a video should be introduced.
3. Make sure that the legal system can relieve damage (prevention of the spread of videos)
- It must be clearly stated that, in addition to the prohibition of one's entire appearance, no secondary use or transfer of images and videos is allowed.
 - It must be clearly stated that in the event of cancellation or termination of a contract, Articles 91(2), 92(2) and 92-2(2) of the Copyright Act shall be exempted from application. (As a result, the victim's personality right, Article 91 of the Copyright Law, will be restored, an injunction can be requested under the Copyright Law, and it will be possible to deal with damage overseas.
 - In the event of termination, exempt Article 545 of the Civil Code (Third Party Protection) from application.

4. Prohibited matters

The following acts must be prohibited:

- **Sexual intercourse, oral intercourse, anal intercourse, or insertion of objects into the genitals**
- **Violent, abusive or humiliating acts such as assault, rape, and other acts against humanity**
- **Videos exposing genitals (uncensored)**

5. Criminal penalties and dissemination prevention measures

- Please establish penalties for acts that violate this law.
- For recordings released against this law, apply the Revenge Porn Act (Act on the Prevention of Damage to Provide Private Sexual Image Records) and punish the subject.
- **Prevent the dissemination of images/videos by applying the provisions on prevention.**
- After publication, the person performing should be allowed to request that the publication be stopped under certain conditions.

6. Victim support system

- Regarding the victim support system, the national government is responsible for promptly discussing with prefectures, related organizations, and private organizations after the enactment of the law, and establishing the system.

- Victim support should be provided in collaboration with private organizations, and necessary support such as financial assistance should be provided to private organizations.

7. Review

Please review after two years and hear the opinions of related organizations and civil society groups.

End