

United Nations Global Programme  
against Trafficking in Human Beings

*Coalitions against Trafficking in Human Beings  
in the Philippines - Phase 1*

**Trafficking of Filipino Women to Japan:  
Examining the Experiences and Perspectives  
of Victims and Government Experts**

Executive Summary

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This research, contracted by the United Nations Interregional Crime and Justice Research Institute in Turin, Italy was part of a larger project on trafficking in human beings from the Philippines, *Coalitions Against Trafficking in the Philippines - Phase 1*. The focus of the research was to determine certain aspects of trafficking in Filipinos to include modes of recruitment, transportation, use of fraudulent documents, deception and exploitation, routes, corruption and collusion and the involvement of organised criminal groups.

## **The Context**

**The Philippines** is a source country of migrant workers. Recruitment agencies and placement firms arrange migrant workers' travel and employment, however, not all of these agencies and firms operate within the law.<sup>1</sup> The trafficking process, originating in the Philippines, has been 'very creative'. Trafficked<sup>2</sup> Filipinos include those who were 'legitimately' recruited, promised high-paying jobs, but ended up as prostitutes; those who left as tourists and ended up as domestic helpers, exotic dancers, or bar girls; women who were willing or coerced victims of the mail-order bride trade.<sup>3</sup>

Often there is a continuum between smuggling and trafficking as victims who depart the Philippines undocumented (or with forged documents) are trafficked upon reaching the country of destination.<sup>4</sup> By placing herself in the hands of smugglers, albeit voluntarily, an individual has already ceded control of her fate and is therefore vulnerable to situations in which migrant smuggling can degenerate into trafficking of persons.<sup>5</sup> Many trafficking victims fall prey to this practice because they seek a better life or enhanced economic opportunities. They are, therefore, vulnerable to false promises of good jobs and higher wages.<sup>6</sup>

**Japan** is a key destination country for women from the Philippines for a number of reasons:

1) Even though the yen is weak compared to its previous performance, it remains strong when compared to most of the world's currencies, and there is a high level of

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<sup>1</sup> 'Coalition against Trafficking in Human Beings in the Philippines – Phase 1', Project Document, UNICRI, 21 March 2000, p. 5 (unpublished report).

<sup>2</sup> There is considerable debate about the meaning and appropriate definition of the terms 'trafficking in persons', 'human smuggling' and 'organised crime group'. This report uses those definitions provided by the United Nations Convention Against Transnational Organized Crime and the supporting UN Protocols, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children and the Protocol against the smuggling of migrants by land, sea and air, both supplementing the United Nations Convention against Transnational Organized Crime.

<sup>3</sup> Catherine Paredes-Maceda, Deputy Executive Director, Commission on Filipinos Overseas, 'Prevention of Trafficking, Protection, and Rehabilitation of Victims', in Ministry of Foreign Affairs, *Japan, Asia-Pacific Symposium on Trafficking in Persons* (proceedings), 20 January 2000, p. 29.

<sup>4</sup> 'Coalition against Trafficking in Human Beings in the Philippines – Phase 1', Project Document, UNICRI, 21 March 2000, p. 5.

<sup>5</sup> International Organization for Migration, *Migrant Trafficking and Human Smuggling in Europe – A Review of the Evidence*, International Organization for Migration, Advance Copy

<sup>6</sup> US Department of State, *Trafficking in Persons Report*, US Department of State, July 2001, @ <http://www.state.gov>, October 2001.

disposable income in Japan. The prospect of significant financial gain is an attraction for trafficking organisers, brokers and recruiters, and for those in Japan who broker and manage trafficked women. In addition, this economic reality is a lure for women seeking work, which can also act as a form of leverage in making potential recruits more vulnerable to deception.

2) There is an absence of significant alternative legal routes for immigrant employment into Japan: for example, there is not a tradition of domestic help in Japan, and generally employment visas are not granted for casual work.

3) There is a thriving and largely self-regulated adult entertainment and prostitution industry that generates huge revenue (and is connected to organised crime<sup>7</sup>). The authorities largely tolerate these activities, which allows a significant space within which traffickers can operate.

4) The concept of ‘victimhood’ and coercion is not fully accepted in Japan amongst public authorities:<sup>8</sup> women working in the adult entertainment industry are generally regarded as voluntary participants, whatever their circumstances. The definition of trafficking is narrow in many official circles and investigation into, and combating of, trafficking is not as rigorous as it could be. Traffickers take full advantage of this.

## Report Overview

The Japanese entertainment industry is unique. It is an enormous industry largely staffed by Japanese women.<sup>9</sup> Much of the industry consists of hostess bars supported by corporate accounts and consists of little more than young women pouring drinks, lighting customers’ cigarettes and making pleasing conversation that facilitates bonding between company workers and often their customers, other company workers. In many, sex is not sold. That being said, the sex industry is substantial.

Unfortunately, the majority of individuals in this report do not work in the less exploitative end of the industry. Many have been trafficked into Japan by organised crime groups, as a source of cheap, exploitable labour. Many do not fit a stereotypical media image of a trafficked woman. None were abducted, but all were coerced and/or deceived. Many travelled in groups, large and small, of other trafficked persons. A number were brought into Japan by small groups or by ‘individuals’ who later were revealed to have Yakuza links and who forced the women into the sex industry through their networks. These women were trafficked.

The women are either unaware of the reality of the jobs they are travelling to, or are told half-truths and tempted with offers of money which, in the Philippines seem enormous, but in Japan, is far below the standard salaries paid for this kind of work.

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<sup>7</sup> The exact nature of this connection is not clear and is open to debate. See for example Karel van Wolferen, *The Enigma of Japanese Power*, Tokyo, Tuttle Company, 1993, pp.132-140.

<sup>8</sup> Except for the Tokyo Metropolitan Government, which funds one NGO assisting victims of trafficking, there is no government support for NGOs working with trafficked persons in Japan. Victims are often treated as criminals (prostitutes or illegal aliens) by the legal system because the Government does not consider people who willingly enter for illegal work as trafficking victims.

<sup>9</sup> See, for example, Anne Allison, *Nightwork: Sexuality, Pleasure, and Corporate Masculinity in a Tokyo Hostess Club*, Chicago, University of Chicago Press, 1994.

They are told they will work as ‘singers’ (as indicated by their entertainers certification by the Philippine Government)<sup>10</sup>, as cashiers, as chambermaids, and as hostesses. They are forced to sell and administer drugs, ‘fondle customers’, appear in pornographic videos and prostitute themselves. The criminals responsible engage in a number of practices to retain leverage over them, including: removing passports, bullying; threatening and practising violence, withholding their salary until their contract is completed; threatening to stop payments to their families; and threatening to report to police and immigration to have them deported. Once caught in the system, the women find it difficult to extricate themselves until their debt is paid/contract is completed, and sometimes after that.

## **Methodology**

The research team endeavoured to provide three samples:

- **Victims** - Two researchers interviewed 20 Filipino women who had been trafficked into Japan. Interviews with women were generally conducted in their residential premises, in cafes, or NGOs/refuges. Seventeen interviews were conducted in Tagalog, of which 16 were used. Three interviews were conducted in English, with a Tagalog-speaking social worker available to interpret when necessary. That data, generated from the 19 interviews, forms the basis of this report.
- **Criminal Justice Experts** – The team was not successful in obtaining a formal sample of criminal justice experts however, two criminal justice experts employed in the Japanese Government did agree to be interviewed on the condition that confidentiality was assured.
- **Government Case Files** – The team also encountered substantial difficulties accessing full case files identifying trafficking cases. Although some access was provided to case files, these files contained information on Filipino women working in prostitution or in Japan as illegal migrants and did not identify whether those concerned had been trafficked, smuggled or had independently and illegally entered Japan. The women were viewed as offenders rather than victims rendering the case file material useless for the purpose of this research.

## **Report Data**

### *Demographic variables*

Areas surveyed concentrated on Kanto (Tokyo, Kanagawa, Chiba) and Kansai (Osaka, Kobe, Wakayama, Kyoto, Nara and Nagoya). These are the largest cities in Japan with the highest concentration of Filipino women and also have flourishing entertainment industries.

At the time of first departure from the Philippines, four women were under the age of 18. Eleven more were between 18 and 25 at time of first departure. At the time of the interview, women were significantly older as many had already spent a number of years in Japan.

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<sup>10</sup> In the Philippines, the Philippine Government has instigated a strict system of auditions (as a singer or dancer) for accreditation before an entertainer visa could be issued.

Of the nineteen respondents in the sample, seven respondents had made only one trip to Japan. The other 12 had been to Japan on more than one occasion. The pattern of women making numerous trips to Japan is echoed in the 1997 International Organization for Migration report on Filipino women trafficked to Japan for sexual exploitation.<sup>11</sup>

### *Recruitment practices*

Contact with the recruiter is often initiated by family or friends or those close to the woman. Nine women came into contact with their recruiter through acquaintances and five through their family. Two were recruited for this trip while working in clubs in Japan. One was recruited while working as a chambermaid in a Philippine hotel. One woman was recruited when 'adopted' by a couple who ran a recruitment agency. Only one made contact with their recruiter after seeing an advertisement.

In total 14 of the 19 respondents were recruited through informal family/acquaintance networks. This would appear to be consistent with the IOM survey which found that 73% of the women surveyed, named friends and family as the source of their information about recruitment.<sup>12</sup>

The lack of a formal process suggests that the recruitment system is widely known in the community. It is also possible that recruiters choose to work through informal networks, to gain the trust of potential workers.

### *Routes and Experiences during the travel*

Sixteen of the women left the Philippines from Manila. Three left from Cebu City. All respondents left by plane.

Eleven respondents travelled to Japan with more than one other women and/or man; eight were moved individually. In eight of the eleven cases in which the individual travelled with other recruited men / women, they also travelled with a Japanese or Filipina person associated with their recruitment.

The fact that numerous persons are being moved at the same time and under the supervision of recruiters or club owners is an indication of a highly organised recruitment and trafficking process.

### *Immigration Status*

Ten respondents were currently overstaying their visas. Nine had current visas. Of those nine, five had spouse visas and one had a student visa. The largest number of women (seven) entered Japan using entertainer visas (7).

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<sup>11</sup> It must be pointed out that the IOM report focused only on women who had returned to, and were currently located in, the Philippines. Of that group, more than half the subjects (55 percent) had been to Japan between two and six times, while five percent had been to Japan between seven and eleven times. International Organization for Migration, *Trafficking in Women to Japan for Sexual Exploitation – A Survey on the Case of Filipino Women*, International Organization for Migration, May 1997, p. 28

<sup>12</sup> International Organization for Migration, *Trafficking in Women to Japan for Sexual Exploitation – A Survey on the Case of Filipino Women*, International Organization for Migration, May 1997, p. 32.

The issue of visas is an important one. The Japanese Government has clarified the distinction between ‘entertainer’ and ‘hostess’ making it illegal for the holder of an entertainer visa to work as a hostess. The Philippine Government has acted to ensure that only women skilled as entertainers could be granted entertainer visas. Yet despite these efforts, it would seem that a substantial number of women holding entertainer visas are working as hostesses.<sup>13</sup>

The use (and probable advantage) of spouse visas was pointed out in the IOM’s survey of Filipino women who had been trafficked to Japan. The spouse visa imposes few restrictions on staying and working in Japan. There are indications that, more than ever before, commercial sex workers are migrating to Japan with this visa, as entertainer and tourist visas have been less readily available in the Philippines and Thailand. (Fujita 1997; 40)<sup>14</sup>

Spouse visas, in particular, are longer term than entertainer and tourist visas, which means that for people who stay for more than a few months, their immigration status may appear legal even if their marriage is fake. In this instance, four of the five women were aware their marriage was solely for the purpose of gaining a visa. The fifth woman appears to have believed she would enter a genuine marriage and is outraged at her treatment, i.e. “He sold his own wife”. She later learned her husband has links to the Yakuza. Her husband uses the threat of taking their children to retain leverage over her.

#### *Fraudulent documents*

Thirteen respondents entered Japan using one or more fraudulent documents. Of the seven women entering Japan using entertainer visas, two used legitimate papers and five used false papers. Four women entered Japan using tourist visas, all with false papers.

In at least two instances, passports were specifically ‘falsified’ for the individual involved, both times in a sister’s name. In at least two other instances, individuals used passports of an unknown person which may be indicative of a scam using legitimate passports to bring Filipino women in and out of Japan.<sup>15</sup>

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<sup>13</sup> Despite these efforts of the Japanese and Philippine Governments, the use of entertainer visas remains crucial to the trafficking of Filipino women into Japan for exploitation in the entertainment/sex industry. In July 2001, the US Department of State found that “many women who are trafficked into Japan, particularly from the Philippines, enter on entertainer visas. An estimated 40,000 women from the Philippines enter Japan each year on such visas” (US Department of State, Trafficking in Persons Report, US Department of State, July 2001, @ <http://www.state.gov>, October 2001).

<sup>14</sup> International Organization for Migration, *Trafficking in Women to Japan for Sexual Exploitation – A Survey on the Case of Filipino Women*, International Organization for Migration, May 1997, p. 19.

<sup>15</sup> A Filipino Community Worker, working at a Japanese NGO, stated his understanding that there is a substantial trade in fake passports. He said that he has recently become aware of a “Low Interest Loan” scam to secure passports. Tagalog-language advertisements have been placed in the Filipino community newspaper in Japan, advertising ‘low interest’ loans. To secure a loan, applicants must leave their passport with the lender. The community worker suggested that the loan scheme is run by Yakuza, and that while the passports are being held, they are used to get Filipino women into Japan, and to assist over-stayers to leave. The experience of subject 19 also supports this assertion. Subject 19 was forced give her passport to the people controlling her. It was not in her possession when she ran away from her Yakuza controlled club. With the assistance of refuge workers, she recently visited the

Although many of the persons interviewed used false documents to enter Japan, they were unaware of the degree to which the documents would be used as leverage against them, contributing to their exploitation.

#### *Debt and the cost of fraudulent documents*

The cost of fraudulent documents was difficult to gauge accurately but generally ranged from between approximately \$300 and approximately \$2000.<sup>16</sup> Three women paid everything up front, while fourteen incurred a debt. Two respondents did not incur a debt.

There appears to be at least three financial systems (debt bondage/loan) operating in relation to the control and exploitation of Filipino women trafficked to Japan for the purposes of working in the entertainment and sex industry.

A woman will be part of either:

- System 1 – A substantial debt figure is named. (The amount of which appears to be arbitrary, in that it's not based on actual 'costs' or expenses of the 'lender'). The woman must work to repay the debt.
- System 2 – A minimal debt is named or no debt at all, and the woman must work to repay it while earning a very small salary.

In both instances, the worker receives substantially less income than she would working in the same type of job as an unrestricted or 'freelance' worker.

System 3 involves making 'cash advances' to the woman's family in the Philippines. It may operate in conjunction with System 1 or System 2.

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Immigration Office to try to clarify her immigration status. She was told by staff that she had made many trips between Japan and the Philippines since she arrived in 1998. She believes her passport has been used by the Yakuza to smuggle women in and out of Japan, and says that this is also the belief of the Immigration Office.

<sup>16</sup> Currency conversion used throughout this document is drawn from the latest (March 2002) conversion rates: US\$ = Yen 128.95; US One Dollar = Peso 51.00; One Philippine Peso = US\$0.1959; One Philippine Peso = Yen 2.53. NB: the sums mentioned in this report refer to different times and the rate of exchange, especially between the yen and other currencies, has varied very significantly over short and long periods of time. US Dollar figures shown should be understood as very approximate estimates only.

### *Criminal earnings and distribution / criminal investment*

It is difficult to estimate the actual earnings of the women, but for most it is far in excess of their basic salary. One woman stated her basic salary is Y30,000 (\$233) but her actual earnings are Y50,000 (\$ 388) to Y60,000 (\$465). Another claimed her basic salary is Y30,000 (\$233) but her actual earnings were between Y30,000 (\$233) and Y200,000 (\$1550). A third woman estimated her income is Y30,000 but her actual earnings were between Y60,000 (\$465) and Y80,000 (\$620). Two women estimated their incomes at Y200,000 (\$1550), although they did not provide a 'basic salary' breakdown.<sup>17</sup>

One woman described the club's system as follows:

<b>Item</b>	<b>Revenue to Club</b>	<b>Revenue to hostess</b>
Regular Entrance - 1 hour	Y40 000 or \$310	0
VIP Entrance - 1 hour	Y100 000 or \$780	0
Drink	Y1 500 or \$12	Y 250 or \$2
Fruit platter	Y15 000 or \$120	Y 500 or \$4
Request specific hostess	Y3 000 or \$23	Y 800 or \$6

It is easy to assert that trafficked women's desire to remain in Japan is economically motivated<sup>18</sup>. However, that desire neither indicates trafficked women's collusion in their trafficking nor mitigates against the seriousness of the responsibilities of the organised criminal groups involved.

### *Deception about work*

The women were deceived about a number of things. Fifteen respondents said they were deceived about the nature of work they were required to do.<sup>19</sup> Fourteen said they were deceived about the conditions of work. Four women said they were deceived about the areas in which they would be required to work, while three said they were deceived about the Japanese immigration rules. Three respondents said they were deceived about living conditions in Japan. One said she was fundamentally deceived because she believed she was entering a genuine marriage, and did not know she would be forced to work in the sex industry. Only one woman said she was not deceived.

### *Type of work*

Seventeen of the 19 women were promised jobs before leaving the Philippines. In all cases, jobs were different from those promised. In all but two instances, respondents stated that these jobs were different than those promised and that they were forced to

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<sup>17</sup> Subject 18 provided details of the system under which she had most recently worked. She was paid US\$1000/month but she could also make between Y200,000 and Y300,000 in tips and gifts. This brought her monthly income to approximately US\$3000/month. She was allowed to keep all her income if she met the club's target - which was Y800,000/day (more than US\$6,500/day).

<sup>18</sup> A similar assertion is made in International Organization for Migration, *Trafficking in Women to Japan for Sexual Exploitation – A Survey on the Case of Filipino Women*, International Organization for Migration, May 1997, p. 28.

<sup>19</sup> Respondents were allowed to give multiple responses.

engage in sexual practices with customers and individuals. The women's stories are varied and credible. They were offered a range of jobs before leaving the Philippines and, based upon their jobs or training in the Philippines, genuinely believed that these were the jobs they would fill.

#### *Forced to work in sex industry or forced to engage in sexual practices in job*

All but one of the women report that they were forced to engage in numerous sexual practices in their job. Fourteen were forced to have sex with customers. Four were forced to sexually fondle customers, and four others were forced to sexually fondle and masturbate customers. Four were forced to do stripping and exotic dancing. Three were forced to participate in peep shoes. Two were forced to appear in pornographic videos and one was forced to have sex with Yakuza members.

#### *Rotation between groups and cities*

Communication exists between clubs, recruiters and crime groups. Twelve of the women were rotated between clubs within the same city. Nine were rotated between different cities or towns.<sup>20</sup> Five respondents were rotated between different criminal groups and eight did not know whether they had been rotated between different criminal groups.

#### *Means of Control*

A number of means were used to control victims:

- Confiscation of passports and documents
- Withholding payment until completion of the contract
- Threats to withhold 'advance' payments to family
- Threats to report the women to the Immigration/police to result in deportation
- Threat of violence
- Restricted communication and movement
- Confinement
- Bullying/humiliation
- Physical violence
- Sexual violence

Sixteen women had their passports and travel documents removed from them upon arrival in Japan. Seven were able to get their passport back, and five believe they will get their passport back (as agreed) upon completion of their contract. Four of the women were not able to retrieve their passport.

#### *Use of violence*

This section focuses on the perpetrators and their use of violence against trafficked victims.

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<sup>20</sup> One subject described rotation between clubs and towns/cities as a 'flying booking'. She said she was booked for a 'flying booking' on her third trip to Japan, so was aware she would be transferred during that trip. Subject 18 said that 'flying bookings' were quite common.

- Smugglers/ Traffickers in the Philippines  
There were no reports of actual physical or sexual violence by smugglers/traffickers in the Philippines.
- Smugglers/Traffickers in Japan  
Eight respondents reported that their smugglers/traffickers in Japan had been physically violent, while seven respondents were victims of sexual violence. Six of those had also experienced physical violence.
- Employers in Japan

Employers in Japan committed the highest level of physical violence against respondents. Thirteen women reported having been victims of physical violence. Five reported having experienced sexual violence. Four of these had also experienced physical violence.

Women were also subjected to other levels of control. Nine respondents did not have freedom of movement and unrestricted communication. Two were told not to talk to anyone, and a third was beaten if she was found to have talked to anyone about her husband's background. Six could only go out with an escort.

#### *Victims' Involvement in other crimes*

Ten women stated that they had been forced into criminal activities. These activities included:

- Sale of drugs 5
- Administering drugs to other hostesses 1
- Import of drugs 2
- Prostitution 5<sup>21</sup>
- Recruiting Filipino women 2

Only five of the respondents reported being involved in 'prostitution' when they were asked to report their involvement in crimes. This figure appears to severely under-report the level of prostitution which occurred, and may be the result of a problem with the survey instruments, and/or the womens' (mis)understanding of what constituted prostitution.<sup>22</sup> It should be noted that when asked to report more specifically on their experiences, 15 of the women reported being forced to have sex and 17 responded they were forced to work as sex workers. Therefore it would seem that between 15 and 17 of the respondents were forced to prostitute themselves.

#### *Involvement of Organised Crime*

A number of questions attempted to provide an indication of the size and degree of organisation of the trafficking operations. Respondents came into contact with a number of different persons during the trafficking process.<sup>23</sup>

<sup>21</sup> This figure appears to under-represent the number of women forced into prostitution if compared with the number of women who reported being forced to have sex with customers.

<sup>22</sup> It is possible that women only consider forced sexual intercourse tantamount to prostitution.

<sup>23</sup> It is not clear from the survey whether these were the same or different persons were involved in each stage of the process.

Seventeen women replied that traffickers had ongoing contact – ‘promoters have contracts with same clubs’. One woman replied that they worked together but she did not know if they have worked together in past years. One respondent did not know.

Cooperative ventures between ethnic groups may be an indication of highly organised international crime networks. In the Philippines, five women had contact only with Filipinos and twelve had contact with Filipinos and Japanese. In Japan, thirteen respondents had contact only with Japanese, three had contact with Filipinos and Japanese and three had contact with Japanese and people of other nationalities (Japanese-Korean; Japanese and North Korean; Japanese, Korean, and Chinese (possibly Taiwanese or Hong Kong Chinese)).

The respondents knew of other women who had been recruited by the same persons or groups and there are indications that the groups are still operating in the town or area from which they were recruited. This points to stable operations in existence for a period of time.

#### *Contact with Government officers*

The women were asked whether they had personally had contact with any corrupt officials.

*Filipino Officers* - Twelve of the eighteen respondents who answered, said that they had had contact with corrupt officials in the Philippines. These included twelve contacts with Bureau of Immigration officials, four with officials from the Department of Foreign Affairs, two with police, and one each with the National Bureau of Investigation and with the Labour Department. One respondent said she also had contact with a representative of the Philippine Consulate, who knew her promoter.<sup>24</sup>

*Japanese Officers* - Three respondents said they had had contact with a corrupt official in Japan. These were police who warned when clubs would be raided. While the women did not have direct personal contact, two respondents believed they knew of corrupt Japanese Embassy staff based in Manila.<sup>25</sup>

Four respondents reported their situation to the Philippines Embassy or consulate. In general, they found the responses of the Embassy or Consulate unresponsive. In particular, one woman believed the Embassy staff was colluding with the club owner and felt threatened.

Fifteen women did not report their situation to the Embassy. Seven said they didn't notify the Embassy because they didn't trust government authorities. Three said they were threatened with violence and two said their families were threatened with violence. Two women said that a promise was made to smuggle them again. One said she was scared of the Yakuza and her promoter, one was told by Filipino officials not to complain and one said she did not know where the Embassy was located.

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<sup>24</sup> The Japanese criminal justice expert also asserted that he was aware of the existence of some corruption in the Japanese Government agencies and cited awareness of specific cases of corruption in Philippine Government agencies, particularly among Embassy/consulates staff.

<sup>25</sup> One met a person who described himself as an Embassy official. The other had heard that there was an ‘insider’ working in the Embassy who helped facilitate her papers.

None of the respondents had spoken to the Japanese authorities (government agencies) about their experiences. Six women said that they didn't contact the Japanese authorities because they didn't trust government authorities. Six said that they were afraid their illegal status would be discovered and/or they would be deported. Five said they were threatened with violence. Two said that a promise was made to smuggle them again. Three said that the authorities couldn't help. Other reasons were also given.<sup>26</sup>

## **Conclusions**

The research has supported a number of suppositions. The fact that women are prepared to remain in Japan or return at some later point in time, does not mean that they would have been prepared to leave the Philippines to live in such conditions and undertake such work in the first instance.

The women often accrue substantial debts for their transportation and job placement. Organised criminal groups deceive women to get them through the immigration process, after which they are forced or coerced into the sex industry. The fact that deception is used at all, make these cases of trafficking. If deception were not used, recruitment would suffer. In this survey, seventy-five percent of the respondents indicated that they were deceived about the nature of work that they would be required to perform. This figure, however, does not accurately represent the full degree of deception. Seventeen of the women were promised jobs before leaving the Philippines. In all cases, jobs were different from those promised. All but one of the respondents report that they were forced to engage in sexual practices in their job.

Respondents are hesitant to report their situation to government authorities for fear of harm, deportation or the belief that the authorities will not or can not help them. They do, however, turn to non-governmental organisations for assistance.

When considering whether to stay in Japan or return to the Philippines, most women imagine themselves escaping their controlled/indebted situation and being able to take advantage of better choices. This is quite feasible. There is a substantial range of wages paid throughout the industry, e.g. basic salaries usually increase after the first contract in Japan, bonuses and tipping will increase if women get regular customers, and 'freelancers' have the capacity to earn substantial income. Also, there is an enormous range of clubs with different conditions, including pressure or lack of pressure to engage in sexual contact. Most of the women interviewed who had paid their debt or run away, had moved on to less exploitative work. That being said, many women will remain trapped in an exploitative industry: one that most express a desire to escape.

## **Recommendations**

Filipino women are being trafficked into Japan for the purposes of exploitation and control by criminal groups. This report recommends:

1. that the Japanese Government:

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<sup>26</sup> Among others, don't have skills and can't find other work; don't know who to ask for help; police are sometimes customers.

- Ensures that work-related visa categories accurately reflect employment and do not allow employment that is in contravention of international labour and human rights standards. Authorities should reassess the use of entertainer visas, particularly in relation to the entertainment industry's capacity to employ such visa holders;
- Ensures that people working as entertainers (and as hostesses) are covered by Labour Standards Laws – because we know that paying women a low wage in an environment when they can make substantial money from illegal activity leaves them wide open to exploitation. This is lethal when combined with pressure or force from employers;
- Provide clear advice to entertainer visa holders outlining their rights and entitlements, and particularly, pay. It is this practice that makes the industry so attractive to criminal groups as the vast majority of income bypasses the women;
- Ensure the full availability of Japanese Government industrial complaints and remedies mechanisms to non-Japanese citizens whose employment rights and entitlements are not being met by Japanese employers;
- Increase policing in areas of adult industry;
- Increase support for trafficked women, including recognition by police and officials that the women have been victims of crime, and funding for shelters and NGOs providing support.

2. that the Philippine Government:

- Take increased steps to warn its citizens of the possibilities of exploitation, particularly in the Japanese entertainment industry;
- Increase policing of Philippine recruitment and promotion agencies, and ensure heavy penalties against all participating in illegal smuggling and trafficking;
- Review procedures of government agencies, to reduce the possibility of corrupt officers inappropriately providing official documents, providing incorrect official documents and facilitating the departure and thus trafficking of women from the Philippines into Japan;

The report also endorses the recommendations of Mary Robinson, United Nations High Commissioner for Human Rights' (read by Justice PN Bhagwati) at the *Japan, Asia-Pacific Symposium on Trafficking in Persons*, January 2000.<sup>27</sup>

In developing detailed responses to each stage of the trafficking cycle it is essential that we keep certain very basic policy principles in mind – guiding principles which can also provide us with a way of measuring the success of anti-trafficking initiatives. In the spirit of advancing the debate on trafficking to the level of the practical and the achievable, my Office would like to present the following such principles for ... consideration:

- First: The protection of human rights and the dignity of trafficked persons and persons in prostitution must be given the highest priority.

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<sup>27</sup> From 'Presentation by Mary Robinson, United Nations High Commissioner for Human Rights' (read by Justice PN Bhagwati) in Ministry of Foreign Affairs, *Japan, Asia-Pacific Symposium on Trafficking in Persons* (proceedings), 20 January 2000.

- Second: Governments must accept responsibility for the problem of trafficking and for the development and implementation of appropriate responses. It is not acceptable to contend that trafficking is a private wrong – this is an injustice which involves and implicates us all.
- Third: The definition of the term ‘trafficking’ in laws, policies and programmes should not be restricted to sexual exploitation but should be extensive enough to cover other identified purposes without ambiguity, such as bonded or forced labour and other slavery-like practices.
- Fourth: Traffickers and their collaborators must be prosecuted and adequately penalised – paying full attention to due process rights and without compromising the rights of victims.
- Fifth: Trafficked persons should not be criminalised for the coerced illegality of their entry or residence in countries of transit and destination, or for the coerced activities they perform as a consequence of their being trafficked.
- Sixth: Victims of trafficking including those with ‘irregular’ immigration status should be granted protection and necessary physical and mental care by the authorities of the receiving country.
- Seventh: Victims of trafficking should be provided legal and other assistance in the course of any criminal, civil and other actions against traffickers. Governments should be encouraged to provide temporary or permanent residence permits and safe shelter during legal proceedings.
- Eighth: The safe return of victims, instead of automatic repatriation, should be ensured, particularly in cases of organised criminal involvement.
- Ninth: children should not be treated the same way as adults in the identification, rescue and repatriation process. Children have special rights and special needs which must be recognised and protected.
- And finally: Efforts must be made to address the root causes of trafficking, including poverty, inequality, discrimination and racism.