

(Provisional Translation)

Japan's 2014 Action Plan to Combat Trafficking in Persons

**December 16, 2014
Ministerial Meeting Concerning Measures Against Crime**

Introduction: Establishment of the “Japan’s 2014 Action Plan 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 psychological and physical pain for the victims and recovery from such damage is very difficult. Moreover, as trafficking in persons is a serious international concern, the international society takes great deal of interest in the measures against trafficking in persons.¹

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” (hereinafter referred to as the “Trafficking in Persons Protocol”)² defines trafficking in persons as follows:

Article 3

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

International society defines these acts as trafficking in persons. To conclude the Trafficking in Persons Protocol, Japan closely examined whether punishments were imposed for these acts under domestic laws. With regard to the acts for which punishments were not imposed in Japan, punitive provisions for them (such as the crime of buying or selling of human beings) were added to the Penal Code in the 2005 amendment and, as a result, all these acts are now deemed to be crimes (see Annex 1 “List of Punitive Provisions That Guarantee the Trafficking in Persons Protocol”). As specified in the above-described definition, any person can become a victim, whether male or female, whether adult or child, and whether Japanese or foreigner.

In April 2004, to promptly and steadily promote close cooperation among the relevant government agencies and cooperation with the international society in preventing and eradicating trafficking in persons and protecting victims, the Government of Japan established

¹ For example, this year the United Nations designated July 30 as the “World Day against Trafficking in Persons” and its Secretary-General and Director-General of the International Labour Organization stated that they aim to eradicate trafficking in persons.

² Although Japan has completed the establishment of domestic laws for carrying out the Trafficking in Persons Protocol, Japan has not concluded the Protocol because it has still not concluded the “Convention against Transnational Organized Crime.”

an Inter-Ministerial Liaison Committee regarding measures to combat trafficking in persons. In December that year, the Government of Japan drew up the “Japan’s Action Plan of Measures to Combat Trafficking in Persons” to promote integral and comprehensive government-wide action to combat the transnational organized crime of trafficking in persons. Moreover, in December 2009, based also on the results of the measures carried out according to the plan, the Ministerial Meeting Concerning Measures Against Crime³ established the “Japan’s 2009 Action Plan to Combat Trafficking in Persons” to deal appropriately with the issues concerning the measures against trafficking in persons and continue to promote the measures to be carried out by the Government as a whole.

As a result of the Government’s steady implementation of the measures specified in both action plans since 2004, it can be said that Japan’s measures against trafficking in persons have greatly advanced and attained some notable achievements. However, trafficking in persons is a serious transnational problem, and thus, the international society pays close attention to Japan’s action against the crime. It is necessary to make active efforts consistently to identify and protect the victims as well as find the traffickers, keeping in mind that trafficking in persons is very latent in nature and the Government is not identifying all the victims.

In addition, Japan has planned to promote the utilization of foreign human resources and expects an increase of foreign visitors towards the 2020 Tokyo Olympics and Paralympics. In this situation, it is important for Japan to continue to demonstrate active efforts to carry out measures against trafficking in persons, preventing Japan to be a destination country.

Furthermore, given that there are cases where Japanese women have become trafficking victims for sexual exploitation, and from the viewpoint of the promotion of women’s activities, the appropriate promotion of measures against trafficking in persons will be helpful for establishing environment where women can further play an active role without anxiety.

Therefore, the Government of Japan drew up the “Japan’s 2014 Action Plan to Combat Trafficking in Persons” for the eradication of trafficking in persons and the response with appropriate measures to the situation against trafficking in persons, and the Government as a whole will carry out more strongly both integral and comprehensive measures against trafficking in persons as part of making “Japan, the safest country in the world” towards the 2020 Tokyo Olympics and Paralympics.

As before, this Action Plan will promote measures against trafficking in persons in accordance with the definition of “trafficking in persons” specified in Article 3 of the Trafficking in Persons Protocol, in close collaboration with the relevant government agencies, and in cooperation with foreign countries’ relevant government agencies, international organizations and NGOs, etc. In addition, the Action Plan has specified that efforts will be made to prevent trafficking in persons through the prevention of labor exploitation, that the protection of trafficking victims and the identification of them as a precondition for the prosecution of traffickers will be promoted, and that the assessment of the status of various measures and the verification of their effects will be promoted through the preparation and

³ In September 2003, the Ministerial Meeting Concerning Measures Against Crime was founded as a meeting consisting of all the ministers under the sponsorship of the Prime Minister, to generally and actively promote effective and appropriate measures for reviving “Japan, the safest country in the world.” In December 2009, the Inter-Ministerial Liaison Committee regarding measures to combat trafficking in persons was put under the Ministerial Meeting.

publication of annual reports concerning trafficking in persons.

1. Thorough assessment of the current situation of trafficking in persons

To carry out measures against trafficking in persons effectively, it is essential to understand the situation thoroughly. Because it is predicted that trafficking methods will become more skillful and there will be ongoing changes in the situation, it is necessary to analyze the situation from cases of trafficking in persons dealt with by relevant government agencies and to share information. In addition, because trafficking in persons is committed across borders, it is also important to make efforts in cooperation with the international society.

(1) Assessment and analysis of the cases of trafficking in persons

When the Immigration Bureau carries out its various procedures, it will register information on trafficking victims and traffickers in the “trafficking in persons database” to help understand their situation. The police will endeavor to assess and analyze the cases of trafficking in persons through their activities, such as on-the-spot inspections and control of adult entertainment businesses etc.

The relevant government agencies will share the information gained through their efforts and the information received from foreign embassies in Tokyo, NGOs, lawyers and others to understand and analyze the working conditions of non-Japanese women and workers, cases of trafficking in persons, and the current situation of broker organizations in Japan and abroad.

To arrest domestic and foreign brokers, the Government of Japan will share information by effectively using contact points established among the relevant government agencies, embassies in Tokyo, international organizations, NGOs and others concerning cases of trafficking in persons.

(2) Sharing information with foreign governments and related institutions

The Government of Japan will make efforts to share information with foreign governments and related institutions through various activities, including dispatching the Government Delegations on Anti-Human-Trafficking Measures to the countries where many victims of trafficking in persons were sent from. Moreover, cooperative relationships will be created with such countries concerning the prevention of trafficking in persons and the protection of victims.

2. Prevention of trafficking in persons

Because trafficking in persons causes serious mental and physical pain to victims, and because recovery from such damage is very difficult, it is most important to prevent the occurrence of damage first of all.

For this purpose, it is necessary to appropriately carry out immigration control and residence management, and taking into consideration the fact that many victims are forced to be employed illegally, endeavor to prevent illegal employment related to adult entertainment businesses and sex-related amusement special businesses. In addition, when expanding Technical Intern Training Program and utilizing foreign human resources, appropriate management must be carried out so that systems related to foreigners’ work cannot be abused for trafficking in persons.

Moreover, it is also necessary to take measures against the demand side for trafficking in persons.

(1) Prevention of trafficking in persons by thorough immigration control

1) Thoroughly strict immigration control

Efforts will be made to prevent traffickers from entering Japan and protect the victims. For example, if the purpose of a foreigner's entering Japan is doubtful, the foreigner will be handed over to a special inquiry officer for a hearing to examine the foreigner carefully. It is necessary not only to carry out immigration inquiries thoroughly but also to utilize the databases on trafficking in persons, the advanced passenger information (API), and the passenger name records (PNR) prepared by each airline for the reservation of air tickets. In addition, immigration control officers will more actively and continuously patrol transit areas in airports and sea port areas, and in cooperation with airlines etc. watch and disclose any doubtful activities, such as stowing away or brokers' supply of forged passports.

2) Strict examination of visas

To cope with the cases of sophisticated visa applications fraud (including false marriages and impersonation), and to cope with visa applications by persons likely to be victimized by trafficking in persons, the Government of Japan will conduct detailed individual interviews and strict examination to prevent trafficking in persons.

In addition, if an ex-victim applies for a visa to revisit Japan, careful examination will be carried out to prevent the ex-victim from being victimized again.

3) Improvement of the wide-area visa network

As one of the border control measures, the Ministry of Foreign Affairs will continue to improve the information and telecommunications network with the overseas diplomatic establishments and the relevant government agencies in order to promptly share information on visa application by latent victims and to prevent trafficking in persons.

4) Strengthening of measures against forged documents

To prevent forged passports and other documents being used as a means for trafficking victims to enter Japan, the Forged Documents Control Office established in each of the Narita, Haneda, Kansai, and Central Airports which the majority of immigrants use will take the lead in strictly inspecting documents suspected of having been forged and providing training to airport and seaport staff concerning the inspection of forged documents in order to improve their inspection techniques, including the effective use of inspection equipment.

In addition, to prevent passports and visas issued by the Government of Japan from being used as a means for trafficking victims to enter Japan, the introduction of the next-generation e-Passports that can prevent forgery will be examined and the management of visa seals will be strengthened to enhance measures against illegal use of passports and visas, including the

illegal acquisition of them by impersonation and the forgery of them.

(2) Prevention of trafficking in persons through thorough residence management

1) Prevention of trafficking in persons involving disguised or illegal stays through strict residence management

Trafficking in persons involving disguised or illegal stays will be prevented through strict residence management. In addition, to contribute to the control of false or illegal stay cases, such as false marriage, and brokers and other perpetrators engaged in such cases, the police, the Immigration Bureau, and other relevant administrative agencies will strengthen their cooperation by promoting exchanges of information among them, and collect and analyze various kinds of information in order to fully understand the actual situation. If such a case is found, they will cooperate actively to crack down the traffickers and thoroughly protect the victims.

2) Strict control of illegal employment

The police, the Immigration Bureau, the Labor Standards Offices and other relevant administrative agencies will strengthen their cooperation to exchange information that is useful for the control of illegal employment. If a vicious employer or broker who forces trafficking victims to work illegally is found, the relevant administrative agencies will carry out active control in cooperation to find the trafficking cases and release the victims. Especially because many trafficking victims have been forced to work illegally for adult entertainment businesses or sex-related amusement special businesses, the control of illegal employment for such businesses will be strengthened.

3) Promotion of active public relations and raising awareness for prevention of illegal employment

Through the “Campaign for the Prevention of Illegal Working of Foreigners,” which has been carried out June every year as the “month to raise awareness on issues involving foreign workers,” the prevention of illegal employment will be promoted through the distribution of leaflets to those employers who have employed foreigners or are planning to employ foreigners. In addition, leaflets will be distributed to people near stations to call for cooperation in the prevention of illegal employment.

(3) Prevention of trafficking in persons for the purpose of labor exploitation

1) Improvement of Technical Intern Training Programs by drastic revision

With regard to Technical Intern Training Program, given that unfair cases such as unpaid wages and prolonged work have occurred, the programs will be drastically revised to make them more suitable and ensure the purpose of international contribution, and the necessary bills will be submitted. In real terms, to reconsider drastically what supervision should be and to replace the existing programs with new programs during FY2015, the following will be considered:

- Establishment of a domestic management system that is consistent as a whole by the

- cooperation between the relevant government agencies
- Making agreements between the governments or ministries of the countries that send technical interns, including the exclusion of inappropriate sending organizations
- Making it obligatory to appoint external directors or establish external auditing for supervising organizations
- Establishment of organization for management and operation based on a new legislation

In addition, efforts will be made to improve supervision by the government agencies with jurisdiction over industries, and a system for smoothly sharing information on problematic cases will be created by the establishment of regional conferences (tentative name) that consists of the relevant organizations.

2) Provision of information on legal protection to foreign technical interns

In the course held before foreign technical interns carry out at implementing organizations any activities to acquire skills, external lecturers with technical knowledge who do not belong to any supervising organization or implementing organizations give lectures about Japan's labor-related laws and regulations and the immigration control laws and regulations in order to fully inform them about legal protection. In addition, "Technical Intern Trainee Handbook," which specifies information about contact points for consultation of the labor standards inspection organizations, the Immigration Bureau, and other consultation offices, contact information of each country's embassy, and labor-related laws and regulations in trainees' native languages, are distributed at ports of entry in order to let them know about contact points for consultation etc.

3) Strict enforcement of labor standards-related laws and regulations

The Labor Standards Offices and other offices will make efforts to inform and enlighten implementing organizations about labor standards-related laws. In addition, if an implementing organization is suspected of having committed a violation of labor standards-related laws and regulations, such as forced labor, they will give active supervision or guidance. If the violation is confirmed, they will give correctional guidance and confirm any corrections, such as payment of unpaid wages, in order to secure sufficient working conditions and health and safety for technical interns. A serious or vicious violation of the law will be strictly dealt with, such as sending the case to public prosecutors.

(4) Efforts to create a new system for further use of foreign human resources

The project for accepting foreign construction workers will begin as an urgent and temporary measure for the 2020 Tokyo Olympics and Paralympics. In addition, the acceptance of "foreign housekeeping support workers" will progress in the National Strategic Special Zones. Efforts will be made to carry out these projects appropriately.

(5) Efforts against the demand side for trafficking in persons

1) Raising awareness of the demand side for sexual exploitation

Awareness-raising of the demand side for sexual exploitation will be promoted through publicizing information about the fact that many trafficking victims are sexually exploited through prostitution or the like.

2) Raising awareness of employers

Efforts will be made to prevent employers from assisting trafficking in persons by raising their awareness of trafficking in persons and understand and comply with the laws that regulate acts related to trafficking in persons through publicity and raising awareness of employers in the adult entertainment business.

In addition, because one of the purposes of trafficking in persons is labor exploitation, employers will be encouraged to understand and comply with laws that regulate acts related to trafficking in persons through the activities to give information to them.

3. Promotion of identification of trafficking victims

Because trafficking in persons is a highly latent crime, it is not easy to find the victims. In addition, it has been pointed out that some victims have not recognized themselves as being victimized or needing rescue. To arrest and eradicate traffickers and to protect trafficking victims, it is first of all necessary to identify the victims without fail.

For this purpose, it is necessary to make sure the trafficking issue is well-known, facilitate clear identification of victims by persons who are engaged in measures against trafficking in persons, and create an environment in which victims can easily report the damage they have suffered.

(1) Promotion of efforts based on “Measures for Identification of Victims”

Measures for identifying victims will be carried out appropriately in accordance with the “Methods to Deal with Trafficking in Persons (Measures for Identification of Victims)” agreed at the Inter-Ministerial Liaison Committee regarding measures to combat trafficking in persons in June 2010 (see Annex 2).

Relevant government agencies will endeavor to cooperate with each other and deal with each case appropriately, fully understanding the role and service of each contact point, so that cases suspected as trafficking in persons cannot be missed at the contact points through which women, children, and foreigners suffering from sexual or labor exploitation can seek consultation or report damage or crime, including the following: police counseling services, such as the telephone line exclusive for police consultation (#9110) and the anonymous report number; each regional immigration bureau; the Consultation Support Center for Foreign Residents; the human rights counseling service; Labor Standards Offices; women’s consultation offices; and child guidance centers.

(2) Informing potential victims about agencies to which they can report the crime and the measures for protecting them

Posters and leaflets will be prepared in multiple languages in order to encourage potential victims to report the crime, and will be posted in immigration clearance areas, food shops for foreigners, and other places conspicuous to trafficking victims. This will be helpful for informing potential victims who do not acknowledge that they are being victimized or unable to report the crime of the agencies to which they can make a report

or consult with. In addition, efforts will be made to make the measures for protecting victims well-known and encourage victims to report damage.

(3) Strengthening of consultation in foreign languages

The Human Rights Organs of the Ministry of Justice respond to requests for counseling about human-rights problems, including trafficking in persons, at the Legal Affairs Bureaus and the District Legal Affairs Bureaus and their Branch Offices all over Japan. They are planning to improve the “Human Rights Counseling Office for Foreign nationals,” where interpreters of foreign languages, such as English and Chinese, have been stationed. In addition, the information on the interpreters stationed at these contact points will be shared among the consultation agencies so that they can endeavor to cooperate with each other.

(4) Cooperation with foreign embassies in Tokyo

Given that there are some cases where foreign victims of trafficking in persons consult with embassies of their home countries, the Government of Japan will encourage the foreign embassies in Tokyo to establish a contact point which provide consultation service with the victims and/or a 24-hour consultation hotline. In particular, the Government of Japan will strongly encourage the embassies of countries from where many victims of trafficking in persons have been sent to Japan to create the above-mentioned system.

(5) Promotion of calling the attention of potential victims to trafficking in persons through overseas diplomatic establishments

The government of Japan will call attention of potential victims to trafficking in persons, who leave for Japan from countries which have sent many victims. Moreover, to make it easier for them to report the crime after entering Japan, leaflets for victims will be distributed through the Japanese overseas diplomatic establishments and local government agencies in such countries.

In addition, leaflets will be distributed to visa applicants interviewed at an overseas diplomatic establishment during the process of visa examination. If overseas diplomatic establishments receive a visa application and issue a visa through accredited agencies, the agencies will be requested to cooperate in calling the attention of latent trafficking victims.

4. Eradication of trafficking in persons

To eradicate trafficking in persons, it is necessary to exclude traffickers through the control of trafficking in persons and carry out effective measures by clarifying the actual situation. It is also necessary to actively deal with peripheral cases where trafficking in persons does not seem to be committed, but may exist latently, in order to discover human trafficking cases.

(1) Thorough control

- 1) Strengthening of cooperation among relevant administrative agencies by the Law Enforcement Task Force against Trafficking in Persons

The Law Enforcement Task Force against Trafficking in Persons, which was established in 2014 and consists of the National Police Agency, the Ministry of Justice, the Supreme Public Prosecutors Office, the Ministry of Health, Labour and Welfare, and the Japan Coast Guard, will share information about human trafficking cases and actively control specific problematic cases through the cooperation of relevant government offices.

2) Thorough control of trafficking in persons by use of the Handbook on Measures against Trafficking in Persons

The staff of the police, the Immigration Bureau, the Public Prosecutors Office, the Labor Standards Inspection Office, and the Japan Coast Guard will share information on cases that may fall under trafficking in persons for the purpose of sexual or labor exploitation, effectively using the “Handbook on Measures against Trafficking in Persons,” into which the above-mentioned task force has compiled the laws and regulations applicable to trafficking in persons, concrete cases of application, etc. If such a case is found, they will closely cooperate with each other as necessary for thorough control and to impose strict punishments on traffickers.

3) Thorough control of prostitution

Strict control will be exerted over offenses related to trafficking in persons, such as prostitution and adult entertainment-related offenses to find any trafficking in persons cases, and efforts will be made to impose strict punishments on offenders related to trafficking in persons.

4) Strict response to sexual exploitation of children

Based on the amendment of the Act on Regulation and Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children amended in June 2014, efforts will be made to control offenses related to child prostitution and child pornography more actively and appropriately including the application of punitive clauses for crimes committed outside of Japan, and to impose punishment more strictly. In addition, efforts will be strengthened to prevent child prostitution and eliminate child pornography.

5) Thorough control of vicious employers and brokers

Efforts will be made to enforce relevant laws and regulations without fail, including the Act on Control and Improvement of Amusement Business, etc., the Immigration Control and Refugee Recognition Act, and the Labor Standards Act. If an act that seems to fall under trafficking in persons is found, the relevant administrative agencies will closely cooperate with each other to crack down on trafficking in persons and related offenses, taking into consideration the arrest of vicious employers, brokers, and the like. In this case, efforts will be made to impose strict punishments on offenders of trafficking in persons and related offenses, including the deprivation of crime proceeds.

(2) Crime control across borders

1) Strengthening of cooperation with relevant foreign organizations

Based on necessities, through the International Criminal Police Organization (ICPO), information on trafficking in persons, child prostitution, and child pornography will be exchanged with investigative organizations in sending countries of trafficking victims or countries where Japanese nationals are suspected to buy sex from children.

Cooperation in the investigation of crimes committed in Southeast Asia will be expanded and strengthened at the “Conference of Investigators on Commercial Sexual Exploitation of Children in Southeast Asia,” which the National Police Agency holds with invited foreign investigative organizations mainly from the Southeast Asian countries.

2) Enhancement of international mutual legal assistance

When a foreign authority requests Japan a mutual legal assistance in accordance with international comity or a relevant agreement such as a mutual legal assistance treaty in prosecuting a Japanese national involved in a trafficking in person case in that foreign country, such as child prostitution or child pornography, Japan will actively provide assistance pursuant to relevant domestic laws, such as the Act on International Assistance in Investigation and Other Related Matters. Among others, consideration will be given to the possibility of concluding a mutual legal assistance treaty with countries with which Japan frequently gives and receives legal assistance.

5. Protection and support of trafficking victims

Because trafficking victims might have suffered great mental or physical damage, it is first of all necessary to secure their safety and take supportive measures based on their feelings and their position. In addition, effective measures will be taken through the utilization of existing support systems for victims of crime, women, children, and foreigners so that every victim can be covered by protective and supportive measures.

(1) Promotion of efforts based on “Measures for Protection of Victims”

Relevant administrative agencies will mutually cooperate to properly carry out the measures for protection of victims pursuant to the “Methods to Deal with Trafficking in Persons (Measures for Protection of Victims)” agreed at the Inter-Ministerial Liaison Committee regarding measures to combat trafficking in persons in July 2011 (see Annex 3).

Moreover, efforts will be made to disseminate information about supportive and protective measures that can be carried out for trafficking victims.

(2) Strengthening of protection

With regard to the investigation and remedies carried out by the Human Rights Organs of the Ministry of Justice, efforts will be made to provide temporary protection to trafficking victims, including male victims, as an emergency measure.

In addition, during the revision of Technical Intern Training Program, consideration will be given to strengthening the protection of technical interns suffering from an

infringement of human rights.

Consideration will also be given as to what mid- and long-term measures for protecting victims should be, taking into consideration the actual situation.

(3) Provision of support to victims

1) Further improvement of temporary protection and assistance at women's consultation offices

Temporary protection and assistance for female trafficking victims will be improved at women's consultation offices. For example, if a female victim is a foreigner, support will be given to her, respecting any religious or dietary requirements she may have.

2) Provision of information to victims during the process of investigation

Efforts will be made to instruct victims plainly about the systems for protecting and supporting them, such as systems concerning compensation for damages, systems for protecting the victims of trafficking in persons or similar crimes, and the system whereby victims can be sheltered when they appear in court as a witness. For example, a pamphlet for crime victims entitled "For Victims of Crime" explaining the systems simply will be prepared and handed to them during any interview with them.

3) Provision of legal support to victims and popularization of legal support

The Japan Legal Support Center will provide information in various languages, make its service well-known, and give legal support concerning the following: when a trafficking victim claims damages against the trafficker, if the victim has the address in Japan, stays in Japan lawfully, and satisfies financial and other conditions, it is possible to use the civil legal aid system; when the victim participation system is used for criminal proceedings, travel and other expenses will be paid for court appearances; and if a victim satisfies financial and other requirements, the victim can request the appointment of a court-appointed attorney at law for victims.

4) Support for Foreign victims' voluntary repatriation and their social reintegration

To further facilitate the repatriation of foreign victims who want to return to their countries, closer information exchange and cooperation will be promoted between the International Organization for Migration (IOM), their countries' embassies in Tokyo, women's consultation offices and private shelters, etc. In addition, information exchange in the relevant countries will be promoted so that their embassies can promptly issue travel documents for returning to the home country.

The Government of Japan will improve further the voluntary repatriation and social reintegration program for the foreign victims of trafficking in persons (conducted through IOM). In cooperation with the embassies of their home countries in Tokyo, their governments and NGOs, the most suitable supports will be provided for the victims' smooth return to their countries, their social reintegration after returning home, and the prevention of their re-victimization.

6. Establishment of foundations for promotion of measures against trafficking in persons

To eradicate trafficking in persons, it is essential to increase people's awareness of "We do not tolerate trafficking in persons." The Government will cooperate with international society and take both integral and comprehensive measures. Moreover, if needed, the Government will reconsider the measures to be taken, checking the status of the relevant administrative agencies' efforts.

(1) Participation in international efforts

1) Conclusion of the Trafficking in Persons Protocol

The Government of Japan will aim to conclude the "UN Convention against Transnational Organized Crime," which was approved by the Diet in May 2003, as soon as possible. The Trafficking in Persons Protocol will be concluded immediately after the conclusion of the Convention.

2) Strengthening of cooperation with other countries

Because most of the foreign victims of trafficking in persons identified in Japan are from Asia, cooperation on measures against trafficking in persons with Asian countries will be further strengthened through the following measures. In addition, strengthening of necessary cooperation will be considered, taking account of the situations of their home countries:

- (i) The Government of Japan will provide supports to Southeast Asian countries through official development assistance (ODA) in such fields as education about trafficking in persons, care for victims, improvement of vocational ability, and improvement of law enforcement ability. When providing support to these countries, the Government of Japan will cooperate with international organizations, such as the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration (IOM), and NGOs, in order to reduce poverty, one of the backgrounds behind trafficking in persons. In addition, cooperation will be given to these countries in their efforts to prevent trafficking in persons and to provide support to the victims.
- (ii) The creation of bilateral cooperation, which makes it possible to exchange information appropriately, and a framework for information exchange will be promoted with the sending countries of victims. In addition, with regard to Technical Intern Training Program, making arrangements with the governments (authorities) of the sending countries will also be promoted, including the exclusion of improper sending organizations.
- (iii) The sharing of information about measures against trafficking in persons will be strengthened further in the Asia-Pacific region through the Bali Process (process of follow-up to the Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali).

- (iv) Through various kinds of training at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the efforts made under the leadership of Japan, cooperation will be given to Asian countries' investigating authorities and officers in improving their ability to carry out measures against trafficking in persons.

(2) Acquisition of people's understanding and cooperation

1) Further promotion of government public relations

The Government of Japan will consider sending information by the following methods and making public relations more effectively in order to widely share awareness of the problem through the supply of information to the people covering what is trafficking in persons, and what is the actual situation.

- (i) The awareness-raising activities about trafficking in persons through the use of the Internet, such as the "Government Public Relations Online," site will be strengthened.
- (ii) During the "Domestic Violence Awareness Campaign" between November 12 and 25 every year, public relations will be carried out in cooperation with local governments and private organizations, etc. concerning the eradication of violence against women, including trafficking in persons.
- (iii) To carry out public relations widely, posters and leaflets prepared by the Cabinet Offices for raising awareness about measures against trafficking in persons will be shared widely with relevant government agencies, local governments, and women's associations, etc.
- (iv) The National Police Agency will develop public relations software for the prevention of trafficking in persons. The software will be made available through its website and people will be encouraged to use it.
- (v) The Human Rights Organs of the Ministry of Justice carry out awareness-raising activities with the theme of respect for human rights of foreign nationals and eradication of trafficking in persons. As a part of these activities, organs will continue to make use of a human rights awareness booklet, which describes Japan's measures against trafficking in persons..
- (vi) The panel and booklet into which the National Women's Education Center incorporated their researches and achievements between FY2010 to FY2012 concerning trafficking in persons will be published through its website in order to widely share information with people.

2) Efforts through school education

The Ministry of Education, Culture, Sports, Science and Technology will make efforts to promote education in order to develop respect for human rights through both school education and social education. In addition, in accordance with its curriculum guidelines, the Ministry will promote education that emphasizes respect for one's own and others'

life.

3) Raising awareness of associations of small and medium enterprises

The Ministry of Economy, Trade and Industry holds the “Conference on Guidance for Training of Foreigners” in June every year in order to share information with associations of small and medium enterprises (Japan Chamber of Commerce and Industry, National Federation of Small Business Associations, Central Federation of Societies of Commerce and Industry, and the National Federation of Shopping Center Promotion Associations) concerning the appropriate implementation of Technical Intern Training Program and the Government’s efforts for the foreign workers, including measures against trafficking in persons in cooperation with the relevant government agencies in order to raise awareness of the issues relating foreign workers.

4) Raising awareness of overseas travelers

The Japan Tourism Agency will continue to promote the raising of awareness among travel companies to prevent them from being involved in unsound travels. The Ministry of Foreign Affairs will continue to inform the people so that they will not buy sex overseas, by distributing the “A Handbook of Safety Tips in Foreign Countries” to overseas travelers which shows cases where Japanese people have become “offenders” due to prostitution.

(3) Strengthening of the system for promoting measures against trafficking in persons

1) Establishment of a ministerial-level meeting

To promote measures against trafficking in persons at a high level, the Government of Japan will establish a ministerial-level meeting concerning measures against trafficking in persons.

2) Improvement of relevant administrative officers’ knowledge and awareness

Technical and practical training in methods of identifying, protecting, and supporting trafficking victims will be provided to relevant officers so that they can acquire the knowledge and skills necessary to promote measures for trafficking in persons and increase their awareness. For example, lecturers will be invited from administrative agencies related to trafficking in persons, IOM and other relevant organizations, and NGOs.

3) Promotion of cooperation and information exchange with relevant administrative agencies

Information on trafficking in persons will be shared closely with relevant government agencies and local administrative agencies, and cooperation will be strengthened in a series of procedures from the identification of the victim to the protection of the victim.

4) Cooperation with NGOs, IOM, etc.

Exchange of opinions between relevant government agencies and NGOs will continue.

In addition, cooperation with IOM and other relevant organizations will be fostered so that the public and private sectors can promote measures for trafficking in persons as one body.

5) Preparation of an annual report on trafficking in persons

An annual report will be prepared and published to show Japan's efforts against trafficking in persons, such as the implementation of measures against trafficking in persons and the status of crackdown on trafficking cases. In addition, the annual report will be explained to foreign embassies in Tokyo to widely demonstrate Japan's efforts to carry out measures against trafficking in persons.

Moreover, during the preparation of the annual report, the latest situation on trafficking in persons and the status of progress in each measure and its result will be checked and inspected. Whenever needed, the implementation of necessary additional measures will be considered and the action plan will be reviewed.

(End)

Purpose	Means	Act	Penalty securing compliance	Explanation about how Japanese laws secure compliance with the requirements of the UN Protocol against Trafficking in Persons
For the purpose of exploitation of the prostitution of others or other forms of sexual exploitation	By means of the threat or use of force or other forms of coercion	Recruitment of persons	Kidnapping by force for profit or indecency (Article 225 of the Penal Code): Imprisonment with work for not less than 1 year but not more than 10 years	1) "The purpose of exploitation of the prostitution of others or other forms of sexual exploitation" is within the scope of the purpose of "for profit" or "for indecency" under Article 225 of the Penal Code. 2) "Recruitment of persons" by means of "the threat or use of force or other forms of coercion" or "of the abuse of power or of a position of vulnerability" is within the scope of "kidnapping by force."
	By means of the abuse of power or of a position of vulnerability			
	By means of abduction, of fraud, or of deception	Recruitment of persons	Kidnapping by enticement for profit or indecency (Article 225 of the Penal Code)	1) In terms of the purpose, the above explanation applies. 2) "Recruitment of persons" by means of "abduction, of fraud, or of deception" is within the scope of "kidnapping by enticement."
	By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person	Recruitment of persons	Buying of persons for profit or indecency (Article 226-2, paragraph (3) of the Penal Code): Imprisonment with work for not less than 1 year but not more than 10 years	1) "The purpose of exploitation of the prostitution of others or other forms of sexual exploitation" is within the scope of the purpose of "for profit" or "for indecency" under Article 226-2, paragraph (3) of the Penal Code. 2) "Recruitment of persons" by means of "the giving or receiving of payments or benefits to achieve the consent of a person having control over another person" is within the scope of "buying" under the same paragraph. * "Buying" means to actually receive delivery of the illegal control of a person for a consideration. Such a consideration includes not only money, but also any other property or goods. Receiving delivery of the control of a person in exchange for exemption from paying former obligations is also considered to be within the scope of "buying." The same applies hereinafter.
	By means of the threat or use of force or other forms of coercion	Transportation of persons	Transportation of a person who was kidnapped for profit or indecency (Article 227, paragraph (3) of the Penal Code): Imprisonment with work not less than 6 months but not more than 7 years	1) "The purpose of the exploitation of the prostitution of others or other forms of sexual exploitation" is within the scope of the purpose of "for profit" or "for indecency" under Article 227 paragraph (3) of the Penal Code. 2) As "transportation", "transfer", "harbouring" and "receipt" of a person are assumed to be done naturally after the "recruitment" of such person, there is no problem if the subject of the above acts is limited to the person who is so recruited. Therefore, these acts are within the scope of "transportation", "delivery", "harbouring" and "receipt" of a person who was kidnapped by force or by enticement or sold under the same paragraph.
	By means of the abuse of power or of a position of vulnerability	Transfer of persons	Delivery of a person who was kidnapped for profit or indecency (Article 227, paragraph (3) of the Criminal Code)	
	By means of abduction, of fraud, or of deception	Harbouring of persons	Harbouring of a person who was kidnapped for profit or indecency (Article 227, paragraph (3) of the Penal Code)	
	By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person	Receipt of persons	Receipt of a person who was kidnapped for profit or indecency (Article 227, paragraph (3) of the Penal Code)	

Purpose	Means	Act	Penalty securing compliance	Explanation about how Japanese laws secure compliance with the requirements of the UN Protocol against Trafficking in Persons
For the purpose of forced labour or services, slavery or practices similar to slavery or servitude	By means of the threat or use of force or other forms of coercion	Recruitment of persons	Kidnapping by force for profit (Article 225 of the Penal Code)	1) "Purpose of forced labour or services, slavery or practices similar to slavery or servitude" is within the scope of the purpose of "for profit" under Article 225 of the Penal Code. 2) "Recruitment of persons" by means of "the threat or use of force or other forms of coercion" or "of the abuse of power or of a position of vulnerability" is within the scope of "kidnapping by force."
	By means of the abuse of power or of a position of vulnerability			
	By means of abduction, of fraud, or of deception	Recruitment of persons	Kidnapping by enticement for profit (Article 225 of the Penal Code)	1) In terms of the purpose, the above explanation applies. 2) "Recruitment of persons" by means of "abduction, of fraud, or of deception" is within the scope of "kidnapping by enticement."
	By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person	Recruitment of persons	Buying of human beings for profit (Article 226-2, paragraph (3) of the Penal Code)	1) "Purpose of forced labour or service, slavery or practices similar to slavery or servitude" is within the scope of the purpose of "for profit" under Article 226-2, paragraph (3) of the Penal Code. 2) "Recruitment of persons" by means of "the giving or receiving of payments or benefits to achieve the consent of a person having control over another person" is within the scope of "buying" under the same paragraph.
	By means of the threat or use of force or other forms of coercion	Transportation of persons	Transportation of a person who was kidnapped by force for profit (Article 227, paragraph (3) of the Penal Code)	1) "The purpose of forced labour or services, slavery or practices similar to slavery or servitude" is within the scope of the purpose "for profit" under Article 227, paragraph (3) of the Penal Code. 2) As "transportation", "transfer", "harbouring" and "receipt" of a person are assumed to be done naturally after the "recruitment" of such a person, there is no problem if the subject of the above acts is limited to the person who is so recruited. Therefore, these acts are within the scope of "transportation", "delivery", "harbouring" and "receipt" of a person who was kidnapped by force or by enticement or sold under the same paragraph.
	By means of the abuse of power or of a position of vulnerability	Transfer of persons	Delivery of a person who was kidnapped by force for profit (Article 227, paragraph (3) of the Penal Code)	
	By means of abduction, of fraud, or of deception	Harbouring of persons	Harbouring of a person who was kidnapped by force for profit (Article 227, paragraph (3) of the Penal Code)	
	By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person	Receipt of persons	Receipt of a person who was kidnapped by force for profit (Article 227, paragraph (3) of the Penal Code)	

Purpose	Means	Act	Penalty securing compliance	Explanation about how Japanese laws secure compliance with the requirements of the UN Protocol against Trafficking in Persons
For the purpose of the removal of organs	By means of the threat or use of force or other forms of coercion	Recruitment of persons	Kidnapping by force for the purpose of threatening the life or body (Article 225 of the Penal Code)	1) "The purpose of the removal of organs" is within the scope of the purpose of "threatening the life or body" under Article 225 of the Penal Code. 2) "Recruitment of persons" by means of "the threat or use of force or other forms of coercion" or "of the abuse of power or of a position of vulnerability" is within the scope of "kidnapping by force."
	By means of the abuse of power or of a position of vulnerability			
	By means of abduction, of fraud, or of deception	Recruitment of persons	Kidnapping by enticement for the purpose of threatening the life or body (Article 225 of the Penal Code)	1) In terms of the purpose, the above explanation applies. 2) "Recruitment of persons" by means of "abduction, of fraud, or of deception" is within the scope of "kidnapping by enticement."
	By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person	Recruitment of persons	Buying of a person for the purpose of threatening the life or body (Article 226-2, paragraph (3) of the Penal Code)	1) "The purpose of the removal of organs" is within the scope of the purpose of "threatening the life or body" under Article 226-2, paragraph (3) of the Penal Code. 2) "Recruitment of persons" by means of "the giving or receiving of payments or benefits to achieve the consent of a person having control over another person" is within the scope of "buying" under the same paragraph.
	By means of the threat or use of force or other forms of coercion	Transportation of persons	Transportation of a person who was kidnapped by force for the purpose of threatening the life or body (Article 227, paragraph (3) of the Penal Code)	
	By means of the abuse of power or of a position of vulnerability	Transfer of persons	Delivery of a person who was kidnapped for the purpose of threatening the life or body (Article 227, paragraph (3) of the Penal Code)	1) "The purpose of the removal of organs" is within the scope of the purpose of "threatening the life or body" under Article 227, paragraph (3) of the Penal Code. 2) As "transportation", "transfer", "harbouring" and "receipt" of a person are assumed to be done naturally after the "recruitment" of such person, there is no problem if the subject of the above acts is limited to the person who is so recruited. Therefore, these acts are within the scope of "transportation", "delivery", "harbouring" and "receipt" of a person who was kidnapped by force or by enticement or sold under the same paragraph.
	By means of abduction, of fraud, or of deception	Harbouring of persons	Harbouring of a person who was kidnapped by force for the purpose of threatening the life or body (Article 227, paragraph (3) of the Penal Code)	
	By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person	Receipt of persons	Receipt of a person who was kidnapped for the purpose of threatening the life or body (Article 227, paragraph (3) of the Penal Code)	

Purpose	Act	Penalty securing compliance	Explanation about how Japanese laws secure compliance with the requirements of the UN Protocol against Trafficking in Persons
For the purpose of exploitation of the prostitution of others or other forms of sexual exploitation	Recruitment of children	Act of keeping a child under one's control (Article 34, paragraph (1), item (ix) and Article 60, paragraph (2) of the Child Welfare Act): Imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen, or by cumulative imposition of both penalties	1) The three purposes under the UN Protocol against Trafficking in Persons are, respectively, within the scope of the "intent of causing a child to commit an act making an impact that is mentally and physically harmful to the child" under Article 34, paragraph (2), item (ix) of the Child Welfare Act. 2) Item (ix) does not limit the means so that it satisfies the requirements of the UN Protocol against Trafficking in Persons. 3) "Recruitment", "transportation", "harbouring" and "receipt" are within the scope of the "act of keeping a child under one's control".
	Transportation of a child	Act of keeping a child under one's control (Article 34, paragraph (1), item (ix) and Article 60, paragraph (2) of the Child Welfare Act)	
For the purpose of forced labour or services, slavery or practices similar to slavery or servitude	Harbouring of a child	Act of keeping a child under one's control (Article 34, paragraph (1), item (ix) and Article 60, paragraph (2) of the Child Welfare Act)	
	Receipt of a child	Act of keeping a child under one's control (Article 34, paragraph (1), item (ix) and Article 60, paragraph (2) of the Child Welfare Act)	
For the purpose of the removal of organs	Transfer of a child	Act of keeping a child under one's control (Article 34, paragraph (1), item (ix) and Article 60, paragraph (2) of the Child Welfare Act), act of delivery of a child (Article 34, paragraph (1), item (vii), Article 60, paragraph (2) of the Child Welfare Act)	"Transfer", which is assumed to accompany the "act of keeping a child under one's control", is within the scope of Article 34, paragraph (1), item (ix) of the Child Welfare Act and is also within the scope of item (vii) of the same paragraph. That is to say, 1) The provision of Article 34, paragraph (1), item (vii) of the Child Welfare Act does not require a specific purpose and therefore satisfies the requirements of the UN Protocol against Trafficking in Persons 2) The provision of such an item does not limit the means and therefore satisfies the requirements of the UN Protocol against Trafficking in Persons 3) "Transfer" is within the scope of "deliver" under such an item.

Methods to Deal with Trafficking in Persons (Measures for Identification of Victims)

June 23, 2010

Agreement at the Inter-Ministerial Liaison
Committee

regarding measures to combat trafficking in persons

Trafficking in persons is a grave violation of human rights and also needs a prompt and accurate response from the humanitarian viewpoint. This is because trafficking in persons causes serious mental and physical pain to victims and it is very difficult to recover from the damage.

It has been pointed that methods of trafficking in persons have recently become shrewder and more latent. For example, brokers have victims acquire a status of residence that allows unlimited employment through fake marriages. Therefore, the relevant administrative agencies need to understand latent cases of trafficking in persons more actively to promote their eradication and the appropriate protection of victims. For this purpose, it is important for employees of the relevant agencies who are likely to be first in contact with such cases to understand the trafficking problem fully and deal appropriately with those persons who may be victims.

Based on the above and the Japan's 2009 Action Plan of Measures to Combat Trafficking in Persons (Decision at the Ministerial Meeting Concerning Measures Against Crime on December 22, 2009), with regard to the identification of victims among the methods to deal with trafficking in persons, we arranged the definition of trafficking in persons, the points of attention for the identification of victims based on the definition, and the measures to be taken by the relevant administrative agencies. We compiled these into the "Methods to Deal with Trafficking in Persons (Measures for Identification of Victims)" which is described in the attached paper as a reference for the activities of the relevant agencies and groups who are engaged in measures against trafficking in persons.

The relevant government agencies should take necessary measures for carrying out the matters specified in the attached paper effectively; for example, by fully informing the employees of these matters. To protect as many trafficking victims as possible, if the relevant government agencies identify the persons who may be victims, they should then take measures to protect them as widely as possible. In addition, even if persons who first seem to be trafficking victims are found not to be trafficking victims, they should be treated in full consideration of their situation and their human rights.

The attached paper has been prepared to encourage the relevant agencies to treat trafficking victims appropriately and make the treatment proper all over Japan through the sharing of understanding, based on measures that the relevant government agencies are carrying out to protect trafficking victims under the current legal system. To promote the identification of trafficking victims further and protect them appropriately, under the Japan's 2009 Action Plan of Measures to Combat Trafficking in Persons, the relevant government agencies should promote the improvement of measures for encouraging victims to come forward and make reports to and seek consultation from the relevant government agencies. They also should promote the systematic arrangement of methods to deal with trafficking in persons, including

the proper methods of response and procedures after finding any persons who may be victims, and the improvement of measures for protecting victims. In addition, based on the above, the attached paper should be reviewed whenever needed.

Attached Paper

Methods to Deal with Trafficking in Persons (Measures for Identification of Victims)

1. The definition of trafficking in persons and points of attention for the identification of victims

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” defines trafficking in persons as follows:

Article 3

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

To identify trafficking victims according to this definition, it is necessary to pay attention to whether a person falls under the following points:

(1) Perpetrator’s actions

Whether the person was subjected to recruitment, transportation, transfer, harbouring (providing the person with a place that prevented him or her from being discovered) or receipt?

(Note) Any of these actions will suffice; it is unnecessary for the person to be subjected to all the actions. This applies to (2) and (3) below. As is clear from the definition, a wider range of actions fall under trafficking in persons than the actions to which the buying or selling of human being as provided in Article 226-2 of the Penal Code is applicable.

(2) Means

Whether were actions carried out in (1) by any of the following methods?

- The threat or use of force or other form of coercion
(Note) “Force” means the use of tangible power toward another person’s body, “other form of coercion” means any act that controls another person’s will without using physical power toward the other person’s body. “The threat of force or other form of

coercion” means notification to the effect that such force or coercion will be exerted to the other person.

- Abduction, fraud, deception (telling a lie to make the other person commit a mistake, or coaxing the other person to make the other person misjudge)
- The abuse of power or of a position of vulnerability (using a legal or de facto position, such as a hierarchical relationship in an organization or a parent-child relationship, or a difference in position with the victim in order to exert tangible power unlawfully or give a notification of harm, freely controlling the victim, who has to obey the victimizer)
- The giving or receiving of payments or benefits to achieve the consent of a person having control over another person (including debt relief and exchange with property)

(3) Purpose

Whether the actions in (1) were carried out for the purpose of exploitation? Exploitation includes at least the following:

- Sexual exploitation by forced prostitution etc. ((1) gaining property benefits for oneself or others by having others prostitute themselves or force sexual intercourse etc. other than prostitution; or (2) forcing, or having another person force, sexual intercourse etc. with the subject against the subject’s will)
(Note) “Sexual intercourse etc.” means not only sexual intercourse but also something similar to sexual intercourse, touching sexual organs, or having another person touch them; sexual intercourse etc. other than prostitution including that with specific persons and that without consideration.
- Provision of forced labor or service (forcing labor or service against the laborer’s will by violence, threat, confinement, or any other unfair restriction of mental or physical freedom)
(Note) For the purpose herein, labor or service means that which generally demands the payment of a consideration in light of common sense.
- Slavery or practices similar to slavery, servitude (being fully subordinate to another person and provide labor or any other service at the other person’s disposal)
- The removal of organs (removal of the heart, lung, any other internal organ, or eyeball for the purpose of profit or threat to the life or body)

(4) Other matters that require consideration

- If any of the means specified in (2) are used, whether the victim has given consent to the exploitation as the purpose of (3) does not matter.
- If the subject is a child (a person under the age of 18), the subject is deemed to be a trafficking victim even if any of the means specified in (2) are not used.

2. Everyday measures

Each administrative agency should carry out necessary everyday measures, such as the following, to facilitate mutual cooperation among the relevant agencies if the agency identifies a trafficking victim or a person who may be a trafficking victim:

- 1) Confirm contact points of the agencies related to measures against trafficking in persons and when an official in charge of contact is replaced, notify the relevant agencies

immediately.

- 2) Inform any employees likely to come into contact with trafficking victims and related persons of the points of attention for the identification of trafficking victims and the measures to be taken in case of identifying of a person who may be a trafficking victim.

Each administrative agency is required to respond to trafficking in persons as specified in the Annex.

3. Response at each contact point

- (1) Full consideration should be given to consulters' privacy at each of the contact points of the relevant agencies, such as the police, the Immigration Bureau, the Regional Legal Affairs Bureaus, the women's consultation offices, the child guidance centers, the Labor Standards Offices, and the Head Office of the Ministry of Foreign Affairs. For example, if a foreigner seeks consultation, a response should be made in the foreigner's mother tongue; if a woman seeks consultation, a female employee should respond. In this way, efforts should be made to identify and fully understand the trafficking victims by creating circumstances where consulters can seek consultation at ease.
- (2) When the contact point of a relevant agency receives a request for consultation about criminal damage, an infringement of a foreigner's human rights, or trouble in daily life, if the existence of a trafficking victim can be inferred through a comprehensive judgment about what the consuler said, measures should be taken to protect the trafficking victim through cooperation among the relevant agencies as described in (3) and thereafter.
- (3) If the consuler is judged to be a trafficking victim or a person who may be a trafficking victim, the protection of the person should be considered. If needed, a prompt report or notification should be given to the police, the Immigration Bureau, the Japan Coast Guard, a women's consultation office (only if the consuler is a woman; this applies hereinafter) or a child guidance center (only if the consuler is a child; this applies hereinafter) for expert judgment and mutual cooperation. In this case, information should be shared fully among the relevant agencies to smoothly protect the trafficking victim.
- (4) When a report or notification is given to the police, the Immigration Bureau, the Japan Coast Guard, a women's consultation office, or a child guidance center, if the reporter or a notifier is a trafficking victim, they should cooperate with each other to protect the victim and endeavor to find latent trafficking victims as soon as possible to ensure their safety. In this case, these relevant agencies should share information and pay attention not to cause any discrepancy among their response.
- (5) If a trafficking victim is protected by a private shelter, the relevant agencies should pay careful attention to prevent the whereabouts of the victim from being located, resulting in a physical threat to the victim.

4. Discovery of victims during the control process

- (1) When the police, the Immigration Bureau, the Japan Coast Guard, the Labor Standards Offices, etc. deal with illegal immigration, illegal stays, moral offenses, prostitution,

child prostitution, child pornography, or foreigners' violation of the Labor Standards Act, they should make efforts to discover trafficking victims as soon as possible, taking into consideration the possibility that trafficking victims may exist. For this purpose, they should create circumstances where victims can report any damage at ease. For example, foreigners should be treated in their mother tongue, and women should be treated by female employees.

- (2) If the offender or a relevant person is judged to be a trafficking victim or a person who may be a trafficking victim, the protection of the person should be considered and their intention should be taken into consideration. If needed, a prompt report or notification should be given to the police, the Immigration Bureau, the Japan Coast Guard, a women's consultation office, and a child guidance center, all of which should then cooperate with each other to deal with the person. In this case, information should be shared fully among the relevant agencies to smoothly protect the trafficking victim.
- (3) When a report or notification is given to the police, the Immigration Bureau, the Japan Coast Guard, a women's consultation office, or a child guidance center, if the reporter or notifier is a trafficking victim, they should cooperate with each other to protect the victim and endeavor to find latent trafficking victims as soon as possible to ensure their safety. In this case, these relevant agencies should share information and pay attention not to cause any discrepancy among their response.

5. Dealing with newly identified victims

If a trafficking victim is found at a contact point or during the control process, and the existence of other victims becomes clear from information gained from the protected victim and any related persons, the relevant administrative agencies should cooperate to deal with this promptly in accordance with the procedures specified in 3 or 4 above.

Annex

Each Administrative Agency's Response to Cases of Trafficking in Persons

<Police>

- Response at each contact point
If the police receives a request for consultation or protection from a trafficking victim or a related person through a police station or police box, they should positively and appropriately respond to the request.
- Discovery of a victim during the control process
Efforts should be made to discover trafficking in persons during the process of controlling the violation of laws and regulations.
- Protection of victims
When a trafficking victim is identified, the police should notify or report to the Immigration Bureau, a women's consultation office, etc. and cooperate with them to take appropriate measures for protecting the victim, if needed.
- Ensuring the safety of victims
To ensure the safety of victims and prevent or reduce secondary damage, the police should consider how to respond to victims' requests for consultation and where interviews with them should be held.
- Consideration for position as victims
The police should inform victims of the protection measures, give them a full explanation about special permission to stay in Japan and other legal procedures, and explain to them about how they will investigate the case to the extent that is possible. In addition, if an offense committed by the victim was incidental to trafficking in persons as part of the damage from the trafficking, then the police should endeavor to give their full attention to the position of the victim when carrying out the measures, taking into consideration the status of the investigation thereafter.

<Japan Coast Guard>

- Response at each contact point
If the Japan Coast Guard receives a request for consultation or protection from a trafficking victim or a related person, it should positively and appropriately respond to the request.
- Discovery of a victim during the control process
Efforts should be made to discover trafficking in persons during the process of controlling the violation of laws and regulations.
- Protection of victims
When a trafficking victim is identified, the Japan Coast Guard should notify or report to the police, Immigration Bureau, a women's consultation office, etc. and cooperate with them to take appropriate measures for protecting the victim, if needed.
- Ensuring the safety of victims

To ensure the safety of victims and prevent or reduce secondary damage, the Japan Coast Guard should respond to victims' requests for consultation and consider where interviews with them should be held.

- Consideration for position as victims
The Japan Coast Guard should inform victims of the protection measures, give them a full explanation about special permission to stay in Japan and other legal procedures, and explain to them about how they will investigate the case to the extent that is possible. In addition, if an offense committed by the victim was incidental to trafficking in persons as part of the damage from the trafficking, then the Japan Coast Guard should endeavor to give their full attention to the victim when carrying out these measures, taking into consideration the status of the investigation thereafter.

<Public Prosecutors Office>

- Response at each contact point
If a District Public Prosecutors Office receives a request for consultation or protection from a trafficking victim or a related person, it should positively and appropriately respond to the request.
- Discovery of a victim during the control process
Efforts should be made to discover trafficking in persons during the process of controlling the violation of laws and regulations.
- Protection of victims
When a trafficking victim is identified, because the victim is highly likely to be harmed by a violent employer, broker, et al., the Public Prosecutors Office should notify the police and the Immigration Bureau and cooperate with relevant administrative agencies to take appropriate measures for protecting the victim, if needed.
- Ensuring the safety of victims
To ensure the safety of victims and prevent or reduce secondary damage, the Public Prosecutors Office should respond to victims' requests for consultation, consider where interviews with them should be held, supply information under the Victim Notification System, and endeavor to carry out procedures that give consideration for the trafficking victims' position and feelings, such as measures for screening victims during trial proceedings and the use of a video link when interviewing witnesses.
- Consideration for position as victims
The Public Prosecutors Office should inform victims of the protection measures, give them a full explanation about special permission to stay in Japan and other legal procedures, and explain to them about how they will investigate the case to the extent that is possible. In addition, if an offense committed by the victim was incidental to trafficking in persons as part of the damage from the trafficking, then the Public Prosecutors Office should endeavor to give their full attention to the position of the victim when carrying out these measures, taking into consideration the status of the investigation thereafter.

<Immigration Bureau>

- Response at each contact point

If the Immigration Bureau receives a request for consultation or protection from a trafficking victim or a related person, it should positively and appropriately respond to the request.

- **Discovery of a victim during the control process**
Efforts should be made to discover trafficking in persons during the process of controlling the violation of the Immigration Control Act.
- **Protection and support of victims**
When a trafficking victim is identified, the Immigration Bureau should notify or report to the police, a women's consultation office, etc. and cooperate with them to take appropriate measures for protecting the victim, if needed. In addition, it should endeavor to ensure cooperation with the foreign embassies in Japan and IOM (International Organization for Migration) and seek cooperation to carry out protective measures, such as the issuance of visas for victims.
- **Ensuring the safety of victims**
To ensure the safety of victims and prevent or reduce secondary damage, the Immigration Bureau should respond to victims' requests for consultation and consider where interviews with them should be held.
- **Consideration for position as victims**
The Immigration Bureau should inform victims of the protection measures and give them a full explanation about special permission to stay in Japan and other legal procedures.
- **Stabilization of the legal status of victims**
If the victim is lawfully staying in Japan, taking the victim's position into full consideration, and based on the victim's wishes, the Immigration Bureau should permit a renewal of the period of stay or a change in the status of residence. If the victim is unlawfully staying in Japan due to a violation of the Immigration Control Act, the Immigration Bureau should give special permission to stay in Japan to stabilize the legal status of the victim.

<Women's consultation office/Child guidance center>

- **Response at each contact point**
If a women's consultation office or a child guidance center receives a request for consultation or protection from a trafficking victim or a related person, it should positively and appropriately respond to the request.
- **Protection of victims**
When a women's consultation office or a child guidance center receives a relevant administrative agency's request for the protection of a trafficking victim or identifies a trafficking victim, because the victim is highly likely to be harmed by a violent employer, broker, et al., the women's consultation office or the child guidance center should explain to the victim about the role of each relevant agency and, if needed, notify the police and the Immigration Bureau after gaining consent regarding the need for notification. In addition, it should take appropriate protective measures in cooperation with the relevant administrative agencies.

- Women's consultation office's protection and support
A women's consultation office should endeavor to ensure cooperation with the relevant administrative agencies, foreign embassies in Tokyo, IOM, and NGOs to supply clothing, food, and residence to female victims, establish a night guard system, and improve support for the protected victims according to their conditions. If the victim is a child, the women's consultation office should cooperate with a child guidance center to take appropriate protective measures, if needed. In addition, if a private shelter is likely to give more appropriate protection, the women's consultation office should temporarily entrust protection to the private shelter.

<Labor-related administrative agencies>

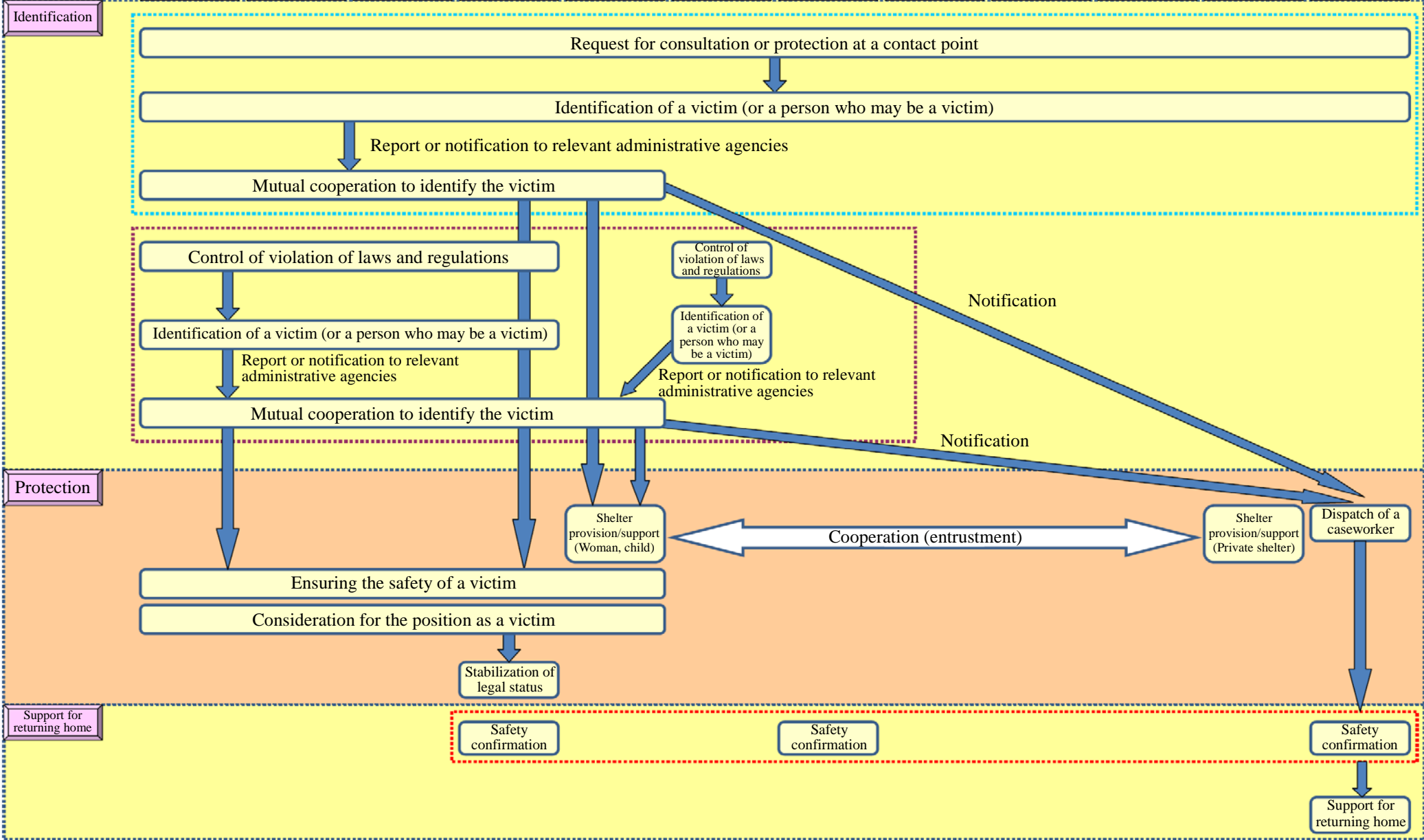
- Response at each contact point
If a Labor Standards Inspection Office or other labor-related administrative agency receives a request for consultation or protection from a trafficking victim or a related person, it should positively and appropriately respond to the request.
- Discovery of a victim during the control process
Efforts should be made to discover trafficking in persons during the process of controlling foreigners' violation of the Labor Standards Act.
- Protection of victims
When a labor-related administrative agency identifies a trafficking victim, because the victim is highly likely to be harmed by a violent employer, broker, et al., the agency should notify the police and the Immigration Bureau and cooperate with relevant administrative agencies to take appropriate measures for protecting the victim, if needed.

<Other relevant administrative agencies>

- Response at each contact point
If a request for consultation or protection is given from a trafficking victim or a related person at a contact point, an agency should positively and appropriately respond to the request.
- Protection of victims
When an agency identifies a trafficking victim, because the victim is highly likely to be harmed by a violent employer, broker, et al., the agency should notify the police and the Immigration Bureau and cooperate with relevant administrative agencies to take appropriate measures for protecting the victim, if needed.

Flowchart for the Protection of Trafficking Victims

- Police
- Japan Coast Guard
- Public Prosecutors Office
- Immigration Bureau
- Women's consultation office
Child guidance center
- Labor administrative agency
- Ministry of Foreign Affairs
- Ministry of Justice
- General consultation service for foreigners
- Administrative body such as municipality
- NGO
- IOM



Methods to Deal with Trafficking in Persons (Measures for Protection of Victims)

July 1, 2011
Agreement at the Inter-Ministerial Liaison
Committee regarding measures to combat
trafficking in persons

Trafficking in persons is a grave violation of human rights and also needs a prompt and accurate response from the humanitarian viewpoint. This is because trafficking in persons causes serious mental and physical pains to victims and it is very difficult to recover from the damage.

It has been pointed that methods of trafficking in persons have recently become shrewder and more latent. For example, brokers have victims acquire resident's status with no limitation of work through fake marriages. Therefore, the relevant administrative agencies need to understand latent cases of trafficking in persons more actively to promote their eradication and the appropriate protection of victims.

With regard to the identification of trafficking victims, the relevant government agencies agreed on the "Methods to Deal with Trafficking in Persons (Measures for Identification of Victims)" on June 23, 2010. Then, based on the Japan's 2009 Action Plan of Measures to Combat Trafficking in Persons (Decision at the Ministerial Meeting Concerning Measures Against Crime on December 22, 2009), with regard to the protection of victims among the methods to deal with trafficking in persons, recently arranged the points of attention for the protection of trafficking victims and the measures to be taken by the relevant administrative agencies and compiled the "Methods to Deal with Trafficking in Persons (Measures for Protection of Victims)" as described in the attached paper as a reference for the activities of the relevant administrative agencies and groups who are engaged in measures against trafficking in persons.

The relevant government agencies should take necessary measures for carrying out the matters specified in the attached paper effectively; for example, by fully informing the employees of these matters. To protect as many trafficking victims as possible, if the relevant administrative agencies identify persons who may be victims, they should take

measures to protect them as widely as possible. In addition, even if persons who first seem to be trafficking victims are found not to be trafficking victims, they should be treated in full consideration of their situation and their human rights.

Annex

Methods to Deal with Trafficking in Persons (Measures for Identification of Victims)

1. Points of attention for the protection of victims

To protect trafficking victims appropriately, it is necessary to pay attention to the following:

(1) Ensuring the safety of victims

Because victims are highly likely to be harmed by a violent employer, broker, et al., it is necessary to ensure their safety and prevent or reduce secondary damage.

(2) Consideration for position as victims

A full explanation should be given to the victims about the facilities for protecting them. If an offense committed by a victim was incidental to trafficking in persons as part of the damage from the trafficking, it is necessary to endeavor to give full attention to the position of the victim when carrying out the measures, taking into consideration the status of the investigation thereafter.

(3) Stabilization of the legal status of victims

To give priority to the protection of victims, it is necessary to stabilize their legal status, taking their position into full consideration, and based on their wishes.

(4) Consideration for victims' mid- and long-term stay in Japan

Because a victim's stay in Japan will be prolonged for a medium or long time due to their cooperation in criminal proceedings, divorce proceedings in the case of a false marriage, or a safety problem in their home country, and because a difference in language or lifestyle, group living, and behavioral restrictions will become a burden on the victims, it is necessary to give counseling and other support, taking their wishes into consideration.

2. Everyday measures

Each administrative agency should carry out the necessary everyday measures, such as the following, to facilitate mutual cooperation among relevant agencies if the agency

identifies a trafficking victim, or a person who may be a trafficking victim, or protects a trafficking victim:

- 1) Each administrative agency should unify their contact points for measures against trafficking in persons, appoint an official in charge, and establish a system that makes it possible to receive reports from other prefectures' relevant administrative agencies.
- 2) Each administrative agency should confirm the relevant administrative agencies' contact points and when an official in charge of contact is replaced, immediately notify the relevant agencies.
- 3) Each administrative agency should hold liaison meetings to share information on trafficking in persons, deepen their understanding about other administrative agencies' operations, and share understanding about concrete outlines of measures for the protection of trafficking victims.
- 4) Each administrative agency should inform the employees likely to come into contact with trafficking victims and other related persons of the points of attention for the identification and protection of trafficking victims, and the measures to be taken in the case of identification of a person who may be a trafficking victim and the measures for protecting victims.

3. Measures for protecting victims

- (1) At each of the contact points of the relevant administrative agencies, such as the police, the Immigration Bureau, the Legal Affairs Bureaus, women's consultation offices, child guidance centers, the Labor Standards Offices, and the Head Office of the Ministry of Foreign Affairs, if the consuler is judged to be a trafficking victim or a person who may be a trafficking victim, the protection of the person should be considered. If needed, a prompt report or notification should be given to the police, the Immigration Bureau, the Japan Coast Guard, a women's consultation office (only if the consuler is a woman; this applies hereinafter) or a child guidance center (only if the consuler is a child; this applies hereinafter) for expert judgment and mutual cooperation. In this case, information should be shared fully among the relevant agencies to smoothly protect the trafficking victim.
- (2) When a report or notification is given to the police, the Immigration Bureau, the Japan Coast Guard, a women's consultation office, or a child guidance center, if the

reporter or notifier is a trafficking victim, they should cooperate with each other to protect the victim and endeavor to find latent trafficking victims as soon as possible to secure their safety. If needed, these relevant agencies should hold a liaison meeting to share information and prospects for the period needed for protection and should pay attention not to cause any discrepancy among their response.

- (3) If a trafficking victim is protected by a private shelter, the relevant agencies should pay careful attention to prevent the whereabouts of the victim from being located, resulting in a physical threat to the victim. In addition, thorough measures should be carried out to ensure the safety of the victim. For example, if the victim goes out, the victim should be accompanied by an employee of the relevant administrative agency.
- (4) When a relevant administrative agency protects a trafficking victim, the agency should wipe away their sense of unease. For example, if the victim is a foreigner, the agency should treat the victim in their mother tongue; if the victim is a woman, a female employee should treat the victim. In addition, if a person is identified as a trafficking victim, the agency should inform the victim of the protection measures, give a full explanation to the victim about special permission to stay in Japan and other legal procedures, and explain the victim about how the agency will investigate the case to the extent that is possible.
- (5) If the protection period for a victim is expected to be prolonged for a medium or long time due to criminal procedures, the investigative organization should give the victim and the relevant administrative agency protecting the victim a full explanation about the criminal procedures and prospects for the investigation to the extent that is possible to reduce the victim's mental burden.
- (6) When the investigative organization carries out criminal procedures for a trafficking victim, such as an interview with the victim, to ensure the safety of the victim and to prevent or reduce secondary damage, the investigative organization should respond to the victim's requests for consultation, consider where the interview should be held, have Victim Support Officers accompany the victim to the court, supply information under the Victim Notification System, and endeavor to carry out procedures that give due consideration for the victim's position and feelings, such as measures for screening victims during trial proceedings and the use of a

video link for interviewing witnesses. If the investigative organization interviews a victim that is protected by a women's consultation office, the investigative organization should fully coordinate with the relevant administrative agency beforehand concerning the time, method, and other details of the interview.

- (7) If the offense committed by a victim was incidental to trafficking in persons as part of the damage from the trafficking, the investigative organization should endeavor to give full attention to the position of the victim when carrying out the measures, taking into consideration the status of the investigation thereafter.
- (8) If a victim is lawfully staying in Japan, taking the victim's position into full consideration, and based on the victim's wishes, the Immigration Bureau should permit a renewal of the period of stay or a change in the status of residence. If the victim is unlawfully staying in Japan due to a violation of the Immigration Control Act, the Immigration Bureau should give special permission to stay in Japan to stabilize the legal status of the victim. In addition, women's consultation offices and the like should endeavor to reduce victims' mental burdens, for example, by having someone accompany victims during any procedures, if needed.
- (9) Women's consultation offices should endeavor to cooperate with the police, the Immigration Bureau, other relevant administrative agencies, foreign embassies in Tokyo, IOM (International Organization for Migration) and NGOs to protect female trafficking victims temporarily, irrespective of nationality or age, and support them during protection according to their conditions, including the following: the provision of clothing, food, and residence; consideration for their living rooms and bathing; consideration for food; establishment of a night guard system; appointment of necessary interpreters; provision of counseling, medical care, and the like; and provision of information about the legal assistance for victims. In the case of a child victim, the child guidance center should give the victim mental care and treatment. For example, if needed, it should have a child psychologist interview the victim and have a doctor diagnose the victim. If high-level expertise is needed, the child guidance center should cooperate with a specialized medical institution.
- (10) If a victim cannot return to the home country, the Immigration Bureau should give the victim a status of residence which allows employment if the need arises, respecting the victim's intention and comprehensively taking into consideration the

victim's situation. If a victim is given a status of residence that allows employment in Japan, the relevant administrative agencies should support the victim's employment if the need arises, taking into consideration the victim's wish for employment.