



Japan's Comprehensive Strategy Against Human Trafficking

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Abstract

After analyzing the nature of the human trafficking as transnational and very complicated, the paper maintains pursuit of the major aims of 1) preventing and reducing the offense, 2) dismantling organized crime through confiscating large amounts of unjust enrichment and 3) victims assistance and empowerment.

To realizing these major aims, all the relevant countries, their agencies and the public at large are required to build partnership.

The paper then also goes on to maintain that the UN Convention and its Protocol should be employed by all the relevant countries for implementation of action plans and law enforcement through effective information-sharing and mutual legal assistances and that in light of intra-national difficulties, all the relevant ministries, agencies and communities should collaborate under unofficial and/or legal frameworks to combat human trafficking and tackle its related social problems.

Following this, the situation in Japan and the Comprehensive Strategic Plan adopted by the Government of Japan in accordance with the Action Plan for the Realization of a Society Resistant to Crime of 2004 including establishment of the "Liaison Committee of Relevant Ministries for Developing Measures Against Human Trafficking" and building information clearing houses and contact points is introduced.

Key Words: Human Trafficking, Transnational Crime, Organized Crime, Victim Assistance and Empowerment, Collaborations and Partnerships Combating Offences, Information Sharing

I. Introduction

I would first like to analyze the nature of human trafficking as 1) transnational, 2) organized crime, and 3) exploitation of vulnerable persons who are women and children and 4) that result in vast unjust enrichment to be forfeited in terms of justice.

1) Transnational Nature

As the tables, figures and diagrams show, a number of human trafficking that we cope with have been committed across the borders of many countries.

Roughly speaking, vulnerable victims in countries facing the difficulties of poverty and social problems are taken or abducted out of their own countries to other rather rich countries by an organized crime in exchange for money as debt, where their labor, organ, and/or sexual vulnerability are exploited.

Protection and respect of human dignity should be universal and fundamental requirements and the relevant countries and the rest of the world should be concerned about and held accountable for it.

As the following cases illustrate, in the case of human trafficking, many people or perpetrators are implicated, either as principals, private go-betweens or offence-promoters acting transnationally. All official and public agencies both within or outside each country must enter into partnerships and/or collaborate with each other to tackle human trafficking.

To prevent or reduce it, all the relevant agencies must share information and exchange their plans or programs with each other and should have law enforcement cooperation. For empowerment and assistance to the victims, they must closely cooperate in terms of finance and technical mutual health collaboration.

Empowerment of victims would be very important means to break the cycle of violence, e.g., from victim to offender.

2) Nature as Organized Crime

It is very rare for perpetrators to commit human trafficking alone or with simple complicity. The offense usually is committed in form of organized crime, whether it be a network type, a ring or wheel type.

As part of organized crime, some parties work as underground bankers, other parties play a role of go-between, while others run entertainment businesses where the victims are forced to engage in prostitution and the like. Through these organized criminal activities, the perpetrators can obtain a large amount of unlawful pecuniary gain.

To combat and dismantle such organized crime, all the relevant agencies should share information to identify the very nature of each of them and forfeit the proceeds of crime under comprehensive strategic plans.

3) Nature as Exploitation of Human-Beings

Exploitations of human beings means bald disregard of a fundamental human value and/or humiliation of human dignity.

Not only specific countries affected but also all the countries of the world should enter into effective partnerships in many fields to prevent and reduce human trafficking.

The UN Convention on Organized Crime has been concluded, signed and ratified by substantial number of nations and its Protocol on Human Trafficking has also been signed and ratified by a number of nations.

Under the Convention and its Protocol, member countries are compelled (obligated) to criminalize human trafficking by their legislation to implement them. In addition, for implementation of law enforcement, each country should develop its own comprehensive strategy including concluding bi- and multi-national mutual legal assistance treaties (MLAT).

Furthermore, within its own territory, all the relevant agencies and the public at large should make factual and/or legal frameworks under which effective

collaborations and partnerships can be achieved to perform and assume their own respective role-responsibility.

4) Nature as Unjust Enrichment

To further the notion of justice, the proceeds of the human trafficking offenses should be forfeited both to deter re-offending and dismantle the organized crime themselves as well as to create a fund through which relevant agencies could provide necessary financial assistance for victims to be successfully reintegrated into their own communities.

Moreover as a predicate, we should develop effective statutory devices to deter and prevent money laundering.

II. Current Situation in Japan

The following Table 1 and Figure 1 show the number of cleared cases, number of persons arrested and number of victims and their nationalities involved in human-trafficking in Japan from 2001 through 2008.

Although each number relating to human trafficking shown in Table 1 and Figure 1 indicates a recent trend toward its reductions, further and strong efforts in all fields, effective law enforcement implementation and victim-empowerment assistance are required.

In light of the very complicated nature of human trafficking, Japan has made a comprehensive strategic plan as well as action plan to combat the offense of human trafficking.

In the following section, I would like to introduce them.

Table 1 (Trends in Human Trafficking)

	2001	2002	2003	2004	2005	2006	2007	2008
Number of Case Cleared	64	44	51	79	81	72	40	36
Number of Persons Arrested	40	28	41	58	83	78	41	33
Go-betweens	9	7	8	23	26	24	11	7
Number of Victims	65	55	83	77	117	58	43	36
Thai	39	40	21	48	21	3	4	18
Filipina	12	2		13	40	30	22	7
Taiwanese	7	3	12	5	4	10		5
Japanese							1	2
Macanese								2
Chinese		4	2					1
Bangladeshian								1
Indonesian	4		3		44	14	11	
Colombian	3	6	43	5	1			
Korean				3	1	1	5	
Rumanian					4			
Russian				2				
Cambodian			2					
Austrarian					1			
Estonian					1			
Laotian				1				

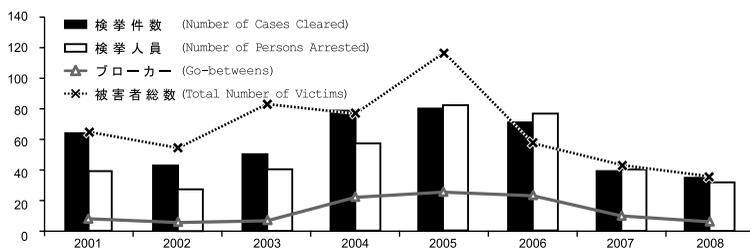


Fig. 1 Trends in Human Trafficking

(1) Police Round Up (number of female in parenthesis): Nationality of Victims

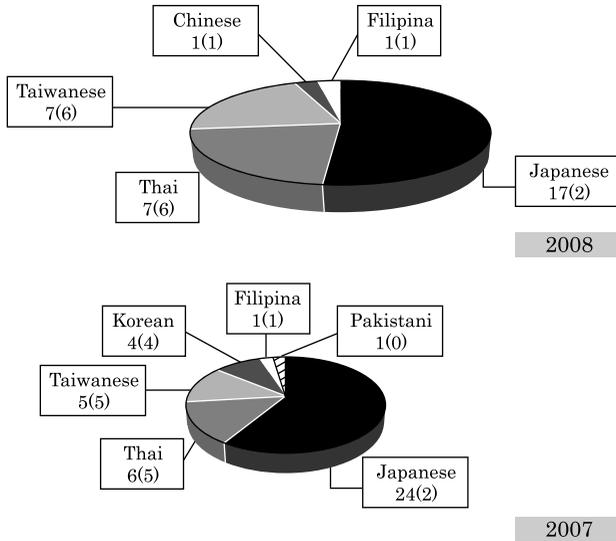


Fig. 2 Nationality of Victims in Human Trafficking
 (2) Residential Status of Foreign Suspects When Arrested;
 Increase in Proportion of Spouses Who Have Japanese
 Nationality

III. Comprehensive Strategy and Action Plan Adopted by Japan

1. In April 2004

In April 2004, the Government of Japan established the “Liaison Committee of Relevant Ministries for Developing Measures Against Human Trafficking”, pursuant to “the Action Plan for the Realization of a Society Resistant to Crime” which was revised in 2008 by the Ministerial Meeting Concerning Measures Against Crime.

The Liaison Committee is chaired by an Assistant Chief Cabinet Secretary and its members are composed of nine (9) bureau chiefs of relevant ministries, including the Cabinet Office, the N.P.A., the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Labor and Welfare and the Ministry of Education and Science.

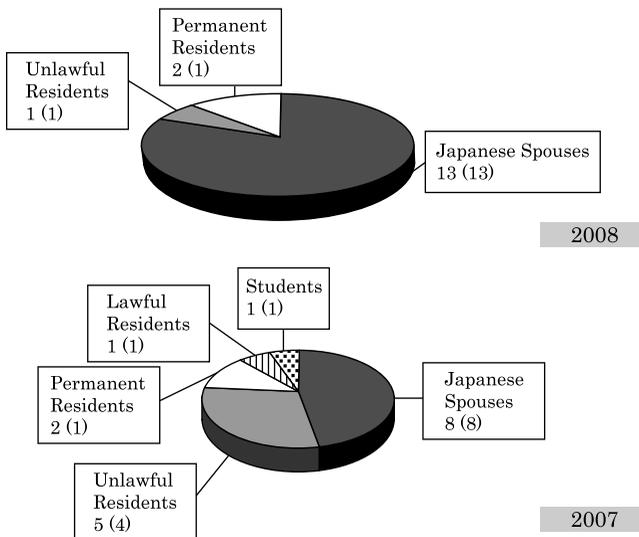


Fig. 3 Residential Status of Foreign Suspects When Arrested
 *Japanese Spouses in the Figure 3 do not mean Japanese who were born in Japan, but in most cases means persons who have obtained Japanese nationality by marriage using of false evidence, e.g., forged documents showing that foreign female as victim of human trafficking married Japanese.

Since its establishment to date, the Committee has held nine (9) conferences and as the result of the conference in December 2004, the Government of Japan formulated “Action Plan of Measures Combating Trafficking in Persons”. Its major aims are 1) prevention, 2) reduction and eradication and 3) protection and empowerment of victims.

A. Prevention

As for “the Action Plan for the Realization of a Society Resistant to Crime” and “the Action Plan of Measures Combating Trafficking in Persons”, the Ministerial and “Liaison Committee”, respectively have conducted follow-ups of the progress of the policies enumerated in them, once or twice every year. The government has visualized and promoted their progress through documents on websites.

《A Case of Human Trafficking Involving a Thai Woman》

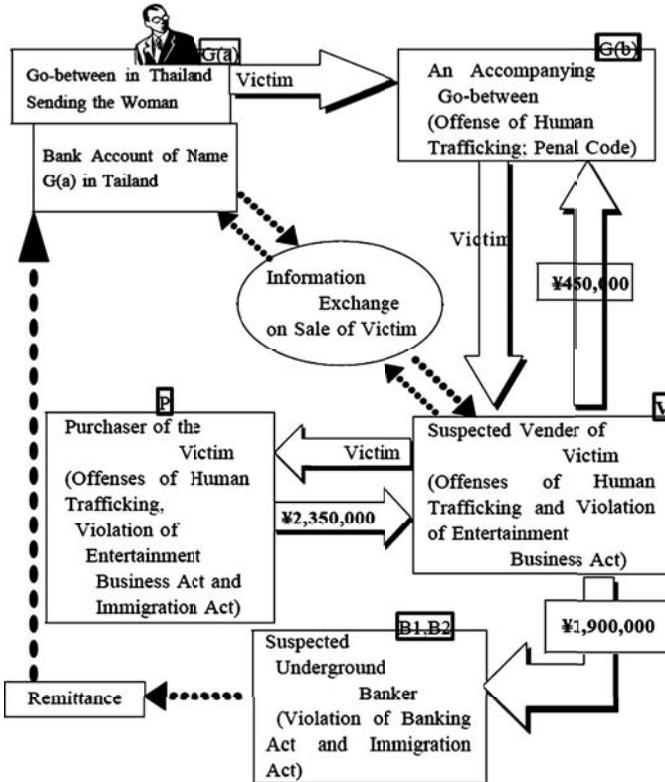


Diagram 1

1) In light of trans-border (trans-national) nature of human trafficking, MLAT or Mutual Legal Assistance Treaty must be concluded among the relevant countries and UN related organization and the ICPO (International Criminal Police Organization) must be employed for effective prevention.

For the Mutual Legal Treaties and the UN Conventions and its Protocol to be implemented, it was compulsory for Japan to criminalize acts relating to human trafficking by legislation.

Moreover, for effective employment of the UN Convention and MLAT to

cope with the offense, it was necessary to criminalize certain acts relating to human trafficking and apply penal sanction for the crimes to Japanese either within or outside territory of Japan and moreover to all non-Japanese perpetrators who commit the offense in any country of the world. In short, we criminalized human trafficking in accordance with the universal principle.

2) Information Sharing (International Aspects)

- a) Through the I.C.P.O., the N.P.A. conveys specific information including specific cases of lost and stolen passports and each specific passport number of them to the relevant jurisdictions in Asia including Thailand, Taiwan, Hong Kong and the Philippines.
- b) Since 2003, the Ministry of Foreign Affairs has annually held “a” “Passport Policy Conference in Asia” to tighten measures against forged passports in Asia and to share information about the matter.
- c) In May, 2006, a Japan-Thai Cooperative Task Force was established to cooperate in these phases of preventions, law enforcement and victim protection, and the 2nd Conference was held in Tokyo in September, 2007.
- d) The N.P.A. holds “contact-point” meetings as an information clearing-house between relevant agencies as well as relevant embassies in Tokyo to share information on human trafficking.
- e) Japan has concluded Mutual criminal Assistance Treaties with U.S.A. (effective July, 2006), Republic of Korea (effective January, 2007) and with the People Republic of China (effective November, 2008) and has signed a treaty with Hong Kong. It is now negotiating with the Russian Federation, and the European Union.

3) Within Japan (Intra-national Aspects)

- a) The police operate a system to receive anonymous calls from the public.
- b) The Cabinet Office has issued a circular to the police, Immigration Bureau, Women’s Consultation Offices and Child Guidance Centers to request them to make adequate response to the victims of human traffick-

ing and to cooperate in the giving and sharing information.

B. Reduction and Eradication

- 1) Strict law enforcement against vicious employers of the persons trafficked, go-betweens and others: the police apply the Penal Code (offenses relating to human trafficking), the Immigration Control and Refugee Recognition Act (offense promoting unlawful employment), the Prostitution Act (offense of managing prostitution), the Entertainment Business Act (unlicensed operation of businesses) and the Labor Standards Act.
- 2) Forfeiture (confiscation) of proceeds or tools of the offenses relating to human trafficking (including violations of the Organized Crime Act, the Prostitution Act, and Immigration Control and Refugee Recognition Act)
- 3) Strict enforcement of money laundering including making request that gatekeepers should adhere to statutory obligations, financial institutions should not open suspicious accounts and should report suspicious financial activities of their customers.
- 4) Strict charges of the human trafficking offenses to inflict severe punishment. For example, from January 1st to the end of September, 2008, 36 cases were prosecuted, 31 accused were convicted and 20 of the 31 were sentenced to prison.

C. Victim Protection

- 1) Providing victims with consulting and adequate information including medical care, employment opportunities, proper shelter and other immediate intervention at Women's Consulting Offices.
- 2) Providing victims with shelter
 - a) Utilizing Women's Consulting Offices as shelter for victims, especially those desiring to return home.
 - b) In the case of children, Child Guidance Centers provides adequate shelter for minor victims or victimized children.
 - c) Since fiscal year 2004, the Ministry of Health, Labor and Welfare has allo-

cated ten million yen (¥10,000,000) for conclusion of contracts with the private sector for necessary shelters for victims.

3) Providing adequate information to victims.

Victims are given information on the matter such as shelter, medical care and relevant legal issues especially on the deportation procedure of the Immigration Control and Refugee Recognition Act.

4) Providing personnel who can communicate in the mother tongues of victims for supporting at police stations, Women's Consulting Offices, Child Guidance Centers and other places.

5) Flexible and reasonably discretionary administration of the Immigration and Refugee Recognition Act.

a) There are cases in which trafficked victims are in fact illegal residents, so the Immigration Bureau is working to make it clear that victims are eligible for protection and that through these granting of special permission for residence according to the Immigration Control and Refugee Recognition Act, victims will be granted legal status.

b) The Immigration Bureau can issue "special permission for residence" to victims of human trafficking who violated the Immigration Control and Refugee Recognition Act.

The Bureau issued "special permission for residence" to all such victims from 2005 to 2008.

6) Providing victims assistance to return to their home countries.

a) Under close partnership among the police, the Immigration Bureau, the Women's Consulting Offices and other relevant agencies, from May 2005 to June 2008, a total 135 female victims (57 Filipinas, 48 Indonesians, 18 Thais, 8 Taiwanese, 3 Koreans and 1 Colombian) are received assistance and support to return home.

b) The I.O.M. (International Organizations of Migrations) gives assistance to all the victims to return home as well to be successfully reintegrated into

their own communities. Moreover, the Ministry of Foreign Affairs contributes approximately 36 million yen (¥36,000,000) to the I.O.M' s assistance program in 2008.

The contribution is utilized for the above Return Home Project under which all victims return to their respective countries as lawful residents without any expense.

7) Providing Victim Assistance and Empowerment.

a) Financial assistance to relevant Asian nations through international organizations including the Human Security Foundation.

i) To the Republic of Tadjikistan.

Through the I.L.O and U.N.D.P. (United Nations Development Program), financial assistance has been provided for creation of employment opportunities and community development and improvements since commencement of violation there.

ii) To Thailand and the Republic of Philippines.

Financial assistance has been provided for an Empowerment Project for victims who return home.

iii) To UNICEF to implement its own measures against Human Trafficking in Central Asia, in October 2006.

iv) To "Phayao County" for a preventive Victim Assistance Project against Human Trafficking (implemented by the Bangkok YMCA Foundation, an international N.G.O.)

IV. Education and Training by the N.P.A. and the Immigration Bureau

The Immigrations Bureau

a) Public Educations Program

i) Through mass-media (TV, radio, newspapers, magazines)

- ii) Through leaflets and pamphlets
- iii) Counseling and Consultation at Women's Consulting Offices and other venues
- b) Training Programs to Personnel in Charge
 - i) The police
 - ii) The Immigration Bureau
 - iii) The public prosecutor's office
 - iv) The Women's Consulting Offices
 - v) The offices taking charge of passports and visas

On the Action Plan adopted by the government of Japan, please refer to :
<http://www.cas.go.jp/seisaku/jinsin/index.html> (cabinet secretariat)

References omitted.

* This paper was prepared for a lecture-report at the 10th I.A.C.P. Asian Pacific Executive Policing Conference held in Taipei, Taiwan, from March 29 through 31, 2009. For convenience, the I.A.C.P. is an abbreviation of "International Association of Chiefs of Police".