



THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

**IMADR's Submission to Ms. Sigma Huda,
UN Special Rapporteur on trafficking in persons, especially women and children**

Geneva, 11 November 2004

Combating human trafficking, in particular of women, has been one of the main priority areas of IMADR's activities since 1994. Over this decade, IMADR has been conducting numerous activities at the international, regional and grassroots levels, with the ultimate goal of the empowerment of victims/survivors, who are often minority women discriminated against on multiple grounds including race and gender.

At the international level, IMADR has strived for the strengthening of the international mechanisms for the elimination of trafficking in persons. To this end, IMADR submitted in 1998, to the UN Working Group on Contemporary Forms of Slavery of the then UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, a working paper proposing a draft Optional Protocol to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. When the process of drafting the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol) started in Vienna, IMADR, warned by the serious lack of human rights perspectives, called for joint intervention by concerned NGOs and UN/INGOs, by convening an NGO Caucus against Trafficking in Persons in Geneva. Following the adoption of the Protocol, this Caucus was replaced by the IGO Contact Group on Human Trafficking and Migrant Smuggling, to which IMADR was invited as an NGO member.

IMADR has also organized a series of seminars on trafficking in women and children, bringing together different actors, who had been divided over their views of prostitution. With respect to grassroots-level initiatives, IMADR has published a manual to sensitize public officials and private citizens on the issue of trafficking and exploitation of prostitution.

Recommendations for consideration by the Special Rapporteur

IMADR considers it important to view human trafficking as a form of exploitative migration occurring in the context of globalization. It is equally important to consider these issues from the perspectives of human security and multiple discrimination. Based on these understandings, IMADR is presently planning and involved in a series of activities at international and national levels. Below we would like to share some of them, and make some requests to the Special Rapporteur in those connections.

a) A UN Year to Combat Trafficking in Persons accompanied by a 10-year Plan of Action

The first is the adoption by the General Assembly of a UN Year to Combat Trafficking in Persons, which should serve as an occasion for the United Nations, member States, IGOs and regional organizations to prepare a 10-year Plan of Action against trafficking. IMADR has been making a call for the UN Year since 1998, together with several other NGOs with different positions over the issue of prostitution. Last year, IMADR issued concrete and detailed Proposals for the UN Year and a 10-year Plan of Action (see



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Annex), with which it is currently seeking for support to its call from various actors in particular key governments, in view of an early launching of the UN Year by the UN General Assembly. In IMADR's view, the role of the UN Year must be to provide impetus for an integrated global action to combat trafficking, and a mere recommendation of a UN Year without a concrete action plan would not have much meaning. We sincerely request the Special Rapporteur to kindly take into consideration our Proposals, and would highly appreciate her endorsement of them at every possible opportunity.

b) Legislative situation in Japan

Since IMADR is a Japan-based NGO, we would like to take this opportunity to brief the Special Rapporteur on the ongoing debate in Japan over the legal system pertaining to human trafficking. In preparation for the ratification in 2005 of the Palermo Protocol, the government of Japan is planning to introduce a new provision in the Criminal Law that would punish the act of human trafficking. However, a serious drawback in the government's initiative is that they have no intention to take any legislative measures for the rescue, protection and support of the persons trafficked into Japan. The root of the government's reluctance to protect the human rights of victims seems to lie in its xenophobic interpretation of the Constitution of Japan, confining to Japanese nationals the subjects of basic rights upheld therein. Based on the conviction that the human rights of trafficked persons would not be secured without legislative measures ensuring budget allocation, the Japan Committee of IMADR, as a member of the Japan Network Against Trafficking in Persons (JNATIP), is now actively lobbying law- and policy-makers for the formulation of a law aiming at the rescue, protection and support of the victims of trafficking. In this connection, we earnestly ask that the Special Rapporteur visit Japan in the near future, to observe and investigate into the realities of a major destination of human trafficking with backward policies.

Annex: Proposals for a UN Year to Combat Trafficking in Persons

For more information please contact:

IMADR United Nations Office in Geneva

Address: Rm 490, 150 Route de Ferney, C.P. 2100, CH-1211 Geneva 2, Switzerland

Phone: +41-22-791-6263 Fax: +41-22-791-6480 E-mail: imadrun@iprolink.ch

Contact person: Atsuko Tanaka, Permanent Representative to the United Nations

IMADR International Secretariat

Address: 3-5-11 Roppongi, Minato-ku, Tokyo 106-0032 Japan

Phone: +81-3-3586-7447 Fax: +81-3-3586-7462 E-mail: imadris@imadr.org

Contact person: Setsuko Arai, Program Assistant

The International Movement Against all forms of Discrimination and Racism (IMADR) is a Japan-based international non-profit, non-governmental human rights organization devoted to eliminating all forms of discrimination around the world, forging international solidarity among discriminated minorities and advancing the international regime of human rights. Founded in 1988 by one of Japan's largest minorities, the *Burakumin*, IMADR has grown to be a global network of concerned citizens and minority groups with regional committees in Asia, North America and Latin America. IMADR is in consultative status with the United Nations Economic and Social Council.