



UNITED NATIONS

Press Release

UN expert on trafficking in persons ends visit to Japan

17 July 2009

Ms Joy Ngozi Ezeilo, the United Nations Special Rapporteur on Trafficking in Persons, especially women and children, issued the following preliminary findings and recommendations at the end of her mission to Japan, which took place from 12th to 17th July 2009.

The Special Rapporteur wishes to express her gratitude to the Government of Japan for the invitation to undertake this fact-finding visit, for its cooperation throughout and for the opportunity to meet and engage with government officials, United Nations agencies including IOM and non-governmental organizations amongst other stakeholders.

As mentioned in her annual report to the Human Rights Council in March 2009, trafficking affects every county of the world. In this context, Japan is clearly affected as a destination country for many victims of human trafficking. Although trafficking for prostitution and other forms of sexual exploitation constitute the vast majority of the recorded cases in Japan, trafficking for labour exploitation is also of great concern. Since a comprehensive and holistic approach is imperative in order to combat this phenomenon, the Special Rapporteur believes that strategies for combating trafficking should rest on the following “5 P’s” and “3 R’s” - Protection, Prosecution, Punishment, Prevention, Promotion (of international cooperation), Redress, Rehabilitation and Reintegration of victims to assume a constructive role in the society.

The Government of Japan in recognition of the seriousness of the problem has taken measures to address this problem, in particular since 2004 with the adoption of a National Plan of Action on trafficking, the introduction of the crime of trafficking in the Penal Code in 2005, and the adoption of other legislative amendments that provide, *inter alia*, for the protection of victims from arrest and prosecution and access to shelters. More recently, victims have also been granted the right to a special residence permit if they wish to stay in Japan. The Special Rapporteur also recognizes the efforts undertaken by the Government to cooperate with sending countries to support the reintegration of victims in their home countries. Moreover, with regard to international cooperation, the Government has established a Joint Task force between Japan and Thailand to combat trafficking, and is working towards the adoption of a bilateral agreement with the same country. Furthermore, it took an active part in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Notwithstanding the considerable progress made by the Government in order to tackle this phenomenon, there are challenges that the Government must address in order to

effectively combat trafficking in human beings occurring within its borders and affecting both its citizens and foreign nationals.

The following are some of the issues of immediate concern to the mandate of the Special Rapporteur:

1. Non-ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Organized Crime Convention and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
2. Lack of comprehensive definition of trafficking in the national legislation;
3. Unclear identification procedure which may lead to mis-identification of victims of trafficking;
4. That trafficking has gone underground due to a variety of factors including but not limited to mis-identification, inadequate confidential services (psycho-social support), language barrier and weak redress system;
5. Inappropriate shelters for victims of trafficking, and lack of the resources and specialized know-how, including but not limited to language skills, required to provide adequate assistance to victims and avoid their being re-trafficked at a later stage;
6. Abuses within the trainees and technical interns programs: while this is a well intended program to be encouraged for its objective of transferring skills and technology to some Asian countries, in a number of cases it is fuelling demand for exploitative cheap labour under conditions that may well amount to trafficking;
7. Lack of access by victims to redress and compensation though the judicial system even though *de jure* this is provided;
8. The problem of coordinating effective action amongst relevant actors - Police, the Immigration Bureau and the Prosecutor's Office, and the lack of appropriate training on trafficking for these law enforcement officers including the judges. In particular, training focusing on building capacity for identification, protection of victims and on the implementation of their right to effective judicial remedy, including compensation;
9. Human trafficking responses by the State and assistance to victims are gendered and focuses solely on women and on sexual exploitation; while this is important, other forms of trafficking that affect both men, women, boys and girls must not be neglected;
10. Efforts in the area of prevention are weak and need to be strengthened, using innovative ICT and other channels of communication that especially appeal to young people;
11. Child pornography, child prostitution and the “*enjo kosai*”- compensated dating - are not sufficiently addressed; and
12. High incidence of domestic violence against women and girls.

Some Preliminary Recommendations to the Government of Japan:

- Urgently ratify the following international treaties: the UN Convention on Transnational Organized Crime and the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children

- (2000); the International Convention on the Protection of the Rights of All Migrant Workers and Their Families;
the Hague Convention on the Civil Aspect of International Child Abduction 1980. Additionally, it should consider adoption of a specific law to avoid exploitation of foreign workers within the trainee programme and to provide assistance and full redress to the victims of trafficking including men and boys;
- Establish a national rapporteur office or a coordination body that will be solely responsible for promoting, coordinating and monitoring policies and actions related to human trafficking;
 - Strengthen the law and labour inspections to sufficiently deal with the growing problem of trafficking for labour exploitation, in particular in relation to the trainees and internship programme and to protect migrant workers rights, prosecute and punish offenders;
 - Establish regional and specialized shelters that would provide a 24 hour multi-lingual hotline and assistance specific to victims of trafficking;
 - Although victims of trafficking are being assisted by the Government there is still a huge gap between the kind of services needed and the ones that is currently being provided. Innovative holistic strategies for combating trafficking should be adopted including free legal aid and right to compensation that would enable victims to assume a constructive role in the society;
 - Establish specialized trainings to provide the necessary skills to law enforcement officers in particular the Police, Immigration Bureau, Prosecutor, the Judiciary and Labour Inspectors on how to deal with victims of trafficking as well as prosecute and punish traffickers. Such trainings should include the acquisition of skills on identification and protection of victims and on the implementation of their right to an effective judicial remedy. Service providers, such as health care workers, should also receive specialized trainings on trafficking;
 - Identification procedure should be clearly set out and shared with all actors;
 - Increase protection for children under 18 years against prostitution and pornography and other forms of sexual exploitation. There should be zero tolerance for child pornography and child prostitution, including the “*enjo kosai*”-compensated dating phenomenon;
 - Efforts should be intensified to eliminate all forms of violence against women and girls and bring perpetrators to account;
 - The granting to the victims of the right to reside temporarily in Japan is a very positive step. However, in order to allow victims to recover psychologically, feel socially integrated and prevent them from being re-trafficked, they should be allowed to work and earn decent livelihood; and
 - Improved partnership between government and the NGOs and support for the work of NGOs that provide services to victims of trafficking should be pursued. NGOs should also be involved in the implementation, monitoring and evaluation of the National Plan of Action.

The Special Rapporteur reiterates that addressing the root causes of trafficking and respecting the human rights of victims are of paramount importance in combating trafficking. Convinced of the need for greater international cooperation in this area, she

encourages Japan to take more action and leadership at the regional level in the fight against trafficking, and to consider the adoption of bilateral agreements with source countries to tackle the human trafficking problem on a long term basis.

Finally, the Special Rapporteur wishes to stress the special vulnerability of migrant workers to exploitation and trafficking, and that this is true not only for irregular migration, but also for legal migration: both can hide cases of exploitation and trafficking. Therefore, special attention should be given to the protection of migrant workers and the monitoring of the conditions under which private companies employ migrant workers.

A full report of this visit will be presented at the United Nations' Human Rights Council in 2010.

The Special Rapporteur once more thank the Japanese government for the opportunity to undertake this visit.