

Japan Network Against Trafficking in Persons (JNATIP)
The International Movement Against all forms of Discrimination and Racism (IMADR)

Legislation to rescue, protect and support victims of human trafficking is vital

1. The problems of the current legal system on human trafficking

Japan is well known internationally as a destination of human trafficking. The majority of the victims are women and girls, who are moved into the sex industry from countries including Thailand, the Philippines, Colombia, Indonesia, Taiwan and Korea. However, up to now, virtually no effective counter-measure has been taken to solve this problem. The Japanese government has neglected this problem for more than twenty years, even though United Nations human rights treaty bodies such as CEDAW and the Human Rights Committee has urged repeatedly to increase its effort to combat human trafficking.

The current legal system in Japan is highly unsatisfactory both in terms of the punishment of traffickers and the rescue, protection and support of the victims. Japan's domestic legislation has no legal provision that offers the definition and punishes the act of human trafficking. Provisions that punish partial elements of the act of trafficking do exist, as well as those punishing exploitation in the sex industry, but the punishments are generally lenient. A good example of this is a recent court case. In March 2003, a Japanese broker who allegedly moved over 400 Colombian women into strip tease theatres was sentenced to a mere 22 month imprisonment by the Tokyo District Court. It is said that the same criminal act would have received a sentence of a 20 years' imprisonment in the United States of America or Thailand, where anti-trafficking legislation is established.

Meanwhile, there is absolutely no legal provision in the Japanese national law to protect or support the victims of trafficking. On the contrary, trafficked women are treated as illegal immigrants or criminals, and not victims of human rights violations. The police arrest them for offending the Immigration Control Act or the Alien Registration Law by entering the country illegally, carrying fictitious passports, or not applying for alien registration, even if they have committed such acts unintentionally. They may be arrested for offending the Anti-Prostitution Act by inducing customers on the street. After they are arrested for these criminal offences, they are detained, at times sent to court and convicted, and then handed over to the immigration control office and deported in approximately two weeks. It is all settled for the Japanese government once they deport the victims of trafficking. The administrative authorities no longer seek to persecute the traffickers, let alone take remedial measures for the victims.

2. The government's attitude toward the problem

This year, a change has been seen in the above situation. In preparation for the ratification in 2005 of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime", the Japanese government is currently considering the introduction of a new provision in the Criminal Law that punishes the act of human trafficking. Nevertheless, with respect to the rescue, protection and support of trafficked persons, the government has no intention to set up any legislative measures, and is attempting to get away with a mere action plan, which does not guarantee enough budget allocation. Since the government's main focus is on the prevention of organized crimes rather than on the victim's human rights protection, they obviously do not take into account the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued in 2002 by the OHCHR.

3. Request to the High Commissioner for Human Rights

Over these two decades, the protection and support of women and girls trafficked into the sex industry, including their recovery from physical and mental wounds caused by traumatic experiences, have solely been bore by a few private shelters. Those shelters face a serious lack of resources, including both finance and staff, and we strongly believe that the human rights of trafficked persons will not be secured without taking legislative measures. We would like to request that the High Commissioner for Human Rights strongly urge the Japanese government to set up a new legislation to decriminalize, rescue, protect and support the victims of trafficking.

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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. As of November 2004, the following 25 organizations are affiliated with JNATIP:

Japan Women's Council
 Aizu Mass Choir
 The Asia Foundation
 Asia-Japan Women's Resource Center
 Asian Women's Empowerment Project
 Asian Women's Center
 Amnesty International Japan
 Solidarity with Migrants Network Japan (SMJ)
 Action against Child Exploitation (ACE)
 Committee to Aid Democracy for Peace Building
 End Child Prostitution in Asian Tourism (ECPAT) Japan Kansai
 Center for Asia Pacific Partnership (CAPP) Study Group on Human Security, Human Trafficking and Exploitative Migration
 Kyoto Young Women's Christian Association "Asian People Together" (Kyoto YWCA/APT)
 Clover (Network to Support Non-Japanese Victims of Domestic Violence in Osaka)
 Japan International Center for the Rights of the Child (JICRC)
 Committee for Education of Child Sexual Awareness and Well-being (CESA)
 Congregation de Notre Dame (CND) Maria Province
 Empowerment Center for Women in Fukuoka
 House for Women "Saalaa"
 Sex Work and Sexual Health (SWASH)
 The Friends of Thai Women
 Tokyo YWCA
 The International Movement Against all forms of Discrimination and Racism-Japan Committee (IMADR-JC)
 Japan Accountability Caucus, Beijing
 Polaris Project

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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).