



J N A T I P

Japan Network Against Trafficking In Persons

**The International Movement Against All Forms of Discrimination and Racism (IMADR)
Japan Network Against Trafficking in Persons (JNATIP)**

**Recommendations from Japan based NGOs
for Solidarity and Joint Action
in Combating Trafficking in Women and Children**

at ASEM 5 People's Forum, Hanoi 2004:
People's actions for human security in Asia and Europe

September 2004

The seriousness of the gender violence against the victims of trafficking is becoming a major issue in Japan, as it has been during the recent years in Europe. The following recommendations are addressed to all the participants of the NGO gathering in Hanoi, and through the NGO community, to all the States represented at the ASEM Conference. They are made by a group of NGOs in Japan presently actively involved in combating trafficking, an endeavor which cannot be limited to a single country in this age of globalization. It is unnecessary to stress the obvious fact that Japan and Europe constitute the two major destinations of the trafficking routes originating in South East Asia. We must not leave to the transnational trafficking network the advantage of having a well-coordinated joint strategy to exploit the women and children of South East Asia. It is crucial that we join forces in developing the necessary legal and social conditions to eliminate the problem.

Firstly, We wish to request the NGO community gathered in Hanoi, who has an experience in developing anti-trafficking legal mechanisms, to give us any available information on the strength and weakness of the legislations adopted by their governments. This includes especially the members of the EU, and the EU itself. The requested information is urgently needed because the Government of Japan has decided to ratify the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, and prepares legislative measures which do not take into due consideration the protection of the basic rights of the victims, focusing its attention only on the criminalization of the traffickers.

Unless we propose to the Japanese government and Diet an integral law against Trafficking supported by model case legislations protecting the rights and security of the victims, Japan will only modify its penal code in order to strengthen its surveillance and control mechanisms, refusing to develop any legislation to protect the victims of trafficking, who are most often undocumented, and will continue to be criminalized as "illegal migrants" lacking any claim to the protection of the State. They will continue to be harassed, not only by the transnational criminal organizations, but also by the police and immigration authorities whose increased zeal to arrest criminals, if not enough successful, will motivate them to arrest more victims and treat them more harshly.

This urgent need in Japan, to oppose the penal-code centered anti-trafficking legislation ignoring the human rights of the victims is but a part of the global trend, which is caused by the war against global terror and transnational organized crime. This exclusive stress on punishment of the criminals ignores the fact that combating trafficking cannot be effective without the indispensable caring for the rights and security of the victims and survivors. This is why we recommend to the NGO community gathered in Hanoi to present to the ASEM Governmental Meeting a recommendation insisting on the need for all the ASEM States to observe all the clauses regarding the protection of the victims in the Protocol on Trafficking in Persons, including those which are left optional and tend to be left out since unbinding.

Secondly, we call upon the NGO community gathered in Hanoi, especially those concerned by trafficking, to develop an ASEM NGO project for information sharing and joint research on the structure and root causes of trafficking, and on the possible interconnections between the two trafficking routs from South East Asia to Europe and to Japan. Unless joint simultaneous effort are developed, the criminal organizations will intensify trafficking activities in the less protected rout, either to Japan or to West Europe. We also call upon the NGOs gathered in Hanoi to present to the ASEM States a recommendation to support such information sharing and joint research, by providing the necessary funding and by opening their files, which may contain documentation indispensable to the project.

Thirdly, we request the NGO community gathered in Hanoi to issue a declaration supporting the United Nations Year to Combat Trafficking (see attachment), when all the responsible UN Agencies and concerned governments will be asked to develop a ten year plan of action to combat trafficking in persons. The declaration could be the base for a recommendation to the ASEM Inter-Government Meeting to pass a similar resolution in support of the initiative planned of the Government of the Philippines proposing a UN Year to Combat Trafficking at the 2004 UN General Assembly.

We hope that the above three points can become the base for a fruitful deliberation by all the ASEM NGOs concerned by trafficking, and that other NGOs so far indifferent will join in the efforts of the concerned ones, so that a coordinated effort by NGOs and States will be able to prevail over the global criminal efforts of the traffickers and exploiters.

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IMADR is an 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 (ECOSOC).

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JNATIP is a network of NGOs, lawyers and academics, which is aiming to formulate effective laws concerning the prevention of trafficking in persons, victim relief and the punishment of perpetrators.