

**A Statement concerning  
A Bill for Preventing and Remediating Victims of Adult Pornographic Videos (“AV”)**

25 May 2022

Human Rights Now

A Bill for Preventing and Remediating Victims of Adult Pornographic Videos (“AV”) was submitted to the ordinary Diet session.

Human Rights Now, an international human rights NGO that has worked for many years with victims of forced appearances in pornography, welcomes the submission of the Bill to the Diet. The Bill was drafted in a bipartisan manner in response to the voices of frontline supporters, and we call for its enactment as soon as possible.

Awareness of AV as a social issue increased when Human Rights Now published an investigative report in 2016, which disclosed the reality that there was an endless number of victims forced to appear in pornography against their will. Although the government of Japan began enacting victim prevention measures in March 2017, the focus was on public relations and awareness-raising. Without any regulatory authority or legal regulation, no progress has been made in providing relief for the victims.

While sexual acts that victims perform against their will are recorded and sold in public, and business operators reap huge profits, victims continue to suffer from the widespread and semi-permanent spread of abusive images of themselves being sexually violated and humiliated all over the world. No matter how much victims, those who were forced to appear in pornography for various reasons, demanded after the filming that the sale and distribution of their works be stopped, their demands are denied on the grounds that there is no evidence the appearances were forced. As a result, some victims have been driven to suicide.

Virtually the only reliable remedy in legislation for victims of forced appearances in pornography is the right of minors to cancel contracts. However, with the lowering of the legal age of adulthood on April 1, 2022, there is concern that new victims will increase among 18- and 19-year-olds. In order to prevent the spread of damage, Human Rights Now, in collaboration with support groups, has strongly urged that a legal system preserving the right to cancel contracts be responsibly implemented during the current ordinary Diet session.

The ruling and opposition parties have responded to these concerns, and in order to provide relief to all victims, not only those who are 18- or 19- years-old, they have put together a Bill for Preventing and Remediating Victims of Adult Pornographic Videos (“AV”).

Considering the enormity of damage, the Bill stipulates an unusually multilayered protection for victims that goes beyond ordinary contract law principles. Based on the premise that "no sexual intercourse shall be forced upon the performers" (Article 3), the Bill stipulates that filming must take place one month after the provision of the contract and explanatory document, and that even sexual acts agreed to in the performance contract can be rejected. The law also obliges the operators (filmer, director, and others that are involved in the contract management process ) to take measures to guarantee the safety and arbitrariness of the contracted sexual acts. It additionally mandates that four months be allowed between the end of filming and the release of the video, and that the performers be given an opportunity to review the video during this period. If the operator violates this obligation, the performer may claim invalidity or cancel or terminate the contract.

Furthermore, the performer may terminate the contract unconditionally and without any financial penalty at any time during the first year after publication (two years after enforcement). As a result of cancellation or termination, the business operator is obligated to restore the original condition, and the performer may demand an injunction against the sale or distribution. The Bill also includes provisions for the prevention of proliferation and penalties for operators. These provisions are groundbreaking, granting victims strong legal recourse to recover their damages.

The Bill was criticized by some people as "legalizing contractual sexual Intercourse.” But in response to this concern, the definition of the subject of regulation was revised, and Article 3 clearly stipulates, as a basic principle of interpretation, that the Bill does not legalize illegal sexual acts in either civil or criminal cases.

Civic groups have voiced their opinion that adult pornographic videos involving sexual intercourse and violent and unsafe pornography should be banned in the first place, but this was not included in the Bill. These issues need to be discussed and better revised for a review, which is set to take place within two years.

In order to remedy the extremely serious damages that have not been brought to light so far, it is necessary to realize this remedy law and advance damage relief as

soon as possible. Although various discussions are underway regarding this Bill, we call on all parties concerned to continue to develop discussions and initiatives without creating divisions in order to realize the common goal of eliminating sexual exploitation, human trafficking, and sexual violence.