

“Combating Human Trafficking in the East/Southeast Asia, Situations and Governments’ Actions in Source, Transit and Destination Countries”

Miho WATANABE and Kana TAKAMATSU

INTRODUCTION

Human traffickingⁱ seriously violates human rights and human security as is one of main income source of global organized crimes. Japan is considered as a huge destination country for trafficked women and girls, especially for the purpose of sexual exploitation.ⁱⁱ Actions to combat the issue in cooperation with the source, transit and destination countries are deemed crucial to solve the problem.

This paper will firstly discuss the overall picture of this research, Combating Human Trafficking in the East/South East Asia and some of its important implications. Secondly, it will examine the results of the questionnaire survey conducted to Japanese national level politicians in search of policy measures to lessen the domestic demand for trafficking victims and empower women. Lastly, as a conclusion, recommendation for further policy will be discussed.

RESEARCH OVERVIEW

1) Objective and methods of the Research

This research focusing on sexual commercial exploitation in East and Southeast Asia aims to 1) capture the present situations in Japan, 2) Elucidate actual situation at source and transit points, mainly Thailand, Cambodia, Myanmar, and the Philippines, and 3) look at the “Demand” for sex industry where victims are exploited. Research methods used are a) Questionnaire survey/interviews to Japanese politicians, government institutions and NGOs, b) Interviews to international organizations, foreign governments, and NGOs overseas including women returned after trafficked to Japan, c) national representative survey on perceptions of trafficking and commercial sex transactions. It was a key to conduct this research from the perspective of empowering women who were victims of this crime and not as control and containment of crime.

2) Key results

Findings of the research from the interviews and hearings suggested several important implications in considering the future policy recommendations. Trafficking is based on intricate backgrounds and conditions which can not be brought justice, protection nor security for women victims if careful consideration is not given to their situation and if the actions focuses on prosecution and control.

- a) Interviews conducted to the victims returned to Thailand and the Philippines suggested: i) loopholes in the preventive measures to safeguard trafficking at the source points, ii) cycle of trafficking based on need for women to sustain her livelihood, iii) emerging problems such as children, iv) policy measures falling behind the highly complicated and sophisticated tactics of traffickers, v) weak protective/preventive measures to support victims in Japan
- b) Hearings to the government personnel overseas resulted in requests to control the demand in the receiving side. Also there were requests for MOU or institutionalized relationship concluded between Japanese governments for smooth operation and handling of the issues. As is in Japan, many of the traffickers and brothels are strings of individual crimes connected rather than organized crime syndicates.
- c) National representative Survey on perceptions of trafficking and commercial sex transactions showed that the awareness and understanding of the issue was low among the Japanese citizens (56.6% answered having little or no knowledge about trafficking of Asian women to Japan). Also those who answered need for protection and support (43.5%) was less than those who answered for tougher regulation (45.3%) of foreign women working in sex industry.

QUESTIONNAIRE SURVEY TO JAPANESE POLITICIANS

Japan's recent actions to combat TIP

Japanese government has taken action especially since 2004. Government established the Inter-Ministerial liaison Committeeⁱⁱⁱ (Task Force) at the Cabinet Office in April 2004. Task force adopted the National Action Plan on December 7, 2004, which focuses on preventive measures, law enforcement and support for victims of human trafficking. On June 8, 2005, the Diet approved the conclusion of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime. The penal code and other relating laws are amended^{iv}. Government strengthens border control, and police agency has been in close cooperation with foreign countries especially in Asia. The government funded human trafficking relating activities of UN, international organizations, the Bali Process^v for international cooperation purposes, and ODA is used for prevention of human trafficking.

It can be concluded that actions taken by the Japanese government are focused on prevention such as strict control of immigration, immediate repatriation of victims and attempting awareness raising at risk population in source countries by distributing leaflets rather than protection of victims and restraining “demands” in Japan. The actions taken by Japanese government and considerations to human trafficking issues in Japanese society are not consistent with the requests from source countries and victims.

Sex industry in Japan is considered as one of the biggest scale in the world, regardless of

the regulations intended to control sex/sexual services. Anti-Prostitution Law has been enforced in Japan since 1956, however a penalty clause for a buyer is not mentioned. This law is not functioning for restraining “demands”. The legislative body, the Diet, takes an important role to combat human trafficking issues both in global and domestic arena, and accordingly, as much as necessary awareness of Japanese politicians to human trafficking is critical.

Questionnaire survey to Japanese politicians

Based on the above view point, this questionnaire survey to Japanese lawmakers was conducted with National Association of Women's Counselors (Zenkoku Fujin Sodan-in Renraku Kyogi-kai) for grasping their ideas on human trafficking issues and Japanese social policy.

Two times questionnaire distributions and reminder calls for submission were made from 13 June to 31 August 2006. Returned answer sheet was in total 75 sheets out of 714 sheets. The returned rate is approximately 10.5%. Although a questionnaire was not returned, remainder call made sure that 106 politicians never respond any kinds of survey. This collection rate is extremely low. It should be noted that human trafficking issue is one of the less interest themes for politicians, and this is one of the findings of this questionnaire survey.

Return rate of questionnaires from female politicians as 30.4% is much higher than the one from male politicians as 7.9%. It is assumed that more female politicians may increase a chance to discuss human trafficking issues in the Diet.

Out of Question 1 – 6 this paper is going to focus on Question 2 by means of focusing on restraining “demands”.

With regard to Question 2 “What are the reasons for Japan being the major destination countries”, the answers, by multiple choices, are showed in Table 1 as attached.

The answer is varied, however the large scale of sex industry in Japan is less questioned, and there is still an incorrigible one-way approach, crackdown basis, against human trafficking. The answer “insufficient crackdown against human trafficking” is relatively high in both gender and all age groups. The answer A, C and E, relating social behaviors on buying sex/sexual services and the scale of sex industry, is conspicuously low in the age group 30s/40s comparing to the 60s. There is an inclination to tolerate buying sex/sexual services in younger age politicians. It indicates the gaps in the perception of sex industry among different age groups. Older age group has a viewpoint that selling sexual services as a part of forced activities, however younger age group is more tolerant to selling and buying sexual services. The politicians who answered this questionnaire survey are considered as more interested group on human trafficking issues rather than other politicians who did not answer this survey. Thus this survey shows that Japanese politicians lacks the interest and deep understanding of the human trafficking issues.

CONCLUSIONS

Japanese government needs to reinforce actions in all prevention, protection and

prosecution processes with closer cooperation among source, transit and destination countries. Moreover, Japanese society is required to change the attitude and sexual behaviors to be more gender sensitive in order to restrain “demands” of trafficking for sexual exploitation. As the questionnaire survey to Japanese politicians showed, awareness and understanding of human trafficking is not so high, leading to lack of will to take measures necessary to control the demand in the legislative body.

Restraining “demands” needs to be taken simultaneously with other actions without any delay. Initiatives to raise awareness on human trafficking should be strengthened, moreover a social behavior which tolerates buying sexual services including trafficking and the expanding commercial sex industry is vital to be changed, promisingly by education.

Comprehensive sexual education^{vi} targeting both adolescents and adults is effective for restraining “demands” in addition to awareness raising activities. Comprehensive sexual education does not only mean reproductive health related education, it includes education of gender ideology and sexual behaviors, and this education empowers people to respect own sexuality and others. In this sense, national body for combating human trafficking such as the Inter-Ministerial liaison Committee, must be expanded and should include other ministries such as “Ministry of Education, Culture, Sports, Science and Technology”, and NGOs.

END

i This report uses the definition of “trafficking in persons” in the Article 3, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.”, 2001

ii Trafficking in Persons Report 2006, 2007, US Dept. of State

iii Cabinet Secretariat, Cabinet Office, National Police Agency, Ministry of Justice, Ministry of Foreign Affairs, and Ministry of Health, Labor and Welfare

iv “The penal code” was amended to directly criminalize the conduct of buying and selling of persons, and the conduct of transporting, transferring and harboring of victims of kidnapping, abduction, buying or selling. “The Immigration Control and Refugee Recognition Act” was amended to stipulate that a special permission for residence can be given to a victim of trafficking in persons for the purpose of protection, as well as to criminalize the conduct of procuring, providing or possessing a fraudulent foreign passport for the purpose of facilitating illegal entry to Japan, which contribute to punish traffickers. “The Passport Law” was amended to prevent the production of a forged passport and the illegal use of a passport by incorporating an IC chip onto a passport, as well as to criminalize the conduct of procuring, providing or possessing a fraudulent Japanese passport. The criteria of landing permit for the residence status of “Entertainer” was reviewed and has enforced since March 15, 2005. The Law on Control and Improvement of Amusement Businesses was amended and came into effect from May 1, 2006.

v Follow up process of the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime

vi Comprehensive Sexual Education means considerations to the various inter-related power and gender dynamics that influence sexual behaviors. It includes an emphasis on sexual expression, sexual fulfillment and pleasure. This approach includes the reproductive health aspects but not exclusively the reproductive aspect.

This paper is based on the report “Issues of Trafficking in Persons in the Asia Pacific Region and International Contribution of Japan-From the Perspective of Women’s Empowerment”(June 2007) , the Grants-in-Aid for Scientific Research funded. This report is the outcome of the research on “Trafficking in Persons and its Prevention, Education and Awareness Raising” by National Women’s Education Center of Japan (NWEC) from 2005 to 2006 .