

DARK SIDE OF THE RISING SUN

Japan's 'life-less' anti-stalking laws are costing lives to be lost

By JAKE ADELSTEIN

"To build a Buddha image but not to put in the soul (仏作って魂入れず/*Hotoke tsukutte tamashii irezu*)" is a well-known saying stemming from a folk belief that statues of Buddhist deities are meant to have a spiritual presence. In other words, it's a metaphor for making something that's structurally sound but missing the most vital components.

Japan's antistalking laws are a good example. Although they have been on the books since November 2000, they are deeply flawed, outdated — and poorly enforced for a multitude of reasons, including problems endemic in Japanese police culture.

The result of these "life-less" laws is that innocent people keep losing their lives. The most recent victim was 33-year-old Rie Miyoshi, a newlywed living in the Kanagawa Prefecture city of Zushi. She had repeatedly asked the police there to protect her from her ex-boyfriend, who was stalking her both online and stealthily in the real world.

The man was eventually arrested, tried and found guilty of "making threats" — but was given a suspended sentence and released. Other than the perpetrator, police may bear prime responsibility for this tragedy, but the leniency of that sentence contributed to facilitating the crime.

After his release, the man continued to harass Miyoshi, sending more than 1,000 emails demanding compensation. She pleaded with police to arrest him as a stalker. However, as he was using only non-threatening language, they asserted that sending emails did not constitute stalking, because the laws in place since 2000 recognize that "unwanted phone calls and faxes" can be forms of stalking — not emails.

As she became increasingly fearful, the woman told friends, "The police won't move on this." She was right to be afraid. The police had already failed her on two counts — not only did they ignore her pleas, but when they arrested her ex-boyfriend, the arresting officer read out loud the warrant. It listed her new married name and the city in which she was living. Using that information, the man then hired a private detective, tracked her down and stabbed her to death. He then killed himself.

Admittedly, the legislation was made at a time when email was an anomaly

and so it was not mentioned in the law. But the law could have been interpreted broadly to include emails as illegal "acts of pursuit" — if the police hadn't been so dead-set on doing nothing. And as for reading out loud the warrant to the man who would be her killer, a police officer confided to this writer: "That's not mandated. Common sense dictates it would be deadly to inform the suspect of where the accuser is living. That was just carelessness — or laziness."

This isn't the first occasion on which police have failed to protect citizens from stalkers, even when there were eminent signs of dangers.

Indeed, the original impetus to create the laws came in 1999, after Saitama prefectural police ignored a 21-year-old female student's complaints that her former boyfriend was slandering and harassing her and threatening violence. She was later stabbed to death in the city of Okegawa in Saitama Prefecture. The subsequent outcry resulted in the laws we have now.

On Dec. 16, 2011, a man named Gota Tsutsui killed the mother and grandmother of a young woman he had been stalking. The father of the young woman had talked with Chiba prefectural police on several occasions but was told they could not arrest the man immediately. The woman first reported to police that she had been injured by Tsutsui on Dec. 12, and a criminal investigation began two days later. Police had issued three warnings to Tsutsui before he broke into the home of his intended victim and, not finding her there, killed her family members instead.

Between January and August this year, police issued 1,511 warnings against stalkers — a figure already surpassing the all-time high of 1,384 for the whole of 2007. Last year, when 1,288 warnings were made to alleged violators of the antistalking laws, only 205 arrests were made, according to the National Police Agency (NPA).

While flaws in the form of the law itself may have some bearing on the poor prosecution rate, there is a "police culture" component to the problem as well.

Almost all alleged stalking victims are women; 93.2 percent of police officers are men. If you're a male detective and haven't experienced the mental and physical suffering that being stalked causes to women, it may be hard to really grasp the seriousness of the problem. And although the NPA this year announced with much fanfare that it was aiming for 10 percent of the police to be female by 2023 — up from today's 6.8 percent — in the highly male-dominated world of the Japanese police, is it really surprising that stalking crimes, in which women are overwhelmingly the victims, are not pursued more vigorously?

Despite all this, no one can deny that the police response to complaints is often unenthusiastic and too slow, and that the law is hopelessly outdated. Nowadays, email, Facebook, Twitter, Line and online bulletin boards are the stalker's favorite tools. They're not sending postcards, faxes or letters — nor, if they've any sense, do they persistently call on the telephone.

Prior to the dissolution of the Diet on Nov. 16, the opposition Liberal Democratic Party of Japan was set to submit a revision of the antistalking laws to make sending large volumes of unwanted emails a grounds for violation of the law. However, though that pre-election dissolution has put this on hold, even the proposed revision wouldn't be enough because new forms of communication make stalking or unwanted pursuit and contact easy to achieve — and any legal revisions should address this, too.

In the meantime, we can but hope that the police show a little more flexibility and enthusiasm in enforcing the law.

Perhaps if the authorities were to declare a Special Crackdown on Stalkers Month — with the appropriate quotas — the number of arrests would rise. I imagine with more female cops as detectives, that would also happen.

As I was getting ready to conclude this column, I called the NPA to get a comment. The reply was exactly what I expected.

"Please write down your questions and fax them to us. We'll have to discuss whether we can answer the questions and then we might get back to you." So far, no reply.

I'm afraid to send them another fax. After all, I'd hate to be arrested as a stalker.

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