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Human Trafficking in Japan: Legislative Policy, Implications for Migration, and Cultural Relativism

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HUMAN TRAFFICKING IN JAPAN: LEGISLATIVE POLICY, IMPLICATIONS FOR
MIGRATION, AND CULTURAL RELATIVISM

BY

PAUL CAPOBIANCO

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS IN THE ASIAN STUDIES PROGRAM OF THE
DEPARTMENT OF LANGUAGES, LITERATURES, AND CULTURES AT
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**THIS THESIS IS SUBMITTED IN PARTIAL FULFILLMENT OF THE
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ABSTRACT

Human trafficking is an issue that has been largely overlooked by Japanese policy makers and remains a concerning social issue confronting Japanese society. Sources have criticized for Japan on how they have addressed their trafficking protocol, and external pressures remain critical of Japan's approach to their human trafficking policy. What is often overlooked is that Japan, as a country with significant socio-economic prowess and influence in the global community, is able to respond to these criticisms in such a way because they are less vulnerable to the repercussions that disregarding such criticisms entails. Japan is able to remain culturally relative to their own societal issues because of their strong position, which is often not the case for countries in developing or transitioning stages. Furthermore, when Japan has taken the initiative to adopt anti-trafficking policies, the results have impacted migratory trends overall and have left potential migrant even more vulnerable to traffickers.

The objectives of this thesis are twofold. First, it will examine how human trafficking policies have impacted overall migration trends into Japan. This will particularly explore how migrants from transitioning and developing nations have been disproportionately affected by human trafficking policies implemented by Japan. This "third world bias" in the administration of trafficking policy has caused many potential migrants to seek out illicit third parties to facilitate entry into Japan, thus exacerbating Japan's human trafficking problem. Second, it will demonstrate how attitudes of cultural relativism and self-perception within Japanese society appear in the area of Japanese policy enactment. As a result, there persists an ongoing conflict between international demands and domestic Japanese objectives which has implications for the ways in which Japan responds to global criticism.

CHAPTER 1

INTRODUCTION

1.1 Introduction

When one conceptualizes human trafficking and labor exploitation, the images evoked are often ones of developing and transitioning nations with weak infrastructures experiencing a significant degree of internal strife. Given its level of economic and social development, conventional wisdom would most likely dismiss the idea of Japan as a country suffering from an elevated level of human trafficking. However, unbeknownst to many, Japan is perceived to be experiencing one of the most concerning levels of human trafficking in the developed world. In recent years, NGOs, activists, scholars, and governmental organizations have paid increasing attention to the conditions of human trafficking within Japan's borders and have yielded a variety of different perspectives on the reality and the severity of Japan's human trafficking situation.

The majority of trafficking victims in Japan are believed to be trafficked into the sex and entertainment industry, which is a massive industry that generates trillions of yen in profits (billions of USD) annually which accounts for 2-3% of Japan's GNP (Dean 2008: 169). This industry consists of prostitution brothels, dance halls, strip clubs, soaplands, massage parlors, host/hostess clubs, "pink salons", *nopankissa*, and a variety of other establishments where sex may or may not be sold.¹ The victims trafficked into this industry are predominantly women (and in some cases children) primarily from Southeast Asian countries, particularly from the

¹ Soaplands are establishments where customers can seek out a soapy massage, though often times involve various forms of sexual acts. Host and hostess clubs are establishments where customers pay for the company of the opposite sex to eat bar snacks and drink with them in exchange for flirtatious conversation. While not expected or anticipated, sex does occur between clients and employees. Pink salons are establishments where customers can enter and purchase oral sex and alcohol. *Nopankissa* are

Philippines and Thailand. It is often deciphered in Japan that “sex and entertainment are one in the same” (Bales and Cornell 2008: 55) and that Japan is often perceived as being collectively tolerable of the nation’s exposed sex industry (Morooka 2006: 69; Roberts 2000: 294). Such attitudes are believed to be responsible for Japan’s relatively unconcerned approach to their trafficking protocol. There have also been cases of males being trafficked into construction, agriculture, and manufacturing, as well as women trafficked into sectors outside of sex work such domestic service, labor, and manufacturing (Friman 2011; U.S. Department of State 2009, 2010, 2011). However, victims trafficked outside of the sex industry represent a minority who are often assigned to the margins of human trafficking discourse – especially so in the context of Japan.

The situation in Japan is particularly complex because there exists much ambiguity in terms of what actually constitutes a “trafficked person”. Establishing whether a migrant who has been or is being exploited was coerced, deceived, or misled into their working conditions, or whether they have willingly accepted such terms of employment, is very difficult to determine both under Japanese law and in actual practice. Furthermore, it is also difficult to determine in which establishments human trafficking actually exists and in where exploitative labor actually being performed. While prostitution is technically illegal in Japan, the industry is still very widespread and there are numerous loopholes through which sexual services continue to persist and provide services. Such conditions induce a complex and ambiguous situation of human trafficking where it becomes challenging to determine who trafficking victims actually are, where human trafficking is actually occurring, and to what extent migrants are being exploited.

establishments were waitresses wear short skirts and no underpants above a mirrored floor, so customers have a clear view of what is under their skirt.

This thesis will demonstrate how Japan's status as a relatively strong socio-economic power allows it to engage in more cultural relativist practices regarding their human trafficking policy administration. It will also examine claims that human trafficking legislation has negatively impacted migratory trends into Japan and explore in what ways migration has been affected by Japan's human trafficking legislation, in particular how it has impacted nationals from developing and transitioning nations disproportionately and depicted a "third world bias" in the administration of trafficking policies. In order to explain Japan's actions and cultural relativist appropriations, Japan will be compared to the nation of Georgia. Georgia and Japan have received similar classifications of their trafficking levels by international sources, however, Georgia has been acknowledged for their progressive anti-trafficking efforts while Japan has remained universally censured for their lackluster approach to human trafficking policy. This analysis will show what variables account for Japan's implementation (or lack thereof) in its anti-trafficking protocol and will show how these factors influence Georgia (and countries in similar socio-economic standing) in different ways than a country like Japan.

1.2. Background

Contrary to the long standing myth of Japanese homogeneity, Japan has been a country with a significant and diversified Other presence that challenges these claims of homogeneity. One of the most recent and momentous challenges to the Japanese myth of homogeneity has surfaced in the past century, though most so in the past three decades, as migrants from across the globe have flocked to Japan for an assortment of reasons (Befu 2001; Creighton 1997; Murphy-Shigematsu 2000; Siddle 2011). This section will briefly portray the history of

migration and seek to instill an understanding of who, when, why, regarding the movement of peoples into Japan.

Japan has experienced an internal confrontation of an Other presence, in what John Lie describes as “indigenous minorities” in the forms of the *burakumin*, Ainu, and Okinawans (Lie 2009: 164). The *burakumin* have developed as an outcast class of workers who have historically preformed jobs at the lowest realms of society. Such professions have caused them to be significantly marginalized in Japanese society and experienced widespread discrimination – some of which persists to this day and poses a significant Japanese societal issue (Siddle 2011). While still ethnically Japanese, the *burakumin* were designated as an Other because of their perceived inferior status. The Ainu, on the other hand, are the indigenous population of the most northern island of Hokkaido who were confronted that the Japanese continued their northward expansion. The Ainu have also been victims of severe discrimination which persists to this day and issues of assimilation and language preservation (Siddle 1997; 2011). The inhabitants of Japan’s southernmost islands of Okinawa prefecture are a distinct cultural group with their own languages and customs and, like the Ainu and *burakumin*, have been subjugated in past encounters with Japan and still remain on the margins of Japanese society (Creighton 1997).

Migration into Japan is typically divided into two categories: “oldcomers” and “newcomers”. Oldcomers generally include Koreans and Chinese who migrated or were forcefully mobilized to Japan pre-World War II as laborers and servants. Newcomer migrants are post-World War II migrants who have come seeking economic advancement in business, education, manual labor, and entertainment - often associated with sex work. There is often a distinction made between these groups within one ethnic group. Therefore, a clear distinction is

often made between oldercomer Koreans and newcomer Koreans – same as oldercomer and newcomer Chinese.

Under Japanese colonial rule, hundreds of thousands of Koreans and Chinese were transported and migrated to Japan to perform cheap and unpaid labor (Liu-Farrer 2009; Ryang 2009: 78; Tai 2004). Many Koreans found themselves in exploitative conditions working in manual labor sectors of the Japanese economy such as mining. When the Pacific War broke out in 1941 an estimated 60,000 to 400,000 Korean women were mobilized as comfort women forced to sexually service the Japanese armed forces (Hicks 1997; Soh 2009; Tanaka 2002, Yoshiaki 1995). This is an earlier example of human trafficking, labor exploitation, and conditions that amounted to modern day slavery that have existed in a historical context within Japan and the Japanese empire. Although these factors fall outside the scope of this thesis, it is still important to recognize the existence of these institutional forms of slavery and servitude because it identifies a paradigm of tolerance towards such practices on the part of Japan. The Korean community in Japan peaked at around 2,000,000 and most repatriated to Korea after Japan's defeat in World War II. Those Koreans who stayed in Japan evolved into a community today known as Zainichi Koreans and are differentiated from "newcomer" Korean migrants who came in the postwar period.

Along with Koreans, ethnic Chinese also made up a portion of the "oldercomer" migrants. Chinese were also brought over forcibly and willfully migrated to Japan for employment opportunities in various sectors in the prewar period (Liu-Farrer 2009). This population, as with Koreans, is differentiated from the newcomer Chinese migrants because of the drastically variant experiences in Japan, levels of assimilation, and personal feelings towards Japan and the Japanese people. Japan's postwar recovery was largely focused on nation-building and took

significant efforts to empower the Japanese people in the face of global competition (Befu 2001; Metraux 1989; Sellek 2001). As a result, immigration into Japan was not encouraged and not until the 1970s did recognizable waves of immigrants and refugees began to reach Japan's shores. One of the earliest notable groups to arrive in Japan was prostitutes from other East Asian and Southeast Asian countries. In the late 1970s and early 1980s women from Philippines, South Korea, Thailand, and other areas throughout Asia migrated to Japan to engage in work as prostitutes. The term *japayuki-san*, or "miss gone to Japan" became used to describe these female prostitutes (Muroi and Sasaki 2005: 185). This nomenclature is adapted from the term for Japanese prostitutes who traveled abroad in the late nineteenth century, referred to as "*karayuki-san*" or "miss gone abroad." Nobue Suzuki (2011) and Junya Morooka (2006) note that immigration officials referred to 1979 "year one" for the *japayuki-san* phenomenon. It is suspected that not long after their arrival, the scene of contemporary human trafficking began to take shape, as gangsters and members of organized crime began to exploit these women and even mobilize new women into Japan for such work (Friman 2001; Sellek 2001: 49).

In the early to mid-1980s, during the economic bubble, Japan was an attractive destination for migrants from around the world. This decade set the precedent for contemporary migration to Japan as new waves of businessmen from North America and Europe and laborers from South Asia, Southeast Asia, the Middle East, Africa, and Latin America began to penetrate Japanese society. Africans, Bangladeshis, Chinese, Filipinos, Indians, Iranians, Pakistanis, and many more nationalities began forming conspicuous communities in Japan's major cities.

As a reaction to the unexpectedly profound flows of migration, Japan issued in the 1990s a series of laws intended to restrict the number of migrants entering the country and amended their laws so to legally foreigners of Japanese descent (Tsuda 2003: 91). Also, in an effort to

keep prominent the illusion of a “homogenous” Japan and at the same time to keep the flow of migration necessary to sustain Japanese economic production, migration regulations began to favor those migrants with Japanese heritage, particularly those from Latin America (Roth 2002; Tsuda 2003).² At this point unprecedented number of *dekasegi* primarily from Brazil, Peru, and areas across Latin America “return migrated” to Japan to take up low wage jobs in factories doing manual labor. The strength of the Japanese yen made this work so lucrative, that middle class Japanese-Latin Americans, some of whom held prestigious jobs in their respective countries migrated to Japan for this purpose.

An important note regarding contemporary migrant labor in Japan, is that they are engaged in work known as the 3 k’s, which are *kitanai*, *kitsui*, and *kiken*, or in translation, the 3 d’s, dirty, demanding, and dangerous (Brody 2001; Friman 2001; Roth 2002; Tsuda 2003). These jobs are often facilitated by labor brokers who illegal workers engage and hire to secure a means of employment while in Japan. The necessity for these brokers stems from the incapability of migrants to secure jobs in Japan legally and independently due to Japan’s highly restrictive immigration regulations against unskilled labor (Komai 1995, 2001; Sellek 2001).

In the 21st century Japan remains a country receiving a notable number of migrants from throughout the world.³ As the Japanese population ages and Japanese youth remain disinclined to take up low-wage positions there remain severe infrastructural concerns within the Japanese economy. The constant flow of immigrants from various countries helps to offset the labor shortages within the Japanese market. Japan continues to rely on these immigrants as a distinct

² Due to a variety of reasons including increased higher education rates, an aging population, and a disinclination of Japanese youth to take up low-skilled positions, there existed a strong demand for workers to take up unskilled positions in various sectors.

³ The overall number of registered foreigners in Japan has decreased steadily from 1955 (641,482) until it peaked in 2008 (2,217,426).

labor niche and immigration is only likely to increase as the Japanese population continues to decline.

In the context of Japan, early modes of sexual slavery and domestic servitude – particularly the exploitation of women and girls – was prevalent as early as the 14th and 15th century when European explorers first arrived in Japan (Leupp 2003). Gary Leupp makes note that although bans on slave traffic were implemented, forms of slavery continued to exist and that “sexual slavery was hardly a concern in Japan until the Meiji era” (ibid: 190). The movement of colonial subjects from China and Taiwan (Liu-Farrer 2009) and Korea (Hicks 1997; Soh 2009) were brought to Japan to work in mines, construction, or agriculture and endured experienced slave-like conditions while in Japan. Males were drafted as laborers and soldiers and females were compelled to work as sex workers and physical laborers. More modern cases of human trafficking – commonly referred to as *jinshinbaibai* or *jinshintorihiki* – arose when women from Asian nations began migrating to Japan in the late 1970s and early 1980s. As Japan’s economy and subsequently its sex industry were flourishing, these women saw an opportunity at times when other Asian economies were struggling. It was here that members of organized crime syndicates intervened in the migration process and established the criminal enterprise of exploiting these women (Friman 2001; Komai 1995).

Since this point in time, conditions of accused sexual exploitation and abusive conditions in sex and entertainment establishments have been rampant. Stories of women being beaten, killed, and raped under the control of third party crime syndicates have drawn the attention of scholars, international governments, and activists of all types. There is little doubt that sex trafficking remains the most prevalent form of trafficking into Japan. However, there is little other mention of exploitation that has occurred in sectors outside of the sex and entertainment

industry, such as construction, agriculture, or manufacturing (U.S. Department of State 2012; Yamanaka 2008). While many cases of exploitation certainly share similar traits to those of sex trafficking victims, the dearth of literature focusing on these issues and the ambiguities and complexities of the existing literature makes this form of trafficking far less noticeable.

The turn of the century has continued to bring innovations to the trafficking process and traffickers have adapted their methods accordingly to globalized protocol which has aimed at stopping the illicit mobilization of people. There is little doubt that traffickers have responded to counter the protocol issued by Japan (and the international community) and that they have continued to trafficking unsuspecting victims into these industries.

Human traffickers in Japan, as elsewhere, are intricate and sophisticated so to avoid unnecessary encounters with law enforcement which could jeopardize trafficking operations. The process has become highly organized and involves complex transnational criminal networks which prey on vulnerable migrants. The collaboration of various links in transnational criminal networking is crucial in the recruitment and captivity of victims. The recruitment process involves enticing unsuspecting victims in source countries of human trafficking with promises of lucrative work in Japan. The recruiter can be a relative, an acquaintance, or a complete stranger and in countries where economic opportunities are scarce and families are in desperate need for resources, a well-paying job in Japan is often encouraged. Instances of families selling their children to recruiters or brokers for the economic benefit of the rest of the family are not uncommon. After a process of migration under false documents and illegal channels of entry into Japan, victims realize the severity of their situation when they are informed they are indebted to their captors for arranging their migration.

John Lie has noted how the “invisibility” of foreigners in Japan has led to their issues and grievances with Japan and Japanese society have fallen into the periphery of Japanese society despite their domestically driven activism (Lie 2009). Human trafficking similarly is at risk of falling into a state of “invisibility” in Japanese society (if it has not done so already) as both international and domestic pressures to address these matters are often subsumed by larger and more socio-politically driven issues. It is essential that Japan not let human trafficking concerns vanish completely; it will likely lead to an increase in human trafficking, as opportunistic traffickers will recognize the lack of authoritative attention and seek to mobilize new victims into Japan.

Chapter 1 of this thesis has briefly introduced the problem of human trafficking in Japan and provides a short summarization of the parameters surrounding the undercurrents of the trafficking process. It has also contextualized pre-war and post-war migration into Japan and has drawn on the relationship between migration and human trafficking. Chapter 2 presents a review of various literature and theoretical analyses that have arose from various sources on different aspects of human trafficking in Japan. Chapter 3 examines the legislative actions which have been implemented by Japan and presents empirical data and analysis on relevant aspects of the trafficking process. Chapter 4 looks at the situation of human trafficking in Japan in comparison to that of Georgia, in an effort to determine the differences in human trafficking protocol and what factors have been the drive forces behind these disparate courses of action. It is here that Japan’s notions of cultural relativism and their socio-economic position within the global community will be examined. Chapter 5 concludes the document with a summary of the above chapters and reinforcement of the thesis findings.

CHAPTER 2

LITERATURE AND THEORY

This chapter will present some of the different perspectives that have been projected regarding human trafficking in Japan. The publications and authors recognized below have all contributed to the analytical framework through which human trafficking in Japan can be contextualized in some significant way. Each source underscores different aspects of the trafficking process and approaches the issues in its own unique way. The following is intended to review and critically examine existing sources and interpretations on human trafficking in Japan. These sources have been selected because they emphasize a diverse range of aspects surrounding human trafficking in Japan and maintain particularly practical perspectives which others have drawn upon as resource. They primarily include sources of data from government agencies and scholarly analysis which reflects upon these sources of data. These varying perspectives aid in portraying the ambiguous, complex, and dynamic case of human trafficking in Japan and reviewing these sources can provide a great deal of insight into the reality of the problem.⁴

2.1. Image of Human Trafficking

The image of human trafficking is largely dictated from efforts of government agencies which intend to bring attention to the severity of the rights violations and atrocities that are

⁴ The majority of the sources presented in this chapter have been almost exclusively written in the 21st century. The main reason behind this is that it was not until the year 2000 that human trafficking, particularly human trafficking in Japan, began to galvanize significant attention. Sources prior to this date were not intentionally neglected, but rather were excluded because their relevancy has become somewhat dated in comparison to newer more recent perspectives.

endured by trafficking victims. There are three particularly sources which have been disseminated by government agencies that elaborate on issues of human trafficking and labor exploitation. These sources will be analyzed and critically examined and in the following section interpretations of these sources and their containing findings will be presented.

2.1.a. U.S. Department of State's Trafficking in Persons Report

The U.S. Department of State has annually published its Trafficking in Persons Report (TIP Report) since 2000. The TIP Report is a country-by-country analysis on the human trafficking situation of most countries around the world. The report is disseminated annually and categorizes countries on a scale of "tiers" numbering one to three. The criteria for the categorization of nations are based on the guidelines defined by the Trafficking Victims Protection Act of 2000 (TVPA), the legislation implemented by the U.S. government which set international standards and protocol for systematically classifying and addressing human trafficking.

The tier system can be summarized as follows: Tier 1 represents a supposed low level of human trafficking to take place and also indicates that a nation is in full compliance with the standards pronounced by the TVPA, while Tier 3 demonstrates that a nation's government makes no effort to comply with the TVPA and there is a very high level of human trafficking that exists within in that country. Since its inception in 2000, the TIP Report has remained very critical of Japan and the nation's approach to human trafficking and the report has continuously disparaged Japan's action to address human trafficking. Every year except for 2004, Japan has been classified as a Tier 2 country. According to the U.S. TIP Report, Tier 2 is currently defined as described as "countries whose governments do not fully comply with the TVPA's minimum

standards but are making significant efforts to bring themselves into compliance with those standards.” (U.S. Department of State 2011)

In 2004, Japan was classified as a Tier 2 Watch List Country. This categorization placed Japan on the same level with countries such as Mexico, Laos, Cote d’Ivoire, and Guatemala, and just slightly higher than Venezuela, North Korea, and Sudan (U.S. Department of State 2004). This classification was interpreted as a global humiliation as Japan was the only developed nation to be placed on such a level. The 2004 TIP Report defined Tier 2 Watch List as:

Countries whose governments do not fully comply with the Act’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps of the next year (U.S. Department of State 2004).

The TIP Report has continually emphasized the high number of victims trafficked into Japan’s sex industry and also noted the exploitation of both males and females which occurs in other sectors of the Japanese economy such as domestic servitude, construction, and manufacturing. The report has frequently underscored the consistency of victims trafficked through the Industrial Trainee and Technical Internship Program, which is a program through which immigrants can enter Japan and obtain professional skills (U.S. Department of State 2008, 2009, 2010, 2011, 2012). Exploitation through this trainee program has also been depicted by Richard H. Friman (2011). Friman explains how Chinese organized crime syndicates involved in human smuggling hold migrants in conditions of debt-bondage under the guise of such programs. Highlighting the exploitation that occurs under this trainee program are one of the few examples where a form of exploitation outside of sex trafficking has gained notoriety.

As of the most recent report, the TIP Report still maintains that Japan is still “a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking” and that “The Government of Japan does not fully comply with the minimum standard for the elimination of trafficking [TVPA]; however, it is making significant efforts to do so” (U.S. Department of State 2012: 199). The report does not present any particularly new information regarding updates, recent legislations, or activisms focused on human trafficking in Japan. It did however stress that in 2011 the Japanese government did not arrest, prosecute, or convict any traffickers or “forced labor perpetrators” (U.S. Department of State 2012: 199). It also underscores that the 2005 revisions do not align with the Palermo Protocol of 2000, and that Japan’s definition of trafficking and overall approach to trafficking needs to be redefined (U.S. Department of State 2012: 200).

2.1.b International Labor Organization

In 2005 the International Labor Organization (ILO) issued a report entitled *Human Trafficking for Sexual Exploitation in Japan*, which takes a similar stance to the TIP Report and also highlights Japan as a destination country for trafficked persons and explains that the majority of the victims are trafficked into Japan’s sex and entertainment industry with indication that some victims to these traffickers are minors (International Labor Organization 2005: 2). Working with NGOs in Japan who help trafficking victims and victims of sexual exploitation, this report aims to depict the nature of human trafficking in Japan through stories of former victims. The ILO also presents statistics from the Japanese National Police Agency, HELP Asian Women’s Shelter, and the Japanese Ministry of Justice Immigration Bureau, amongst others.

One such example of the narrative-like stories presented in this document, is that of “Margarita”, a twenty year old Filipina women who was illegally recruited for work in Japan and was “promise work in a restaurant or bar.” The report states that:

When Margarita arrived in Japan, her ticket, passport and show money were removed and she was told she had a debt of 250,000 yen. Margarita was forced to work as a hostess and sex worker.....Margarita was threatened and experienced both physical and sexual violence from traffickers and employers in Japan (International Labor Organization 2005: 29).

The case of Margarita depicts the dangerous and abusive conditions suffered by trafficking victims which migrants are susceptible to as undocumented workers in Japan. It depicts real-life experiences of the exploitative conditions which traffickers subject vulnerable women to in this process.

The stories of Sri and Suoy portray some of the methods traffickers utilize to facilitate the entry of women into Japan:

Sri applied for a passport herself, but was called to an office to meet a ‘boss’ who had many passports at hand and chose one for her. She had silicone injections in her face to make her look more like the picture on the passport (International Labor Organization 2005: 19).

Suoy met Jun [her trafficker] at Don Muang airport, Bangkok, in March 2002 and they travelled together to Japan through Soih Korea. When they left Bangkok, the authorities questiond her on her visa, asking whether it was real. Jun left the room with the authorities, and when he came back her passport was sampled. When they arrived in Japan, Suoy noticed that Jun showed another passport to Immigration (International Labor Organization 2005: 19-20).

These trafficking methods are not novel nor are they unique to Japan. This demonstrates that typical scenarios of human trafficking play out in the realities of the women trafficked into Japan’s sex industry. Such strategies of traffickers are also highlighted by various others as well (Anderson and Andrijasevic 2008; Bales 2004, 2008; Mahdavi 2011). False documentation and corrupt officials are a crucial component necessary to facilitate the trafficking process. Since

much of their movement occurs in the clear visibility of law enforcement and border officials, it is essential for the traffickers to take necessary steps in bribing corrupt officials and obtaining falsified documentation to ensure successful entry of the trafficked person into Japan (or any destination country).

The story of “Maria” exemplifies the use of fear which trafficking instills in their victims to ensure that they women they traffic do not attempt escape: “trafficking group members visited [Maria’s] family in Colombia, threatening her mother and six year old child with guns, threatening her that if she did not pay her debt, they would return and harm them” (International Labor Organization 2005: 11). Here is an example of another common technique used by traffickers to ensure that victims to not escape or attempt escape. By familiarizing themselves with the victim’s family situation in their origin country, they can use the threat of violence against the victim’s family to hold them in such exploitative conditions. Victims may be more willing to risk their own life than the lives of their children or relatives, and such experiences explain the trafficker’s proximity to the victim’s loved-ones back in their home country. This is again, neither unique nor particular to Japan, as other authors have highlighted, this technique used to ensure that victims do not try to flee their conditions around the world.

Aside from these personal stories of human trafficking experiences, this report also explains some of the responses to human trafficking at the local level. Local governments in Chiba and Hyōgo have taken several steps within their geographical jurisdiction to take further steps to combat human trafficking and labor exploitation. In addition, the report also goes into detail into the actions of three NGOs: HELP, House of Women SAALAA, and Japan Network Against Trafficking in Persons, and their respective actions to address human trafficking, provide support to trafficking victims, and working with authorities to reduce the number of trafficked

persons into Japan. Because of Japan's "lukewarm" approach to human trafficking issues, NGOs have played a significant role in rehabilitating victims and making progress in the fight against traffickers in Japan (International Labor Organization 2005: 67 – 70).

The significance of *Human Trafficking for Sexual Slavery in Japan* is that it draws attention to these issues using specific cases of human trafficking victims. The stories and experiences of these women function to validate the claims of human trafficking in Japan echoed elsewhere by associating a name to the stories to express and define the abusive and exploitation imposed by traffickers. While this is just a brief and somewhat generalized portrayal of the situation, it emphasizes the realities victims face in Japan and highlights the need to administer more attention to issues of human trafficking and labor exploitation in Japan.

2.1.c United Nations Office on Drugs and Crime

In 2006 and 2012 the United Nations Office on Drugs and Crime (UNODC) issued two reports which elaborated on the situation of human trafficking in their respective periods. In 2006, the report *Trafficking in Persons: Global Patterns*, indicated Japan was a country with a "very low" level of incidence as a source country, although they were indicated as a country with a "very high" level of incidence as a destination country.

The 2012 report, *Global Report on Trafficking in Persons*, again recognized Japan as a destination country for trafficked persons. The report makes note of several novel facts that were not indicated on the 2006 report such as the low correlation between number of girls identified as victims and the number of persons prosecuted for trafficking women into sexual slavery, the higher percentage of Japanese nationals convicted for trafficking offenses (in relation to foreigners), and the fact that Japan did report the identification of male victims during the

reporting period of 2007 – 2010. This report also reiterated nationals from specific countries who had been discovered as victims of human trafficking in Japan (particularly from Thailand and Philippines) and stated that more adults than children were trafficked into Japan over the corresponding reporting period.

2.2. Interpretations of Human Trafficking

Government agencies provide a source for data in an international comparative perspective. While these bodies are resourceful in depicting the situation of human trafficking, at the same time they are a source drawn upon and critiqued by scholars for their representations and misrepresentations of their largely empirical analysis. Scholars have indicated problems with the methodological framework utilized by governing bodies in their analysis. This section will present a brief analysis on how scholars other scholars have analyzed and interpreted the findings put forth by governmental organizations – both showing a sense of correspondence between these findings, in addition to criticizing these findings for their lack of practicality.

2.2.a. Abuse and Exploitation

The reports by governmental organizations have made significant efforts to accentuate the abuses and severe human rights violations which are experienced by trafficking victims during their captivity. These exploitative and abusive conditions have also been the focal point of much scholarly analysis from authors who have elaborated on conditions of human trafficking in Japan.

In an interview with Ms. Rutsuko Shoji, of Japans Women’s Christian Temperance Union an organization which helps women in distress, Shoji explained the shifting trajectories of

human trafficking throughout the past three decades. Shoji states how in the 1980s she found her organization assisting a high number of Filipino victims; in the 1990s, Thai victims were more notable; the 2000s saw a higher increase in the number of South American women who her organization reached out to (Shoji 2005). These groups of migrant women – making up a significant bulk of recognized trafficking victims in Japan – have received attention from many others. Pataya Ruenkaew (2002) portrays the abuses suffered by migrant Thai women. As a result of a lack of legal channels for migration, Thai women seek out third parties to facilitate their migration, which in turn results in their increased vulnerability to exploitation (Ruenkaew 2002). Kinsey Alden Dinan (2002) uses more specified narratives of Thai women who have been subjected to such abuse to show the severity of the experiences faced by Thai women in Japan. Although some Thai women have knowledge they will be engaging in sex work and understand the parameters of debt-bondage they will be subjected to, they are often unaware that they will be treated as property and abused. Dinan states that:

For trafficked women, the job placement negotiations often provide the first clear sign of slavery-like nature of their situation. Most women trafficking from Thailand...are traded by brokers to owners or managers of “dating” or *baishin* (prostitution) snack bars...trafficking women have no opportunity to negotiate their contract nor any ability to select or refuse their payment (Dinan 2002: 1120)

For the case of Filipino migrant women, this lack of legal channels for migration has been indicated by Randolph S. David (1992) and Rhacel Salazar Parreñas (2011), who explain that this precise lack of legal channels for migration has forced Filipino migrants (particularly women) to turn to illicit third parties to facilitate entry into Japan. Nicola Piper (1999) again reiterates this movement of Filipino workers into Japan who suffer abuse and exploitative conditions,

particularly under the guise of the entertainer visa. However, this is somewhat conflicting with Parreñas' thesis that Filipina entertainers are not synonymous with sex workers and that by working to hinder the migration of these Filipinas who want to migrate to Japan universally would compromise efforts to prevent trafficking as this merely would sever the means to such migration but not necessarily decrease the demand of such migration (Parreñas 2011).

2.2.b Infringement of Rights

While all sources recognize the seriousness and severity of human trafficking, scholars have also indicated that haphazardly produced legislation and an unawareness of the actual situation that is carried out in practice can actually infringe upon the rights of migrants and be counter-productive to stopping human trafficking. In particular, government's application of the recommendations contained in the TIP Report has often led to such circumstances.

Parreñas argues that for the situation of Filipina migrant hostesses in Japan "free and slave fail to capture the complexity of the Filipina's situation" (Parreñas 2011: 6). By this statement, Parreñas makes the point that many Filipina migrant hostesses, who the TIP Report has identified as a population who suffers from high levels of human trafficking, are actually agents migrating under their own accord and are knowledgeable of the situation they will encounter working in Japan (Parreñas 2011). Although, Parreñas does not neglect to recognize the exploitation these women face, they are on the other hand choosing to migrate to Japan because it is more lucrative and actually safer and more preferred than migrating to countries say in the Middle East to perform domestic service (*ibid.*).

Parreñas asserts that classifying these migrants as victims of sex trafficking would be a severe misinterpretation of the conditions of migrations. However, this is precisely what Japan

has done and implemented policies which have taken these migrant populations as sex trafficked victims. Japan was classified by the TIP Report in 2004 as a Tier 2 Watch List country and as a response Japan enacted a series of legislations which intended to reduce human trafficking into the country. One of dimension of such legislations was to reduce the number of entertainer visas issued in an effort to reduce the number of women who were exploited under the guise of such visa. As a result, Parreñas has remained critical of the TIP Report and its findings and argues that these women have been inappropriately classified as victims when they are in fact agents of their own migration. These women are vulnerable to exploitation, but not in the sense that the TIP Report has described, and making such assumptions have further increased their potential vulnerability. Pardis Mahdavi has noted similar conditions in the United Arab Emirates, where after a Tier 3 classification on the TIP Report, which led to a global embarrassment and international marginalization, enacted haphazard trafficking policies which were counter-productive to stopping human trafficking and migration (Mahdavi 2011). Parreñas and Mahdavi emphasize the importance for governments who are in the position of Japan to approach human trafficking protocol with more consciousness to what is happening on the ground.

The TIP Report has also drawn criticism from other arenas as well. Amy Friedrich, Anna Meyer, and Deborah Perlman have also drawn the correlation between the tier classifications of the TIP Report and foreign government policy (Friedrich et al. 2006). Their article “The Trafficking in Persons Report: Strengthening a Diplomatic Tool” pays particular attention to how the TIP Report has been used to influence foreign government trafficking policy, specifically referencing the case of Filipinas and the 2005 legislation by Japan (Friedrich et al. 2006: 12 – 13). The authors present a critical look at the report and emphasize the ambiguous efficiency of the proclamations within the report, the inconsistent and unclear analyzation process, and how the

report can lead to negative repercussions for foreign governments and potential migrants (Friedrich et. al 2006). The article also postulates suggestions as to where the report can improve in the future.

Similarly, Ayla Weiss also explains how “the U.S. Department of State must make major changes to the TIP Report’s methodology by modifying its standards and tailoring its analysis to each country’s specific situation” (Weiss 2012: 305). Weiss uses the case of South Korea as example of the TIP Report’s inconsistency and ineptitudes in accurately classifying nations within the tier system. South Korea was classified as a Tier 3 country in 2001 and, like Japan, was humiliated in the international sphere (Weiss 2012). In 2002, South Korea was increased to a Tier 1 country. South Korea implemented some legislative action and Weiss describes that “these changes reflect a shift in South Korea’s attitude towards trafficking....” (ibid.). South Korea was given this ranking despite the fact that South Korea still did not implement adequate changes to their protocol and was still not in compliance with the regulations set out by the TVPA.

Nevertheless, because this report is the most consistent source of universal analysis of human trafficking globally, the contents of this report still warrant considerable consideration. Although the methodology of this report, as well as its contents may be called into question, it still provides consistent benchmarks through which human trafficking in a given country can be further evaluated and investigated.

Feminist protectionist models of anti-trafficking legislation have led to discourse on trafficking that has undermined the desires of migrants who seek work in the sex or entertainment sectors. Similar to Parreñas and Mahdavi, Rutvica Andrijasevic (2008; and Anderson 2008) also highlights that women in Eastern European countries consciously migrate

to West Europe to engage in sex work. Accordingly, legislative framework which has not recognized the aspirations of these women provides dubious policies which fail to recognize the true intentions of these migrant women.

2.2.c. Japan, Cultural Relativism, and Human Trafficking

Cultural relativism is a theoretical philosophy which situates the values and practices of a particular society in the context of the society itself. Discussions about cultural relativism are often related to issues of human rights juxtapose the preservation of traditional societal values. For example, Ali Mazrui (1999) explains how cultural relativism provides different collective interpretations and responses to one specific event. These interpretations and responses are based on the value judgments and criteria of analysis within a particular society.⁵ Authors have accordingly not eschewed relating concepts of cultural relativism to Japanese society. For example, Japan's immigration policy in the late 20th and early 21st century brought to the attention the conflict between protecting the rights of migrants and respecting notions of Japanese culture (Yamaga-Karns 1995), the Japanese governments role in dictating cultural norms of groupism Japanese people based on government-centered ideologies (Marfording 1997), and how traditional culture ideologies of cultural relativism in East Asia, particularly Japan, have played a role in the modernization and nation-building process.

Muhammed Enes Kala notes that cultural relativism has been unconsciously appropriated since ancient times and divides cultural relativism into two categories: normative cultural

⁵ Mazrui uses the example of the former United States President Bill Clinton's affair with Monica Lewinsky. Mazrui makes notice that whereas Americans explained that the act of lying under oath garnered greater belittlement and censure from the general public, Muslims and Muslim-Americans saw the act of adultery – which in some societies is punishable by death – as a much more significant offense. This interpretation is based on the different values a particular society places on certain actions.

relativism and descriptive cultural relativism (Kala 2011: 203; 206). Kala describes that “descriptive cultural relativism is based on empirical observations in varied societies.” (ibid.) This category considers localizes values and ethnics to respective societies in order to achieve a deeper understanding and so to avoid drawing misleading conclusions. Normative cultural relativism, on the other hand, “claims ‘it is wrong to pass judgment on others who have substantially different values, or to try to make them conform to one’s values, for the reason that their values are as valid as one’s own.’” (ibid.) Essentially, normative cultural relativism retains that “people ought to comply with the moral norms and judgments of one’s own culture” (Kara 2011: 207). The dichotomy lies in the way one approaches cultural relativism and how values and ethnics of a particular society should be interpreted.

Issues of cultural relativism in the context of Japan have surfaced in issues of Japanese immigration policies in the late 20th and early 21st century. Kevin Yamaga-Karns notes that “while Japan should not be allowed to use its “unique culture” as an excuse to avoid implementing changes, broad reform and acceptance of migrant labor into Japanese society are unlikely if pressed upon its members unwillingly” and that “Japan’s extreme sensitivity to its image in the world community, due in part to a historical competitiveness with the West and in part to its export-dominated economy, and has suggested using this as leverage in applying international pressure upon Japan to reform its policies regarding illegal migrant labor” (Yamaga-Karns 1995). The issue on what extent Japan should adopt and enact international norms pertaining to human rights of migrants into their immigration policy is a simple and complex issue. Demands that Japan adapt international rights models accordingly often neglect to recognize the cultural relativity of Japanese society; at the same time Japan’s own ideas of society can prove detrimental to migrants as they are denied internationally recognized rights.

Therefore, there must be established a balance between respecting Japan's culture norms, while also ensuring the protection of the rights of migrants.

Japan has long been a society centered around cultural groupism, and group harmony is one of the defining aspects of *nihonjinron* (Befu 2001; Marfording 1997).⁶ Annette Marfording suggests that "even though Japanese government leaders do not officially advocate cultural relativism at international human rights forums as many of their Asian counterparts do, the *nihonjinron* literature could be used to argue that individual-based human rights provisions are inapplicable to Japan as a group-based society." (Marfording 1997: 433) However, Marfording argues that when appropriating cultural relativism it must be made to ensure that culture is truly the culture of the people, rather than an artificially socio-politically instilled culture (ibid.). Marfording raises numerous instances from the Tokugawa to the postwar eras where government officials had dictated notions of culture to the Japanese people. Such historical imposition of rights raises questions as to whether modern Japanese perspectives of cultural relativism are truly the cultural norms of the masses or whether they too have been dictated and imposed by those in power.⁷

The insights written by Yamaga-Karns and Marfording were published in 1995 and 1997 respectively; nearly twenty years earlier and several years before human trafficking began to galvanize significant international and activist input. I argue that Japan's cultural relativism can be utilized as a means to comprehend the nation's subpar human trafficking policies which,

⁶ *Nihonjinron* can be translated as the "unique characteristics of the Japanese." It is a deeply rooted and complex concept which has taken up a variety of different forms at uses at different points in history but it has overall generally focused on what makes the Japanese a distinct ethno-racial group.

⁷ Marfording does make note, that at the time of publication (1997), Japanese youth were standing up more to Japanese oppressive societal norms than at any other time historically and have begun to approach issues with a more rights-centered focus.

despite making some strides in the mid-2000s, have overall remained inefficient in stopping this phenomenon. Appropriating cultural norms – either truly representative of the masses or government imposed – have influenced Japan's human trafficking agenda and have to some extent been responsible for the nonchalant attitude demonstrated by Japan.

CHAPTER 3

LEGISLATIONS IMPLEMENTED BY JAPAN, DATA, AND ANALYSIS

3.1. Legislative Background

Japan was classified by the U.S. TIP Report as a Tier 2 Watch List country in 2004. Since this classification was received as an international humiliation for Japan, the Japanese government enacted a series of revisions to their Penal Code and Immigration Control and Refugee Recognition Act which were intended to curb human trafficking and adequately address the problems highlighted in the TIP Report. As of 2013, these remain the most comprehensive piece of legislative actions taken by Japan intending to take aim at the country's human trafficking problem. This chapter will explain what these legislative actions were and will also present data on various relevant fields of human trafficking and migration into Japan in an effort to explain how these legislations have impacted migratory trends into Japan. Consequently, one apparent idea is that the Japanese revisions have been administered with a "third world bias" in which nationals from developing and transitioning countries have been impacted more severely by these legislations than nationals from developed countries.

To understand these legislations in a larger context, in 2000 the United Nations adopted the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Crime (Palermo Protocol)."⁸ This protocol aimed to address a number of issues but primarily focuses on 1) clearly established an internationally standardized recognition for trafficking persons, 2) guaranteed more significant protection of trafficking victims which included protection from

⁸ This document can be accessed here: <http://www1.umn.edu/humanrts/instree/trafficking.html>.

imprisonment or deportation 3) further extending protection of children who have been victims or trafficking 4) grant privileges to trafficking victims in the country in which they were exploited, and 5) assured harsher penalties for individuals convicted of trafficking in persons.

Japan established the Inter-Ministerial Liaison Committee and the Anti-Trafficking Task Force consisting of “the Cabinet Secretariat; Cabinet Office; National Police Agency; Ministry of Justice; Ministry of Foreign Affairs; and the Ministry of Health, Labor, and Welfare” (Japan Ministry of Affairs 2007; Kondo 2011). This Anti-Trafficking Task Force produced the National Action Plan of Measures to Combat Trafficking in Persons in December of 2004, which then led to revisions to Japan’s Penal Code, Law on the Control and Improvement of Amusement and Business, and Immigration Control and Refugee Recognition Act in 2005. These amendments were intended to improve their human trafficking situation, bring themselves into compliance with the Palermo Protocol, and redeem themselves from their 2004 TIP Report classification.

Kondo notes the following as the key elements of the changes brought about by the 2005 legislative actions include:

Article 225: Kidnapping for “threat to life or body”

Revised to now included kidnapping for the purposes of organ removal and criminalized the act of removing the organs due to “threat to life or body” rather than the act of removing organs for economic gain (Kondo 2011: 220)

Article 226-2 Crime of buying or selling human beings

Changed to include “giving or receiving of payments or benefits to achieve the consent of a person having control over another person” (ibid.)

Article 226-3 Transport of Kidnapped Persons.

Changed to include the act of transporting kidnapped persons into Japan. Previously it had only dealt with the transport of kidnapped persons out of Japan (Kondo 2011: 221)

Article 227: Transfer of Kidnapped Persons.

Changed to include the act of transfer of kidnapped persons. Previously only dealt with procuring, receipt, or harboring (ibid).

Article 10-1, Article 11: Concealment of crime proceeds.

Changed to include money laundering of human trafficking profits (ibid.)

Article 157-4: Examination of witness through a video link system.

Trafficking victims were now included in the persons eligible for use of the video link system. This system allows for victims to conduct interviews outside the courtroom and was intended to ease the psychological difficulties for victims of sex crimes (Kondo 2011: 222)

In addition there were also revisions which were made to Japan's Law on the Control and

Improvement of Amusement Business in 2005 which included:

Article 4-1-2: Human trafficking justifies revoking business permits and business suspension. Any establishment where human trafficking was discovered to be occurring, this establishment could have their business permits revoked or suspended, thus not allowing this business to legally operate hereafter (ibid.)

Article 36-2: Owners must verify immigration status and proper age of foreign employees. Any establishment employing foreign workers must verify that these employees are of proper visa status and are of legal age for work in such industry (ibid.)

Along with these revisions to the Penal Code and Law on the Control and Improvement of Amusement and Business Act, further regulations include revisions to the Immigration Control and Refugee Recognition Act. The following are such revisions:

Article 24-4-c: Trafficking offenders can be deported from Japan.

Laws stated that offenders of trafficking will be considered for expulsion from Japan (ibid.)

Article 5-1-7-2: Trafficking offenders can be denied entry into Japan.

Persons who have been recognized as human traffickers and offenders can be denied entry into Japan upon arrival (ibid.)

Article 50-1-3: Ministry of Justice can grant special residence permission to victims of trafficking who entered Japan "under control of another due to trafficking in persons."

Victims are eligible to obtain special residence permission which would allow them to stay in Japan for months without having to worry about legal status (ibid.)

Article 12-1-2: Ministry of Justice can grant special landing permission to victims who trafficking who entered Japan "under control of another due to trafficking in persons."

Those who arrived in Japan by means other than their own accord are eligible to obtain special landing permission which allows them to remain legally in Japan without risk of penalty (ibid.)

These revisions were intended to decriminalize the victim, ensure victims were not held responsible for their action or their violations of Japanese law while under trafficker's control, and to further criminalize the traffickers responsible for the captivity and exploitation of these victims.

3.2. Stricter Regulations of the Entertainer Visa

In 2005 the Japanese government also amended their criteria for the eligibility to obtain Japan's entertainer visa. This visa allows individuals to enter Japan for the purposes of "entertainment," which includes but is not limited to acts such as singing, dancing, performing, etc. It has been noted that many acknowledged trafficking victims had entered Japan on this entertainer visa (International Labor Organization 2005; U.S. Department of State). In an effort to reduce the number of individuals exploited by means of this visa, the Japanese government restructured their qualification criteria for obtaining this particular visa. As of 2005, in order to receive an entertainer visa, one must have spent a minimum of two years of training or "experience relevant to the specified type of performance." Therefore, in order to be eligible for an entertainer visa, one must have completed at least two years of training in their respective art of entertainment. This new regulation was introduced with the intention to make it more difficult for traffickers to exploit victims through this visa status.

In an pamphlet issued by Japan in 2007 written in English, the Japanese Ministry of Justice cites this decrease in number of entertainer visas issues as an assertive action taken by Japan in the fight against human trafficking since 2005 (Japanese Ministry of Justice 2007). The

pamphlet also accentuates the 2005 revisions and other relatively miniscule provisions Japan has since taken in attempt to address human trafficking. This appears to represent self-promotion of would be reforms that Parreñas describes as hindering migration mobility and autonomy. Such contradiction is perfectly exemplar of the ambivalence, complexity, and validation that research and attention needs to be administered in order to more accurately understand the severity and realistic parameters surrounding human trafficking in Japan.

3.3. Later Actions

In 2009, the Anti-Trafficking Task Force launched a “New National Action Plan” to address human trafficking which intended to further strengthen the anti-trafficking protocol within Japan and build on the 2005 revisions. The New National Action Plan included a “Public Awareness Roadmap” which involved the distribution of 33,000 posters and 50,000 leaflets designed to raise awareness of human trafficking throughout Japan (U.S. Department of State 2010, 2011). There were also enhanced efforts to train law enforcement officials which included a ten page manual that contained ways to identify and engage potential cases of trafficking in persons. Japan has also provided annual financial assistance to victim help services within Japan, as well as provide financial assistance in the form of grants to the International Organization for Migration to repatriate and rehabilitate victims (U.S. Department of State 2011). In a similar initiative, the Japanese Immigration Bureau enacted an online awareness campaign to raise awareness of human trafficking and other labor exploitation issues.

Despite such efforts, there has been no indication that these actions have been at all efficient in curbing human trafficking. NGOs such as ECPAT International and the U.S. Department of State, amongst others, have remained highly critical of Japan’s efforts, as the

distribution of the leaflets and posters in 2009 was seemingly done in a haphazard manner. It has been noted that most individuals who received such information were highly unlikely to ever come across or be in a position to potentially recognize a victim of human trafficking (U.S. Department of State 2011). In addition, it is also unclear as to whether the manuals distributed to government agencies were actually responsible for the identification and/or rescue of any human trafficking victims (U.S. Department of State 2011).

The “Law of Partial Amendment to the Immigrant Control and Refugee Recognition Act and the Special Act on the Immigration Control of, Inter alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan” was implemented in 2009.⁹ This order had various implications on the migration process which are in effect related to human trafficking. This particular piece of legislation had implications for on the overall number of “Trainee” visas which had been issued. As described by the Ministry of Justice:

The number of newly entering foreign nationals with status of “Trainee” decreased by 28,755 (35.7%) from a year earlier to 51,725 in 2010. The decrease is considered to be due to a new training/technical intern training program that started on July 1, 2010, following “the Law of partial Amendment to the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, Inter Alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan” enacted in July, 2009, along with which the status of residence of “Trainee” is to be issued only for those engaged in a training not related to practical business or an official training. Those engaged in the acquisition of knowledge through lectures or the acquisition of skills through employment are issued the status of residence “of “Technical Intern Training 1” (Japanese Ministry of Justice 2011).

The report also makes note to mention that:

⁹ 出入国管理及び難民認定法と日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法 (*shutsunyukokukanri oyobi nanminninteiho to nihonkoku tono heiwa joyaku ni motozuki nihon no kokuseki wo ridatsushitamono tou no shutsunyukokukanri ni kansuru tokureiho*).

According to statistics by region, the number of Asian trainees reached 46,161 in 2010 and accounted for 89.2% of the total. This is because Asian nations, particularly Japan's neighboring countries, are very eager to send their students to Japan as trainees. This upward trend is expected to continue on account of the close relations between Asian countries and Japan in various fields. In addition...Africa sent 2,206 (4.3%) trainees...while Latin America also dispatched 1,200 (2.3%). (Japanese Ministry of Justice 2011)

Here the Japanese government makes a distinction between trainees as a broader category and trainees entering to engage in the Technical Internship and Industrial Trainee Program.

According to the Japanese International Training Cooperation Organization:¹⁰

There is a need to provide training in technical skills, technology, knowledge from developed countries (hereinafter, referred to as "Skills") in order to train personnel who will become the foundation of economic and industrial development in developing countries. In an effort to address this situation, the Japanese government has created the "Technical Intern Training Program", an initiative that provides training for a specific period in industrial society to both youth and adult workers from all countries (Japanese International Training Cooperation Organization)

This new categorization and dichotomy designates a specific visa category for those individuals engaging in the Technical Internship and Industrial Trainee Program. This distinguishes these "technical interns" from "trainees" which include government, academic, and political trainees (Japanese Ministry of Foreign Affairs).¹¹

This new categorization and dichotomy of the trainee visa status is an attempt to differentiate categories of trainees. Certain criteria have been established to distinguish eligibility on certain categories. While not explicitly states, the TIP Report in 2012 postulates:

The Government of Japan has not officially recognized the existence of forced labor within the Industrial Trainee and Technical Internship Program, a government-run program designed to foster basic industrial skills and techniques and to provide

¹⁰ Obtained from Japan International Training Cooperation Organization's webpage. Direct link: <http://www.jitco.or.jp/english/overview/itp/index.html>.

¹¹ Obtained from Japanese Ministry of Foreign Affairs' webpage. Direct link: http://www.mofa.go.jp/j_info/visit/visa/long/index.html.

opportunity to acquire practical skills and techniques. However, the government made a number of efforts to address labor issues in the program (U.S. Department of State 2012: 199)

The report explains the brokering of Chinese interns who have been exploited and subjected to abusive conditions of debt-bondage within this program, and states “Although banned since 2010, these [fees, deposits, and “punishment” contracts through which interns are exploited and held in debt-bondage] continue to be prevalent for Chinese participants in the program” (U.S. Department of State 2012: 199). Whether or not these revisions are what the TIP Report was inferring to is unclear. However, the amendments put forward in “The Law of Partial Amendment to the Immigrant Control and Refugee Recognition Act and the Special Act on the Immigration Control of, Inter alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan” have certainly impacted migratory trends in the distribution of the trainee visa.

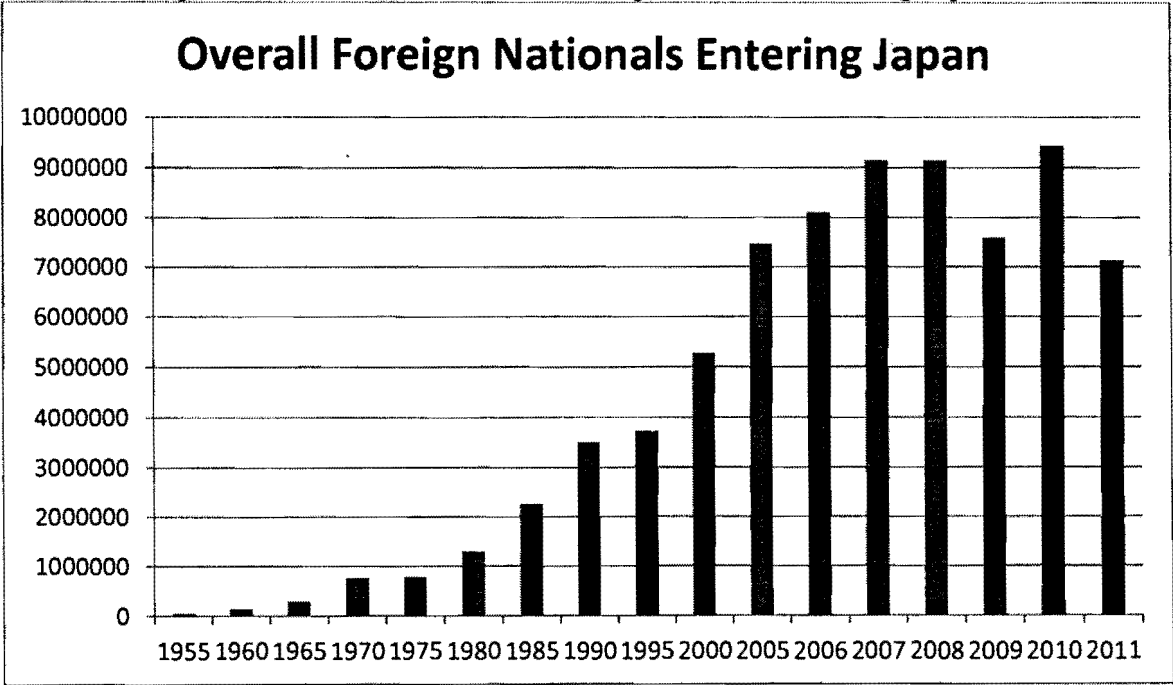
3.4. Data Presentation

In order to contextualize the effects of these reforms, the following statistics will demonstrate the implications these reforms have had on various aspects of the migration process into Japan. It is important to remember that these statistics only portray the numbers that are officially recognized and do not factor in what occurs out of public view. Due to the clandestine and illicit nature of human trafficking and illegal aspects of third part migration, many victims of trafficking and undocumented migrants are not factored into these official statistics. Many victims have yet to be identified nor are authorities capable of estimating accurately the number of illegal migrants or forced workers. Therefore, these numbers are not to be used as a means to accurately represent the situation, but rather as a means to gauge what occurs behind closed

doors. While such data is by no means used to explicate reality, their significance is not obsolete either. Such statistics can be used to identify trends in Japan’s human trafficking situation over time also contextualize changes that have occurred through various aspects of the trafficking process.

The following two tables depict the overall number of foreign nationals entering Japan since 1955 and the overall number of registered foreign nationals in Japan. Table 1 shows the Changes in the overall number of foreign nationals entering Japan and Table 2 shows the changes in the number of registered foreign nationals and its percentage of the total population in Japan.

Table 1 Changes in the Overall Number of Foreign Nationals Entering Japan



Source: Ministry of Justice 2012. Link: <http://www.moj.go.jp/content/000105779.pdf>

Table 2. Changes in the Number of Registered Foreign Nationals and its Percentage of the Total Population in Japan

YEAR	NUMBER	% OF POP
1955	641,482	.71
1960	650,566	.69
1965	665,989	.67
1970	708,458	.68
1975	751,842	.67
1980	782,910	.67
1985	859,612	.70
1990	1,075,317	.87
1995	1,362,371	1.08
2000	1,686,444	1.33
2005	2,011,555	1.57
2006	2,084,919	1.63
2007	2,152,973	1.69
2008	2,217,426	1.74
2009	2,186,121	1.71
2010	2,134,151	1.67
2011	2,078,508	1.63

Source: Japanese Ministry of Justice 2012

Both of these Tables demonstrate a consistent increase in both number of foreigners registered and number of foreigners entering Japan from 1955 until the latter half of the first decade of the 21st century. The overall number of foreigners entering Japan peaked in 2007 at 9,152,186 and has remained in a period of constant oscillation since then. The overall number of registered foreigners in Japan peaked in 2008 with 2,217,426 overall registered foreigners accounting for 1.74% of Japan's total population and has steadily been decreasing since. The Japanese Ministry of Justice explains that "the primary factor as to why the number of new entrants dropped sharply is considered to be the prolonged [depreciation] of the yen, in addition to the Great East Japan Earthquake and the accident at the Fukushima Daiichi Nuclear Power Plant" (Japanese Ministry of Justice 2012).

In relation to the 2005 legislations, the overall trends of migration into Japan did not decrease directly after these legislations were implemented. Rather, the decreased in foreigners registered in Japan and those entering Japan occurred several years after the 2005 legislations and it is postulated these decreases occurred for factors unrelated to human trafficking or labor exploitation. In a greater context, this demonstrates that migration into Japan was not universally hindered as a result of these legislations. However, certain groups of immigrants have been disproportionally impacted by the ramifications of these legislations, as will be depicted through analyzing the following Tables.

Table 3. Overall Officially Recognized Human Trafficking Victims by Country of Origin

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Thailand	73	39	40	21	48	21	3	4	18	8		12	287
Philippine	4	12	2		13	40	30	22	7	4	24	8	166
Indonesia	3	4		3		44	14	11					79
Colombia	1	3	6	43	5	1							59
Taiwan	3	7	3	12	5	4	10		5	1		1	51
Japan								1	2	2	12	4	21
China	7		4	2					1				14
Russia	12				2								14
S.Korea	1				3	1	1	5		1			11
Romania						4							4
Others				2	1	3			2	2			2
Total	104	65	55	83	77	117	58	43	36	18	37	25	666

Source: Japanese National Police Agency 2012

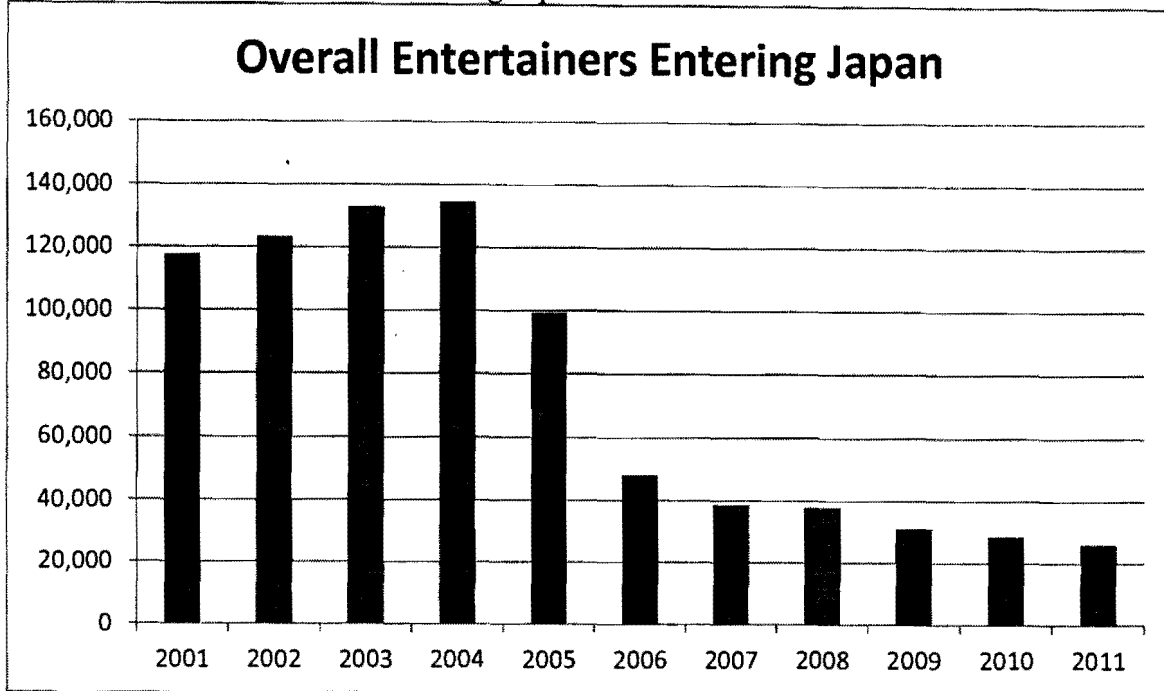
Table 3 shows the overall number of recognized human trafficking victims based on country of origin since 2000. The data shows that the peak of the overall number of recognized human trafficking victims occurred in 2005 where there were 117 recognized victims. The following

year, the overall number of human trafficking victims had decreased to 58, and in 2007, the numbers further decreased to 43. In 2008, the official number of victims decreased to 36, and in 2009, the officially recognized victims reached a decade low at 18.

Prior to the 2005 revisions Japan was harshly criticized for their lackluster efforts to address their human trafficking problem which included their ineptitude to rescue victims of trafficking from exploitative conditions and to arrest and prosecute trafficking offenders. If Japan was serious about their efforts to eradicate human trafficking the number of recognized victims in subsequent years would have increased. Since Japan was perceived as not doing an efficient job prior to 2005, heightened efforts would have included more engagement to rescue victims from such exploitative conditions and ensure their captors are brought to justice. However, in subsequent years the overall number of officially recognized victims had steadily decreased (from 117 in 2005 down to 18 in 2009), thus exemplifying their perpetual indifference towards human trafficking. Despite administering potentially innovative policies which could have functioned to decrease human trafficking flows and liberate victims, analyzing the statistical figures work to display the deficiency of such policies.

Table 4 shows the overall numbers of “entertainers” entering Japan from 2001 – 2011. The number of entertainers entering Japan peaked in 2004 with 134,879. The following year the numbers of entertainers entering took a substantial decreased, dropping down to 99,342. In 2006, an even more significant decrease occurred when entertainers entering Japan fell to 48,249. Those entering Japan on an entertainer visa has been steadily declining ever since.

Table 4. Overall Entertainers Entering Japan 2001 – 2011



Source: Japanese Ministry of Justice 2012

Table 5. Overall Entertainers Entering Japan by Country of Origin 2001 – 2011

Year	Total	Phil	USA	UK	China	Russia	Germ	France	Italy	S.Korea	Indonesia	Ukraine	Romania
2001	117,839	71,678	6,488	2,956	3,730	4,944	1,527			2,991		1,545	4,030
2002	123,322	74,729	6,887	2,854	5,670	5,068	1,625			2,519		2,176	4,710
2003	133,103	82,048	7,066	2,724	6,486	6,240	1,749			2,184	2,447	2,585	4,871
2004	134,879	82,741	6,704	2,665	8,277	5,775	1,750			2,141	3,012	2,219	4,500
2005	99,342	47,765	6,852	2,763	8,263	4,325	2,435			1,954	4,086	1,783	3,201
2006	48,249	8,608	6,772	2,712	4,978	3,454	1,868	1,150	1,867	1,674	1,532	1,155	
2007	38,855	5,533	6,075	2,500	3,156	2,562	2,052	1,417	1,575	1,553	608	972	
2008	34,994	3,185	6,653	2,908	1,820	2,249	1,682	1,605	1,130	1,329			
2009	31,170	1,873	7,288	2,575	1,694	2,467	1,601	1,246	1,325	1,173			
2010	28,612	1,506	6,785	3,009	1,386	1,432	1,241	1,116	1,105	1,450			
2011	26,112	1,407	5,908	2,474	739	1,452	1,358	780	1,205	3,179			

Source: Japanese Ministry of Justice 2012

Table 5 shows the number of individuals entering Japan on an entertainer visa by country of origin from 2003 – 2011.¹² The number of entertainers entering Japan peaked in 2004 at 134,879. Following 2004 the number has steadily decreased in subsequent years. Philippine-nationals entering Japan peaked in 2004 with 82,741 and has continually decreased until reaching 1,407 in 2011. Individuals from China entering Japan on entertainer visas also saw a similar trend. Peaking in 2004, Chinese nationals arriving in Japan on entertainer visas consistently decreased since then and in 2011 had just 739 nationals entering Japan on entertainer visas. Russian-nationals entering Japan on entertainer visas peaked in 2003 with 6,240 and steadily declined until 2010 when it reached 1,432. The following year, Russian-nationals entering Japan on entertainer visas slightly increased up to 1,452. Indonesia-nationals entering Japan on entertainer visas had peaked in 2005 with 4,086 then drastically decreased in subsequent years. Ukraine-nationals saw a steady decrease since 2003, where the number peaked at 2,585. South Korean-nationals experienced a rather similar decrease, though there was much less fluctuation and eventually saw an overall increase in 2011. After reaching a decade low in 2009 with just 1,173 entertainers entering Japan, the numbers increased in 2010 and 2011, where 1,450 and 3,179 South Korean entertainers entered Japan. United States-nationals entering Japan saw a decade long fluctuation, where after peaking in 2003 with 7,066, saw increases and decreases annually, where after hitting a decade high in 2009 with 7,288, declined to a decade low with 5,908 in 2011. United Kingdom-nationals entering Japan on entertainer visas also experienced similar fluctuation where after peaking at a decade high in 2010 with 3,009 nationals arriving in Japan

¹² The available statistics only show certain country's nationals entering Japan on entertainer visas for a given year. Therefore, there are some gaps and inconsistencies in the presented data. Also due to this fact, on the official document, the category of "Other" is also inconsistent and is difficult to assess on a yearly basis because Japan inconsistently reports figures from different countries.

on entertainer visas, experienced a decade low the next year with 2,474. French nationals entering Japan on entertainer visas peaked in 2008 with 1,605 and then steadily decreased in subsequent years, reaching 780 in 2011. German nationals entering Japan on entertainer visas peaked in 2005 with 2,435 and then experienced slight fluctuation before arriving at 1,358 in 2011. Romanian nationals entering Japan on entertainer visas peaked in 2003 with 4,871 and then decreased in the two following years.

After the stricter regulations placed on the procurement of entertainer visas in 2005, entertainers entering from almost all nations portrayed experienced some kind of decrease in succeeding years. However, when examining the data more closely, it becomes evident that entertainers from developing and transitioning nations experienced an overall greater decrease than entertainers from developed nations. For example, the decrease in the number of entertainers entering Japan from China, Philippines, Russia, Ukraine, and Indonesia (and possibly Romania) endured a much more significant decrease than entertainers entering from the United States, United Kingdom, Italy, France, and South Korea.¹³

Considering these factors, this is an indication of a “developing country” bias in regards to the administration of these entertainer visa restrictions. While entertainers entering from developed countries only experienced a relatively insignificant decrease over the allotted time period, the overall number of entertainers entering from developing or transitioning nations experienced a much more profound statistical decrease. As Parreñas has argued, the implementation of such legislation has been largely informed by the TIP Report and its “findings.” Parreñas makes the argument that Japan, through blindly taking the U.S. Department

¹³ South Korea actually experienced an overall increase in the number of trainees entering Japan in the corresponding time period. This increase particularly stemmed from the increase that occurred in 2011, as demonstrated in the table.

of State's advice, has in effect hindered migrant Filipina hostesses who were arriving in Japan on such entertainer visas. While not explicitly stated in the TIP Report, developing and transitioning countries largely experience a greater degree of human trafficking and migrants from these countries are particularly vulnerable to unjust labor practices and human trafficking. Considering these notions, it seems that Japan is consciously making a greater effort to withhold entertainer visas from third-world nationals compared to individuals from developed countries.

Table 6. Changes in New Trainee Arrivals by Nationality

Year	Total	Philippines	China	Thailand	Indonesia	Vietnam
2006	92,864	4,941	61,963	3,776	5,695	
2007	102,018	5,843	68,188	4,022	5,924	6,605
2008	101,879	5,678	68,860	3,704	6,213	7,124
2009	80,480	4,726	53,876	2,698	3,980	4,890
2010	51,725	3,211	28,964	2,386	2,970	3,150
2011	16,079	775	2,108	1,257	1,186	1,032

Source: Japanese Ministry of Justice 2012

Table 6 shows the number of trainees entering Japan from 2006 – 2011. The number of trainees entering Japan peaked in 2007 with 102,018 and has steadily declined since. Nationals from all other listed countries peaked in 2007 and 2008. In 2007 nationals from the Philippines peaked at 5,843, and nationals from Thailand peaked at 4,022. In 2008 nationals from China peaked at 68,860, nationals from Indonesia peaked at 6,213, and nationals from Vietnam peaked at 7,124. All countries experienced decreases in trainees entering Japan in subsequent years.

Table 7. Changes in Number of New Arrivals of “Technical Intern Training (1)” by Nationality¹⁴

	2010	2011
China	20,133	49,311
Vietnam	2,184	6,632
Philippines	1,212	3,775
Indonesia	1,454	3,536
Thailand	641	1,722
Cambodia	68	245
Total	26,022	66,026

Source: Japanese Ministry of Justice 2012

The data from Table 7 depicts a steady increase in the two year period since the inception of the new Technical Intern Training visa assigned specifically for participation in the Technical Internship Program.¹⁵ The number of individuals participating in this program from all the listed countries showed increases from 2010 to 2011.

The data in Tables 6 and 7 show the steady decrease in the number of persons entering Japan on a trainee visa as well as the shift towards issuing visas specific for participation in the Technical Internship Program. Although such trainee visas were indicated to be vectors for trafficking persons into Japan and the numbers has been on the decline since the newly

¹⁴ According to the Japanese International Training Organization, the Technical Intern Training Program (1) visa indicates that a trainee is entering Japan for his or her first year of training (Japan International Training Cooperation Organization 2011)

¹⁵ The trainee visa is a generalized category for any persons undergoing sorts of training in Japan. In 2010 a new visa category specifically for participants of the Industrial Trainee and Technical Internship Program was established and the statistics are depicted in Table 7.

established visa category for the Technical Internship Program in 2010, this is a relatively synonymous visa category through which it has been indicated that exploitation continues to occur. While the new visa category can be interpreted as an attempt to prevent human trafficking and labor exploitation on the surface, there is little concrete evidence that any such attempts to revise these visas have hindered trafficking efforts or made conditions more favorable for migrants, nor have there been any indications that these visas are have ceased being utilized for facilitation of trafficked or exploited persons.

In an effort to continue to relate these data to migration and human trafficking, it is important to consider that the Technical Internship Program is largely utilized by migrants from developing countries and is not utilized by migrants from developed countries. Since these programs often involve efforts to acquire labor skills for use in various low to middle wage industries, workers in developed nations need not travel to Japan to find such opportunities. Therefore, the “developing world bias” in regards to issuing of trainee visas is not necessarily applicable, although it is important to make the indication that migrants from transitioning or developing nations are the overwhelming majority of the ones making use of these visa categories.

The following table shows the number of victims helped at House for Women Saalaa, an NGO aimed at helping women who have been victims of human trafficking. While the data is somewhat dated, there is an increasing trend corresponding with chronological order. The number of victims helped has increased as time has progressed. The nations with the most recognized trafficking victims were overwhelmingly Thailand and the Philippines. One discrepancy is found in the data.

Table 8. Trafficking Victims at House for Women Saalaa

Year	Total	Thailand	Philippines	East Asia	Other Asian	Latin Amer.	US/Africa	Japan	Unknown
2001	50	10	14	1	2	14		9	
2000	42	6	18	1	2	7		8	
1999	52	18	25			5	1	2	1
1998	21	5	9		1	4		2	
1997	24	6	10	2		5	1		
1996	28	7	12	2	1	6			
1995	32	17	13		1	1			
1994	67	52	6	7	1	1			
1993	79	72	5	1	1				
1992	42	40	2						
Total	435	233	112	14	9	43	2	21	1

Source: Saito 2011

For the total number of victims identified from Africa and America, the data observed in Saito's chapter, "Trafficking of Thai Women," identified that two women were identified as victims (one in 1997 and one in 1999), the overall "total" in this category is still recognized as 1 and this 1 is factored into the overall data of 434. On this chart, these two numbers are identified as two and interpreted as a miscalculation, as there is no specific indication anywhere in the work that this excess number should not be factored in.

When analyzing the number of victims treated by House for Women Saalasa in relation to the official number of trafficking victims as recognized by Japan, some discrepancies arise. For the two comparable years of data (2000 and 2001) House for Women Saalaa generally treated less victims than were officially recognized by the Japanese government (Chart 8). In fact, the only apparent correspondence was that in 2001 House for Women Saalaa helped 12 Filipino victims, which the Japanese government recognized 14 Filipino victims. Also Japan did not recognize any official trafficking victims in 2000 or 2001 who were Japanese nationals, yet

House of Women Saalaa has reported that they have helped 8 and 9 trafficking victims in those years respectively (Saito 2011).

I have also tried to contact several NGOs and other organizations that specialize in reaching out to human trafficking victims in Japan, including House for Women Saalaa.

However, I was unable to obtain any data as most did not respond to my inquiries and House for Women Saalaa did respond stating that they did not have any relevant data to provide to me.

CHAPTER 4

LEGISLATIVE COMPARISON AND CULTURAL RELATIVISM IN POLICY ADMINISTRATION

This chapter will examine the situation of human trafficking in Georgia and Japan in the years following 2004 when both countries were classified as Tier 2 Watch List on the TIP Report, meaning both countries were being censured for their inefficient human trafficking efforts on an international level. The primary purpose will be to examine the differences in the course of action between Japan and Georgia and decipher why Georgia was able to elevate itself to from this disparaging status to a Tier 1 status on the TIP Report, while Japan has remained immobile at Tier 2, in addition to what other variable are at work in the global recognition of Georgia's success and Japan's inefficiencies. This chapter will also underscore key differences in the current socio-economic situation of these two nations which can be utilized to explain their willingness (or lack thereof) to consider and incorporate the recommendations set out by the TIP Report.

Of the other nations listed as being a Tier 2 Watch List country on the 2004 TIP Report, the only country to have since progressed to a Tier 1 ranking on the latest TIP Report in 2012 is Georgia. The nation of Georgia is not a likely candidate to have made such progress due to years of political instability, civil strife, and economic hardships, which represents almost a polar opposite of Japan's situation. However, the 2005 TIP Report lauded Georgia for making improvements and elevated them to the Tier 2 level. Furthermore, the 2007 TIP Report elevated Georgia to the status of a Tier 1 country. Despite relatively significant political, economic, and social differences, Georgia remains a subject that can be adequately compared to Japan. What can be drawn from such analysis is how the actions of Georgia had differed from that of Japan in

the years following 2004, so to elevate Georgia to Tier 1, yet leaving Japan stagnant at the Tier 2 level. In 2003, Georgia was classified as a Tier 3 country, which is the lowest possible classification on the TIP Report. The complete reversal in the past decade can provide insights into how other countries could address their problems of human trafficking.

In attempting to draw distinctions between Japan and Georgia this chapter will pay particular focus to these countries position within the international community and also further consider these positions in relation to the notion of cultural relativism. Where Japan is a notably stronger and more established country with more socio-economic prowess, Georgia is still in the process of transitioning into a country with a stable socio-economic situation. This chapter will show how the different socio-economic position of these nations provides both different motives for each country to address and react to international criticism on trafficking protocol, and how accordingly, Japan is able to retain and enact more culturally relative approaches to society within their policy formation. Georgia – on the contrary has greater consequences to face in the international community in they chose to reject these international pressures, therefore must be more sensitive in their policy formation and practice less cultural relativism because of this.

4.1. Background of Human Trafficking in Georgia

While Japan has been designated a destination country for human trafficking, Georgia has been identified as a source, transit, and to a smaller extent a destination country for trafficking victims (Democracy and Freedom Watch 2012; Shahinian 2008; U.S. Department of State 2012). Georgia is the source country, particularly for women and girls trafficked for sexual exploitation. The major receiving countries of Georgian girls and women who have been victims of sex trafficking are Turkey and the United Arab Emirates, though to a lesser extent Spain, Greece, and Israel have also been destination countries for trafficked women and girls (U.S.

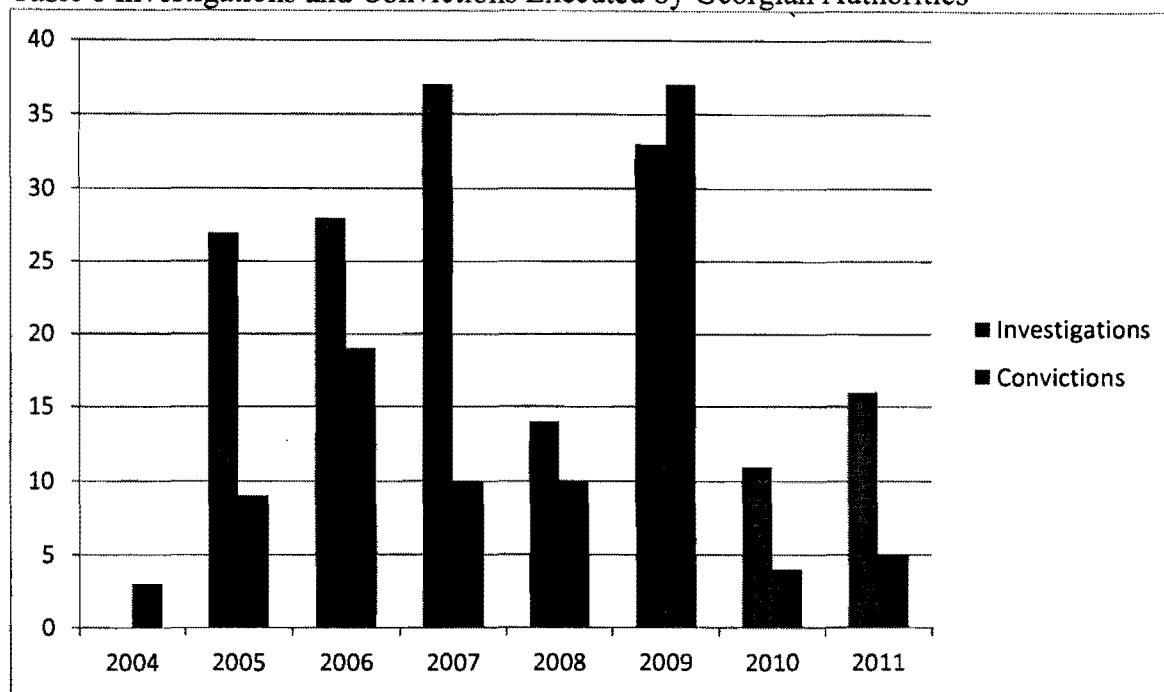
Department of State 2012). Women from Central Asia have also been observed working as prostitutes in Georgian cities (Bigg and Imedaishvili 2012; Shahinian 2008). Links have been drawn that demonstrate that these prostitutes are victims of human trafficking orchestrated by organized crime or are susceptible to exploitative labor practices.

Aside from sexual exploitation, there have also been cases of human trafficking and labor exploitation that occur outside of the sex sector. Men, women, and children are vulnerable to labor exploitation both domestically and internationally. Georgian males have had a long history of migration to Russia and territories in the former Soviet Union (Shelley 2010). After the disbanding of the Soviet state, the state run agencies that had once engaged in active roles facilitating migration broke up and were replaced by more independent individuals and enterprises which were operating in neo-liberal markets with contemporary capital flows. These individualized operators in the new global market often looked towards these potential migrants as “free labor” and numerous cases of males from former Soviet states were observed in instances of exploitative labor throughout the former Soviet Union (Shahinian 2008). In Georgia, there have also been cases where migrant workers, particularly from China, have been confined to work and live in cramped spaces unable to leave such conditions (Democracy and Freedom Watch 2012). Reports of these conditions led to subsequent investigations of these conditions which resulted in procurement of those involved in the trafficking process. Louise Shelley has made note of several cases of human trafficking and potentially dangerous circumstances existing in Georgia. Shelley notes the case of a high ranking border official witnessing a group of Indian males exiting a plane from Moscow and completely bypassing passport check points (2010: 104). Shelley states that such actions “reveal the lineages of criminals, the careful preparation of human smugglers, and the complicity of officials that facilitate this movement.”

(ibid.) Such actions depict the complex and severe nature of the existing human trafficking industry that persists in the nation of Georgia.

The TIP Report provides some statistics annually which are summarized below.

Table 8 Investigations and Convictions Executed by Georgian Authorities



Source: U.S. Department of State (2004 – 2012)

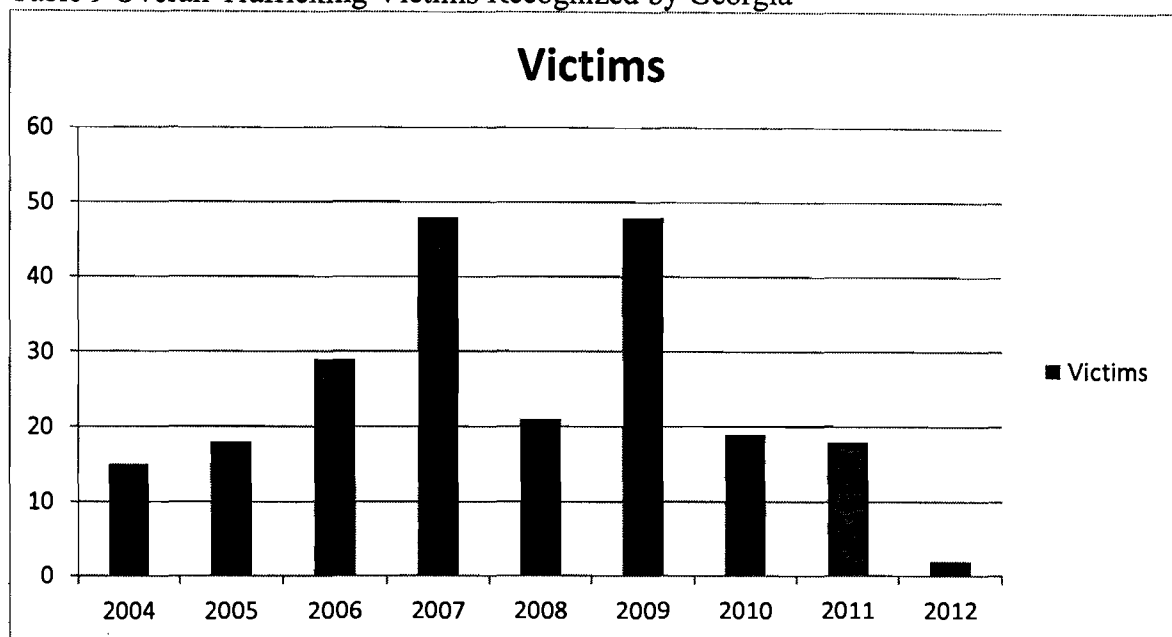
Table 8 shows the numbers of investigations and convictions of trafficking offenders in the years following the Tier 2 Watch List classification. The Table shows fluctuation in both categories over the corresponding time period. In 2004, the Georgian government convicted 3 persons for trafficking related offenses; the number of investigations was not specified. In 2005 there were 9 convictions of trafficking offenders and 27 investigations. In 2006 there were 19 convictions and 28 investigations. In 2007 there were 10 convictions and 34 investigations. In 2008 there were 10 convictions and 14 investigations. In 2009 there were 37 convictions and 12 investigations. In 2010 there were 4 convictions and 11 investigations. The data shows that in

the years following their Tier 2 Watch List classification, Georgia produced more investigations and convictions. Peaking in investigations in 2007 and investigations in 2009, in the following years the Georgian government experienced lows in both convictions and investigations.

This data shows Georgia's commitment to human trafficking after the 2004 classification as a Tier 2 Watch List country. The data shows that in 2005 – 2007 Georgia saw a comparably greater number of investigations and convictions of trafficking offenders, as did 2009 (2008 seemed was inconsistent). In 2010 and 2011 these numbers decreased by almost half. Why this happens remains uncertain, though it could signify two possible sequences: that Georgia feels comfortable with their Tier 1 classification or that Georgia has actually made significant strides to reducing human trafficking in their nation. However, the latter must be cautiously considered, as the full dynamics of human trafficking in Georgia are not well-established and although the government has made considerable efforts to address trafficking, the available sources exist in a very limited scope and thorough ethnographic and empirical studies must further be carried out at a scholarly and governmental level to draw definite conclusions.

One distinction with Japan that can be also be drawn is that the TIP Report demonstrates significantly harsher penalties administered on those convicted in Georgia for trafficking related offenses in comparison with those convicted in Japan. For example, in Georgia for 2011, out of the 5 convicted, all received sentences ranging from 6 – 15 years. Whereas on the contrary in Japan, in 2011, 20 persons for trafficking related offenses, 18 of which were convicted and sentences which ranged a year and a half to four years imprisonment (U.S. Department of State 2012). This represents a strong distinction between penalties imposed by Japan and Georgia in the sentencing of individuals for trafficking related individuals. Evidently, Georgian policies are significantly harsher on the persecutors compared to Japan.

Table 9 Overall Trafficking Victims Recognized by Georgia



Source: U.S. Department of State (2004 – 2012)

The above Table demonstrates the overall number of human trafficking victims identified by Georgia from 2004 – 2012. In 2004 there were 15 recognized victims. In 2005 there were 18 recognized victims. In 2006 there were 29 recognized victims. In 2007 there were 48 recognized victims. In 2008 there were 21 recognized victims. In 2009 there were 48 recognized victims. In 2010 there were 19 recognized victims. In 2011 there were 18 officially recognized victims. In February of 2012, there were two identified victims, both of whom were Uzbek prostitutes recognized to be victims of sex trafficking.¹⁶

The years following 2004, similar to the number of investigations and convictions of trafficking offenders, saw a greater number of official victims recognized. Similarly also, is that in 2008 recognized victims also experienced a decrease, and 2010 and beyond Georgia appears

¹⁶ Because of the timing of the release of the 2012 TIP Report, these were the only numbers recorded for the reported time period. At the time the data can be considered incomplete and a more thorough statistical representation can be expected in the 2013 TIP Report which is expected to be released in June 2013.

to have dedicated less attention to identifying trafficking victims. Accordingly, whether this is a result of Georgia's more carefree approach to trafficking efforts because their concerns within the international community have been pacified or because their efforts have been greatly successful has yet to be determined.

In comparison to Japan, the number of officially recognized trafficking victims in Georgia remained somewhat low. Japan officially recognized a more significant number of overall human trafficking victims over the corresponding time period (2003 – 2011). However, it is important to acknowledge that the dynamics of the human trafficking situation in Japan are drastically different to that of Georgia. What further is discerning is Georgia's decreasing trends in both victims acknowledged and persons convicted and prosecuted. It will be interesting to observe whether Georgia's efforts will continue at such a level and if so, how will they classify in subsequent TIP Reports.

4.2. Actions Taken by Georgia

In 2004 Georgia was placed on Tier 2 Watch List because of "its failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons compared to the previous year, and its commitment to take future steps over the next year." The report clarifies that although Georgia's efforts were recognized in 2003 but in the past year a new Georgian government came into power (U.S. Department of State 2004). The U.S. Department of State expected the new government to "respond more effectively to institutional weakness and corruption which hindered the previous government's anti-trafficking efforts" (ibid.). The report further concludes that it is necessary for the new Georgian government to take continued preventative actions fighting human trafficking in order to continue and improve their efforts to combat trafficking in persons.

In 2004 (after its Tier 3 classification in 2003), the Anti-Trafficking Department was disbanded in July and was renewed in November with an entirely new office and soon after the “Main Directorate for combating the illegal circulation of narcotics, trafficking and illegal migration” was established (ibid.). This included a newly “established and adequately funded” innovative anti-trafficking unit which was adequately staffed. This initiative investigated trafficking cases and broke up trafficking operations in Georgia, Turkey, and Azerbaijan; the traffickers were subsequently prosecuted and convicted to lengthy terms (U.S. Department of State 2005).

In 2005 the TIP Report noted recognized that although Georgia still did not comply with the minimum standards to eliminate trafficking although they are still making significant efforts to do so. The primary explanation was that the newly established government appeared less interested in human trafficking concerns than the previous regime (ibid.). The report notes multiple improved steps that the Georgian government has enacted which they identified as an improvement from the past year, however, the report notes that “some important pledges remain unfulfilled” (ibid.). These revisions include establishing a new anti- trafficking police unit which replaced the previous government’s inefficient anti-trafficking force, revising and endorsing a “comprehensive National Action Plan,” appointed a “primary point of contact for trafficking,” and established interagency collaboration committee” (ENAPATES 2008). Although the government of Georgia has made strides to address trafficking from the previous year, still relatively few trafficking victims were identified to receive protection and assistance for their hardships.

The cause for the lower classification stems from the fact that in 2004, Georgia made no improvements from the past year to enhance their efforts to prevent trafficking in persons, which

the TIP Report identifies as a reaction of a shift in political regime. The lack of governmental attention given to human trafficking was ultimately responsible for the Tier 2 Watch List rating. In 2005, the Georgian government, though still being identified as “not fully [complying] with the minimum standards for elimination of trafficking”, the nation still achieved a better classification because of enhanced governmental enforcement and overall governmental efforts to address trafficking in persons.

In 2007, the TIP Report declared that:

Over the past year, the government made considerable progress in the prosecution and punishment of traffickers, protection and assistance for victims, and prevention of trafficking. Georgia developed and implemented a victim-centered national referral mechanism, provided a building for the country’s first trafficking victims’ shelter, dedicated on-going funding for victim assistance, passed comprehensive trafficking legislation, aggressively prosecuted and toughened penalties for traffickers, and initiated multiple proactive prevention programs (U.S. Department of State 2007).

The praise asserted to Georgia’s efforts explains how and why Georgia increased from a Tier 2 country to a Tier 1 country. This is certainly a result of Georgia enacting the “Law of Georgia on Combating Human Trafficking” which was adopted April 28, 2006 and was enacted on June 16, 2006. This legislation had four main purposes, which were:

- a) To ensure facilitation to prevention and combating trafficking by means of protection of the rights of victims of trafficking; b) To ensure protection, assistance and rehabilitation of victims of human trafficking; c) To determine specificities of prosecuting the crime of human trafficking; d) To set the principles of co-operation among state agencies, international organizations and legal entities in preventing and combating trafficking as well as in the protection, assistance and rehabilitation of victims of trafficking

This thirteen page document includes twenty-five articles whose objectives can be roughly summarized: 1) creating explicit and definable definitions for matters related to human trafficking; 2) clearly defining state policy in combating human trafficking and identifying

mechanisms to enact in order to further prevent trafficking in persons; 3) evaluate the ability of state agencies to fight human trafficking and aiding victims, in addition to establishing criteria for their administration of anti-trafficking legislation; 4) establish clear cut definitions for how the Georgian government will provide funding for human trafficking victims (an act that has been particularly lauded by the U.S. Department of State in the TIP Report in subsequent years); 5) ensure proper legal and medical benefits of trafficked victims, which include legal protection and financial reimbursement; 6) outline criminal proceedings of how human trafficking cases are to be administered. The actual document is very extensive in its detail of how Georgia should address and negotiate matters of human trafficking and the law provides very thorough explanations of such procedures.

Georgia had succeeded in enhancing their rating on the TIP Report because they had shown enhanced dedication in addressing trafficking after receiving critical feedback from. The efforts of Georgia in 2005 were a direct result of their TIP Report categorization, although their later efforts appear to be less driven by external pressures and more so by their own agenda to combat trafficking, which has led to the TIP Report acknowledging their efforts.

4.3. Comparison with Japan and Cultural Relativism

Over the allotted time since their classification as Tier 2 Watch List countries on the 2004 TIP Report, Japan and Georgia have taken different initiatives to address human trafficking with their borders. Both countries have adapted their laws and made their policies against human trafficking more stringent in a course of action advised by outside forces – Georgia significantly more than Japan. However, what is to account for this difference in action? Why has Georgia

been engagingly proactive in fighting trafficking, whereas Japan as remained passively disengaged in adopting and implementing impactful trafficking legislation? /

To explain the differences in courses of action and attitudes towards human trafficking protocol in these two nations, there are multiple factors at work that allow Japan to take such an approach, and to a certain extent demand Georgia adopt such an approach. The socio-economic conditions in each country vary greatly, and the roles of these respective economies in the global market and international community are drastically disparate. As a result of Japan's relatively self-sufficiency and economic capabilities, Japan has been able to adopt such a cultural relativist approach to these outside forces which have applied pressure on Japan for their inept policies. If Japan is chastised by the international community for their anti-trafficking policies, they need not be as concerned as a developing or transitioning nation who relies heavily on support from the international community. The dynamics of Japanese society permits Japan to take a laissez-faire approach towards trafficking legislation and cultural relativism can be appropriated as a pretext for such actions. The Japanese governments' concerns and the issues within Japanese society establish this cultural relativist approach, particularly in the eve of the catastrophic earthquake and tsunami which inflicted massive damage on northern Japan in 2011.

Japan has established a permanent face in the international community and has made itself a global force in the global economy. Many countries remain reliant on Japan for various exports and as a highly developed nation does not need to concern itself significantly without outside criticism. Georgia, however, is still a transitioning nation which does not have such a stable footing in the international community. Therefore, Georgia has much to lose if it becomes known as a country associated with a concerning level of human trafficking that does not take proper actions. Georgia has much more to lose from negative responses from the TIP Report

than Japan does. Mahdavi has pointed out that the degree to which countries comply with the recommendations of the TIP Report reflects both their Tier categorization and their impression in the international community (Madhavi 2011). Countries that have strong standing relationships with the U.S. – Madhavi uses France as a particular example – have received generally positive classification by the TIP Report although they may be experiencing less than assertive human trafficking situations. On the contrary, a country like Iran – who although experiences human trafficking has generally lower levels of trafficking than France and also better policies of national security – is typically placed on a lower Tier as a result of their relationship with the U.S. (Mahdavi 2011: 21). Mahdavi has made note of significant efforts by Iran to set up shelters and NGOs who address the needs of migrant populations and how a member of the TIP office “noted in conversation her bewilderment regarding Iran’s Tier 3 designation and acknowledged that her office did not have sufficiently strong sources inside Iran to provide reliable information about the ‘trafficking situation’” (ibid.).

4.3.a. Economic Comparison

There are several key differences between Georgia and Japan that can be underscored, however, the socio-economic development and the levels of internal civil strife are a significant indicator of these factors. According to World Bank, Georgia is described as a “Lower Middle Income” nation, where as Japan is defined as a “High Income” nation.¹⁷ According to the IMF,

¹⁷ Data available here: http://data.worldbank.org/country/georgia#cp_wdiR and here: http://data.worldbank.org/country/japan#cp_wdi.

Japan's unemployed population accounts for 4.520% of the nation's total labor force, while Georgia's unemployed population made up 13.824% of the total labor force (for 2013).¹⁸ Gross Domestic Production (GDP) is also another factor for assessing a nation's economic wealth and success. According to World Bank, in 2011 Japan's GDP totaled \$5,867,154,491,918 USD, while Georgia's totaled \$14,366,527,680 USD.¹⁹ In an international perspective, this puts Japan's GDP at third in the world, while Georgia ranks at 113th. This significant difference in GDP draws attention to the drastically different capabilities of each economy and reflects the economic conditions of each society.

Net Foreign Direct Investment (FDI) is another such indicator of a nation's economic well-being. FDI is defined by the World Bank as "the net inflows of investment to acquire a lasting management interest (10 percent or more of voting stock) in an enterprise operating in an economy other than that of the investor". The more a country can invest in the other nations is a similarly relevant signifier of a nation's economic well-being.

Table 10 shows how Japan has been significantly more active in their FDI from 2003 – 2011. With a few exceptions (2006 and 2011) Japan has consistently produced more FDI than Georgia has by several times values. This notion is a direct testament to Japan's more advanced economic stability in the global community. This factor, in concurrence with Japan's markedly higher GDP works to demonstrate Japan's more advanced economic position and more significant market stability vis-à-vis Georgia's economy

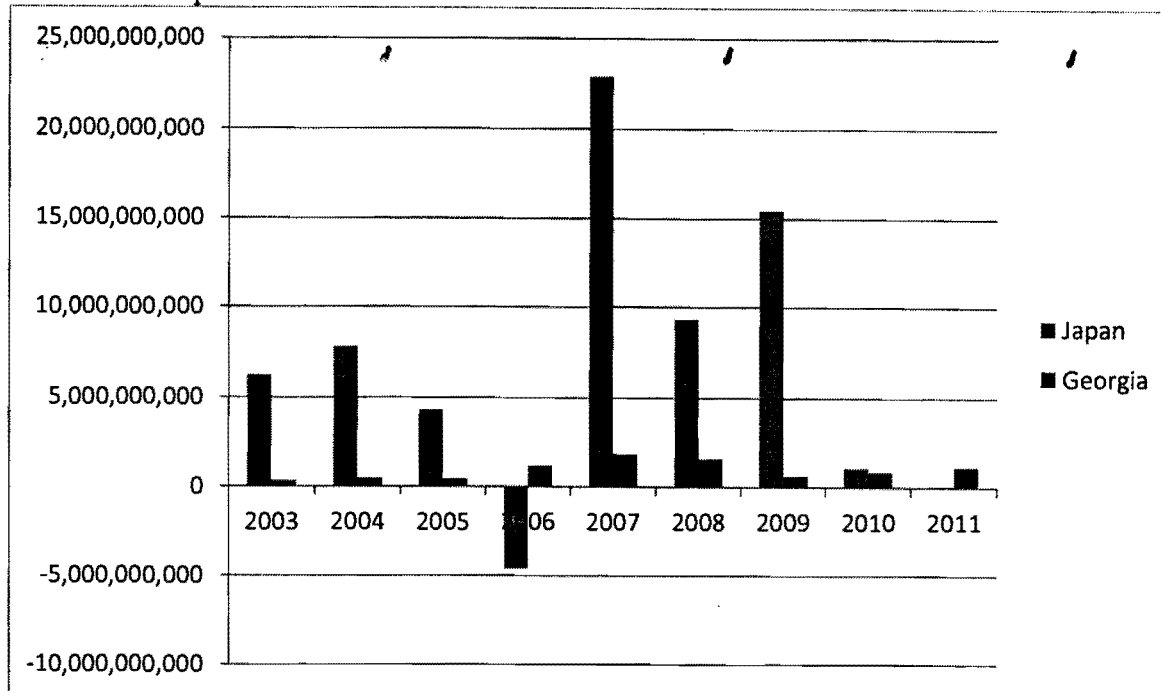
¹⁸ Data available here:

<http://www.imf.org/external/pubs/ft/weo/2012/02/weodata/weorept.aspx?pr.x=48&pr.y=7&sy=2010&ey=2017&scsm=1&ssd=1&sort=country&ds=.&br=1&c=915%2C158&s=LUR%2CLE%2CLP&grp=0&a=>

¹⁹ Data available here:

http://data.worldbank.org/indicator/NY.GDP.MKTP.CD?order=wbapi_data_value_2011+wbapi_data_value+wbapi_data_value-last&sort=desc

Table 10 Comparison of FDI



Source: IMF

4.3.b. Socio-Cultural Factors and Cultural Relativism

The advanced socio-economic status of Japan allows greater flexibility and practice of cultural relativism in its policy administration. While not traditionally used to describe the actions of a government entity, in this instance, concepts of cultural relativism are applicable to the discussion of how policy adoption is being informed and how socio-economic achievement allows for a culture to protect what values it asserts as important. This section will explain how Japan's cultural relativism has been appropriated by government policies to reinforce ideas of modern society and to reject external pressures to conform to international normative standards.

In the context of this paper, cultural relativism will be discussed as a means to expound on how human trafficking policy agendas can be affected by other variables (in this case, socio-economic well-being). With regards to human trafficking and the external pressures administered by the TIP Report and other sources, a nation like Japan is able to appropriate notions of cultural

relativism in their implementation of trafficking policies and remain relatively undaunted towards external demands because of their global positioning.

As Mahdavi has asserted, a nation's classification by the TIP Report can influence its position and perception within the global community. However, developed nations like Japan – who need not rely on significant external assistance for national operation – are less likely to feel the negative ramifications of these classifications and are thus less inclined to receive these external criticisms earnestly. One's pace of economic stability and general development will receive, interpret, and act upon these classifications differently.

How does cultural relativism relate to human trafficking policy? It must first be considered, drawing upon the analysis of Kevin Yamaga-Karns (1995), how Japanese officials stressed Japan's homogeneity and collective groupist identity which has been appropriated as a means of promoting its successful postwar recovery and national economic progression. This group-centered association has been delivered by government authorities throughout history and has been utilized to reinforce the urgency of a collective society that works harmoniously (Marfording 1997). The imminent threat that a massive influx of foreigners would impose on these hegemonic ideologies is profound enough for the Japanese to remain skeptical towards universally adopting the liberal-focused policies towards internal human rights despite their commitments to do so (ibid.).

Equally important to these discussions of Japanese cultural relativism is how Japan contextualizes and defines itself in relation to foreigners and outside entities. In this sense, the notions of *uchi* and *soto* are best utilized to explain such distinction. These terms, *uchi* to identify inclusiveness and *soto* to identify otherness, have become a focal point of debate around Japanese identity politics. This *uchi*, which embodies the essence of Japanese self, exists

opposite of *soto*, which signifies the outer exclusion of Japanese society (Creighton 1997). Foreigners, both visible (legal migrants) and invisible (undocumented migrants), comprise the bulk of the *soto* category, which also include Japan's indigenous minorities and outcasts (such as the Ainu, *burakumin*, and the Okinawans). Leslie Writes explains the *uchi-soto* relationship as:

Although interacting networks of relationships in Japan are also conceptualized in *uchi/soto* terms, such that the indexical framework of *uchi* and *soto* is situational and shifting, there is a general sense that all of Japan creates an *uchi*, a national inside boundary of affiliation, in contrast to everything that is *soto* or outside of Japan (Writes 2011)

Japan uses these terms to define itself and establish that the criteria to being included in the *uchi* are blood or complete naturalization; anything short of these two criteria will be designated to *soto*. This provides a complex and ambiguous situation for those marginal Others who exist in between Japan's *uchi* and *soto*. For example, ethnic Koreans or Chinese in Japan, who are culturally Japanese in all respects, are often marginalized into the *soto* unless they adopt full-scale assimilation to Japanese society, which would entail relinquishing any form of ethnic identity and thus moving from the margins into the *uchi*. Phenotypically different foreigners existing in the *soto* present another example, as even though they can renounce their citizenship and naturalize to obtain Japanese nationality, they are still situation in Japan's *soto* because they are not Japanese by blood.

How cultural relativism and concepts of *uchi* and *soto* reflect concerns of human trafficking and informing human trafficking policy are important in two specific ways. Firstly, although recognized as an important issue by authorities, human trafficking – due to its clandestine characteristics, occurrence outside the public view, and greater macro-level societal concerns confronting Japan – is often relegated to a less significant role and attention often is not brought into the discourse of the general public. The fact that human trafficking occurs so far

out of public sight and the fact that commercial sex is largely accepted in mainstream Japanese society, the idea that sexual exploitation persists in Japan often escapes the minds of ordinary Japanese. Moreover, Japan is currently engaged in a number of domestic concerns after the 2011 earthquake that devastated northeastern Japan. Issues of how funds for reconstruction are to be allocated and debates around the continued use of nuclear energy and other matters of energy production have permeated throughout Japanese society and pose some of the most pressing concerns of Japan today. Human trafficking discourse has been placed in the peripheral to these more immediate concerns.

Secondly, human trafficking involves areas that can potentially threaten the established ideologies of homogeneity and collective groupism still evident in Japanese society. Acting on these recommendations to improve their trafficking legislation would be acknowledging Japan's inefficiencies of the current policies they have in place. Given Japan's traditional values on self-respect and pride historically, acknowledging the reproach and vituperation of outside sources would place Japan in an inferior position and bring about shame and humility to the nation as a whole (Shibuichi 2005).²⁰ Furthermore, human trafficking is closely tied to issues of migration. Recognizing human trafficking would require Japan to take a more steadfast approach to issues of migration and act upon these outside criticisms. This relates back to Japan's cultural relativist stance towards migration issues fifteen years ago. Strong trafficking protocol would likely require Japan to rework immigration policies to make greater efforts to concern themselves with the well-being of immigrants which would remain a threat to Japanese relativist ideas of

²⁰ Other Japanese traditional values based in traditional belief systems and morals such as Shintoism, Confucianism, and Buddhism, may be at root for explaining Japan's detachment from concern for issues pertaining to sexual issues, as historically these had not garnered significant attention, and such attitudes can remain embedded in Japanese ideology (Leupp 2003; Wieringa 2009).

homogeneity and collective groupism.

While collective groupist identity is definitely still highly regarded in Japan, traditional ideologies have seen more resistance recently and Japanese youth and underrepresented groups have sought ways to express and promote their attempts at resistance (Cornyetz 1994; Marfording 1997; Sterling 2010).²¹ As traditionalism would place concerns such as international rights of migrants or increased rights and reception of foreign workers in the margins of Japanese society, increased awareness and emergence of NGOs and activist groups are gradually bringing these issues closer to the mainstream issues that receive copious attention. It is such forms and movements of organized resistance that can potentially lead to changes in cultural relativist attitudes of Japan and encourage Japan to take a stricter anti-human trafficking stance and more pro-migration stance towards foreigners.

How do Japanese definition of self and cultural relativism relate to Georgia's approach to human trafficking policy? Japan, as a country with greater established socio-economic prowess, can remain more exclusive and enact these relativist inclusive paradigms when resisting external pressures – both publically and discreetly to inform how receptive they are to policy adoption. Japan is able to continue to emphasize its domestic concepts of *uchi-soto* adoption because it does not face international ramifications that would worsen Japanese societal issues. Therefore, Japan is able to confidently appropriate their constructed ideas of self in their political ideology. Georgia has been much more proactive in addressing issues of human trafficking which have arose and has also been much more receptive and considering towards outside criticism.

²¹ Marfording mentions how Japanese youth are becoming more democratic and willing to engage in more politically challenging activism than they have been historically. Sterling draws attention to Japanese appropriations of reggae movements as resistance to traditional Japanese societal norms. Cornyetz indicates how Japanese youth have appropriated hip-hop movements and consumption of African-American culture to resist Japanese societal norms.

Georgia's preemptive agenda has allowed them to elevate from the Tier 2 Watch List classification to Tier 1 in a span of five years. The socio-economic differences and differences in their global position allow Japan to act more independent and selective in regards to how they consider outside criticism; for Georgia to take such an approach would significantly jeopardize their national position as Georgia remains reliant on external assistance for the functionality of their nation. Georgia cannot afford to take the laissez-faire attitude Japan has adopted because the ramifications would be significantly greater.

In essence, the Japanese self-definition of their own culture, especially the concept of *uchi-soto*, reflects a certain degree of ethnocentrism. This in turn impacts Japan's reaction to external pressures. In the case of anti-trafficking measures this research indicates that Japanese national self-esteem mitigates the effects of international pressure. When one compares Japan's actions with the situation of Georgia, it demonstrates how socio-economic standing can influence a nation's policy-making reaction to external pressures. Japan's steadfast attitude based on commonly held perceptions of homogeneity and discursive, self-inclusive identity represent Japan's traditional philosophy as well as a basis for its reaction to the international community. Japan can afford to dismiss or downplay aspects of international pressure because of its advanced socio-economic status. On the contrary, a nation like Georgia, which is still establishing its position in the global community, is much more conscious and concerned with the opinion of the international community. For Georgia, the implications for remaining disconnected from such criticism can potentially lead to worldly exclusion and reproach, not dissimilar to that of North Korea or Iran. External forces in more influential positions of power can pressure (to some extent – intimidate) countries in less influential positions because the ramifications of disregarding these more influential external forces can be critical to a country's future attainment.

Cultural relativism involved visualizing the actions and norms of a culture in the context of that culture specifically. Doing so, one hopes to avoid biases or misclassifications based on moral judgments or culturally hegemonic interpretations of outside cultures. In the milieu of this discussion, a nation's ability to emphasize and enact cultural relativist ideologies is to some extent dependent on their socio-economic standing and what they can or cannot afford to lose in the global community. Although met with cries for concern by international bodies, Japan's reluctant attitudes towards their trafficking protocol are an example of how a country with the socio-economic stability of Japan is able to utilize cultural relativist thresholds within its society. However, Georgia needs to be more sensitive to these external criticisms and demands from outside bodies because Georgia, as a transitioning state, has much more at stake in the international community. Therefore, one's ability to enact such cultural relativist approaches (in this specific case -- to human trafficking agenda) can be contingent on one's socio-economic positioning in the global community, as well as one's desire to protect their image in the global community.²²

²² Although it is entirely outside the scope of this discussion on cultural relativism, it must also be considered how willing nations may be to act upon such criticism and how concerned they are with their perception amongst the global community.

CHAPTER 5 CONCLUSION

Japan's human trafficking agenda can be addressed in the context of both a concrete and abstract essence. In concrete terms, this thesis has highlighted the many realities and perceptions of human trafficking in Japan, in addition to ongoing debates about the severity of the situation which has led to misconceptions and further complexities facing activists and authorities. At the same time, on an abstract level, it has addressed cultural relativism and how the Japanese define themselves in a global context factors in to their administration of human trafficking policy and how the authorities react to concerns over human trafficking.

Two important conclusions regarding human trafficking in Japan can be adequately deduced. First, the human trafficking legislation imposed in 2004 has impacted migration trends in several ways. It has most notably impacted the number of entertainers migrating from developing and transitioning nations seeking to enter Japan under legal premises. The overall number of entertainers entering Japan experienced a decreased from 134,879 in 2004 to 26,112 in 2011. The populations most heavily impacted by these changes have disproportionately been migrants from developing and transitioning countries. Generally speaking, entertainers from developed nations saw a relatively consistent trend of stability or a slight decrease whereas migrant entertainers from developing or transitioning nations experienced a notably significant decrease. This demonstrates a "third world bias" in Japan's administration of its human trafficking policy as migrants from developing and transitioning nations have been disproportionality impacted by these regulations.

Secondly, Japan has been able to appropriate culturally relative ideologies in their policy formation because of their more advanced position in the global community. As a country with a strongly establish economy, relatively stable economy, and situated in the global north, Japan has been able to continue focusing on culturally relative issues within the context of their own society. Although this is not to say that Japan does not consider human trafficking a concern in any sense, Japan is able to prioritize their agenda and react relatively autonomously, and how they deem appropriate, with regards to external pressures and criticisms (as has been the case to their reactions to the TIP Report). Japan's willingness to cooperate and seriously consider these criticisms is limited to how importantly Japan sees these issues relative to their society, and Japan is able to do so because they are an economic power with a stable society and relied upon by other nations for continued economic investments and assistance. Georgia, on the contrary, as a country situated in the global south, which has experienced internal civil strife and developmental issues, remains reliant on other nations for support. As a result, Georgia is unable to remain as autonomous or culturally relative in their policy agenda, because doing so would cause them to lose face in the global community and could have detrimental results for their nation.

When comparing the two nations these matters elucidate. In response to the TIP Report's Tier 2 Watch List classification of both countries in 2004, both nations readily replied with some degree of response aimed at addressing these issues, which ultimately resulted in both nations elevating to Tier 2 the subsequent year. However, since this initial response the report has consistently lauded Georgia for their efforts and even elevated their status since to Tier 1. In the period from 2005 – 2012, the report has remained critical of Japan and their dedication to truly addressing human trafficking issues.

As Mahdavi has noted, while the TIP Report is by no means an infallible gauge of assessment, the repercussions a nation could face from their classification by the TIP Report can be significant and impact the nation's international perception and relations within the global community. This is where Japan's stronger and more stable socio-economic prowess is able to be utilized to maintain a cultural relativist standpoint vis-à-vis pressures external. Japan is an already established global power and needs not to be influenced by a tool such as the TIP Report. Georgia is more susceptible to the repercussions that could potentially unfold if they are further ostracized as a country that makes inconsequential efforts to combat human trafficking; the TIP Report could paint a more damaging depiction of Georgia and could potentially result in other nations becoming unwilling to engage with Georgia or to administer more demanding pressure to address human trafficking.

To ascertain that Georgia takes a more progressive approach to human trafficking policy than Japan does, fails to grasp the true complexity of the dynamics at work that result in these policy approaches. While this may evidently be true, it is crucial to understand what variables elicit these responses from Georgia and Japan and why these nations engage these criticisms in such their respective ways. The short answer is that Japan is less vulnerable to the ramifications of the responses than Georgia is and can thus respond in such a manner. As a result of such vulnerability, Georgia is forced to respond to critiques of the global community in a more efficient manner than Japan.

The future has yet to be predicted for Japan's position in the global community with regards to their human trafficking policy. The international community has consistently shown concerns about human trafficking in Japan though in recent years have refrained from aggressive criticism and demands. Japan has shown greater concern with more culturally relative and more

immediately pressing issues which are confronting Japanese (i.e. the earthquake and tsunami recovery, the nuclear power debate). It is particularly interesting to see whether or not the future TIP Reports and other global analyses will acknowledge Japan's domestic issues and consider them in their analysis of human trafficking in Japan or if they will come down harder on Japan for their lack of effective protocol.

Japanese policy makers face a challenge in that if they do not eventually seriously address human trafficking, the censure from the international community will grow stronger; thus forcing them to address the problem as they did in 2004. If Japan is going to make a notable impact on human trafficking, they will need to do more than just pass superficial legislation with the earnest intention of doing more than solely appeasing the external forces that are pressuring them. This requires Japan to identify that they are experiencing a serious case of human trafficking; an act which the government has repeatedly neglected to do. As to whether or not Japan will fruitfully do so, remains unclear at this moment specifically because of the more public issues pressing Japanese society today.

John Lie has noted how the "invisibility" of foreigners in Japan has led to their issues becoming relegated to the peripheries of Japanese society despite their domestic-driven activism (Lie 2009). Human trafficking similarly is at risk of falling into a state of "invisibility" in Japan as both international and domestic pressures to address these matters are often subsumed by larger and more socio-politically driven issues. It is essential that Japan not let human trafficking concerns vanish completely, as doing so would likely lead to an increase in human trafficking, as opportunistic traffickers will recognize the lack of authoritative attention and seek to mobilize new victims into Japan.

It is difficult to say what kind of approach towards human trafficking policy Japan will take in the coming decade and how external pressures will continue to influence their policy development. The 2013 TIP Report (forthcoming) will be a strong indicator of how Japan will approach human trafficking in the near future, as a worse ranking in 2013 or future years would likely entice Japan to only enact more superficial protocol. If Japan remains at a Tier 2 classification, the likelihood of any new actions being implemented remains unlikely. It is highly unlikely that Japan will actively propose any novel legislation without external pressure. This creates a delicate and complex situation regarding how Japan could and should handle issues of human trafficking. While human trafficking may not be deemed the most relative issue confronting Japanese society today, it still amounts to serious human rights violations of its victims and needs to seriously be addressed. Since Japan has not yet shown their commitment to addressing these issues, the future remains very unclear.

It is unlikely that the polemical objectives and priorities of the international community and Japan will converge into a mutual understanding resulting in progressive protocol which both parties are content with. However, if the international community is able to recognize and respect Japan's stance to remain culturally relative to their society and understand Japan's feeling to immediately address these issues, while Japan equally acknowledges the international community's goal of addressing human trafficking universally and fighting for the protection of human rights, then perhaps a mutual recognition in which both parties are content can be reached in some way. This would require Japan to acknowledge that they need to take a proactive stance and not just pass shallow legislation meant only to appease critical commentators. Until this type of understanding can be reached, it is likely that the international community will remain critical of Japan and that the human trafficking situation in Japan will remain as it stands.

APPENDIX

List of Japanese Terms

Burakumin (部落民) – term used to refer to a Japanese social class who has historically been classified at the lowest ranks of Japanese society

Dekasegi (出稼ぎ) – term used to describe migrant workers in Japan, but primarily applied to *Nikkeijin* migrants

Japayukisan (ジャパゆきさん) – term used to describe non-Japanese prostitutes who mobilized to Japan for sex work

Karayukisan (唐行きさん) – term used to describe Japanese prostitutes who mobilized to other destinations in Asia for sex work

Kiken (危険) – dangerous

Kitanai (汚い) – dirty

Kitsui (きつい) – intense, hard, severe

Jinshinbaibai (人身売買) – term used to denote the sale in humans, commonly used to refer to human trafficking

Jinshintorihiki (人身取引) – term used to denote the exchange in humans, commonly used to refer to human trafficking

Nihonjinron (日本人論) – term used to describe the theoretical arguments projected to explain the cultural uniqueness of the Japanese people

Nikkeijin (日系人) – term used to describe people of ethnically Japanese descent who are born outside of Japan

Nopankisa (ノーパン喫茶) – an establishment where clientele are served by waitresses in short skirts wearing no underwear, often on a mirrored floor

Soto(外) – term used to denote outside

Uchi (内) – term used to denote inside

List of Abbreviations

ECPAT International – End Child Prostitution and Trafficking International

GNP – Gross National Product

ILO – International Labor Organization

NGO – Non-Governmental Organization

TIP Report – Trafficking in Persons Report

TVPA – Trafficking Victims Protection Act

UNDOC – United Nations Office on Drugs and Crime

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