

IMADR-JC  
ALTERNATIVE REPORT  
TO THE 4TH AND 5TH PERIODIC REPORT OF  
JAPAN ON THE CEDAW

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**Multiple Discrimination  
against Minority Women**

*Missing Perspective and  
Policy*

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## 1 . The Japanese Government s Crucial Problem : Lack of the Perspective and Policies on Minority Women

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**The Japanese Government has failed to report on the situation of women belonging to minorities in terms of nationality, race, ethnicity, descent (hereafter minority women<sup>1</sup>), despite its treaty obligations to promote and protect human rights of all women in its territory regardless of nationality, ethnic origin, citizenship or legal status.**

Minority women do exist in Japan, being discriminated against not only on the basis of gender but also of nationality, ethnicity, indigeneity, descent, lack of citizenship or documentation, status of migrant worker, asylum-seeker or refugee. Generally speaking, they suffer multiple discrimination with different factors compounded, being socially and economically marginalized, and are faced with more difficulties in almost every aspect of life than both male members of the same group and Japanese women belonging to the majority. Consequently they are vulnerable to abuse, violence and exploitation.

**However, Japan’s periodical reports contain hardly any information neither on the actual situation of minority women who suffer multiple discrimination, nor on measures to protect them from acts contradictory to the treaty provisions, to remedy violations, and to promote their rights and status in the society.**

Moreover, the government focuses on Japanese women belonging to the majority group, not only in its reporting practice but more importantly in planning actions and taking measures. In fact, the government has shown very little interest and enthusiasm in knowing the realities of minority women, whose numbers have constantly been increasing, or helping them. Hardly any statistics or data exists on their situation. **Measures, whether legal or administrative, that are specifically targeted at minority women are almost non-existent.**

**Such attitude of the Government interferes with Article 24, which *obliges States Parties to adopt all necessary measures to achieve the full realization of the rights recognized in the Convention. It is also against the Convention’s Preamble emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs States is essential to the full enjoyment of the rights of men and women.***

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<sup>1</sup> The target of this report, referred to as “minority women”, is limited to women who are the victims of racial discrimination according to the International Convention on the Elimination of All Forms of Racial Discrimination – discrimination based on race, colour, descent, or national or ethnic origin –, and to women discriminated against on the basis of nationality and citizenship. We note that this report does not cover issues relating to women belonging to other groups that are generally regarded as minority groups, including disabled women and lesbians.

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## 2. Specific Issues to be brought to the Attention of CEDAW

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### **A . The minority groups in question are the following:<sup>2</sup>**

- a) *Buraku people* discriminated and segregated on the basis of descent;
- b) *Koreans* as the largest national minority living in Japan for several generations. Among them, 520,890 (as of 2000, according to a survey conducted by the government) do not possess Japanese nationality;
- c) *The Ainu*, who are the indigenous peoples residing in Hokkaido, the northern-most island among the four main islands of Japan;
- d) *The Okinawans*, who reside in the Ryukyu Islands, located in the southern part of the Japanese archipelago, and are said to be indigenous peoples. Until its annexation by Japan in the 19<sup>th</sup> century, the Ryukyu Kingdom existed in the Ryukyu Islands, which now form the Okinawa Prefecture;
- e) *Migrant workers* mainly from countries in Asia and Latin America;
- f) *Women trafficked into sex industry* from countries such as Thailand, Colombia, China, Taiwan, Korea and the Philippines;
- g) *Non-Japanese women married to Japanese men* (many of whom are mail-ordered brides from countries in Eastern Europe and Asia).

Due to the historical structural discrimination and deprivation against minority groups mentioned in (a)-(d), namely Buraku people, Korean residents, the Ainu and Okinawans, many of the women belonging to these groups have limited access to political and public activities (article 7), education (article 10), employment and vocational training (article 11), and suffer from low income. In other words, these women are not ensured their “full development and advancement”, “in all fields, in particular in the political, economic and cultural fields”, as stated in article 3. It is against this background that the human rights of the so-called “new comers”, as mentioned in (e), (f) and (g), are not fully protected.

### **B. The pressing problems and issues involving women belonging to the groups mentioned above include:**

#### **(1) Article 2: Hate crimes and violence against Korean school girls**

Hate crimes and violence against female students of Korean schools, wearing national clothes as their school uniforms, have rapidly increased since September 2002. They were triggered by the political disputes between Japan and the Democratic People’s Republic of Korea (hereafter North Korea) over the abduction of Japanese citizens by the North Korean government that took place a few decades ago. Increases of such violent crimes against Korean schoolgirls were repeatedly seen in the past, whenever

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<sup>2</sup> For further information concerning each group, please see Annex 1. As to the situations of Buraku women, Ainu women and Okinawan women, please refer to the reports submitted to CEDAW by these groups (i.e the Buraku Liberation League, the Sapporo

political tension arose between the two countries<sup>3</sup>. However, no effective preventative measures have ever been taken by the government, except for first-aid measures such as setting guards around Korean schools. The Japanese government rather promotes discrimination by not giving accreditation to Korean schools, where the language, history and culture of Korea is taught, and by not admitting them as formal education. Despite the concluding observation of the Committee on the Elimination of All Forms of Racial Discrimination, the Japanese government has not yet established anti-discrimination legislation, and thus no measures have been taken to prevent such violence, as well as to arrest, prosecute and punish the perpetrators.

**(2) Article 2: Prevention of sex crimes by U. S. military men in Okinawa**

For over half a century since the end of the World War II, U.S. military troops have been stationed in Okinawa. Under this condition, Okinawan women continue to suffer human rights violations including rape, murder and other violent crimes committed by U.S. military men. According to a survey conducted by an NGO, more than 500 sex crimes against Okinawan women are recognized since the U.S. troops landed in Okinawa in March 1945, as of June 2001<sup>4</sup>. With no doubt this is far less than the actual number, considering that it was even more difficult than nowadays for victims to talk about their experience openly; this number is only the tip of the iceberg.

Effective measures have not been taken by the Japanese government to ensure the security of women and girls of Okinawa, to prevent those crimes, and to prosecute and punish the perpetrators. The structure of multiple discrimination against women and girls of Okinawa has been maintained by such negligence.

**(3) Article 2: Support to non-Japanese victims of domestic violence**

Although the 2001 Law for the Prevention of Spousal Violence and the Protection of Victims are applicable to non-Japanese victims of domestic violence, in practice they are left outside public protection, due to language barriers and their undocumented status. They are faced with shortage of shelters, as well as lack of medical/mental care and legal support. Their legal status as undocumented residents or workers often prevents them from seeking help from public authorities.

**(4) Articles 2 and 6: Prevention of trafficking and support for trafficked women<sup>5</sup>**

A large number of women are trafficked or smuggled into sex industries from countries such as Thailand, Colombia, China, Taiwan, Korea and the Philippines. The Japanese government's primary approach to the problem is tightening immigration control and deporting the victims/survivors as soon as possible, rather than securing their cooperation in prosecuting the traffickers. Japan's current domestic legislation has no provision that prohibits the act of trafficking. Procurers and brokers are merely sentenced to light penalties for abetting illegal labor. While the employers' act of violating the fundamental rights of their

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Branch of the Ainu Association of Hokkaido, and the Council of Democratic Resident of Korean Women in Japan).

<sup>3</sup> For example, when the North Korean government reportedly attempted to launch a missile in the territorial seawaters of Japan in 1998, and when suspicion about North Korea's possession of nuclear weapons arose in 1994.

<sup>4</sup> Okinawa Women Act Against Military Violence, *Sex Crimes against Women by Military Men in Okinawa (April 1945 – June 2001)*, 5<sup>th</sup> Edition, 2001

<sup>5</sup> Please also refer to Annex 2: Additional Information on Trafficking in Japan.

employees by putting them into bonded slavery would not be criminalized, undocumented labor is regarded as a civil and criminal offence. Measures have not been taken to provide temporary, let alone permanent, resident permits, safe shelter and necessary medical/mental care to the victims/survivors. They are often treated as criminals, while true criminals (traffickers) carry out their activities with impunity.

In addition, trafficked women engaged in the sex industry are under constant surveillance by the *Yakuza* (Japanese Mafia), and the number of those who have access to temporary shelters is extremely limited, except when they are supported and assisted by their customers or Embassies. The Law stipulates the responsibility of prefectural governments to establish Consultation Services for Women. These Services also currently function as Spousal Violence Counseling and Support Centers for victims of domestic violence, due to the Law for the Prevention of Spousal Violence and the Protection of Victims that was enacted in 2001. This is mentioned in the government's response to question 12 of the CEDAW's List of Issues. However, these institutions remain incapable of accommodating trafficked foreign women, especially in terms of support in non-Japanese languages. Consequently, there are only a few private shelters that accommodate those foreign women.

#### **(5) Articles 3, 7, 10 and 11: Difficulties facing Korean women**

Korean women resident in Japan suffer compound gender discrimination in addition to those based on nationality and ethnicity. In many cases they do not have the right to vote not only in national but also in local elections. They are blocked from politics in the first place, before one can say something about the expansion of women's participation in policy-making. When we look into the field of employment, even though some municipalities have abolished national clauses, in many cases Korean residents are not entitled to become civil servants. When they look for a job, Korean women are faced with compound discrimination based on gender and ethnicity. Their rights to education are not fully ensured. The illiteracy rate of the elderly 1<sup>st</sup> generation Korean women is higher than those of both Korean men and Japanese women, due to the fact that Japan's colonial policy in the past deprived them of their own language and marginalized them.

#### **(6) Articles 3, 10 and 11: Buraku women in unstable employment and insufficient education**

Buraku people, discriminated on the basis of descent, still suffer from social and economic marginalization especially in the fields of marriage and employment. For example, in a 2000 survey on Buraku issues in Osaka Prefecture conducted by the local government, it is shown that the unemployment rate of Buraku women is incredibly high compared to non-Buraku women (Buraku women: 8.2 %, women in Osaka: 5.6%). The reality that women suffer more than men in Buraku communities from unemployment and unstable employment can be seen in the survey. The rate of full-time employment has sharply declined within Buraku communities since 1990 as a result of the recession in the Japanese economy. However, while the rate of men in full time employment is at 78.8%, the rate of Buraku women in full time employment numbers only 51.4%.

In regard to their rights to education, there is a gap between women and men, as well as between Buraku women and non-Buraku women in the advancement rates to universities. Parents do not place importance in their children's education, and still many parents do not think that higher education is necessary for girls. Although their illiteracy rates show a declining tendency, the number of Buraku

women who find difficulties in reading and writing is larger compared to those of Buraku men.

### **(7) Articles 3, 10 and 11: Empowerment of Ainu women**

Ainu women still suffer social and economic marginalization even after the enforcement of the 1997 *Act for the Promotion of Ainu Culture, the Spread of Knowledge relevant to Ainu Traditions and Education Campaign* (hereafter “*Promotion of Ainu Culture Act*”) by the government, since this law focuses only on cultural issues. Japan’s indigenous people the Ainu have yet to regain the land and natural resources which were unjustly stolen from them. Therefore, they continue to exist as an ethnic group suffering from systematic discrimination and resulting in economic and social disadvantages. The rate of Ainu dependant on welfare assistance is greater than that of the majority Japanese population in the same towns and regions. The Ainu poverty cycle is also propagated by high illiteracy rates among Ainu above the age of 50 years. Illiteracy limits them to poorly paid primary industry and manual labor occupations. This means they do not have the financial resources to offer further educational and other advancement opportunities to their own children. Ainu women are affected by these issues not only directly as individuals, but also as the wives and mothers of Ainu men and children. The affects of multiple discrimination cause Ainu women to be impacted more severely than Ainu men.

### **(8) Article 12: Access to health care for migrant workers, trafficked women and asylum-seekers**

Basic human rights to an adequate standard of living and medical care are least protected and quite often violated in Japan in the case of migrant workers – especially those undocumented –, victims of trafficking, and asylum-seekers. In the case of women in such status, their reproductive health/rights are not secured. Even when they are in need of social welfare or free medical care, they are not recognized as being eligible for those services; social security is available only to Japanese citizens and foreigners staying in Japan for more than one year legitimately. As for trafficked women, some hospitals and social workers give free health consultation for foreign sex workers, with a particular focus on HIV/AIDS prevention, but the number of women who benefit from such services is extremely limited, for such services are provided only in a very few localities.

#### **C. UN Documents of relevance**

- CERD Concluding Observations on Japan (UN Doc.CERD/C/58/Misc.17/Rev.3 of 20 March 2001, paragraph 22)
- CERD General Recom. XXV: Gender related dimensions of racial discrimination, 20/03/2000
- CEDAW recommendation for the WCAR (CEDAW/C/2001/I/CRP.3/Add.9)
- The Plan of Action adopted at the WCAR in Durban, paragraphs 49, 51, 52, 53 and 78(g).

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### 3. Recommendations

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- (1) **The Japanese government should recognize its treaty obligations under the CEDAW to promote and protect human rights of all women in its territory regardless of nationality, ethnic origin, citizenship or legal status.**
- (2) **Japan's next periodical report to CEDAW should contain socio-economic data disaggregated by gender and national/ethnic groups, as well as information on measures taken to prevent gender-related racial discrimination, including sexual exploitation and violence.**

**Remarks:** This is a recommendation to the Japanese government made by the Committee on the Elimination of Racial Discrimination (CERD) in its "concluding observations" on Japan (UN Doc. CERD/C/58/Misc.17/Rev.3 of 20 March 2001) paragraph 22 that reads: "The Committee recommends that the next State party report contain socio-economic data disaggregated by gender and national and ethnic groups and information on measures taken to prevent gender-related racial discrimination, including sexual exploitation and violence".

- (3) **The Japanese government should take the initiative of gathering data and conducting research on the situations of minority women. A perspective of multiple discrimination against minority women should be introduced and incorporated in all the data-gathering, research and analysis related to persons in Japan. The method used and the results gathered should be made public.**

**Remarks:** This initiative is in accordance with the Declaration (its preamble) and Plan of Action (para.94) adopted at the Fourth World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) held in Durban in 2001.

- (4) The Japanese government, in collaboration with local governments and municipalities, should take concrete measures for preventing and eliminating multiple discrimination against minority women and for providing support and services that meet their needs. In the process of designing and implementing the policies and measures, the effective participation of minority women (or their representatives) should be ensured.

**Remarks:** This is in keeping with the Plan of Action adopted at the IV WCAR in Durban in 2001 (paragraphs 49, 51, 52, 53 and 59).

- (5) **The Japanese government should develop legal and administrative measures to criminalize traffickers (procurers and brokers), as well as to protect the rights and ensure the safety of the victims of trafficking.**
- (6) **The Japanese government should adopt as soon as possible the 1999 Optional Protocol of CEDAW on the Individual Complaint System, which would make it easier for the rights of minority women to be remedied from violations.**

**Remarks:** This is in accordance with paragraph 78 (g) of the Plan of Action adopted at the IV WCAR in Durban in 2001, which urges states to consider signing and ratifying or acceding to the CEDAW and its Optional Protocol.

## Annex.1: Background Information about Minority Groups in Japan

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### **Buraku People**

Buraku people or Burakumin (“min” refers to people) are discriminated against on the basis of their social status or descent. It is said that the feudal class system was established during the late 16<sup>th</sup> Century (Toyotomi era) to the early 17<sup>th</sup> Century (Edo era) based on medieval social discrimination. Burakumin were placed at the bottom of the society as Eta (extreme filth) and Hinin (non-human) classes.

In 1871, after the Meiji restoration, an “emancipation edict” was promulgated, which ordered to abolish the name “Eta” and “Hinin” and treat Burakumin the same as other people. But this promulgation did not solve the discrimination situation, because the substantive contents were “equal taxation rather than equal treatment (in some Buraku, because of their jobs, payments were exempted)”. This not only resulted in prolonging many forms of past discrimination up until the present time, it also created new hardships for the Burakumin.

According to a 1993 government survey, there were about 900 thousand Buraku people in 4442 Buraku communities nationwide (although concerned NGOs and research institutes claim that the number amounts to 3 million people in 6000 communities). Although they won many rights through their own struggles, prejudice to the Buraku people persists deeply and they are still discriminated against in cases of marriage, employment and so on. Though special measures were enacted to tackle these problems, the measures all expired in May 2002. The problem is that, after the expiration of these measures, the government has neither conducted a survey on the current situation of Buraku people at a national level, nor set forth any plans to eliminate discrimination against Buraku.

### **Korean Minority**

Under the Japanese colonial rule starting in 1910, people in the Korean Peninsula were forced to live in Japan and were robbed of their native language, names and identity by the assimilation policy of the Japanese government. But while they were forced to assimilate, they had been differentiated clearly from Japanese in society and discriminated against.

After World War II, the Korean Minority were deprived of their nationality by the San Francisco Peace Treaty (1952), and forced to register themselves as foreigners. As a result, they were only entitled to some limited basic rights such as voting. Additionally, they have suffered discrimination in terms of education, employment, marriage and welfare.

At present there are 750,000 Korean Minority, excluding Koreans without the historical background mentioned above (“new comer”) in Japan. About 240,000 of these people have acquired Japanese nationality<sup>6</sup>. But they face just as much discrimination from Japanese people as the Korean Minority (of Korean nationality), if they identify themselves by their ethnic names. The Japanese government has not taken the measures necessary to remedy discrimination thus the situation has actually worsened.

These situations will not be eliminated unless the Korean Minority are respected and their human rights protected as an ethnic group.

### **Migrant Workers, Immigrants, Refugees and Settled Foreigners**

It was reported that the number of migrant workers, immigrants, refugees and settled foreigners in Japan was about 1,200,000(one percent of the total population) as of December 2001, except Korean and

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<sup>6</sup> The Statistics of the Registered Aliens (The Ministry of Justice, 1999)

Taiwanese who have lived in Japan since before WW .

The population of migrant workers and immigrants in Japan has increased year by year. However coupled with this, various instances of xenophobia and racial discrimination have become apparent. They suffer from severe working conditions and low wages, a lack of access to public services, residential rights, school education, medical treatment and judicial redress.

Despite the continuous existence of this situation, the government does not take effective measures to protect the rights of foreigners, including migrant workers.

The total number of applicants for refugee status from 1981 to 2001 was 2,782. Those who were actually granted refugee status during the period were only 312 (Japan became a state party to the Convention Relating to the Status of Refugees in 1981)

The examination procedure of applications for refugee status is very strict, secretive and arbitrary. It requires the applicant the heavy burden of presenting difficult and cumbersome proofs. Moreover, even after being accepted as a refugee, they still suffer from lack of adequate protection, especially in the field of social welfare.

### **[Indigenous People: Ainu People and Ryukyu/Okinawa People]**

#### **Ainu People**

The Ainu People originally inhabited Ainumosiri (land of people), with their own religion and culture. These territories were the north Tohoku region, Hokkaido Island, the south Sakhalin Island, and the Kuril Islands.

In the Meiji Era (1868-), the policy of the assimilation of the Ainu was vigorously pushed forward by the Japanese government. In 1869, the land of Ainu was unilaterally renamed as “Hokkaido”, and in 1877, integrated into the Japanese territory as *terra nullius* (unoccupied or unowned land). The Ainu People, who became a minority group due to the colonization policy of encouraging the settlers from the main island of Japan, were unilaterally robbed of their own land. Moreover their traditional economic life and lifestyle had been destroyed. The Ainu People had been forced to assimilate, while they suffered discriminatory treatment. Furthermore, as the Former Aborigines Protection Law (1899-1977) defined *the Ainu Indigenous People*, as a separate entity to normal citizens. This meant they were subordinated in legal terms to second class citizens.

At present, it is reported that the number of Ainu People in Japan is about 50,000. They still continue to suffer economic disparity and societal discrimination in terms of employment, marriage, education and so on.

In 1997, the Ainu Cultural Promotion Law, that defined the Ainu People as an ethnic group for the first time in Japan was promulgated. Then the first decision that recognized them as an indigenous people was made by the Sapporo District Court (the Nibutani Dam Trial, Cf. E/CN4/2003/90/Add.1). However, both of these do not guarantee the comprehensive rights of the Ainu People. The Government needs to recognize the historical facts which have simply been bypassed and their ethnic rights which have been denied, and authorize the Ainu people as an indigenous people.

#### **Ryukyu / Okinawa People**

The Ryukyu/Okinawa people had maintained the “Ryukyu Kingdom” from the 14th century. The Japanese Government abolished the “Ryukyu Kingdom” by military pressure and annexed it to the Japanese territory by establishing Okinawa prefectural government in 1879. This produced various colonialist and assimilative policies, such as prohibition of Ryukyu dialects called “Uchinaa Guchi”, the traditional custom, religious faith, life style and so on. Even now, the Japanese government has not recognized the unique cultural rights and heritage. It is clear that the Okinawa/Ryukyu people have their own original culture and history. Furthermore, above this, these are infact human rights violations based on “ethnic origin” as provided for in the ICERD.

### Multiple Discrimination against Minority Women: Missing Perspective and Policy

After the revisions of Okinawa from the United States to Japan in 1972, an incredible 75% of the US bases in Japan have been concentrated in Okinawa, which covers only 0.6% of the Japanese territory. Most of these territories were originally used by the Ryukyu people. However, due to this use of the land as bases the local environment, indigenous culture and custom have been destroyed. Moreover, there were many assault, rape and murder cases committed by US military men, illustrating how the Okinawa people's human rights have further been greatly violated.

## **Annex.2: Additional Information on Trafficking in Japan**

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  - 2. Information on Japan in Chapter IV of “Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report”- US department of State**
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  - 4. Article on the court case in Spanish (“El tiempo” in Santa Fe de Bogota, Colombia)- Short explanation in English is also attached**
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### **1. Overview of the case**

#### **The Recent Case of Trafficking of Colombian Women by “Sony”**

The Court of Tokyo sentenced Hagiwara (alias Sony) to 22 months of imprisonment in March 2003. The pain demanded by the Prosecutor was three years imprisonment plus a fine of 300,000 yen for illegal job abetting of two “illegal” undocumented Colombian women to striptease theatres where prostitution was also practiced secretly. The pain demanded by the prosecutor and reduced by the court, was based on the illegality to abet and find jobs for “illegal” migrants, in reference to the Immigration Law and the Refugee Law of Japan. The sentence was completely ignoring the fact that the defendant was exploiting the prostitution of his victims, a crime which should have been identified by Japan which has ratified the 1949 UN Convention Against Trafficking and the Exploitation of Prostitution of Others. This was a fact admitted by the defendant himself.

The newspaper Yomiuri reports, on the basis of the evidence presented to the Court, that Sony was operating as a broker since 1996 and his victims were forced to prostitute themselves to repay their debts. Sony was receiving a commission for his brokerage and abetting activities, and had earned 31,550,000 yen (approximately US\$ 26,300) as commission between April and November 2002. The victims, who were unable to testify, having been forced to leave Japan as “illegal” migrants, had reported in their testimonies the strong sense of fear and insecurity due to probable retaliation, not only on themselves but also on the members of their families back home.

The Colombian Embassy took up the case of “Sony”, and one consul testified in the Court, because it had received the complaints from many victims of the same defendant. 75 victims presented signed testimonies; other 52 victims scared by possible retaliation refused to sign and made only oral testimonies. The Colombian Embassy reports that, through the “hot line” it has established, it receives now about 25 calls per month from the Colombian sex workers, asking for help, as they are facing similar exploitation as the victims of Sony. In his particular case, the Embassy found that the total debt incurred by each of the victims amounted to about 5,000,000 yen (approximately US\$42,000). Each of them was forced to provide the dealers 300,000 yen (approximately US\$2,5000) every ten days as “repayment” of their “debts”. The victims were forced further to pay to the yakuza gangs 10,000 yen (approximately US\$85) for the “right” to stand on the street corners, and 8,000 yen (Approximately US\$65) per day as a “quota” of their earning.

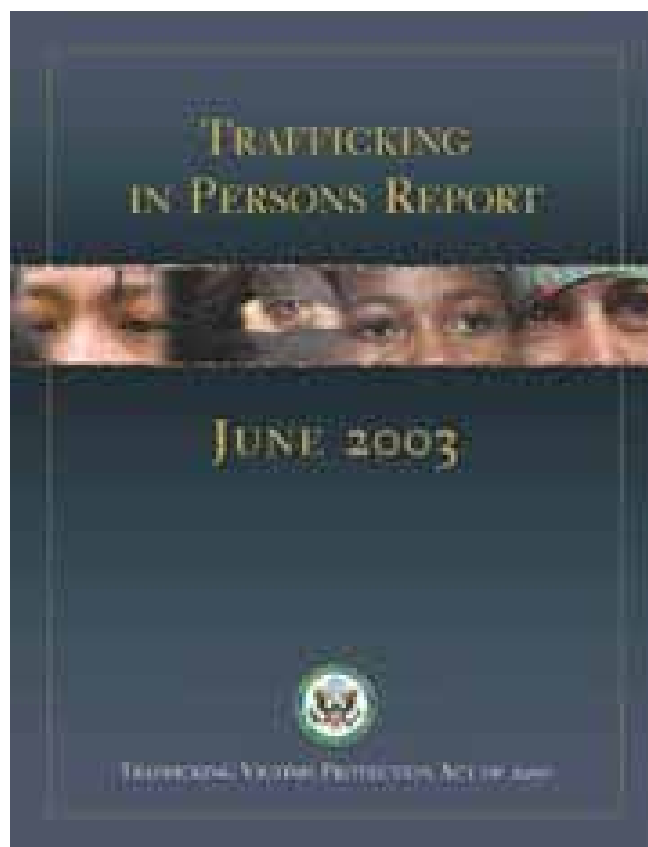
The National Police Agency of Japan has recently set up a Section dealing with “trafficking” within the

Multiple Discrimination against Minority Women: Missing Perspective and Policy Bureau for Civilian Life Security, which recognizes the fact that the rights of the victims must be respected. However, this Section cannot object to the fact that the victims are treated as criminals when arrested, since they are primarily “illegal” foreigners breaking the Immigration Law, the enforcement of which is under the joint responsibility of the Police and the Immigration Agency (within the Ministry of Justice). It is essential, in order to protect the fundamental rights of the victims of trafficking, that Japan develops a legal mechanism in full accordance with the Article 6 of CEDAW.

*This statement was prepared by Prof. Kinhide Mushakoji, Chubu University/ IMADR*

*Special Information was provided by Ms. Omaira Rivera, Social Worker, Embassy of Colombia in Japan, Tokyo*

2. **Information on Japan in Chapter IV of “Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report”- US department of State**



**JAPAN (Tier 2)**

Japan is a country of destination for men, women, and children trafficked for sexual exploitation. Victims come mainly from China, South Korea, Thailand, Taiwan, the Philippines, Colombia, and Eastern Europe. Some victims are lured to Japan under false pretenses; others come aware that they will work in the lucrative Japanese sex trade and are abused after their arrival. Trafficking also occurs within Japan as victims are “resold” between traffickers.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking... The government is providing international funding for anti-trafficking efforts in Southeast Asia and conducting symposiums that help focus other governments. At home, however, measures are less advanced. The government has no national plan of action. Japan's law enforcement and immigration response is seriously hindered because government officials, unclear on the nature of trafficking, tend to define the crime too narrowly and disagree among themselves about who is a trafficking victim.

### **Prosecution**

Japan has no law specifically prohibiting trafficking, although in practice it applies mainly the immigration and labor laws against traffickers. The government does investigate traffickers, but the number of prosecutions has been too few and the penalties too weak to act as an effective deterrent against the professional syndicates involved in trafficking. The 2003 arrest and conviction of kingpin trafficker Koichi "Sony" Hagiwara were significant. His criminal sentence, like many violent crime sentences in Japan, was light by U.S. standards (less than two years for a repeat offender who operated a criminal trafficking organization which moved hundreds of victims from Colombia) indicating a weakness in Japan's punishment of traffickers. The government does not aggressively prosecute and punish the criminal organizations involved in trafficking.

### **Protection**

The Japanese Government does not adequately protect victims. The government's authority to provide temporary residency status to foreigners in an emergency is rarely invoked for foreign trafficking victims. Japanese officials are trained to deal with the extenuating circumstances of foreign victims; however, in practice, they tend to treat them as illegal migrants and quickly deport them. Victims who are suspected of attempting to avoid deportation may be held in detention centers, a treatment inappropriate to their status as crime victims. Facing deportation, victims have few options to seek legal remedies against traffickers in civil courts. ...

*'Report IV. Country Narrative- JAPAN', "Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report", US Department of State, 2003*

### **3. Information on Japan in the Statement of Human Rights Watch "U.S. State Department Trafficking Report Undercut by Lack of Analysis"- June. 11, 2003**

#### **U.S. State Department Trafficking Report Undercut by Lack of Analysis**

(New York, June 11, 2003) -- The U.S. State Department's third annual trafficking in persons report fails to meaningfully evaluate governments' efforts to combat trafficking in persons, Human Rights Watch said today.

"For the third consecutive year, the State Department report fails to give hard figures on the number of people being trafficked," said LaShawn R. Jefferson, executive director of the Women's Rights Division of Human Rights Watch. "The report gives undue credit for minimal effort and ignores government practices, such as summary deportation and incarceration that effectively punish trafficking victims."

The State Department released the 177-page report today to comply with the Victims of Trafficking and Violence Protection Act of 2000. The report evaluates the performance of 116 countries, putting each country in one of three categories, depending on how its domestic efforts meet the legislation's minimum standards for the

Multiple Discrimination against Minority Women: Missing Perspective and Policy elimination of trafficking. Tier 3 countries are deemed to be not in compliance with the minimum standards and not making significant efforts; Tier 2 countries are not in compliance, but making significant efforts; and Tier 1 countries are in compliance. The report covers countries worldwide with a "significant number" of trafficking victims.

The State Department consistently credits countries for their efforts to combat trafficking even when they have not passed legislation specifically criminalizing all forms of forced labor as trafficking, or when they have failed to sign or ratify the Protocol to Prevent, Suppress, and Punish Trafficking supplementing the U.N. Convention Against Transnational Organized Crime, the single most authoritative international human rights instrument on trafficking. Another consistent shortcoming is that Tier 2, where seventy- five countries fall, remains a catch-all category. Tier 2 comprises countries of varied trafficking records. The report also fails adequately to explain its concrete minimum standards for countries to move up tiers.

Human Rights Watch said that if this report is to be useful, it must improve its analytical framework for country narratives. "We know government corruption and complicity is an undeniable fact of trafficking," said Jefferson. "Facts about how many government agents have been tried, prosecuted, and convicted for trafficking-related offenses are absolutely essential to evaluating a government's record."

Human Rights Watch noted that the report has improved since last year, in part by including more countries, better organizing the country narratives, ensuring that the report included information on trafficking into many forms of forced labor, and discussing domestic as well as international trafficking.

#### Select Illustrations of the Report's Shortcomings:

Catch-All Tiering: Tier 2 encompasses countries of widely disparate records, from Nigeria, where the government has been involved in an aggressive anti-trafficking awareness campaign and has cooperated with other governments to combat trafficking to Laos, where there are no government- sponsored prevention efforts, no anti-trafficking legislation, no capacity for arrests and prosecutions, state corruption is a huge problem, and the one international agreement signed with Thailand excludes children altogether, although child trafficking is a significant problem.

**Japan: Japan should be placed in Tier 3.** Specific legislation prohibiting trafficking does not exist and there is no indication that there will be. In fact, there are special agreements that facilitate trafficking, allowing the admittance of "entertainers" into the country but not unskilled workers. Trafficking cases are not aggressively pursued and penalties are weak. Though the government has funded international programs to increase awareness in other countries, little to nothing has been done to control the growing trafficking issue in Japan.

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### ***What is IMADR?***

The International Movement Against all forms of Discrimination and Racism is an international non-profit, non-governmental human rights organization devoted to eliminating all forms of discrimination around the world, forging international solidarity among discriminated minorities and advancing the international regime of human rights. Founded in 1988 by one of Japan's largest minorities, the Burakumin, IMADR has grown to be a global network of concerned citizens and minority groups with regional committees in Asia, North America and Latin America. IMADR is in consultative status with the United Nations Economic and Social Council.

### ***IMADR-JC:***

Since its foundation in 1990 by the major minority groups, IMADR-Japan Committee has been playing a significant role in the whole IMADR activism and movement. IMADR-JC is supported by people of all walks of life including women activists, religious leaders, teachers and others. In quest of eliminating all forms of discrimination and racism and protecting human rights of everyone in the world, IMADR-JC pays particular attention to the domestic issues on discrimination against indigenous population (Ainu and Okinawan), caste-like minority (Burakumin), ethnic Korean and Chinese, disabled bodies, and those of women with multiple discriminations. Its activism and movement take various forms in each project.

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