

LLAJ Statement on Eliminating Sexual Assault and Harassment in the Entertainment  
Industry

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On August 29, 2023, an investigative report (the Report) by a special team of external experts was released regarding the sexual abuse by the former president of Johnny & Associates against artists belonging to the talent agency.

Although some have questioned the need to implement measures to prevent a recurrence of such abuse due to the fact that the main perpetrator is already deceased, sexual assault and harassment in the entertainment industry is by no means an isolated incident. Widespread sexual exploitation by those in positions of power is well-known, as can be seen in various media reports. Numerous phone calls and messages were directed to the LLAJ Entertainment Industry Harassment Hotline held on July 28, 2023 regarding power harassment and sexual harassment in the industry. There were also reports of sexual assault. In order to eliminate sexual assault and harassment in the entertainment industry and change it to one where human rights are respected, it is essential to make drastic reforms to address the structural issues that perpetuate such abuse.

First, the Report does not attribute the incidents of sexual assault solely to the perpetrator as an individual, but also notes that the omissions and coverups by the director at the time led to further victims being abused, and that the one-sided nature of the power structure in the organization was the cause of the coverups.

The Report also makes detailed recommendations for measures such as strengthening governance to prevent the failure to act upon and the concealment of sexual assault and other forms of sexual abuse. In addition, in order to eradicate sexual assault and harassment in the entertainment industry, it is essential to change the power structure itself. One way to do this would be to implement contracts that include provisions for termination and compensation that may be exercised by artists (including trainees) in the event of sexual abuse. In Korea, the "Artists' Welfare Act" was enacted in 2011, and the development and dissemination of standard contracts became a responsibility of the state. Such clauses are necessary to improve the one-sided power structure and to eliminate sexual harassment.

Second, the Report also notes that the victim relief system should not employ an overly strict standard of proof as to the acts suffered by the victims, and that victims whose statute of limitations has expired under the Civil Code should also be eligible for relief measures. In cases where the fact of sexual assault is generally recognized, it is appropriate not to require an excessively strict standard of proof, as this may expose victims to secondary injuries. In addition, in cases where victims have been victimized in their childhood or young age, they may pass away without realizing that they have been victimized. In the future, the victim relief system described in the Report needs to be implemented and enforced to provide

substantive relief to victims while preventing secondary injuries from occurring.

Third, the Report also refers to the forming and implementation of human rights policies from the perspective of “business and human rights”. Internationally, as stipulated in the “Guiding Principles on Business and Human Rights,” companies are strongly called upon to respect human rights, and in Japan, emphasis is laid on the need for companies to take action to respect human rights based on the above-mentioned Guiding Principles.

In order to eliminate sexual assault and harassment in the entertainment industry, not only entertainment companies but also broadcasters, publishers, and key companies in the advertising industry (including national and local governments) need to make it their duty to prevent sexual assault (via the establishment of Codes of Conduct) and to establish industry-wide provisions and grievance systems to ensure that sexual assault is not overlooked. In particular, it is important to maintain a stance of not doing business or signing contracts with entertainment companies where sexual assault or harassment is recognized. Even if human rights violations are committed by other companies as opposed to within their own organizations, it is strongly urged that they exercise their influence appropriately in the future, as stakeholders responsible for exerting their influence to eliminate human rights violation situations. In response to the Report, it has been reported that some broadcasters have stated that they will continue to do business with the artists because they themselves were not at fault. A response that is based on business and human rights should be considered.

Finally, although there was no mention of the following in the Report, as a measure to eliminate sexual assault and harassment in the entertainment industry, the application of the Worker Dispatching Act to entertainment agencies should also be considered, or to establish new regulations under laws and regulations targeting businesses, based on the premise that there is an employment relationship between entertainment agencies and its artists. It is also important to strengthen the formation of labor unions by performing artists, and active intervention for prompt and effective protection against unfair labor practices will be necessary.

In Japan, events in the entertainment industry have a significant impact on young people and are often a matter of concern to many citizens. If the entertainment industry were to make real efforts to eliminate sexual assault and harassment, it would be a major step forward for society as a whole towards the eradication of sexual assault and harassment.

On July 21, 2023, the LLAJ issued an emergency statement calling for the creation of a legal environment to eliminate sexual assault and harassment in the entertainment industry, and on July 28, it held the above Entertainment Industry Harassment Hotline. The LLAJ will continue to call for measures to eliminate sexual assault and harassment in the entertainment industry in the interest of defending the rights of all workers.