

## Japan's Action Plan of Measures to Combat Trafficking in Persons

December 2004

### I. Importance of Measures to Combat Trafficking in Persons

Trafficking in persons is a grave violation of human rights and requires a prompt and appropriate response from a humanitarian perspective, as trafficking in persons causes serious emotional and physical pain for the victims, especially women and children, and recovery from such damage is very difficult.

Given such circumstances, in April this year the Government of Japan (GOJ) established an Inter-Ministerial Liaison Committee (Task Force) regarding measures to combat trafficking in persons, as a means of achieving close cooperation among all government ministries and agencies concerned, and to promote coordination with the international community in order to promote measures speedily and effectively towards the prevention and elimination of trafficking in persons and the protection of the victims of trafficking. As the issue of trafficking in persons is a complex and broad-ranging one, it is important to take integrated and comprehensive measures, including the prevention and elimination of trafficking and the protection of victims, in promoting measures to combat trafficking in persons. As such, the GOJ dispatched a Inter-Ministerial Delegation to the Republic of the Philippines and the Kingdom of Thailand to formulate an action plan as one means of making a resolute stance against trafficking in persons, a transnational organized crime, with the aim of swiftly constructing integrated and comprehensive measures after hearing the opinions of domestic and overseas institutions concerned and non-governmental organizations (NGOs).

The Action Plan clearly states that victims of trafficking in persons are eligible for protection and calls for careful response to be made in consideration of the different conditions of each victim, while giving due thought to the severe mental and physical situation in which many of victims find themselves. Regarding the penalties for perpetrators (brokers and employers, etc.), the Action Plan calls for the criminal law to be amended, reflecting the gravity of the crime, and for control measures to be further strengthened. The Action Plan also aims to prevent the trafficking in persons, stepping into the various systems and structures that may have played a part in making trafficking in persons in Japan easier.

(Note) This Action Plan adopts the definition of “trafficking in persons” as stipulated in Article 3 of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.”

### II. Thorough Understanding of the Current Situation of Trafficking in Persons

#### 1. Understanding of the current situation of victims

○ Thorough understanding of the current situation of victims by each institution concerned

The police and the Immigration Bureau of Japan will make efforts to collect information from institutions concerned, including efforts to thoroughly understand the situation concerning establishments that employ foreign women, as well as construction sites and factories that employ foreign laborers, and to collect information concerning foreigners, brokers, and employers perpetrating the crime of trafficking in persons. Once such information has been collected, it is shared, and efforts are made to gain a thorough understanding of the situation of victims, including surveys of the state of protection for victims at the Women's Consulting Offices. In addition, the GOJ will establish a strong liaison system to ensure that information will be shared in the process of taking over each other's cases.

- Sharing information with foreign governments and related institutions

In order to thoroughly grasp the situation of victims in Japan, which is a destination country for the trafficking in persons, the GOJ will launch a network among foreign governments and related institutions to promote the collection of related information.

## 2. Understanding of the current situation of brokers

- Thorough understanding of the situation of brokers at investigating authorities

In the case that a suspicious case of trafficking in persons is detected, the GOJ will make efforts to gain a thorough understanding of brokers, bearing in mind effective measures to crack down on criminal brokers and employers, as well as the aim to uncover the organizational background of brokers domestically and overseas through active efforts in investigations in attempt to build a case.

- Thorough understanding of the situation of brokers in deportation procedures

In cases where a case of trafficking in persons is detected through deportation or residence examination procedures to ascertain residency eligibility, the GOJ currently conducts an interview with the foreign victims to learn the circumstances, but will make active efforts to understand the situation regarding the broker organization, etc., domestically and overseas, as part of the interview.

## **III. General and Comprehensive Measures to Combat Trafficking in Persons**

### 1. Conclusion of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

- Conclusion of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

In order to swiftly conclude the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as the Protocol on Trafficking in Persons), Ministries and Agencies concerned will make dedicated efforts to consider the requirements and contents for the revision of domestic laws necessary for implementing the Protocol on Trafficking in Persons, with the aim of gaining legislative approval during the next ordinary Diet session.

- Revision of criminal laws against the conduct which infringes personal liberty.

In order to criminalize the trafficking in persons, as stipulated in Article 5 of the Protocol on Trafficking in Persons, deliberations are currently underway in the Legislative Council, concerning the revision of criminal laws against the conduct, which infringes personal liberty. After receiving the report of the Legislative Council, the Draft Legislation Partially Amending the Penal Code will be submitted to the Diet, targeting the next ordinary session.

- Amendment to Immigration Control and Refugee Recognition Act, and flexible operation of various procedures

In order to implement amendments to legislation concerning grounds for deportation and grounds for special permission for residence as a means of ensuring the protection of the victims of trafficking in persons as stipulated in Articles 6 and 7 of the Protocol on Trafficking in Persons, the Draft Legislation Partially Amending the Immigration Control and Refugee Recognition Act (provisional name) will be submitted to the Diet, targeting the next ordinary session. In addition, the various procedures stipulated under the Immigration Control and Refugee Recognition Act will be operated in a flexible manner.

- Assistance to victims at the Women's Consulting Offices

In order to provide assistance and protection to victims of trafficking in persons as stipulated under

Article 6 of the Protocol on Trafficking in Persons, efforts will be promoted to provide food, clothing and housing, and counseling, and to ensure the presence of an interpreter.

○ Strengthening of crackdown measures

The police authorities and the Japan Coast Guard, in the case that they detect a suspicious case of trafficking in persons, will make efforts to coordinate and cooperate with each other. They will also cooperate with other institutions concerned such as the Immigration Bureau and the Labor Standards Inspection Offices, to further enhance the crackdown measures against cases of trafficking in persons, aiming to detect criminal employers and brokers.

## 2. Promotion of various measures to prevent trafficking in persons

### (1) Reinforcement of Immigration Control

○ Implementation of stringent landing examinations at air and sea ports

The GOJ will implement stringent landing examinations at the border of air and sea ports as it is important and would be effective to prevent damage of trafficking in persons. Specifically, the following measures, which have already been in place, will be further stepped up and increased in intensity.

- Persons overstaying from their permitted residence of the “temporary visitor” category account for approximately 70% of all illegal stayers. Bearing this situation in mind, the GOJ will analyze data by categorizing overstayers including victims according to their countries of origin, and will enhance landing examinations.

- In order to prevent cases whereby victims of trafficking are moved via Japan in an attempt to gain entry into a third country, the GOJ will engage in patrolling activities in the transit areas at airports and, with the cooperation of airlines, will make efforts to monitor and detect suspicious activities, including the exchange of forged passports from brokers, etc.

Moreover, new measures taken at the border will be actively implemented, including the dispatch of experts in identifying forged documents, who will serve as liaison officers at airports of countries from where many illegal entrants to Japan are known to originate.

○ Sharing of information concerning cases of trafficking in persons

The GOJ will enhance mutual cooperation with related institutions in the countries from which the victims are sent and, by sharing information concerning cases of trafficking in persons, including information of brokers, and actively utilizing such information, will work to prevent cases of trafficking in persons.

○ Promotion of monitoring and countermeasures at the border

Authorities including the police, the Immigration Bureau of Japan and the Japan Coast Guard will develop close cooperative relations and, through mutual information exchange and joint countermeasures, will promote forceful means to crack down brokers, etc.

### (2) Assurance of security of travel-related documents

○ Introduction of IC passports

In order to prevent the production of forged passports and illegal use of passports, the GOJ will issue Japanese passports incorporating IC chips, in which the facial images of the passport holders are recorded electronically. This passport is planned to be issued during FY2005.

○ Countermeasures to deal with forged visas

In order to prevent immigration to Japan by using forged visas, the GOJ will promote measures to develop a machine-readable visa (MRV) system, which will possess highly advanced techniques for identifying forged visas.

○ Enhanced measures to counter forged documents

In order to ensure that **forged passports/travel-related documents cannot be used as a means of gaining entry into Japan for victims of trafficking in persons**, the GOJ will implement more stringent identification checks for forged documents.

Specifically, in FY2003, **video microscopes were installed at air and sea ports nationwide in order to enable immigration officers to conduct identification checks at immigration counters for documents such as passports**. This technology will therefore be utilized at the time of landing, thus further strengthening measures to identify forged documents.

In addition, **given the necessity of adopting comprehensive measures to counter forged documents at the departure and arrival points of the person during the forged documents**, further consideration will be given to measures in this regard.

(3) Review of status of residence and visas for “entertainers”

○ Review of the criteria for landing permission for the status of residence of “entertainer” and stepped up landing examinations

It has been recognized that not a few people who have entered Japan with the status of residence as “entertainer,” have become victims of trafficking in persons, in particular those who have entered the Japan having fulfilled the criteria for landing permission by holding a certificate issued by the Government of the Philippines, which testifies that the holder is an artist, but as a matter of fact do not have capability as an artist. Given this situation, the paragraph below the description of the activities of entertainers – “The applicant who is qualified by a foreign national or local government agency or an equivalent public or private organization” – will be deleted from the Ministerial Ordinance to Provide for Criteria pursuant to Article 7, Paragraph 1 (2) of the Immigration Control and Refugee Recognition Act that stipulates criteria for landing permission, sections 1.a.(1) of appendix 1. In doing so, the GOJ can conduct substantial examination as to whether a person has any capability as an artist. Besides that, other criteria will be fundamentally come under review.

Moreover, the GOJ will increase the stringency of landing and resident examinations, in order to ensure that the promoters inviting entertainers and the entertainment venue are not in any way involved in trafficking in persons.

○ Implementation of appropriate visa checks

In order to avoid inappropriate visa issuance due to impersonation, the GOJ will make efforts to strictly implement identity checks by verifying documents that are required to be submitted other than the Certificate of Eligibility.

○ Enhanced crackdown measures against cases of trafficking in persons where the status of residence of “entertainer” is misused.

The police and the Immigration Bureau will ensure that the status of residence of “entertainer” is applied appropriately by enhancing crackdown measures against cases of trafficking where the status of residence of “entertainer” is misused.

(4) Countermeasures against false marriages

○ Utilization of a system to annul the status of residence

From December 2, 2004, pursuant to the amended Immigration Control and Refugee Recognition Act, the status of residence is annulled for “persons who received a landing permission stamp, etc. as having fulfilled the criteria for the status of residence through forged or other improper means.” Accordingly, in the case that a status of residence of “spouse or child of Japanese national” is obtained through a false marriage to a Japanese national, the system can be applied to annul the status of residence. As such, efforts will be made to utilize this system.

In addition, the Immigration Bureau and the National Police Agency will vigorously promote projects in

the future as part of the Investigation Cooperation Project Coordination Committee, which has been established with the aim of enhancing cooperation to thoroughly implement crackdown measures for those who claim to be legal residents, including cases of false marriages.

○ Tracking investigation of persons who are suspicious concerning the validity of their marriage

Given the condition that persons with the status of residence “spouse or child of Japanese national” have no limitations on their residency activities, it is thought that many persons who enter and reside in Japan by claiming as the spouse of a Japanese national with the aim of finding jobs.

Recently, many foreigners working as hostesses at drinking establishments are recognized as possessing the status of residence as “spouse or child of Japanese national.” Therefore, crack down measures will be implemented by checking identity cards of persons who possess a “spouse or child of Japanese national” status of residence and investigating those who are suspicious concerning the validity of their marriage, including inordinate distance between workplace and registered domicile in Japan. By doing so the annulment of the status of residence and criminal charges will be brought.

(5) Measures to prevent illegal employment

○ Strict countermeasures against cases of illegal employment

Institutions concerned will cooperate and continue to take strict measures to deal with brokers and other persons who force victims of trafficking in persons into illegal employment. The Immigration Bureau will cooperate to help victims by prosecuting in order to strictly deal with such employers. The police authorities will selectively crack down on crimes associated with illegal employment, as well as members of gangs and brokers who are involved in such crimes.

○ Promotion of public relations and awareness raising concerning the prevention of illegal employment

Towards the prevention of illegal employment, which is a breeding ground for the trafficking in persons, the GOJ will engage in public relations and awareness raising measures, especially in the regions where cases of trafficking in persons frequently occur and industries that attract trafficking in persons, and will encourage business owners and economic organizations to adhere to legislation at the time of employment, including the confirmation of the status of residence of foreigners. In addition, the government and institutions concerned in Japan and in other countries will cooperate in comprehensive public relations measures among countries that send and receive victims of trafficking in persons.

○ Prevention of illegal employment in sex-related and amusement businesses

Given the condition that many of victims of trafficking in persons are employed in sex-related and amusement businesses, it would be effective to prevent illegal employment in such businesses in order to prevent the trafficking in persons. Therefore, the GOJ will take strict countermeasures to crack down on cases of illegal employment in such businesses and will actively promote public relations and awareness raising activities among persons who operate such businesses.

○ Consideration of the regulations for sex-related and amusement businesses

In order to prevent the trafficking in persons for the sex-related and amusement businesses, the GOJ will consider the regulations for such businesses, taking into consideration the amendment of the Law on Control and Improvement of Amusement Businesses.

(6) Measures to prevent prostitution

○ Countermeasures for prostitution crimes

Given the increasing number of criminal cases of so-called date clubs which dispatch women, cases in which enormous debts are imposed upon foreign women who are forced into crimes of prostitution, and cases of child prostitution, the GOJ will take countermeasures focusing on crimes of prostitution and on illegal employment of foreign women in the sex-related and amusement business.

○ Protection of victims pursuant to the Prostitution Prevention Law

Exploitation through prostitution causes severe damage to the dignity of women, including victims of trafficking in persons, and is a violation of human rights. The Women's Consulting Offices will offer consultation, temporary protection and other appropriate assistance to such women who find themselves in such a severe situation.

○ Measures in school and home education etc.

In education, the GOJ will implement a variety of measures, including awareness raising to prevent prostitution, in school and home education etc., based on respect for human dignity. In addition, the National Women's Education Center will develop the required research and teaching materials from the perspective of improving education with regard to the prevention of prostitution.

### 3. Promotion of various measures to eradicate trafficking in persons

#### (1) Revision of criminal laws

○ Revision of criminal laws against the conduct which infringes on personal liberty

Aiming to conclude the Protocol on Trafficking in Persons as soon as possible, the Legislative Council is currently deliberating on the following with a view to appropriately dealing with the situation of crimes that infringe on personal liberty:

- (i) Criminalization of the conduct of buying and selling of persons
- (ii) Criminalization of the conduct of kidnapping, abduction and buying or selling for "the purpose of killing or of violating the body (including obtaining organs)"
- (iii) Criminalization of the conduct of transporting, transferring and harbouring of victims of kidnapping, abduction or buying or selling.
- (iv) Expansion of the scope of the conduct punishable for kidnapping, abduction and buying or selling with the aim of transfer overseas from "to other countries from Japan" to "to other countries from the country where he or she was"
- (v) Increase in the statutory penalties for unlawfully arrest and confinement, and for kidnapping and abduction of minors

After the receipt of a report of the Legislative Council, the Draft Legislation to Partially Amend the Penal Code will be submitted to the Diet, targeting the next ordinary session.

#### (2) Implementation of thorough crackdown

○ Thorough crackdown on malicious employers and brokers, etc.

When a criminal of trafficking in persons is recognized, the Police and the Japan Coast Guard will closely liaise and cooperate with each other, and also with the institutions concerned including the Immigration Bureau and the Labor Standards Inspection Offices, to strengthen measures to crack down on cases of trafficking in persons. This will be conducted with a view to detecting criminal employers and brokers, and investigation transnational crime organizations behind such schemes.

○ Active application of relevant punishments and penalties

In the crackdown on cases of trafficking in persons, in addition to the current penalties relating to crimes of trafficking in persons (kidnapping and abduction under the Penal Code, contravention of the Immigration Control and Refugee Recognition Act, contravention of the Prostitution Prevention Law, contravention of the Employment Security Law, contravention of the Labour Standard Law, contravention of the Child Welfare Law, contravention of the Law of Child Prostitution and Child Pornography Punishment and Protection of the Child), the new penalties currently being deliberated on by the Legislative Council will (after their enactment) be applied actively, and efforts will be made to realize sentences stricter than before, including efforts to confiscate the illegal proceeds.

○ Ensuring of implementation of ordinances relating to the Labor Standards Law

In the case that a contravention of laws and ordinances pertaining to the Labor Standards Law is discovered related to the trafficking in persons, the institutions concerned will cooperate in making an appropriate response.

(3) Promotion of information exchange on travel documents, etc.

○ International sharing of information on lost or stolen passports

Considering trafficking in persons tends to be attempted by illegal international travel in many cases, and believing it is essential to build a system to share comprehensive information on the forged, lost and stolen passports among countries concerned, GOJ intends to reinforce the immigration control by utilizing the information collected through the system. To be specific, in 2004, GOJ starts sharing the information internationally by providing the International Criminal Police Organization (ICPO) through the National Police Agency with the information on invalid Japanese passports, most of which are stolen or lost.

○ Strengthened moves towards the establishment of a Visa Wide Area Network (VISA WAN)

The Ministry of Foreign Affairs and its diplomatic establishments overseas as well as other related ministries and agencies concerned will create a Visa Wide Area Network (WAN), which will enable the instant exchange of information concerning visa checks and issuance.

(4) Enhancement of coordination with and promotion of information exchange among the investigating authorities, etc. of various countries

○ Strengthened cooperation with related overseas institutions

The GOJ, in cooperation with the related institutions of other countries, will actively promote international cooperation on investigation and exchange of information pertaining to international cases of trafficking in persons through the ICPO and diplomatic routes, as well as in international bilateral conferences and other fora. In particular, through its overseas diplomatic establishments, the GOJ will share information with counterpart governments by introducing such measures such as the establishment of a task force to deal with measures to combat trafficking in persons, in the countries of origin and transit.

○ Promotion of information exchange

The National Police Agency has established contact points concerning trafficking in persons with embassies in Japan and related NGOs and will promote the exchange of information through the holding of meetings with these contact points.

○ Enhancement of international mutual legal assistance and consideration of conclusion of the Mutual Legal Assistance Treaties

The GOJ will continue consideration on conclusion of the Mutual Legal Assistance Treaties with Asian countries. In addition, with regard to the implementation of the Mutual Legal Assistance Treaties, the GOJ will consider designating the investigative and judicial authorities as the Central Authority and making the Central Authority provide assistance.

#### **4. Protection of victims of trafficking in persons**

(1) Recognition of victims

○ Response by various types of consultation offices

The GOJ will strive to respond proactively to recognize victims and understand the situation of victims when victims or persons concerned consult through various types of consultation offices such as the Police, the Immigration Bureau or the Women's Consulting Offices. It will also promote cooperation and information exchange with NGOs, including notification of contact information of NGOs that have consultation offices.

○ Recognition of victims in crackdown

When cracking down on contraventions of the laws such as the Immigration Control and Refugee Recognition Act, Anti-Prostitution Law and labor-related laws, the institutions concerned such as the police and the Immigration Bureau will pay due consideration to the possible existence of victims of trafficking in persons, and strive to acknowledge and understand their situation in close cooperation with NGOs.

○ Handling of victims by the police

In cases where crimes by victims of trafficking in persons have been committed as a part of the victimization of trafficking in persons and accompanied with it, the police will pay thorough consideration to the position of the victims, while taking the situation of future investigation into account.

(2) Provision of shelters

○ Use of the Women's Consulting Offices, etc.

The Women's Consulting Offices that have been established in each prefecture will offer consultation and examination by physicians for women, who face all kinds of problems, regardless of their nationality and age, and will provide appropriate protection in accordance with the situation of victims at temporary shelters affiliated to the offices if necessary. If the victim is under 18 years old, the Women's Consulting Offices will cooperate with Child Guidance Center as necessary to take the appropriate assistance measures. The GOJ will continue to use the Women's Consulting Offices, among others, to protect victims of trafficking in persons.

○ Response in accordance with the victim's wishes and cooperation with private shelters

For victims of trafficking in persons who fulfill the conditions for deportation and wish to be swiftly repatriated to their home countries, the GOJ will consider methods to enable them to complete their deportation procedures while remaining in private shelters. The GOJ will also take a flexible approach to repatriation at government expense. In cases where victims need to remain in Japan, the GOJ will ensure a cooperation system that allows a case-by-case response, including asking private shelters to take in victims when there is no acknowledged danger to the physical safety of victims.

○ Commission of temporary protection to private shelter, etc.

Regarding the commission of temporary protection to private shelters, which are operated for victims of domestic violence (DV) and others, the scope will be expanded to include victims of trafficking in persons in cases where private shelters and others are expected to provide more appropriate protection given their past record, confidentiality of their location and other reasons (under request for the FY2005 budget).

(3) Counseling and consultation activities, etc.

○ Conducting of counseling and consultation activities, etc.

The GOJ will take measures to eliminate feelings such as fear and insecurity, according to the situation of the victims, when treating victims of trafficking in persons, particularly women and children, while paying due consideration to their emotions. In particular, the GOJ will arrange women staff for female victims of sexual exploitation, and consider such measures as examination by physicians and dispatch of psychological counselors.



- Thorough explanation of legal procedures

As part of mental health care, officials and others who are well versed in the various procedures will give thorough explanations to victims who are undergoing deportation procedures.

- Preparation to assist victims of trafficking in persons

The GOJ will enhance its preparations to make it easier for victims of trafficking in persons to obtain information on how to use legal remedies.

- Employment counseling, etc. for victims with a status of residence permitting work

The GOJ will offer employment counseling for victims of trafficking in persons with a status of residence permitting work in Japan and who are acknowledged as requiring assistance.

- Assignment of officials in charge of psychological treatment to the Women's Consulting Offices, etc.

In cases where victims of trafficking in persons have suffered psychological trauma, the GOJ will utilize officials in charge of psychological treatment who are assigned to temporary shelters of the Women's Consulting Offices to provide assistance, including counseling. Language interpretation will be offered for counseling and consultation, as necessary. In addition to examinations by physicians at the Women's Consulting Offices, the GOJ will provide such assistance as provision of information on neighboring hospitals where free or low-cost medical examinations are available, and various other available systems.

#### (4) Handling of victims who have sought shelter at police boxes, etc.

- Measures to be taken upon request for protection

Police boxes and police stations will conduct interviews in consultation rooms of police stations and police headquarters in cases where foreign women or others request protection and there is an acknowledged possibility that they may be victims of trafficking in persons.

Given that foreign women or others often become psychologically unstable because of threats from brokers and employers, and are often distrustful of the police, the police will pay consideration to arrange as much as possible police officers who understand their native language or female police officers or staff during interviews.

- Protection at the Women's Consulting Offices

In cases where foreign women or others are acknowledged as victims of trafficking in persons, the Women's Consulting Offices will, upon request from the police, accept victims of trafficking in persons as many as possible and strive to offer appropriate protection to the victims in cooperation with private shelters. The Women's Consulting Offices will also inform the embassy or consulate-general of the country to which the foreign women belong of the situation.

- Prompt protection of the victims concerned

Since there is a likelihood that when victims of trafficking in persons seek protection at police boxes, there are also others who need emergency protection, the institutions concerned will cooperate and respond promptly with regard to such other victims who need to be protected based on information from the victim who has come under protection.

#### (5) Handling of status of residence of victims

- Flexible operation of immigration control-related procedures

The GOJ will strive to protect victims of trafficking in persons by flexibly operating permission for changes in status of residence, extension of the period of stay and provisional release as necessary.

- Remedy for victims through flexible operation of special permission for residence

Considering the possibility that many victims of trafficking in persons do not have a status of residence, the GOJ will flexibly operate the special permission for residence on a case-by-case basis to ensure stability in the legal status of confirmed victims.

For that a purpose, the GOJ intends to submit that Draft Legislation Partially Amending the Immigration Control and Refugee Recognition Act (provisional name) to the Diet, targeting the next ordinary session.

#### (6) Assurance of the safety of victims

##### ○ Ensuring of the safety of victims

Given the high possibility that victims will be harmed by brokers or employers in cases of trafficking in persons, the institutions concerned will cooperate to respond appropriately for their protection. To pay due consideration to the situation and emotions of the victims, to protect victims in interviews and other criminal procedures, and to prevent or reduce secondary victimization, the system of notification to victims will be utilized to provide information, the advisors to support victims will escort victims in court, and appropriate consideration will be given on the locations where interviews are held in accordance with the request from the victim. The efforts to take procedures that consider the situation and emotions of victims of trafficking in persons, including the examination of witnesses by audiovisual communication through the transmission of images and sound (video-link systems) at court will be made.

##### ○ Night-time patrol at the Women's Consulting Offices

The GOJ will develop a night-time patrol system by assigning security guards at the Women's Consulting Offices and ensure the safety of female victims through cooperation with police stations and other institutions concerned.

#### (7) Repatriation assistance to victims

##### ○ Close repatriation assistance through cooperation with institutions concerned

To facilitate the repatriation of victims of trafficking in persons, the institutions concerned, including the Women's Consulting Offices, the police and the Immigration Bureau, will closely coordinate and cooperate with one another as well as with international organizations, private shelters and NGOs, and maintain close contact and coordination with the embassies of the country to which the victims belong. Efforts will also be made to develop an environment conducive to repatriating victims by holding regular meetings with international organizations such as the International Organization for Migration (IOM) with the aim of achieving coordination and cooperation with the institutions concerned.

##### ○ Voluntary return assistance for victims of trafficking in persons through the International Organization for Migration (IOM)

The IOM has already been offering assistance for voluntary return to victims of trafficking in persons and irregular migrants around the world including Southeast Asia, Europe and the United States. In order to aid victims of trafficking in persons from the humanitarian perspective, the GOJ will provide assistance for return activities, such as travel procedures and receipt of victims upon return to their home country, carried out by the IOM in cooperation with the institutions concerned and embassies of the country to which the victims belong (under request for the FY2005 budget).

##### ○ Repatriation assistance by repatriating victims at the expense of the government

For victims of trafficking in persons who have violated the Immigration Control and Refugee Recognition Act and cannot be granted special permission for residence for some reasons, the GOJ will flexibly consider repatriation at the expense of the government in cases where the victims cannot pay for their return home. Given that many of the victims of trafficking in persons who have violated the Immigration Control and Refugee Recognition Act do not have passports or other documentation necessary for repatriation, the GOJ will be actively involved in ensuring that the conditions for their

repatriation are met, including negotiation with the embassies concerned in Japan for the prompt issuance of passports for the victims' repatriation.

○ Information exchange with countries concerned for promptly issuing travel documents for repatriation  
The GOJ will promote information exchange with the countries concerned to ensure that travel documents for the repatriation of victims of trafficking in persons are promptly issued by the embassies in question for victims who wish to return to their home countries in order to offer swift protection to victims.

○ Consideration to ensure the safety of victims of trafficking in persons in receiving countries after repatriation

The GOJ, in cooperation with receiving government agencies, NGOs and others, will give consideration to ensuring the safety of victims of trafficking in persons in the receiving countries with a view to preventing recurrences of trafficking in persons.

In cases where victims of trafficking in persons have violated the Immigration Control and Refugee Recognition Act, the Immigration Bureau will determine whether special permission for residence is granted, taking into account the situation of the victims' home country.

## **5. Points to be considered when promoting measures to combat trafficking in persons**

(1) Cooperation with domestic and international institutions concerned, etc.

○ Ensuring of cooperation with domestic institutions concerned

The institutions concerned, including the police, the Immigration Bureau, the Labor Standards Inspection Offices and the Japan Coast Guard, will promote the sharing of information on cases of trafficking in persons, and closely cooperate in and thoroughly crack down on such cases.

The institutions concerned, including the police, the Immigration Bureau, the Women's Consulting Offices, embassies in Japan and NGOs concerned, will secure a cooperative contact system to enable a prompt and appropriate response for rescuing and protecting victims when cases of trafficking in persons occur.

The GOJ will take steps to establish a comprehensive system among the institutions concerned to integrate contact points and allow systematic actions to be taken to ensure that cooperation among institutions concerned is effective. The GOJ will also hold regular and continued liaison meetings of the ministries and agencies concerned, embassies in Japan and NGOs, among others.

The National Police Agency has been exchanging information on trafficking in persons through contact points that tackle the issue of trafficking in persons with embassies in Japan, NGOs concerned and other parties. In cases where specific information on trafficking in persons exists, the prefectural police concerned will respond promptly and strive to rescue the victim and arrest suspects.

○ Promotion of information sharing and cooperation in investigation with foreign institutions concerned

Efforts will be made to prevent cases of trafficking in persons before they occur by strengthening cooperation with the countries of origin, including sharing information on cases of trafficking in persons. The GOJ will vigorously promote international cooperation in investigations as well as information exchange concerning international cases of trafficking in persons among foreign institutions concerned through diplomatic channels, the ICPO, consultations with international agencies and occasions of individual consultations and other means. Exchanges between the investigators and others of various countries will also be promoted through training at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI).

○ International assistance

The GOJ will use all possible means including bilateral assistance through Official Development Assistance (ODA) and the Trust Fund for Human Security, established in the United Nations (UN) under

Japan's initiative, to tackle poverty reduction, because poverty is an underlying factor behind trafficking in persons, and provide cooperation that will contribute to the prevention of trafficking in persons as well as support for victims in various countries (including social reintegration such as rehabilitation and job training for victims).

- Holding of symposiums

Every year since 2002, the National Police Agency has held the **International Symposium on Measures to Prevent the Commercial and Sexual Exploitation of Children in Southeast Asia**, inviting police officers, prosecutors, judicial officers and NGOs of Southeast Asia in order to expand and strengthen cooperation in overseas investigations within Southeast Asia including cooperation with NGOs. The National Police Agency strive to continue such cooperation.

- Holding of seminars with immigration officers in Southeast Asia

Every year since 1987, the Immigration Bureau invited immigration officers in Southeast Asia to hold the **Seminar on Immigration Control in Southeast Asia**. In 2004, immigration officers from 18 countries and regions and personnel from five international organizations were invited to the seminar entitled "Current Situation and Measures to Combat Trafficking in Persons in Various Countries." The participants exchanged information on the current situation and measures to combat trafficking in persons, the current situation and measures to rescue and protect victims of trafficking in persons and the approach toward international cooperation for preventing trafficking in persons, rescuing and protecting victims. The Immigration Bureau will continue to cooperate proactively with Southeast Asia through this seminar.

## (2) Social awareness raising and conducting public relations activities

- Comprehensive awareness and public relations activities

Comprehensive awareness and public relations activities will be conducted with the aim of raising social awareness and promoting the eradication of trafficking in persons. The institutions concerned will cooperate in these activities to convey that trafficking in persons is a malicious crime that should never be allowed and introduce government efforts concerning trafficking in persons (such as the establishment of penalties). Activities will include time-limited campaigns in countries of origin and destination of trafficking in persons, and regions where cases of trafficking in persons frequently occur, in particular, targeting parties concerned.

- Social awareness raising and public relations by the police

The National Police Agency, among others, produced in 2003 a **video called *Trafficking*** (Japanese, English and Spanish versions available) in order to publicize and raise awareness about the grave harm of trafficking in persons as regards Japan. This video has been distributed to prefectural police, institutions and organizations concerned and other parties, and efforts will be continuously to publicize and raise awareness by producing pamphlets and other publications.

Concurrently with the "Month to Strengthen Measures to Combat Crimes Committed by Foreigners in Japan and Prevent Illegal Stays and Illegal Employment" organized every June, the National Police Agency has stepped up its measures to publicize and raise awareness about cracking down on crimes that encourage illegal employment such as trafficking in persons and to prevent illegal employment. Every year in November, the National Police Agency also reinforces its measures to publicize and raise awareness about the crackdown on sex-related crimes including trafficking in persons and to prevent cases of trafficking in persons.

The National Police Agency also publicizes and raises awareness about the situation of crimes that harm juvenile welfare, such as child prostitution and child pornography cases. It will continue to actively promote activities to raise awareness and publicize through various media.

- Public relations by the Immigration Bureau

The Immigration Bureau holds the "Campaign for the Prevention of Illegal Working of Foreigners"

concurrently with the month to raise awareness on issues involving foreign workers, which is organized every June. In 2004, the Immigration Bureau timed the campaign to coincide with the creation of 60,000 leaflets, which were widely distributed to the public and also uploaded on the website of the Immigration Bureau, to publicize the eradication of trafficking in persons.

Leaflets created in Japanese, English, Spanish, Thai and Tagalog are available at application contact points of regional immigration bureaus and district Immigration Office nationwide. These leaflets are also available at general information desks set up in landing examination areas at Narita International Airport and Kansai International Airport. Anyone who enters or returns to Japan via these airports can obtain these leaflets. The Immigration Bureau has also asked the Women's Consulting Offices in all 47 prefectures to distribute these leaflets. The Immigration Bureau will continue proactively to carry out public relations activities by devising ways to distribute these leaflets and other publications, including changing their format or place of distribution so that they will reach the victims of trafficking in persons.

○ Publicizing the treatment taken by the Women's Consulting Offices

The Women's Consulting Offices will publicize and notify the public that they are agencies dedicated to offering consultation and protection to women, regardless of their nationality, who face various problems.

○ Public relations aimed at eliminating violence against women

The Cabinet Office conducts various public relations activities in November every year during the campaign called the "Campaign for Eliminating Violence against Women," espoused by the Headquarters for the Promotion of Gender Equality. In 2004, the Cabinet Office created approximately 20,000 posters and 90,000 leaflets calling for the elimination of violence against women, including trafficking in persons, and distributed them to local governments and many other organizations concerned. The Cabinet Office will continue to carry out a wide range of public relations activities to eradicate trafficking in persons targeting the broad public with a view to eliminate violence against women. In carrying out public relations activities, the Cabinet Office will closely cooperate with the main departments of the Gender Equality Bureau of local governments to provide the necessary information and public relations material and promote appropriate public relations activities that bear in mind the circumstances of local regions.

○ Public relations through overseas establishments

The GOJ will carry out public relations activities concerning trafficking in persons by way of the overseas establishments concerned of various countries where cases of trafficking in persons frequently occur. These activities will target a wide range of groups including counterpart governments, religious organizations and NGOs.

○ Public relations and awareness-raising activities through the Bali Process website

The GOJ will bear the cost of maintaining the website (<http://www.baliprocess.net>, a website administered by the IOM) of the Bali Process (follow-up to the Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes in Bali). The GOJ will also raise people's awareness about the issue of trafficking in persons by helping to reinforce the function and enhance the content of the website, which introduces efforts made by the international community to tackle this issue and provides information concerning the protection of victims.

(3) Implementation of courses and training for officials involved in measures to combat trafficking in persons

○ Courses and training for police officers

The GOJ has been striving to boost the capacity of police officers to investigate the trafficking in persons by distributing material that reveal the actual situation of trafficking in persons and by providing training for police personnel. The GOJ will continue to enhance the capacity of those in charge of investigating cases of trafficking in persons through nationwide and prefectural training.

Nationwide training will consist of education and training for activities aimed at protecting children who

are victims of crimes that harm juvenile welfare, such as child prostitution and child pornography cases, while taking into account the need to take measures for victimized juveniles, points to keep in mind when treating victimized juveniles, as well as human rights and characteristics of juveniles. Training for prefectural police will include similar education and training.

○ Training for public prosecutors and other officials at public prosecutors offices

The GOJ has provided various types of programs on protection and assistance to victims as well as consideration given to female victims to prosecutors and other officials at public prosecutors offices, through lectures according to their years of experience. The GOJ will continue to further enhance the content of the training.

○ Training for Immigration Bureau officials

The GOJ has been providing successive lectures on measures to combat trafficking in persons for officials of the Immigration Bureau. Efforts will be made to raise awareness among these officials about cases of trafficking in persons, and more lectures will be given to them so as to boost their knowledge. The GOJ has also instructed on-site officials to use the guidelines on interviews created by the World Health Organization (WHO) to ensure that appropriate interviews are being conducted for victims of trafficking in persons who have been psychologically and physically damaged. The GOJ will consider creating a manual for officials.

○ Training for Japan Coast Guard officials

The GOJ will consider distributing material concerning the actual situation of organized crime such as trafficking in persons and providing training with a view to raising awareness about such cases among officials of the Japan Coast Guard. The GOJ will also instruct these officials to give consideration to victims of trafficking in persons.

○ Training for visa officers

In order to prevent issuance of visas to applicants who may be potential victims, the GOJ will promote the establishment of a system for imparting accurate knowledge to visa officers regarding measures to combat trafficking in persons.

○ Training for the Women's Consulting Office officials, etc.

The GOJ will offer specialized training for officials of the Women's Consulting Offices, which addresses the issues involved in providing consultation and protection to foreign victims, including those who are victims of trafficking in persons.

#### (4) Examination and review of the Action Plan

○ Examination and review of the Action Plan

The Inter-Ministerial Liaison Committee (Task Force) will be held at all times to enable the government as a whole to effectively promote the policies stipulated in the Action Plan. The Action Plan will be reviewed according to the circumstances of the time, including an examination of the status of progress in the policies of the Action Plan, information sharing among ministries and agencies concerned and necessary policy coordination.

In so doing, the Inter-Ministerial Liaison Committee (Task Force) will cooperate and coordinate as necessary with the institutions concerned in order to protect victims of trafficking in persons and ensure consistency with the policies stipulated in the recently enacted Basic Law Concerning Victims of Crime. The institutions concerned include the Conference to Promote Policies for Victims of Crime, which will be set up in accordance with the Basic Law Concerning Victims of Crime.

# Overview of the Action Plan of Measures to Combat Trafficking in Persons

## I. Importance of Measures to Combat Trafficking in Persons

○ Trafficking in persons is a grave violation of human rights and requires a prompt and appropriate response from a humanitarian perspective

○ Formulate an action plan for taking general and comprehensive measures as quickly as possible



○ Consider victims to be entitled to protective custody and respond carefully

○ Establish penal regulations and tighten control

○ Prevent trafficking in persons, including revising various systems that have failed to prevent trafficking in persons

## II. Thorough Grasping of the Current Situation of Trafficking in Persons



## III. General and Comprehensive Measures to Combat Trafficking in Persons

### 1. Conclusion of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

### 5. Points to be considered

- Cooperate with domestic and international agencies concerned, etc. (foreign agencies, NGO, etc.)
- Raise social awareness and conduct PR activities
- Implement training for officials involved in measures to combat trafficking in persons
- Examine and review the action plan

### 2. Various measures to prevent trafficking in persons

- Strengthen immigration control
- Ensure security of travel-related documents
- Review residence status and visas for “entertainers”
  - \* Eliminate the standard which states that the condition will be fulfilled if foreign organizations provide certification of eligibility
- Countermeasures against false marriages
- Measures to prevent illegal employment
- Measures to prevent prostitution

### 3. Various measures to eradicate trafficking in persons

- Revise criminal laws
  - \* Criminalize trafficking in persons by revising the Penal Code
- Implement thorough crackdown
- Promote information exchange on travel documents, etc.
- Enhance coordination with and promote information exchange among the investigating authorities, etc. of foreign countries

### 4. Protect victims of trafficking in persons

- Identify victims
- Provide shelters
  - Use Women's Consultation Offices
  - Entrust private sector shelters, etc. to offer temporary protective custody
- Conduct counseling and consultation activities, etc.
- Provide protection to victims who have sought shelter at police boxes, etc.
- Handle residence status of victims (give special permission for residence)
- Ensure the safety of victims
- Offer repatriation assistance to victims (repatriate victims at government expense and through IOM)