

## **TIP: LOOK BENEATH THE SURFACE**

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**Abstract:** Trafficking in Persons (TIP) is tied with the illegal arms trade as the second largest form of international organized crime. World attention has succeeded in driving some of the worst manifestations deeper underground. Economic changes have also had an effect. Japan in particular has seen an increased targeting of the domestic population, including teenage girls. Cultural differences also play a role, both in commercial sexual exploitation and in labor exploitation, which is the form of TIP that tends to be most easily overlooked.

**Key Words:** TIP, trafficking in persons; commercial sexual exploitation; forced labor; labor exploitation; prostitution; pornography; organized crime.

**"Any fear, any memory will do; and if you've got a heart at all, someday it will kill you."**

*-Primer for the Nuclear Age- Rita Dove*

### **INTRODUCTION**

Human trafficking is a form of modern-day slavery<sup>1)</sup>. Victims of trafficking are exploited for commercial sex or labor purposes. Traffickers use force, fraud or coercion to achieve exploitation. As such human trafficking is a devastating human rights violation that takes place not only internationally, but also here in Japan as well as the United States. It is, indeed, a form of modern-day slavery.

“Too often women are seen as merely goods and chattels at the disposal of a society dominated by male concerns. The more value placed on women by society, the less likely it is they will be regarded as a cheap commodity to be used and abused with impunity.” Aung San Suu Kyi.<sup>2)</sup>

### **UNDERSTANDING THE SCALE OF HUMAN TRAFFICKING**

After drug dealing, human trafficking is tied with the illegal arms trade as the second largest criminal industry in the world, and it is the fastest growing (*US State Department, UN Office on Drugs and Crime Estimates*). Although often operated by organized crime syndicates, increasingly traffickers are small time operators, and sometimes former trafficking victims. At any one time an estimated 12.3 million adults and children are in situations of forced labor and sexual servitude. At any one time there are an estimated 1.39 million victims of sex trafficking, both national and transnational. 56% of forced labor victims are women and girls (*UN International Labor Organization Estimates*). “The worldwide rise in this form of modern-day slavery is a result of a growing demand

for cheap goods and services.” (2<sup>nd</sup> Annual Global Trends in Trafficking in Persons Report, UN Office on Drugs and Crime).

### **Japanese Case Study (1)**

“N” was an 18 year old Thai girl from a poor village in the north of Thailand. An acquaintance of the family offered one day to help her enter a training program in Japan that would lead to a good job. He offered to give the family a small sum in advance to help them, and as a loan against her future earnings. A Japanese front company in Bangkok arranged “N’s” visas and ticket to Osaka. She was met at the airport by three Japanese men who drove her and four other Thai girls to an apartment in Nagano Prefecture (the girls did not in fact know where they were at the time). Unbeknownst to the girls they had been sold to a pub owner. Taken to the pub the owner explained that they owed him 30,000 dollars each for his expenses in arranging for them to come to Japan. They would be expected to work as prostitutes to pay off the debt, otherwise, he explained, the families of the girls would be punished. Acting on a tip from the Embassy of Thailand the pub was raided by Nagano police. The girls at first were arrested and detained as prostitutes until a victim advocate from IOM (International Organization of Migration) interviewed them, earned their trust, and obtained the real story.

### **UNDERSTANDING THE DEFINITIONS OF HUMAN TRAFFICKING**

As defined by the Trafficking Victims Protection Act of 2000, there are primarily two categories of human trafficking: Sex Trafficking and Labor Trafficking. Sex trafficking operations occur in highly visible venues such as street prostitution, as well as more underground locations such as closed-brothel systems that operate out of residential homes. Sex trafficking also takes place in a variety of public and private locations such as massage parlors, spas, strip clubs and other fronts for prostitution. Victims may start off dancing or stripping in clubs and are often coerced into more exploitative situations of prostitution and pornography. Any person performing commercial sex acts who is under age 18 is considered a victim under law regardless of whether any coercion has taken place.

Labor trafficking/exploitation involves domestic servitude; sweatshop factories; construction sites; migrant agricultural work; the fishing industry; the food service, hotel and tourist industries; and panhandling.

It is important to clarify that the crime of trafficking actually occurs when the victim is exploited for sex or forced labor – not when the victim is moved from one location to another. Any of us, at any time, may come in contact with victims of sex or labor trafficking, but may mistake them as willing participants. It is vital to look beneath the surface when encountering these types of people and ask yourself if they are potential victims forced into these situations. As victims, they desperately need your help and compassion.

“No one knows for sure how many people work in this sprawling trade, but in addition to several hundred thousand Japanese women, there are an estimated 150,000 to 200,000 foreign women who fill the most dangerous jobs and who are most likely to be enslaved.” Kevin Bales<sup>3)</sup>.

## Japanese Case Study (2)

“L” was a 25 year old Chinese woman who had borrowed money to pay a Chinese labor broker, seemingly a legitimate company advertising in the newspaper and on TV, 20,000 dollars, to arrange for her to work in Japan. This company got her a Japanese “trainee visa.” In Japan after one month of “training” in Japanese language and culture she was put to work in a garment factory in Aichi Prefecture. Here, she worked long hours at little pay, under difficult conditions, made more difficult by the fact that the Japanese company owner, who had the key to all of the dorm rooms the foreign women slept in, used to come into their room at night and attempt to molest them. Finally, she and three other Chinese trainee visa workers ran away. Desperate to pay back their debts, they accepted jobs giving “massages.” Eventually they were arrested by Japanese police for breaking Japan’s loosely regulated “Fuzoku” (adult entertainment) laws, and deported back to China for breaking the terms of their trainee visa contracts. IOM was not contacted to intervene.

### **TRAFFICKERS USE FORCE, FRAUD, AND COERCION TO TRAFFIC, MEN, WOMEN, AND CHILDREN**

**Force** involves the use of rape, beatings and confinement to control the victim. Forceful violence is used especially during the early stages of victimization, known as the ‘seasoning process,’ which is used to break the victims’ resistance to make them easier to control.

**Fraud** usually involves false offers of employment. For example, women and children will reply to advertisements promising jobs as waitresses, maids and dancers in other countries and are then forced into prostitution once they arrive at their destinations. Fraud may also involve promises of marriage or a better life, in general.

**Coercion** involves threats, debt-bondage and psychological manipulation. Traffickers often threaten victims with injury or death, or the safety of the victim’s family back home. Many trafficking victims are also controlled through debt-bondage, usually in the context of paying off transportation fees into the destination countries. Traffickers commonly take away the victims’ travel documents and socially isolate them to make escape more difficult. Victims often do not realize that it is illegal for traffickers to dictate how they have to pay off their debt. In many cases, the victims are trapped into a cycle of debt because they have to pay for all living expenses in addition to the initial transportation expenses. Fines for not meeting daily quotas of service or “bad” behavior are also used by some trafficking operations to increase debt. Most trafficked victims rarely see the money they are supposedly earning and may not even know the specific amount of their debt. Even if the victims sense that debt-bondage is unjust, it is difficult for them to find help because of language, social and physical barriers that keep them from obtaining assistance.

Subtle but potent forms of coercion are often used against victims, including threats of deportation or imprisonment, or severe reputational and financial harm that make them feel they have no choice but to continue in service. Factors contributing to trafficking

include fraudulent recruitment practices, excessive recruitment fees and debt, and lack of legal protections for migrants.

“The whole national debate about child prostitution has largely been about symbols: about teens, particularly girls, running wild and violating the social values that ostensibly bind Japan together. Japan is changing, and more than a few analysts believe that women and girls are at the epicenter of these seismic cultural shifts.” David Leheny<sup>4</sup>).

### **Japanese Case Study (3)**

“Y” was a teenage Japanese girl from a Tokyo suburb. With a friend she began hanging-out at a “Host” club where the owner seemed to welcome them as a friend and offered them the occasional drink for free. Or so they thought. After a few weeks, the owner presented “Y” with a very large bill and said it needed to be paid off. He offered to help arrange “enjokosai ” (compensated dating) meetings with older men and said she would even be able to keep some of he money. If she didn’t she would be “in big trouble.” “Y” contacted Polaris Project Japan on their internet chat site, and the counselor convinced her to let the police intervene. The police did so, although the Host club owner eventually only received a suspended sentence.

### **THE PROBLEM OF FORCED LABOR**

There remains a stark disparity between the large global problem of forced labor and the low numbers of prosecutions and convictions of labor trafficking crimes (less than 10 percent of all convictions).

Year	Investigations	Prosecutions	Convictions
2003	7,992	2,815	24
2004	6,885	3,025	39
2005	6,178	4,379	40
2006	5,808	3,160	21
2007	5,682 (490)	3,427 (326)	28
2008	5,212 (312)	2,983 (104)	26

*The numbers in parentheses are those of labor trafficking prosecutions and convictions. Migrant workers around the world lose more than \$20 billion through the “cost of coercion” and this cost of coercion could likely be exacerbated as the economic crisis continues and traffickers and exploitative employers prey on an expanding pool of more vulnerable and unprotected workers in this region (ILO May 2009 Global Report on Forced Labor).*

### **Japanese Case Study (4)**

“K” was a mid-level 51-year old Japanese engineer who worked for a large internationally-known Japanese corporation. At a particularly busy time for his company on an important project for which he felt responsible, he ended up for months at a time working in excess of 80 hours a week, with very few days off. His in-house company union had an agreement with the company that allowed massive amounts of overtime to

be required of employees in emergency situations. Despite deteriorating health, “K” continued working his long hours until eventually succumbing to, and dieing from a heart-attack. Although his widow applied to the government to recognize her husband as a victim of “karoshi” (death by overwork) the government’s requirements for recognition under this category, was of an average of 110 hours of work per week. The company collected the life insurance benefits for “K” and only shared half of them with the widow after she took legal action.

## **WHERE DO THE TRAFICKING VICTIMS COME FROM?**

Approximately 800,000 to 900,000 victims annually trafficked across international borders world-wide. Between 18,000 and 20,000 victims are trafficked into the United States annually. No baseline however exists for Japan. With its economically and politically powerful “Entertainment Industry” which accounts for anywhere from 1% to 5% of Japanese GDP, and despite the economic downturn, still a strong need for workers willing to perform the “three D” jobs: dirty, dangerous, and dull, Japan remains a powerful draw for poor workers, including domestic Japanese workers from poorer rural regions of Japan itself.

In the case of the United States, more than half of victims trafficked are thought to be children; victims are probably about equally women and men. The proportions for Japan are uncertain, but male victims, and labor exploitation victims in Japan are clearly under-reported. Victims can be trafficked into the U.S. and Japan from anywhere in the world. Victims have come from, among other places, Africa, Asia, India, Eastern Europe, Latin America, Russia, and Canada. Within the U.S., and Japan both citizens and non-citizens fall prey to traffickers. In particular in both Japan and the U.S. teenage runaways have become a target of traffickers.

“The global magnitude of victimization of young women is staggering. Every minute of every day the most vulnerable women and children in the world are raped for profit with impunity, yet efforts to combat sex trafficking remain woefully inadequate, and misdirected.” Siddhartha Kara<sup>5</sup>).

### **Japanese Case Study (5)**

“S” was a teenage Japanese girl who was in love with her older Japanese boyfriend. After some time, he claimed to need money and asked her to let him arrange “enjokosai” dates for her. She refused. He became angry and threatened to blackmail her by sending pornographic pictures of the two of them together to her parents. Troubled, she was able to find out about Polaris Project Japan from an Internet search. She called their hotline and was able to obtain help from a counselor. Although the boyfriend was initially detained, charges were not filed by the prosecutor in exchange for a statement of contrition and a promise to leave the girl alone.

## **HOW CAN WE RECOGNIZE THE TRAFFICKING VICTIMS?**

Many victims in the U.S. and Japan do not speak English or Japanese and are unable to communicate with service providers, police, or others who might be able to help them. But it is important to remember that domestic trafficking victims also exist. Victims are

often kept isolated and activities restricted to prevent them from seeking help. They typically are watched, escorted or guarded by traffickers or associates of traffickers. Traffickers may “coach” victims to answer questions with a cover story about being wife, student or tourist. Victims comply and don’t seek help because of fear. Frequently victims are unfamiliar with U.S. or Japanese culture, and are confined to room or small space to work, eat, and sleep. Usually they fear, and distrust health providers, the government, and police. Usually they have a fear of being deported. Often they are unaware what is being done to them is a crime. Often they do not consider themselves victims. Often they blame themselves for their situations. Often they may develop loyalties, positive feelings toward trafficker as coping mechanism. Often they may try to protect the trafficker from authorities. Sometimes the victims do not know where they are, because traffickers frequently move them to escape detection. Often they fear for the safety of their family in their home country.

“The Filipino Government, in my opinion runs a labor exploitation program. 10% of the total population is exported worldwide as migrant workers, the majority of whom are women. If Japan used its ODA in the Philippines to create decent jobs for these women, maybe they would not leave the Philippines.” Vergie Ishihara, Filipino Migrants Center 6).

### **Japanese Case Study (6)**

“C” a 20 year Filipina, came to Japan on an entertainer visa. Although Japan in response to international criticism has cracked down on the number of entertainer visas it issues, it was still relatively easy for her to obtain one, though she had to borrow money in advance to pay the front company that helped her. “C” had some idea of the type of work she might be asked to do in Japan, but the work situation was so bad, and the pay she was actually getting so low, that she fought with her boss. He in turn sold her to another boss, which meant she had to start all over trying to pay off her debts, which kept mounting. Desperate and sick “C” turned to a Catholic priest who put her in touch with an NGO that sheltered her. Short of money the NGO persuaded “C” to move to a Japanese government run shelter. Eventually with the assistance of IOM she was repatriated, but still was reported as being fearful and in debt to her traffickers.

### **COMMON MYTHS ABOUT TRAFFICKING VICTIMS**

Understanding the mindset of human trafficking victims, it’s easy to see why there are several myths or misconceptions associated with human trafficking. As an individual who may come into contact with a potential trafficking victim, it’s important for you to be aware of these myths and to look beyond them to see the issue of human trafficking and to help the victim obtain the benefits and services they are entitled to so they can rebuild their lives. First, there is an overall misconception that all prostitutes are willing participants, or even broader, that all sex trade participants are prostitutes; that as participants, they are proactively involved in the sex trade on their own free will. While this may in fact be the case for some, it often times is not the case for victims of human trafficking, who are forced or coerced into the sex trade by traffickers. Victims of trafficking may be perceived as prostitutes because they often do not initially self-identify as victims. However, if you look beneath the surface of what you may think is a

typical prostitute, you may find an innocent victim in need of help and protection. Men in particular, who indulge in commercial sexual acts, must be aware of the high probability that this is not a truly willing participant. Often times, persons identified as trafficked individuals are viewed by providers and/or police as criminals (willing participants of the crime), not victims. Victims are often arrested under the assumption they are criminals or illegal immigrants willingly smuggled into the United States or Japan. When talking to a potential trafficking victim, the most important thing to remember is that trafficked individuals are not criminals. They are victims of crimes – who need protection, assistance and shelter.

“Trafficking is a complex phenomena undergoing continuous change and is not easily addressed by slogans and statements of moral resolve.” Anthony M. DeStefano.<sup>7)</sup>

### **Japanese Case Study (7)**

“V, V, T, T, D, and D” were six young Vietnamese women who came to Japan on the trainee visa program. After minimal training they were put to work sewing headrest covers for a subsidiary of a major Japan automaker. After deductions for toilet visits, food, rent, heating, and other hidden costs, they ended up making an average of 14 yen per hour. Eventually the six found a local human rights NGO which helped bring their case to court. After several years in the Japanese civil courts they eventually reached a financial settlement with the company. All criminal proceedings against the company were dropped.

## **EVERYONE CAN PLAY A ROLE IN IDENTIFYING AND HELPING TRAFFICKING**

While trafficking is a largely hidden social problem, victims are in plain sight if you know what to look for. This is true even though there may be very few places where someone from outside has the opportunity to interact with victim. You have likely come in contact with a trafficking victim without realizing it and, therefore, missed an opportunity to help this individual escape bondage. Occasionally, a health or legal problem will necessitate a trafficker to bring a trafficking victim to a social service or government organization. In these cases, however, the trafficker will likely insist on accompanying the victim at all times, making confidential interaction with the victim extremely difficult. Before talking to potential trafficking victim, isolate individual from person accompanying her/him without raising suspicions. Remember that the individual accompanying person may be trafficker posing as spouse, other family member or employer. Say that it is your policy to speak to person alone. Try to enlist a trusted translator/interpreter who also understands the victim’s cultural needs. If person is a child, it is important to enlist the help of specialist skilled in interviewing child trafficking or abuse victims.

There are a number of special considerations you should keep in mind when working with a potential or known trafficking victim. For the victim’s safety, strict confidentiality is paramount. Try to talk to victims in safe, confidential and trusting environment. Limit number of staff members coming in contact with the suspected trafficking victim. It is importance to be indirectly and sensitively probing to determine if person is trafficking victim. Remember that the victim may deny being trafficking

victim, so it is best not to ask direct questions. The phrase “trafficking victim” will have no meaning. Trafficking victims are often in intense danger (or their families could be in danger) if they try to leave their situations. As a result, strict confidentiality is paramount.

“One of the first policy recommendations stemming from the human-security approach to human trafficking would be for sending and transit states to establish economic, political, and societal peace and stability for all the individuals residing on their territory in order to reduce the playing field for organized crime actors, sex buyers, and others willing to exploit other people in order to satisfy their own desires, be they of a sexual or pecuniary character.” Anna Jonsson.<sup>8)</sup>

### **Japanese Case Study (8)**

“N” came to Japan from Indonesia as the wife of a Japanese man she had first met on the Internet. Later he came to Indonesia to meet her and they married. She returned to Japan with him where he claimed he was having economic difficulty because of her and said she would have to work as a prostitute. Unwilling to do so, he began beating her and threatening her with his “Yakuza” friends. “N” ran away and went to a Japanese woman’s shelter as a victim of domestic violence. It was only later that the true trafficking story emerged. The husband was arrested, and N was provided with a lawyer to formalize a divorce.

### **QUESTIONS THAT CAN HELP DETERMINE IF SOMEONE IS A TRAFFICKING VICTIM**

Can you leave your work or job situation if you want?

When you are not working, can you come and go as you please?

Have you been threatened with harm if you try to quit?

Has anyone threatened your family?

What are your working or living conditions like?

Where do you sleep and eat?

Do you have to ask permission to eat, sleep or go to the bathroom?

Is there a lock on your door or windows so you cannot get out?

If you think you have come in contact with victim of human trafficking: call Polaris Japan: Hotline (English, Japanese) **0120-879-871** (Korean) **0120-879-875** **E-Mail: [Soudan@PolarisProject.jp](mailto:Soudan@PolarisProject.jp)**

**If there is immediate risk: Call the Police.**

### **Japanese Case Study (9)**

“M” was 24 and had worked at a “Deri Heru” “Delivery Health” (call girl) establishment for 2 years. She said she had initially responded to an ad in a magazine for women interested in high-paying part-time work. She said the pay was good and the working conditions weren’t bad. She said she hoped to make enough money to retire and open her own shop. She said she had tried other part-time work but it didn’t pay enough. “Tokyo” she said, “is expensive. And it is very hard to survive if you are a woman on your own.” Asked if her family or friends knew what her job was she said, “No, it’s my business.”

## CONCLUSION

Some trafficking situations are clear, and are clearly a modern form of slavery. Others reside in a grey area where ideas of self-sacrifice, or economic forces, and socially implanted ideas of what is necessary to have and to own, in order to feel successful, skillfully manipulate people into trafficking and trafficking like situations. Because there is so much profit to be made from using, and re-using human beings, traffickers, mutatis mutandis, keep changing means and methods. Education, awareness, and the use of new media to maximize anti-trafficking messages, and anti-trafficking assistance lifelines need to be further ramped up. Given the accelerating forces of globalization and the resulting crisis of resource competition amongst nations and communities, only the large scale, direct empowerment -legally and economically- of the most vulnerable populations will have a chance of arresting this phenomenon that is the fastest growing of all forms of international organized crime. The types of failed, though no doubt well-meaning techniques that characterized many of the efforts in the war on drugs, and the war on terrorism will be patently inadequate as a response.

“The pattern is clear: if we could speed up time, it would seem as if the global economy is crashing against the earth – the Great Collision. And like the crash of an asteroid, the damage is enormous. For all the material blessings economic progress has provided, for all the disease and destitution avoided, for all the glories that shine in the best of our civilization, the cost to the glories of nature have been huge and must be counted in the balance as tragic loss.” James Gustave Speth.<sup>9)</sup>

## REFERENCES

- [1] “Trafficking in Person Report June 2009”, <http://www.state.gov/g/tip/rls/tiprpt/2009/>
- [2] Beeks, K. & Amir, D. (eds.) (2006) *Trafficking and the Global Sex Industry*. Lexington Books.
- [3] Bales, K. (2007) *Ending Slavery*. University of California Press.
- [4] Leheny, D. (2006) *Think Global Fear Local, Sex, Violence, and Anxiety in Contemporary Japan*. Cornell University Press.
- [5] Kara, Siddhartha (2009) *Sex Trafficking: Inside the Business of Modern Slavery*. Columbia University Press.
- [6] Chan, J. (ed.) (2008) *Another Japan is Possible*. Stanford University Press.
- [7] DeStefano, A.M. (2007) *The War on Human Trafficking: US Policy Assessed*. Rutgers University Press.
- [8] Jonsson, A. (ed.) (2009) *Human Trafficking and Human Security*. Routledge
- [9] Speth, J.G. (2008) *The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability*. Yale University Press