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# Human Trafficking and Slavery: Current Anti-Trafficking Efforts in Japan

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Additional information is available at the end of the chapter

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## 1. Introduction

Human trafficking has often been discussed as a downside of globalization and is now identified as one of the fastest-growing areas of international organized criminal activity. The UN Convention against Transnational Organized Crime was adopted in 2000 with the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (hereinafter, the Trafficking Protocol). The significance of the protocol is that it includes labor exploitation and the removal of organs in addition to sexual exploitation in its definition of trafficking; under it, “trafficking in persons shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.”<sup>1</sup>

Article 3 also states that the consent of a victim of trafficking to the intended exploitation set forth above shall be irrelevant where any of the means set forth above have been used. In case of a child, who is under eighteen years of age, the recruitment, transportation, transfer, harboring or receipt for the purpose of exploitation shall be considered trafficking even if this does not involve any of the means set forth above<sup>2</sup>. This global criminal activity is also known as “modern-day slavery” or the “contemporary form of slavery,” and a number of international organizations, national governments, and non-governmental organizations (NGOs) worldwide have attempted to address the problem and protect victims by formulating

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<sup>1</sup> Article 3(a). The drafting process of the Trafficking Protocol is analyzed in detail in reference [1].

<sup>2</sup> Article 3(b)(c)(d).

policies and developing programs. In particular, the U.S. has prioritized the issue since 2000, the year the Trafficking Victims Protection Act of 2000 (hereinafter the TVPA)<sup>3</sup> was passed, and has encouraged other countries to take adequate action to eradicate it.

In 2004, the U.S. government evaluated the Japanese government's countermeasures and positioned Japan in Tier 2 in a "Watch List" in the Trafficking in Persons Report (hereinafter the TIP report), published as part of the TVPA, stating, "the government of Japan does not fully comply with the minimum standards for the elimination of trafficking" [2]. It was only at the end of 2004 that the Japanese government formulated "Japan's Action Plan of Measures to Combat Trafficking in Persons." Five years later, in December 2009, the action plan was renewed but it is still considered insufficient, and Japan's placement remains Tier 2 in the TIP report as of 2011 [3]. Actually, the number of prosecuted traffickers and protected victims in Japan has been nowhere close to that in the U.S., and other countries positioned in Tier 1, especially those global-north countries that function to absorb trafficked victims, although it is assumed that there are as many victims in Japan as in those countries.<sup>4</sup>

Why is the Japanese government hesitant to take more constructive action against human trafficking? Do current efforts represent the full range of what the Japanese government can do? How do historical, cultural, and social aspects affect the current anti-trafficking efforts in Japan? This chapter will explore these questions and will focus on discourses of trafficking and slavery, in comparison with the situation in the United States, and most other global-north countries, which, during their own histories, had adopted the institution of slavery and colonialism as a policy of prosperity and power.

## 2. Background of the terminology of "modern-day slavery"

Slavery has been one of the longest-lasting international concerns in history although as Miers explains, "slavery was the last thing on the minds of politicians" upon the establishment of the United Nations [4]. Here, I would briefly look back at the history of international efforts in this arena [1, 4-11]. The first international condemnation of slavery was the Declaration Relative to the Universal Abolition of the Slave Trade, annexed to the Act adopted during the Congress of Vienna in 1815. The abolitionist movement began to stop the Atlantic slave trade and to free slaves in the colonies of European countries, and in the U.S.

A definition of slavery first appeared in an international agreement, the League of Nations' Slavery Convention, in 1926. Although it did not mention human trafficking for the purpose of prostitution as a form of slavery, specific agreements and conventions about human trafficking for the purpose of prostitution had been established in 1904 and 1910, containing the term "white slave" in their titles; I will discuss these later in detail.

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<sup>3</sup> P. L. No. 106-386.

<sup>4</sup> The number of countries placed in Tier 1 is 32 out of the 184 featured in the report published in 2011. The Tier 1 countries are Australia, Austria, Belgium, Bosnia & Herzegovina, Canada, Colombia, Croatia, Denmark, Finland, France, Georgia, Germany, Ireland, Italy, South Korea, Lithuania, Luxembourg, Macedonia, Mauritius, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Taiwan, United Kingdom, and the United States of America.

In 1956, the United Nations adopted the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which expanded the definition of slavery to those acts having the same effects as slavery, such as debt bondage, serfdom, and exploitation of the labor of women and children. In addition, the International Labor Organization had tackled the issue from the perspective of forced labor, and framed an international standard, the Abolition of Forced Labor Convention, C105, in 1957. The United Nations Economic and Social Council appointed a Sub-Commission on Prevention of Discrimination and Protection of Minorities to report on the situation regarding slavery in countries that had ratified the 1956 Convention between then and 1974.

A common usage of the terminology of “modern-day slavery” seems to be related to the renaming of the Working Group on Slavery, established in 1975, under this sub-commission; it was renamed the Working Group on Contemporary Forms of Slavery in 1988.<sup>5</sup> In addition to monitoring the application of slavery laws, conventions, and situations in each country, the group selected a theme for special attention each year. Prevention of the sale of children, child prostitution, and child pornography was selected as a theme in 1989, followed by eradication of the exploitation of child labor and debt bondage in 1990, and prevention of trafficking in persons and exploitation of the prostitution of others in 1991 [5].

Based on the report from the sub-commission of 1988, the Economic and Social Council recommended that the General Assembly “decides that, on the occasion of the fortieth anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1989, and the same date in following years, should be proclaimed the World Day for the Abolition of Slavery in All its Forms” [12].

In line with these actions, NGOs began to highlight human trafficking as “modern-day slavery.” For example, Anti-Slavery International, a long-established organization that has tackled the slavery issue since its foundation in 1839 (as the British and Foreign Anti-Slavery Society), has published several reports on modern-day slavery in countries including Brazil, Nepal, and the United Kingdom, as Miers reviewed in her article titled “Contemporary Forms of Slavery” [13]. In addition, Asia Watch and the Women’s Rights Project, a division of Human Rights Watch, which was founded in 1978 as Helsinki Watch, published “A Modern Form of Slavery,” a report on trafficking of Burmese women and girls into brothels in Thailand in 1993 [14]. These early works helped to force the world to pay attention to “modern-day slavery” and accelerated the global “abolition movement” in the later 1990s.

### **3. Slavery and human trafficking: Term differences in English and Japanese**

#### **3.1. White slave traffic**

The phenomenon described as “human trafficking” has historically meant trafficking in women and girls for the purpose of sexual exploitation. Indeed, prior to the adoption of the

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<sup>5</sup> The working group no longer exists as of 2012. See, <http://www.ohchr.org> for the details.

Trafficking Protocol in 2000, the main international convention concerned with human trafficking dealt exclusively with traffic for the purposes of prostitution [1,4-11,15].

The first international instrument, in which the term “traffic” or “trafficking” is used, excepting for drugs or guns, is the 1904 International Agreement for the Suppression of the White Slave Traffic, which is followed by the 1910 International Convention for the Suppression of the White Slave Traffic. “White slavery” at that time was used as a sort of euphemism<sup>6</sup> for the forced prostitution of young women and girls. However, the usage of “white slavery” has been inconsistent historically; for example, during the 1830s and 1840s, the term seems to have been used to describe the plight of working-class men by democratic politicians and labor leaders [16]. According to Donovan, the association between prostitution and the term “white slavery” emerged as early as 1839 in England, and during the 1880s, British reformers began to use it to refer to both class and sexual exploitation.

Tsunematsu accepts the view of the Committee of Fifteen of New York City that it was a Victor Hugo’s letter to Josephine Butler in 1870 that inaugurated the usage of “white slavery” as limited to sexual exploitation or prostitution; the letter said that the enslavement of “black” women has been abolished in the U.S., but slavery against “white” women still existed in Europe [17]. On the other hand, Barry explains that the official usage of “white slavery” at the Paris conference in 1902, where representatives of several governments met to draft the 1904 agreement, was “initially meant to distinguish the practice from nineteenth-century black slavery” [18].

In the U. S., the problem of “white slavery” drew interest from policy-makers, journalists, and moral reformers, as well as from regular citizens, during the Progressive Era (1900-1920), and at least fifteen plays and six movies about “white slavery” were produced in the early twentieth century [16]. The U. S. signed the 1904 international agreement in 1908 [19], and Congress passed the Mann Act, or the White Slave Traffic Act, in 1910; this is the federal law that criminalized the transfer of women across state lines for “immoral purposes.”

We can see the beginning of the combined usage of the term “slave” and “traffic” among English-speaking people here, at the beginning of the twentieth century. However, the Japanese government did not translate the term “white slave” literally into Japanese at that time; instead, the government translated the 1904 agreement using two *kanji* characters meaning “ugly” or “hideous” and “work” or “act” to describe “white slave,” in other words, “prostitution.”

For its part, “traffic” can be paraphrased as “sale.” If I literally translate the Japanese version of the 1904 agreement back into English, the result would read as “the international agreement for suppression of the sale of women in order to make them engage in ‘ugly work’” (*shuugyou* ≈ “shameful” occupation ≈ prostitution ≈ white slavery.)

Japan was one of the nations that sent women and girls overseas as “prostitutes” in the 1800s and early 1900s; these were known as *karayuki-san*<sup>7</sup> in Japanese [21]. Some people in

<sup>6</sup> Whether the victims’ experience was merely analogous to slavery or “actual” slavery is controversial.

<sup>7</sup> In *kanji*, “kara” means a dynasty in China that existed between the 7th and 10th centuries, and later came to mean “overseas” in general. Mitchell Anne Hagerstrom translates the term *karayuki-san* as “Miss gone-overseas” [20].

the United States referred to the systematized prostitution of those Japanese women as “yellow slavery” [16]. Japan ratified the 1904 Agreement and the 1910 Convention [8,19] although the term “white slavery” was quite confusing and often misused, as Barry indicates that it had immediate appeal to racists who tried to conclude that the efforts were against “racially White” women [18]. Therefore, the term was replaced after the 1910 Convention.

The international instruments used to deal with human trafficking have been strengthened in recent years, with the 1921 Convention for the Suppression of Traffic in Women and Children, the International Convention for the Suppression of the Traffic in Women of Full Age in 1933, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others in 1949, and the Trafficking Protocol in 2000. After 1910, the Conventions do not employ “slave” or “slavery” in their titles. In the meantime, the Japanese term for human traffic or trafficking entered an unsettled period although *jinshin-baibai* (sale of human beings or “flesh trade”) had been the most popular term. The Japanese word for “slavery” has not been used in the translations of any of the above-mentioned Conventions.

### 3.2. Sexual slavery vs. sexual colony

Kathleen Barry, the author of *Female Sexual Slavery* [18], published in 1979, is known for having been at the forefront of a global anti-trafficking movement since the 1970s, standing on a radical feminist base. The book was translated into six languages, including Japanese; the Japanese translation was published in 1984. Interestingly, the title of the translated book is “*Sei no Shokuminchi*,” which literally means “Sexual Colony” in Japanese, although Tanaka, who is a distinguished professor specializing in women’s studies and the translator of the book, states in the postface that she has decided to adopt the term *dorei sei*, meaning “slavery” in Japanese, in the translation.<sup>8</sup> Tanaka, however, does not explain the reason why she did not use the term *dorei sei* in the title. In Barry’s original version, chapter eight (pp.163-204) is titled “Sex Colonization<sup>9</sup>,” and starts with the sentence, “sex is power is the foundation of patriarchy, and patriarchy is rule by male right” [18]. It further explains, “Female sexual slavery, in all of its forms, is the mechanism for controlling women through the sex-is-power ethic, either directly through enslavement or indirectly using enslavement as a threat that is held over all other women. This is the generalized condition of sex colonization” [18]. In Japanese translation, Tanaka uses the Japanese term that exactly means “colonization,” and her translation, of course, does not suffer in quality.

Her translation of the title could, in fact, reflect a unique feature of the Japanese anti-trafficking movement. The term “slavery” might have a greater impact in Western countries, especially those that had been involved in it as perpetrators, in that the term stimulates

<sup>8</sup> See p. 321 for the Japanese translation of the reference [18].

<sup>9</sup> Hirano [22] believes that the differences between the term “colonization” and “colonialism” and explains that “colonization” is often used from the colonizer’s perspective, sometimes as an analog for “civilization,” whereas the term “colonialism” demonstrates a bias against colonization. Although I agree with her, I use both “colonization” and “colonialism” in this discussion, despite a basically anti-colonialist attitude.



people's guilty feelings, and makes them feel they need to work on it. In that sense, Tanaka might well think that "colony" or "colonization" was a more suitable term for Japanese readers. Indeed, at the beginning of the 1980s, a Japanese women's group had highlighted the issue of Japanese men traveling to other Asian countries, such as Korea, Taiwan, the Philippines, and Thailand, to buy women and girls for sex; this was called "sexual invasion" by the Japanese women's activists [23]. The Japanese women's movement against sex tourism among Japanese men was founded in 1974, following the Korean Christian women's movement against an increasing influx of Japanese male tourists intending to buy sex in South Korea. A column in *Asian Women's Liberation* in 1977 noted that a map showing Japanese men's major sex-tourism destinations indicated that they swept from South Korea to South-East Asian countries and stated that this "happened to correspond with the past Japanese military invasion" [23]. The activist group also explained that "sexual invasion is inextricably associated with Japanese economic invasion" [23]. The group sometimes used the term "sexual slavery" in relation to the notion of "comfort women"<sup>10</sup>, but this term, mainly used to call out Japanese sex tourism, was more associated with invasion, colonization, or imperialism, not directly with "slavery." In the latter part of the 1980s and the beginning of the 1990s, many Asian women were trafficked into Japan, a phenomenon that was again characterized as a "modern form of jinshin-baibai," not as "slavery."

### 3.3. Global resistance to "modern-day slavery" and Japan's indifference

Currently, human trafficking is commonly discussed and analyzed as a form of slavery, especially in Western countries, and these two terms are often used as though interchangeable [25]. As I explained earlier, Japan seems to be an exception, although foreign-based NGOs or branches of affiliated foreign-based organizations in Japan sometimes have utilized the "modern-day slavery" concept to explain human trafficking in their campaigns.<sup>11</sup>

How can we explain the Japanese government's indifference to the wave of global resistance to "modern-day slavery"? It is notable that the Japanese government classified human trafficking under the "transnational threat" at least until 2004 as a parallel to illegal immigration, not even equating it to "transnational organized crime" [26], a fact that I will discuss in detail later.

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<sup>10</sup> For further details of "comfort women," a term used to describe women who were forced to work in military encampments by the Japanese military for the purpose of sex during WWII, see [24]. The system of "comfort woman" has been roundly criticized by the international community. Mike Honda, a U.S. Representative, submitted a resolution asking the Japanese government for formal acknowledgement and apology, which was passed unanimously in 2007. Honda pointed out that the story of the "comfort women" represented one of the largest cases of human trafficking in the 20<sup>th</sup> century. H.R.121: A resolution expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery, known to the world as "comfort women," during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

<sup>11</sup> For example, the Polaris Project Japan or the International Movement against All Forms of Discrimination and Racism Japan (IMADR-JC).

The Trafficking Protocol was adopted under the rubric of transnational organized crime, and there are many criticisms against it because of its overt focus on criminal investigation and prosecution, and its failure to protect the victims [11]. Under these conditions, policy makers in the U.S. and other Western countries are willing to utilize the term “slavery” to appeal to the necessity of protecting the victims and often associate anti-trafficking efforts with the history of fighting against slavery. However, the term “slavery” does nothing in Japan to address the problem of human trafficking nor does it assist in formulating anti-trafficking policies.

## 4. Slavery and liberty: Discourses in the U.S.<sup>12</sup>

### 4.1. Background of the TVPA

I would like to examine more in depth how people in the U.S. have employed the term “slavery” in the anti-trafficking movement, and what consequences this may have.

U.S. policy makers’ concern about human trafficking can be noted as far back as 1993, when Asia Watch published a book reporting the trafficking of Burmese women and girls into brothels in Thailand. United States Representative Louise M. Slaughter submitted the first resolution concerning the trafficking problem in Thailand to the House of Representatives in 1994. The title was “Expressing the sense of the Congress concerning the trafficking of Burmese women and girls into Thailand for the purpose of forced prostitution.”<sup>13</sup> However, it did not make any big movements in Congress, and Slaughter had to submit the resolution again in February 1995, during the 104<sup>th</sup> Congress.<sup>14</sup>

On March 10, 1998, commemorating International Women’s Day on March 8, Senator Paul Wellstone<sup>15</sup> submitted a resolution with Slaughter during the 105<sup>th</sup> Congress<sup>16</sup>. A global movement was gradually established, and the United Nations General Assembly in December 1998 decided to establish an open-ended intergovernmental ad hoc committee to, among other things, elaborate a comprehensive international convention against transnational organized crime and discuss the elaboration of international instruments addressing trafficking in women and children [28].

Policy-makers in the U.S. began to recognize that trafficking was a global problem that would affect the country not only in terms of perpetuating abuse of human rights but also benefiting international criminal organizations, which were said to produce “billions at the

<sup>12</sup> This section is based on the translated summary of chapter two of the author’s doctoral dissertation, modified substantially. See reference [27].

<sup>13</sup> H. Con. Res. 254. All the resolutions and bills mentioned in this section can be accessed through THOMAS (Library of Congress) at <http://thomas.loc.gov/> [3/8/2012].

<sup>14</sup> H. Con. Res. 21: Expressing the sense of the Congress concerning the trafficking of Burmese women and girls into Thailand for the purpose of forced prostitution.

<sup>15</sup> He was killed in a plane crash in 2002. For more about him, see <http://www.wellstone.org/>.

<sup>16</sup> H. Con. Res. 239: Expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights, and Con. Res. 82: A concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.



sacrifice of at least four million women and girls worldwide who are trafficked each year, most by criminal syndicates that turn US\$7 billion in profits annually.”<sup>17</sup> In March 1999, during the 106<sup>th</sup> Congress, in addition to the bill submitted by Slaughter and Wellstone,<sup>18</sup> a separate bill with a special focus on sex trafficking was introduced in the House of Representatives by Christopher Smith and March Kaptur; it was called the “Freedom from Sexual Trafficking Act of 1999.”<sup>19</sup> Smith argued that he believed that specific legislation to end sex trafficking would command a far broader consensus in Congress than a bill taking a broad view and definition of trafficking [29]. He states, “We must not delay even for a single day the effort to save these millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human rights. Forcible and fraudulent trafficking of women and children for the commercial sex trade is a uniquely brutal practice” [29].

However, On October 27, 1999, Representative Sam Gejdenson introduced H.R. 3154, the Comprehensive Anti-Trafficking in Persons Act of 1999, which recognizes that trafficking victims are forced into a range of slavery-like conditions. Smith was persuaded to take a broader view and definition of trafficking, and finally, H.R. 3244, which merged the approaches of the past bills and drew from the strengths of each proposal, was introduced by Smith on November 8, 1999 [30]. H.R. 3244 became the original of TVPA, which was formulated as a public law in October 2000.

#### **4.2. “Slavery” as a resource for overcoming differential interests**

Interestingly, in the policy-making process, not a few people have tried to connect anti-trafficking efforts with the history of slavery in order to persuade the government to take active and immediate action. Laura Lederer, the founder of the Protection Project at Harvard University’s John F. Kennedy School of Government, is one. She gave testimony at all the hearings on trafficking issues in the House and Senate during the 106<sup>th</sup> Congress. She illustrated an example of a human trafficking case using Lydia’s story [31]. “Lydia,” who is fictional, is a representation of the “typical” victim of trafficking. She is 16 years old and is originally from one of the former Eastern Bloc countries. When she was hanging around with friends on the street, she was asked by a beautifully dressed woman if she would be interested in being a part-time model. The woman took her and her friends to dinner, brought them small gifts, and invited them to her home for a drink after dinner. They were drugged and trafficked into an unknown country to be sexually exploited.

Lederer outlined this atrocious situation for Lydia and her friends, and smoothly connected the story with historical slavery.

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<sup>17</sup> For a statement on the topic, see the Introduction of Resolution on The Worldwide Trafficking of Persons, A Violation of a Fundamental Human Right, in the Congressional Records, Proceedings and Debates of the 105<sup>th</sup> Congress, Second Session (Extensions of Remarks, Tuesday, March 10, 1998), E340. p. 3162.

<sup>18</sup> H.R. 1238: To combat the crime of international trafficking and to protect the rights of victims and the S.600: A bill to combat the crime of international trafficking and to protect the rights of victims.

<sup>19</sup> H.R. 1356: To end international sexual trafficking, and for other purposes.

Now multiply Lydia's story by hundreds of thousands, and a picture of the scope of the problem emerges. UNICEF is estimating that one million children are forced into prostitution in South East Asia alone, another one million worldwide-there are just children [...]. These numbers and the accompanying accounts illustrate that trafficking of women and children for purpose of prostitution has become a contemporary form of slavery. The number may soon be on par with the African slave trade of the 1700s [31].

Bill Yeomans, the Chief of Staff of the Civil Rights Division of the U.S. Department of Justice as of April 2000, also the one who emphasized trafficking as slavery. He stated in one of the Congress hearings, "While we discuss this problem using such terms as 'trafficking' and 'forced labor,' we should make no mistake about it: we are talking about slavery, slavery in its modern manifestations" [32].

It could be said that the TVPA is the remarkable outcome of compromise among several traditionally conflicting positions over prostitution, gender, sexuality, and migration. Kristof and WuDunn point out that without fragmentation of the anti-trafficking movement caused by differences in position between the anti-prostitution and pro-prostitution contingent, the movement would have had far more influence [33], but without the term "slavery" to describe the phenomena, even the anti-trafficking movement itself might not have been socially acknowledged.

TVPA was reauthorized four times, until 2012. The term "slavery" and the connection of the anti-trafficking effort to the "fight against slavery" in the U.S. history seems to be one of the most powerful and persuasive ways to promote the efforts in the United States. The short title of the reauthorized TVPA in 2008 is the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008."<sup>20</sup> Adopting the name of Wilberforce, a leader of the movement dedicated to the abolition of the transatlantic slave trade, is a very strong statement in this regard.

### **4.3. Liberty and national identity in the United States**

In the U.S., the history of slavery, as it is often imagined, especially among policy makers, actually means the history of "fighting against slavery." An important concept in the fight against slavery is that of "liberty" or "freedom"; abolitionists "freed" the slaves in the "land of liberty," the United States of America. The freeing of the slaves becomes a symbol of the essence of the identity of the nation.

John Ashcroft, the U.S. Attorney General from 2001 until 2005 under President George W. Bush, states with reference to Thomas Jefferson's work:

As the leading industrialized nation, founded on principles of freedom and justice, it is almost unbelievable that trafficking occurs here; however it does. The United States must take the lead and work to eradicate this terrible scourge [...]. We must strive to see that every man, woman, and child be afforded the opportunity to live in a world of freedom. President

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<sup>20</sup> P. L. 110-457.

Ronald Reagan, and other cold war warriors, fought diligently to see peace, democracy, and freedom throughout the world. We have achieved a small part of their vision, and the protection of women and children throughout the world who are tortured and de-humanized through international human trafficking is another step closer to that vision [32].

The TIP report published in 2008 started with a picture of the Statue of Liberty and a poem by Emma Lazarus, “The New Colossus,” written in 1883 [34]. In the 2010 TIP report, Ambassador Luis CdeBaca refers to the Constitution’s 13th Amendment, which officially outlaws slavery and involuntary servitude, and states, “We recognize that such absolute guarantees need to be constantly enforced lest they only be words on a page. So too in the international arena [...]” [35].

Hathaway is critical of the current anti-trafficking movement, arguing that under the buzzword of the fight against slavery, it “has actually promoted a very partial perspective on the problem of modern slavery,” and “raises real human rights concerns,” with the power to negatively affect the refugee population in particular [11]. However, in the U.S., connecting present-day trafficking with the history of slavery seems to be very important in promoting the perception that anti-trafficking efforts are reasonable and legitimate. Specific feelings toward the term “slavery” help to unite people from different backgrounds, and transcend their conflicting interests. Taking assertive action is a method of symbolically tackling and overcoming the negative legacy of slavery in the U.S. as well as a means of protecting the country’s national identity.

## 5. Domestic trafficking in Japan: *Jinshin-baibai* and government action<sup>21</sup>

### 5.1. Jinshi-baibai after WWII

As mentioned earlier, the term “slavery” does not similarly motivate the Japanese government in moving forward to address the human trafficking issue. However, as we know, Japan has a history of human trafficking, a problem that the government has at least attempted to address at various times.

The most popular Japanese translation of the English term “human trafficking” had been *jinshin-baibai*, until 2004 when the government adopted the action plan<sup>22</sup>. Here, I would like to look back at the history of *jinshin-baibai* and the governmental response to this phenomenon in the years after WWII.

During the postwar period and even as late as the 1960s, children from poor families in Japan sometimes experienced exploitive conditions that could be characterized as *jinshin-baibai*. The war and Japan’s defeat created thousands of orphans, widows, and vulnerable people, who were sometimes domestically trafficked and exploited both sexually and for their labor. Not a few cases were the result of parental decisions, such as making their children work for a salary received in advance, which was actually a form of debt bondage.

<sup>21</sup> This section is based on the author’s previous work in Japanese. See reference [37].

<sup>22</sup> After adopting the action plan, it became *jinshin torihiki*, which means “dealing in human beings, instead of “sale.”

Sex	Occupation		Hostess	Spinner	Farmer	Maid	Baby-sitter	Sales clerk	Others	Total
	Age									
Male	Under 15 years old		0	3	21	0	12	0	1	37
	15–18 years old		0	14	108	0	0	4	15	141
	Over 18 years old		0	30	188	0	0	1	111	330
	Total	Number	0	47	317	0	12	5	127	508
%		0.0%	9.3%	62.4%	0.0%	2.4%	1.0%	25.0%	100.0%	
Female	Under 15 years old		1	9	11	1	22	0	1	45
	15–18 years old		57	199	69	17	12	2	5	361
	Over 18 years old		765	559	126	53	11	2	50	1,566
	Total	Number	823	767	206	71	45	4	56	1,972
%		41.7%	38.9%	10.4%	3.6%	2.3%	0.2%	2.8%	100.0%	
Total	Under 15 years old		58	225	209	18	46	6	22	584
	15–18 years old		765	589	314	53	11	3	161	1,896
	Over 18 years old		823	814	523	71	57	9	183	2,480
	Total	%	33.2%	32.8%	21.1%	2.9%	2.3%	0.4%	7.4%	100.0%
Female %		100.0%	94.2%	39.4%	100.0%	78.9%	44.4%	30.6%	79.5%	

**Table 1.** Age and Occupation of Victims (January 1949–December 1951)

Source: Translated and modified by Ayako Sasaki from Ministry of Labor, Women's and Minor's Bureau, table 16, p. 111 [36].

Some newspaper covered an incident of selling and buying a war orphan in 1948. This prompted the government to take notice of the phenomenon and to define it as *iwayuru jinshin-baibai* ("so-called human trafficking") in 1952. Although there were many victims aged eighteen and over, the government focused on victims under eighteen years old and the central council for juvenile problems formed the core of the governmental body responsible [36].

The Ministry of Labor at that time identified the risk factors for *iwayuru jinshin-baibai* as household poverty, the lack of a sense of human rights, "loose" sexual morality, and the growing number of brokers willing to traffic in humans [36]. Many children "chose" to work for their families because of their families' poverty. Indeed, some research shows that over 50 percent of children who lived away from the family home and worked under exploitative conditions claimed that they did not want to return home because they thought that nothing would change even if they returned. Some thought that life under "exploitive conditions" was better than their lives at home with their parents [38].

Additionally, the lack of a sense of human rights seemed to be a serious issue. Some of the research shows that many people agreed with the opinion that parents can make their children work for several years without asking for an advance salary if they face poverty or if children "chose" to work. In the same research, only 35 percent of respondents in Tokyo reported that they were "strongly against" the above opinion; only 7 percent of respondents in rural areas agreed [36].

The governmental department responsible for the rescue and protection of victims of *ipayuru jinshin-baibai* was the Ministry of Health and Welfare (consolidated with the Ministry of Labor to become the Ministry of Health, Welfare, and Labor in 2001). The Child Welfare Act, which was established in 1947, was amended in 1949 to ban the arrangement of foster care for profit, to raise the age limit for children to be put in nursery, and to set minimum criteria for being a foster family [39].

On the other hand, a child-protection division within the government of the region where the first incident of *ipayuru jinshin-baibai* was identified established a protection guideline based on the research findings in that area; the guideline took into account that quite a few victims seemed to be “satisfied” with the situation, and did not want to return home. It seems that the government tried to promote an appropriate application of the foster-care system as one of the solutions to *ipayuru Jinshin-baibai*. However, there were few victims who were actually referred to a foster family at the national level. Nearly 70 percent of the victims returned home after being assessed under the guideline (see Table 2).

	July 1950–June 1951		July 1952–June 1953	
	Number	%	Number	%
Return home	190	68.6%	533	66.3%
In status quo	27	9.7%	84	10.4%
Relocation	23	8.3%	49	6.1%
Unknown	13	4.7%	28	3.5%
Child welfare office	5	1.8%	37	4.6%
Protection center	9	3.2%	18	2.2%
Domestic court	1	0.4%	33	4.1%
Hospitalization	3	1.1%	–	–
Foster family	1	0.4%	6	0.7%
Temporary protection by the police	3	1.1%	3	0.4%
Marriage	1	0.4%	8	1.0%
Others	1	0.4%	5	0.6%
Sum	277	100.0%	804	100.0%

**Table 2.** Treatments for victims after protection

Source: Translated and modified by Ayako Sasaki from Ministry of Labor, Women’s and Minor’s Bureau, table 17, p.145, [36] and table 13, p. 271 [38].

## 5.2. *Jinshi-baibai* as forced prostitution

As Table 1 shows, victims of *ipayuru jinshin-baibai* were not limited to girls and women who were forced to be prostitutes or who were exploited by the sex industry. However, the focus of tackling the problem was gradually shifted to female sexual exploitation since by 1952 some statistics showed that most of the victims were women who were forced to work as “hostesses” [40]. An anti-prostitution movement emerged in Japan alongside the international movement, and influenced the shape of Japan’s “anti-trafficking” efforts. As



mentioned earlier, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others had been already adopted in 1949 at the international level.

Around the same time, Japan adopted a state-regulated prostitution system. In addition to the problem of forced prostitution, rising unemployment and poverty among women contributed to the increasing number of prostitutes. The Women and Minors' Bureau of the Ministry of Labor, which had been active in conducting a research on *iwayuru jinshin-baibai*, became a leading governmental body in Japan's anti-prostitution movement. The central council for juvenile problems was the first governmental department to initiate work on the problems surrounding *iwayuru jinshin-baibai* but as social categorization of this phenomenon changed from "juvenile problems" to "prostitution problems," governmental responsibility shifted between various departments. Finally, the Law on the Prevention of Prostitution was promulgated in 1956, following the rejection of several previous bills, and *iwayuru jinshin-baibai*, essentially meaning "forced prostitution of girls and women," was considered to have been addressed. There were protests by prostitutes against the Law, but these were never recognized as constituting a "labor movement," although *iwayuru jinshin-baibai* for other types of exploitation became treated as a "labor/employment issues" after enactment of the Law [37].

### 5.3. Educational training effects: The case of the "maid"

Although statistics showed that approximately 90 percent of the victims of *iwayuru jinshin-baibai* were exploited as "hostesses," 10 percent of them were exploited in other ways. Indeed, there might have been far more victims of these other types of exploitation, but society, and sometimes the victims themselves, did not believe themselves to be "victims" of *iwayuru jinshin-baibai*, which they associated strongly with sexual exploitation.

The role of the "maid" may have been one such occupation. Unlike in Western societies, the role of the maid in Japan was traditionally considered to have an educational purpose, in terms of "learning manners" or "gaining house-keeping skills," and apprenticeship as a maid was understood to be a valuable opportunity to learn the behaviors and manners of the upper classes [41]. Some research, conducted by the Ministry of Labor in 1959, actually shows that 38.8 percent of the "live-in maids" answered that they chose their occupation because they wanted to learn behaviors and manners [42]. Some might have been exploited, but even so, they tended to think that this was a part of their "education" in correct behavior and good manners.

The Japanese government worked to address exploitation of these "maids" by changing the social perception of their role. As part of the measures to create widows' employment during the postwar period, domestic labor was considered to be a suitable occupation. The Ministry of Labor had been engaged in improving the working conditions of maids since the 1950s, at the same time as it was trying to reduce the number of women working in prostitution. In 1947, the role of maid was not a protected occupation under the Labor Standards Act, but the Public Employment Security Offices in several regions had worked on establishing a guideline or charter for the employment of maids since the latter part of

the 1950s. The term “maid” was changed to “house-keeper” in the 1960s and became one of the more popular occupations for middle-aged women in Japan. The government responded to *iwayuru jinshin-baibai* in this arena by building social recognition for the role of maids as an adult female occupation, not as an “apprenticeship” for minors [37].

#### 5.4. Occupational training effects: The case of boys

Boys could also be overlooked as possible victims of *iwayuru jinshin-baibai*. According to research conducted by the Ministry of Labor in 1953 and 1954, many of the boys who were put in exploitive conditions tended to have a common future vision; they wanted to be independent but to retain the occupation within which they were currently exploited. For example, the boy who was exploited as a farm laborer would state, “I want to be a farmer when I grow up,” and the boy who was exploited as a fisherman would state, “I want to become an independent fisherman” [38, 40].

The Ministry of Labor also asked the same question of young female victims of exploitation and concluded that young male victims were more realistic when envisioning their future than their female counterparts, which reflected differences in their situations [38, 40]. In other words, young male victims were afforded some hope that they would become independent when they grew up, even if they suffered from debt bondage; male victims might be better able to perceive their situation as “occupational training” [37].

This difference possibly contributed to the social understanding of *jinshin-baibai* of foreign people and in turn, *japayuki-san*,<sup>23</sup> and human trafficking currently; the term *iwayuru jinshin-baibai*≈*japanyuki-san*≈[modern form of] *jinshin-baibai*≈human trafficking, means all trafficking for the purpose of sexual exploitation. As of 2012, there have been no identified victims of labor trafficking in Japan; the few male victims (including transgendered males) found and rescued by the police have not been able to access governmental protection services that female victims can, such as shelter, food, medical services, and financial support for returning home [43]. Changes in the term do not really reflect a change of definition, however; the lack of common and accurate understanding of human trafficking in Japan, according to the definition of the Trafficking Protocol as “trafficking in persons,” is one of the factors contributing to its insufficient “anti-trafficking” efforts [43].

## 6. Shame and national dishonor: Discourses in Japan

### 6.1. Failure of decolonization

The problem of *iwayuru jinshin-baibai* was considered solved by 1970, following Japan’s remarkable economic growth. As stated above, Japanese activists, who had addressed the problem of *jinshin-baibai* in the context of state-regulated prostitution, came to focus on other

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<sup>23</sup> *Japayuki-san* is a term that describes foreign people who come to work in Japan, especially women from Asian countries who engage in Japan’s sex industry. “*Japa*” means “Japan” and “*yuki*” means “go/gone.” As I explained in [7], Japanese girls and women who went to foreign countries to be prostitutes were called *karayuki-san*, and the term *Japayuki-san* was coined to reflect that term.

problems, such as sex tourism, trafficking of Asian women into Japan (*japayuki-san*), and exploited migrants, especially Asian female migrants who had overstayed their visas [43].

Unlike Americans, Japanese people are not usually conscious of their history of slavery. As I argued earlier, the Japanese are typically more conscious that they have a history of “colonization,” regardless of their attitude toward this history. Thus, Japanese activists tried to associate issues of “female sexual slavery,” specifically sex tourism and *japayuki-san*, with Japan’s past colonial efforts, by using terms such as “invasion” and “imperialism.”

Although the term “slavery” reminds Americans of the history of the “fight against slavery,” the term “colonization” might remind Japanese of the history of “failure and loss.” If I speak out without fear of being misunderstood, the Japanese in general are of the opinion that Japan lost WWII because of the failures of imperialism and colonialism. The tragic consequences of the war made the Japanese feel that “they are the victims of imperialism and colonialism.”<sup>24</sup> In contrast, in the U.S., the government is willing to play the role of “liberator.” In Japan, the nation recovered from WWII and has since developed peacefully, but the government has never played the role of “liberator” for slaves either inside Japan or in colonies. Neither slavery nor colonization would be a major impetus for anti-trafficking efforts in Japan.

The unresolved “slavery” issue—both outside and inside the current borders of Japan—tends to be forgotten, which leads to persistent institutional discrimination against “foreign people” and the descendants of these people living in Japan, especially against resident Korean and Chinese people who had been forced to emigrate, work, and live in Japan under Japanese imperialism. This unresolved issue has been collared into various policy areas by the Japanese government, including international relations, immigration control, trafficking, and globalization<sup>25</sup>.

Muto points out that Japan did not really face decolonization after the war because the Potsdam Declaration “automatically” determined the land area of Japan after the war. Japanese people did not have to experience the problems that would arise in the decolonization process [45]. He additionally states that in order to recover and develop, Japan placed itself in a structural and systematic mechanism that would protect it from the need to take responsibility for the decolonization process, making it an adjunct to U.S. hegemony [45]. This self-immunization process, however, of course also produced a new colonial structure in relation to the unsettled history of Japanese invasion and colonization. By and large, the Japanese people are innocently unconscious of their own lack of a decolonization process, which has been sponsored by their continued commitment to “peace” under Article 9 of the Japanese Constitution [45]<sup>26</sup>.

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<sup>24</sup> August 15<sup>th</sup> was designated as “War Defeat Memorial Day” until 1982, but the name was changed to “Day of Prayer for Peace and Mourning for the War Dead” in 1983. The Asian Women’s Association referred to the report that contributed to this name change, and states, “The report, however, is solely devoted to the memory of the 3.1 million Japanese who were killed, completely ignoring the 18 to 20 million other Asians who were also victims of the same Greater East Asian War.” See reference [44].

<sup>25</sup> Arguments with a doctoral student, Mr. O In Je, at Doshisha University, also gave me the inspiration for this analysis.

<sup>26</sup> Article 9 of the Constitution of Japan: Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of

On the other hand, Hirano argues that it is not only Japan that seems to forget the past colonial occupation and previous colonies [22]. She argues that its WWII defeat at least created an opportunity for Japan to re-examine historical recognition of its past colonial occupations but that the European countries that won the war rarely have a similar opportunity to examine their own history of colonial occupation [22]. Hirano does not intend to excuse Japan's colonial past; rather, she intends to question the Japanese tendency to see Japan's colonial past as the most brutal, without examining other nations' colonial histories [22].

I agree with Hirano's argument that comparing the atrociousness of former colonial powers is not productive; however, it might partly explain Japan's less constructive anti-trafficking efforts and its lower international evaluation in the TIP report. In short, Japan might be strictly evaluated based on the notion that it must have been the most brutal of the former colonial powers. Furthermore, many scholars and activists who have worked on the trafficking issue, myself included, would have a tendency to criticize the Japanese government's anti-trafficking efforts, without carefully examining the efforts made by other nations.

In this context, the argument that the "Japanese anti-trafficking effort is insufficient" would have to be carefully examined.

## 6.2. Threats to the "safe" country

As previously noted, the "slavery" issue is undeniably a "colonization" issue in Japan, although the term "modern-day colonization" does not spur Japanese people, particularly policy-makers, to act on human trafficking. This may be because Japan has not really faced a decolonization process, and even superficially, has not played the role of "liberator" for people in the former Japanese colonies.

So, what is it that could prompt the Japanese government to move forward with the anti-trafficking effort? Bearing this question in mind, I reviewed how the issue of human trafficking has been treated by Japan's policy-makers. I analyzed Diet proceedings and the minutes of related committees since the 1970s, when the term *jinshin-baibai* began to be used to describe mainly international trafficking, along with the term *japayuki-san* [43].

Some newspapers covered the *jinshin-baibai* of women from Asian countries to Japan for the purpose of prostitution in the 1970s, and some of policy makers began to discuss the problem within certain governmental committees, especially those that dealt with international relations. "Internationalization"<sup>27</sup> had been one of the largest challenges to Japanese politics since 1960s. The greatest concern at the time seems to have been how the government would promote "internationalization" while building a trustful relationship with other nations. *Jinshin-baibai* of Asian women would be one of the factors that could disrupt these efforts, and some were concerned about the issue chiefly from this perspective [43].

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settling international disputes. (2) To accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

<sup>27</sup> At that time, "internationalization" was a common word, which would now be better known as "globalization." Nishikawa explains that the term "globalization" became common in the beginning of the 1990s, although the phenomena that characterized it had begun in the latter half of the 1960s. See reference [46].

Between the latter part of the 1970s and the beginning of 1980s, the number of entrants into Japan from Asian countries increased rapidly (see Table 3). In particular, between 1978 and 1979 Asian immigrants increased by approximately 90,000, and by 1980, they represented almost 50 percent of immigrants into Japan.

Year	1970	1975	1978	1979	1980	1985	1988	1989	1990
Asians	211,684	306,773	419,201	512,108	640,637	1,168,254	1,387,050	1,791,652	2,164,373
Total	775,061	780,298	1,017,149	1,089,341	1,295,866	2,259,894	2,414,447	2,985,764	3,504,470
Asians (%)	27.3%	39.3%	41.2%	47.0%	49.4%	51.7%	57.4%	60.0%	61.8%

**Table 3.** Number of Entrants from Asian Countries

Source: Ministry of Justice, Portal Site of Official Statistic Japan [47].

Note: The interspacing of years in Table 3 is random in order to emphasize the increase.

Although not all of the entrants came to Japan to work, many of them did, and not a few people worked without visas or overstayed their short-term visas. In the latter half of the 1980s, these foreign workers overstayed their visas, and this became a huge social issue; Japanese policy makers at that time defined these immigrants as “illegal labor.”

At that time, foreigners who came to Japan to work, especially as cheap labor, were called *japayuki-san*; the term was not used only for people from specific countries or regions nor for specific occupations or conditions [48]. *Japayuki-san* were actually categorized into three types: female migrants in the sex industry, female migrants in other industries, and male migrants in other industries. Male *japayuki-san* in the sex industry have rarely been addressed, as in other countries, although female *japayuki-san* in sex industry have been the most likely to be treated as victims of the “[modern form of] *jinshin-baibai*” by activists and NGOs [37].

Responding to the increase in the number of immigrants who overstay their visas, the government also found an increase in crime committed by non-Japanese residents; these immigrants were labeled a new type of “threat” to the “safe” country of Japan, and the government tightened immigration control accordingly. On the other hand, in order to meet demand for cheap labor in the globalized market—including the sex industry—the government welcomed foreigners with Japanese ancestors, such as Japanese-Brazilians or Japanese-Peruvians, and continued to issue “entertainer visas,” particularly for Filipinas, whom the TIP report singled out as being particularly vulnerable to misuse by traffickers [2].

These inconsistent strategies based on “the 1990 structure,” which Akashi describes as the basis of the current immigration control policy in Japan [49], were followed until recently, along with the concept of protecting Japan from threat and maintaining its safety<sup>28</sup>.

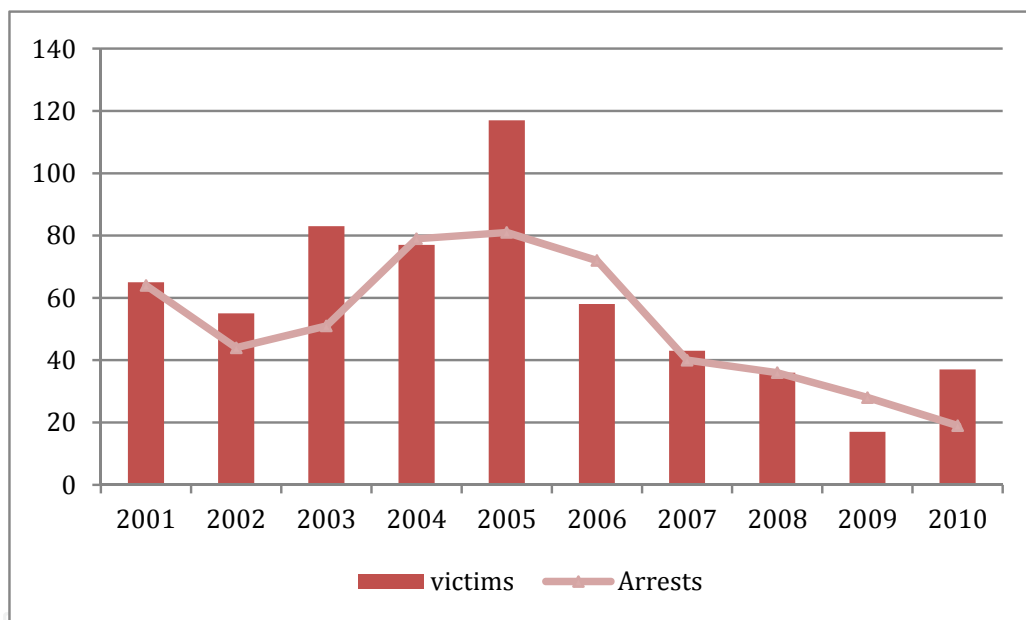
<sup>28</sup> The Ministerial Meeting Concerning Measures against Crime was established in 2003 aiming to restore Japan as “the safest country in the world.” See <http://www.kantei.go.jp/jp/singi/hanzai/> (in Japanese) for the details.



### 6.3. Action plan and the recent outcomes<sup>29</sup>

Until December 2003, the Japanese government categorized the trafficking issue as a “transnational threat” [26], a year after it signed the Trafficking Protocol in December 2002. The government established a task force called the “Liaison Committee of Relevant Ministries for Developing Measures against Human Trafficking” in April 2004, and formulated an action plan in December. There seems to have been pressure from the U.S. behind this huge progress; a Japanese newspaper article reported that the U.S. Department of State had once considered placing Japan in the lowest tier in the TIP report in 2004, which may have prompted the Japanese government into action [43].

In 2005, immediately after the action plan was implemented, there was a sudden increase in the numbers of traffickers arrested and victims rescued, but recently these numbers have declined again. The government evaluates this decrease positively, as a “successful outcome” of the effort.



**Figure 1.** Status of Arrests in Human Trafficking Cases

Source: The National Police Agency [51]. Modified by Ayako Sasaki.

### 6.4. “Shame” as a possible driving force

As happens with policy-making processes in general, there were some critical moments that enhanced the Japanese anti-trafficking effort. However, in the analysis of the relevant Diet proceedings and committee minutes, I identified a common pattern or style of argument that has reoccurred throughout the past twenty years: Japanese policy makers have used the phrase “Japan’s/Japanese shame in international society” to help get policies implemented,

<sup>29</sup> Kondo describes the Japanese experience and response in detail in English. See reference [50].

particularly those concerning the abuse of human rights, including sex tourism, child prostitution, and child pornography [43].

Ruth Benedict classified Japanese culture as a “shame culture,” in contrast to Western “guilt culture” [52]. She explains that “true shame cultures rely on external sanctions for good behavior, not, as true guilt cultures do, on an internalized conviction of sin.” Although there have been some criticisms of Benedict’s work, as the reference [53] notes, “Japan’s shame” or “national dishonor” are often used within Japan to appeal to the necessity of implementing a policy or taking action, at least in the materials I have analyzed. For example, regarding sex tourism in the 1970s, House of Representatives member Susumu Kobayashi commented as follows to a government official [54]:

At least, for the honor of Japan, I would like to ask your opinion whether the government would have the will to formulate policy to check or restrain this kind of shameful tourism in order to save the Japanese name.

House of Representatives member Takako Doi referred to media coverage from ABC News in the United States in 1980, saying “so Japanese men have no doubt become the sex animals of Asia, welcomed by sex merchants not only in Bangkok but also in Taipei, Manila, Seoul, and now San Francisco,” and states, “it is the most dishonorable form of shame” [55].

In 1990, Minister of Justice, Shin Hasegawa, answered a question regarding a trafficking case of Thai women in Japan, “It is a very shameful case for Japan [...], and we would like to deal with it as strictly as possible” [56]. In 1997, a member of the House of Councilors, Sumiko Shimizu, who participated in the first World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, requested the amendment of the Child Welfare Act, saying, “I went there as a representative of the government, but felt shame since I was told that pornos of Japanese children are going around in every corner of the world in spite of all the efforts and education in other nations” [57].

In November 2004, just before the Action Plan was formulated, Minister of State for Special Missions Hiroyuki Hosoda explained, “[human trafficking] has captured much attention from embassies in Tokyo as well; it is, so to speak, an extremely shameful aspect of Japan, which has to be fixed” [58].

Was it because of this shame that Japan had to formulate a policy against human trafficking? In fact, it was only after the TIP report placed Japan on the Tier 2 Watch List that the government formulated the Action Plan, although it clearly states at the very top of the current Action Plan that “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 psychological and physical pain for the victims and recovery from such damage is very difficult” [59]. If “shame” is a driving force in prompting some sort of governmental reaction to the problem, international sanctions that “humiliate” the Japanese government, such as a low Tier ranking in the TIP report, might be the most powerful tool to motivate the Japanese government to move forward on human trafficking.

## 6.6. The factors that produce Japan's "shame"

We must clarify the factors that produce these feelings of shame in Japanese policy-makers. Nishikawa indicates that the concept of "civilization" has been one of the most common and popular excuses or ideologies utilized to justify colonialism in the past and even to urge "globalism" in the present [46]. The concept of "civilization" is a value that must be pursued in modern society, and is often considered in tandem with ideas of development, liberty, or equality, and simultaneously plays a role in justifying colonization. Nishikawa also states that Japan internalizes a view of itself as a nation yet "to be civilized," and at the same time, believes that Western nations "those that are civilized" [60]. Based on Nishikawa's argument, Hirano points out that the internalization of this view of "uncivilized Japan" might result in the recognition of the Japanese themselves as "the most brutal colonizers" among Japanese scholars and activists [22], as referred to above.

Therefore, what would cause "shame" to Japanese policy-makers is an evaluation of the Japanese as still being "uncivilized." On one hand, I could argue that the concept of "civilization," as a counterpoint to the concept of "slavery," had been actually reflected in the policy-making process of the TVPA and in recent governmental actions against human trafficking as "modern-day slavery" in the U.S. Under the George W. Bush administration, using slogans such as "the war on terror" and "the struggle for civilization," the U.S. government had also prioritized anti-trafficking, or anti-slavery, efforts [27]<sup>30</sup>.

As colonization produced and maintained "slavery," globalization might produce and maintain "slavery." If Japan tries to continue to identify the nation as still "to be civilized" and pursues globalization in order to catch up with Western countries, it has to be careful to avoid resulting in failure. Rather, Japan might have to ask whether the kind of globalization that Western countries pursue and enjoy is compatible at all with the principles of global justice. We should not excuse the injustices wrought by relentless globalization using the rubric of "civilization."

## 7. Conclusion

This chapter examined the current Japanese anti-trafficking efforts and compared them with those in the U.S. The U.S. tends to connect human trafficking with the history of "slavery" and makes a strong claim that such trafficking is an expression of "modern-day slavery." Japan, however, has not found a similarly strong motivation for setting a policy agenda on human trafficking, except perhaps on grounds of avoiding "shame" or "national dishonor." The social understanding of *iwayuru jinshin-baibai*~*japayuki-san*~[modern form of] *jinshin-baibai*~human trafficking with its focus on sexual exploitation and the history of efforts to overcome this problem have made it difficult for the current Japanese government to take more constructive action against human trafficking, in accordance with the international definition of human trafficking in the Trafficking Protocol.

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<sup>30</sup> In reference [27], I argued the mission of "civilization" as a reflection of the historical belief of "Manifest Destiny" in the U.S.

It is necessary to understand how history, national identity, and culture in a society are connected with current reactions to issues such as human trafficking, and to explore the unique meanings of these globalized phenomena to a particular society. Although the terms “slavery” or “colonization” will not prompt anti-trafficking action within Japan, feelings of “shame” or “national dishonor,” equating to a fear of being perceived as “uncivilized,” might be a driving force that will compel the Japanese government to move forward in tackling the trafficking issue. However, Japan has to stop and think first whether it will use its drive for “civilization” to justify globalization, which has also a mechanism of producing and maintaining “slavery.” Japan has to re-examine the essential nature of its national identity, and must consider how best to promote and face globalization; this might in turn lead to a more constructive anti-trafficking effort.

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