

Human Trafficking and the Sex Industry in Japan^{*}

Diana María Peña**
dmpena@icesi.edu.co

Taeko Karake ****
lonysth@gmail.com

Kameeka Shirley***
kameeka@gmail.com

Thomas Chapman*****

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Resumen

Este trabajo analiza la demanda de la industria del sexo en Japón y la subsecuente oferta de mujeres extranjeras del mundo entero. ¿Qué impulsa la demanda de éstas mujeres en la industria del sexo en Japón? ¿Cuáles son las principales causas locales que llevan a las mujeres a ingresar a la industria del sexo en Japón? Cuáles son los sistemas que conducen a mujeres extranjeras de distintas partes del

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** Diana María is currently working at Icesi University as Stock Exchange Laboratory Coordinator. She has her undergraduate degree from Icesi University and she is taking Global Affairs classes at New York University – School of Continuing and Professional Studies.

*** Kameeka is currently working in Marketing in New York City. She has her undergraduate degree from the University of Miami and has been taking Global Affairs classes at New York University - School of Continuing and Professional Studies.

**** Taeko born in Osaka, Japan. She is studying Economics at Soka University in Japan and has been taking Global Affairs classes at New York University - School of Continuing and Professional Studies.

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mundo al Japón? ¿Cuál es la conexión entre el crimen organizado, la inestabilidad económica y los sistemas legales? Este trabajo busca contestar éstas preguntas y proponer posibles soluciones..

Palabras clave:

Tráfico ilegal de personas, industria del sexo, Japón, Colombia.

Introduction

The International Labor Organizations (ILO) states that trafficking in human is a form of slavery affecting almost all the regions in the world. This practice has grown since the 1980s to become one of the most lucrative businesses of international criminal organizations. Estimates suggest that it accounts for 2-14% of Gross Domestic Product (GDP) in Southeast Asian countries and about 1-3% of Japanese GDP in 2009.

In Colombia, women and children are subject of sex trafficking around the world, especially in Latin America, the Caribbean, Asia, Western Europe and Japan. This latter, is a destination, source and transit country for men and women subjected to forced labor and sex trafficking and it also has a hyper thriving sex industry amounting to \$3 billion a year (Hepburn). Most foreign persons in the Japanese sex industry are Asian nationals, but the large numbers of victims are from Latin America en the Caribbean; approximately 1,700 women are trafficked each year from these regions to Japan (Hepburn).

This paper will examine the demand for the sex industry in Japan and the subsequent supply of foreign women from across the world. What drives demand for foreign women to work in the Japanese sex industry? What are the local drivers that bring women into the sex industry? How are the systems in place that brought these women across the world? What is the connection with organized crime, economic instability, and legal systems? This paper seeks to address these questions and pose possible solutions.

The Demand: Sex Industry in Japan

History of the sex industry

Studies have shown that human trafficking has existed in Japan since its early history. In agrarian societies, communities are generally unable to raise children during times of food shortages, such as famines.

Selling children's service was commonplace, especially for poor families, in ancient times and was seen as a "buffer" to the household income. Daughters would be married off to the local warriors, or samurai. On the other hand, sons would take service under wealthy merchants. This service would ease neighborhood tensions and bring a lifetime of protection to the peasant household. Thus, children's services were not shameful but rather regarded as a necessary individual sacrifice that was accepted by the Japanese collective family system. The origin of female entertainers goes back to the Sabukuro, or serving girl, that existed in early Japanese history. These female entertainers were mostly displaced from struggles in the late 600s and sold sexual services. The better-educated girls made a living entertaining in high-class social gatherings. Today, these women are famously known as "geisha", who would perform traditional dances at special occasions and parties without selling sexual services. In 794, after the imperial court moved the capital to Heian-ky, or Kyoto, the conditions that would form Japanese geisha culture began to emerge, as it became the home of beauty-obsessed elite. Skilled female performers, such as Shirabyshi dancers, thrived.

The historical culture around female entertainers in Japan was unique. Japan embraced sexual delights for men, while the ideal wife was a modest mother and manager of the home. By Confucian custom, love was secondary in importance. It was not taboo at all for a man to turn to courtesans, rather their wives, for sexual enjoyment and romantic attachment. These female entertainers were also quite sophisticated and educated in music, poetry, dancing, and the arts. The female entertainers were exclusive rights of the rich.

At the beginning of the 15th century, a new government was established in Edo, or Tokyo. The Edo period lasted for 400 years and successfully centralized all local states' power for the first time. The government mandated that all warriors serve in Edo once every three years, to minimize their influence elsewhere in the capital. Because of this flow of human capital, Edo grew in size and eventually a brothel district began to flourish. Also during this time, the income gap began to widen and huge amounts of debt were relieved when parents or relatives sold the young girls to brokers. Today, this brothel district that was formed have become known as "Soapland", though the modern government forbids prostitution by law.

It is important to note that the Japanese have a history of human trafficking and the sex industry. During World War II, it was believed that women were necessary to win wars, bringing them triumph on the battlefield. Thus, the Japanese government used “comfort women” as part of their military strategy.

Modern day sex industry and the Yakuza

The Yakuza are members of transnational organized crime syndicates with origins in Japan. The yakuza historically made money in gambling and prostitution but have lately become involved in drug trafficking and financial operations involving extortion.

The Yakuza are believed to “play a significant role in trafficking in Japan, both directly and indirectly” (2011 U.S. Department of State Trafficking in Persons Report). Many of the businesses in human trafficking are owned, controlled, or taxed by the Yakuza (humantrafficking.org). The Yakuza have been involved in international business since the late 1960s. Around this time, the tourist industry in Japan grew as the strength of the yen increased and Japanese citizens had increasing amounts of disposable cash (Kaplan 233). The increase in tourism, however, was mostly for prostitution in East Asia. Japanese men would travel to cheap brothels abroad where the Yakuza would introduce them to local pimps or take them to the local clubs, financed by the Yakuza. In the 1970s and 1980s, sex tourism was a significant business, with big Japanese companies arrange for their workers to go on these tours. For example, in 1979, Casio company held a banquet in a Manila Hotel for its 200 leading salesman in which they offered 200 hostesses for the night (Kaplan 236).

By the 1980s, foreign women’s Christian organization began opposition movements to the sex tourism of Japanese men to East and Southeast Asia. To end the national embarrassment caused by the attention the women’s group brought, Japan’s four major labor organizations appealed to the Japanese men to end the sex tours. Also around this time, oil prices were rising, increasing the cost of sending Japanese men abroad for sex tourism in China and Southeast Asian countries. These factors in combination with lingering economic stagnation and the decreasing value of the yen reverse the trade of the sex industry. Instead of exporting Japanese men, the yakuza began to import foreign women.

As the yakuza began to import women, brokers became increasingly more crucial. Usually,

as elsewhere in Asian countries, brokers obtain their job and influence through nepotism. Brokers supply the women from small villages to brothels in thriving districts. Since the government centralized brothels to more closely monitor them, hundreds of brokers took girls from place to place and trafficking them by foot.

The Supply: Recruitment in Colombia

The Yakuza in Colombia

The “Molina Report” states that according to Colombian authorities; the Yakuza established themselves in Colombia in the mid-80s and took on their centers of operation in the country’s central and southwestern region, including the departments of Antioquia, Caldas, Risaralda and Valle del Cauca. In the beginning, members of the Yakuza arrived in Colombia as businessmen who were interesting in hiring Colombian women for various jobs in Japan. Others were interested in finding “wives” by catalog. In these ways they recruited most of the Colombian women who were later forced to engage in prostitution against their will (Molina 3). Later, the Yakuza enters into business with Colombian organizations that take over recruiting the women and in charge of taking reprisals against the women who escape, as well as their families thus maintaining full control over the victims.

The colombian women trafficked and the organized crime networks

The US Department of State Trafficking in Persons Report for 2013 states that the Yakuza are responsible for some trafficking in Japan directly and indirectly. Furthermore, many experts state that the Yakuza networks play a significant role in the smuggling and trafficking of Colombian women for forced prostitution in Japan but determining the exact extent of Yakuza involvement is difficult because of the covert nature of the sex industry (Hepburn).

Theses crime networks get money from the victim when they arrive to Japan; they are forced to prostitution and they face debts upon commencement of their contracts and most are required to pay employers additional fees for living expenses, medical care, and other necessities. They also face “fines” for misbehavior which are added to victim’s original debt (The State Department).

Colombian women trafficked profile

According to the “Molina Report” (Molina 3) the Colombian women that are trafficked in Japan show the following profile:

- The average age of the women is between 15 and 30 years of age.
- Schooling: low and medium.
- Average number of children: 2.
- Marital status: mostly unwed mothers or separated women.
- Economic standard of living: low and medium.

Even though Japan is recognized for its cautiousness in migration policies, the majority of women trafficked to Japan appear to be adult women, there is some evidence that some are under 18 years of age and probably travelling on forged passports.

Forms of recruitment and deceiving:

The “Molina Report” considers the following forms of deceptive recruitment:

1. Advertisements in newspapers: “Difficult times? Take advantage of this opportunity! Solvent, determined, faithful foreigners wish to marry Colombian women.” *El País*, April 8 2000.
2. Scholarships.
3. Contracts with companies: women are offered to be representatives for Colombian companies at international trade fairs in Japan. This contract is accompanied with an invitation signed by Japanese citizens, business cards, a specified time period between 15 and 30 days and lucrative pay.
4. Marriage by catalog: the women send in their photographs, which are included in catalogs for Japanese men who seek Colombian “wives”. Then they travel to Colombia where, in some cases, they get married in Bogotá. In other cases, the women are led to believe that they will be married as soon as they arrive in Japan.
5. Women who recruit: these are women who, in most cases, were trafficked and engaged in prostitution in Japan and are in charge of convincing other young women to travel to Japan, offering jobs such as waitress, nurses, and domestic

servants. There are cases in trafficked women were deceived and recruited by members of their own family.

6. Music or dance groups: the recruiters seek women who wish to be dancers or singers.

The Problem

The sex industry in Japan has a long, intricate history. Sex work has been demanded in Japan since its early agrarian history and has become more intricate with the involvement of the Yakuza. As the Yakuza brought their business international, they have reached as far as Colombia, working with organized crime organizations to deceive mostly young, unwed mothers to work in Japan's sex industry. Though prostitution and human trafficking is internationally condemned, how is such a huge transnational crime network able to operate? There are legal, economic, and cultural factors that enable this business to persist.

Legal enablers

Officially, non-penetrative sex was made illegal in Japan in 1956. Although prostitution is officially illegal, the sex industry continues to flourish. These laws, however, are ambiguous. The border between illegal and legal acts brings confusion when judgments are needed. Nobody knows what is happening in locked rooms. As long as the laws have power to prosecute women for these actions, they will not be able to ask for help from the police when they feel threatened. This ambiguousness also works against her when she testifies after being exposed to violence. This particularly true for foreign sex workers. Since the Japanese government takes a strict attitude against immigrants, to report her tragic occurrence to the police or embassy only enhances her deportation risk. So it is easy to imagine a victim to accept violence with resignation.

The Japanese Government and external organizations and governments are well aware of the Yakuza's involvement in the sex industry. However, this trade is widely tolerated by the male dominated institutions. The sex industry and trade are often protected and supported by corrupt politicians, police, armed forces and civil servants (Kaplan). These officials accept bribes, demand sexual favors, or are either customers or part owners. Also, these women typi-

cally enter Japan as “entertainers” so they are considered guests and thus not covered under Japanese labor laws (Kaplan). Also, it’s important to note that the penalties are less severe for involvement in the sex industry than involvement in gun and drug trafficking.

Economic enablers

The underground nature of the sex industry makes it extremely difficult to determine the actual size and significance. To get an idea, families sell their daughters for about \$300 to a recruiter who then turns around and sell the woman to a broker for about \$1000(Kaplan). Estimates suggest that it accounts for 2-14% of Gross Domestic Product (GDP) in Southeast Asian countries and about 1-3% of Japanese GDP in 2009.

Prostitutes’ services, unlike drugs and weapons, can be sold over and over again. Changing views of sexuality and events, such as the 2008 earthquake, have increased the supply of women into the industry, decreasing the prices paid for these services. The operation costs are less than other professions in the service industry, especially as business owners are not obligated to grant welfare benefits to their employees. Moreover, the business does not have high research and development costs, since innovation is largely unnecessary. As long as there is human capital, it is quite easy to start and close business. Also, the job does not require previous experience or advanced education. Although, owners may provide education and innovative ideas to workers to improve service and maximize efficiency. Female workers in this industry are selling their personal attraction to lure males. All these reasons prove that running the business of hostesses and prostitutes can be more profitable than any service profession, even if it is small scale.

Aside from the sex industry being a low cost, high profit industry, there is also a high and persistent demand for their services. Demand is sexual drive, which does not decrease in general. Assuming the prospective customers are males, business owners can expect at least half of the population to continue to demand their services without having to seek new markets. Today, it is not hard to find pictures of naked women on the street, in magazines and in sports newspapers. Some places upload pictures of women on the website and let customers “make reservations” so that the desired woman is available.

Sometimes the governments even condone the sex trade as a means of gaining hard currency from tourism. Not only the sex industry, but all simple work related to

young women in Japan is a huge source of income, and it has been legally supporting the national budget. Additionally, it is a form of wealth redistribution. For example, an eighteen-year-old girl with no work experience pours alcohol to entertain business guys. This young woman now has the income she desires to purchase the luxury items, such as a Louis Vuitton bag, that she sees in magazines and advertisements. Another example would be a single mother who spends a night with a man and now has enough money to buy food and clothing for her child. The money from urban workers goes to rural areas through income remittances. This is sometimes in compensation for a lack of social welfare. Thus, through this industry, both the women in these examples redistribute money in the economy to totally different economic sectors. In particular, luxury brand sales have increase year over year even though Japan is suffering from stagnation and declining birth rate. The more women earn money, the more foreign capital companies would invest in the country. In fact, Louis Vuitton boosted its sales from 40 billion in 1990 to 160 billion in 2008 in Japanese market alone.

The intricacy of the economic impact of the sex industry is a major complication in solving the issue. It is a big business with millions who depend on the industry for their livelihood. Aside from the direct participants: the prostitutes, the pimps, the recruiters and the middlemen; there are also those who are involved in the tourist and luxury brand industry. Hotel owners, cleaners, parking valets, waitresses, foreign brands and cashiers all receive profits from this industry. Tourist agencies, airlines, club owners, immigration fixers, translators, forgers, medical practitioners, restaurants in the area, suppliers of cigarettes and liquor, and public officials who receive bribes are all beneficiaries of the industry. Most importantly, local tax revenues prevent the government from implementing more stringent laws against the industry. The industry has close linkages with the rest of the national and international economy.

Cultural enablers

Part of the problem with human trafficking in Japan is the cultural view of the industry. Generally in Asian countries, it is regarded as unfavorable to discuss sexual topics in public. Therefore, fewer discussions are held among households and schools because it is taboo. However, most parents hesitate to send their daughters in the industry. In brief,

the female entertainment industry is legal, but less publicly discussed. Not only is there a huge amount of ignorance surrounding the topic for prospective young girls and consumers, but also there is deep complexity.

One of the biggest negative externalities is thus less transparency. It may lead both consumers and workers to get involved in crimes without being aware of it. It is often said that all workingwomen in Japan came to work out of their own free will, regardless of nationality. However, that women who make only \$50 a day taking nearly ten customers a day, seem to be lacking some essential information about the job conditions. It is hard to say she is willing to work without access to proper reward. Speechless foreign workers are likely to be in such poor cases rather than domestic women. As the theme of our paper, human-traffickers hide behind this culture, which liberates the sex industry, and behind the governmental attitude, which is less interested in increasing transparency.

Shelters for human trafficking victims have not been established fully. Non-governmental organization (NGO) activists exist, such as Polaris Japan, Human Rights Watch and Save the Children, but there are few organizations that succeed in gaining subsidy. At this point the government grants subsidies to NGOs that help domestic violence victims; however, this does not cover women who were injured in the sex industry. The Japanese authority distinguishes strictly between those “who were forced” and those “who chose” to be there. Nothing is in middle of them. Trafficked woman would be obligated to deport once the authorities found her stay in Japan illegal because she was supposed to predict to be in danger before working. So if her lawyer could not find the proof that she was forced, it means she would be prosecuted.

A poignant example of this is a woman named Urairat Soimee. Urairat Soimee was born in Thailand and a victim of human trafficking in Japan. She was told that she would have work as a prostitute. When she attempted to protest, she was told that if she did not comply, she would be sold to a brothel on an island and thrown into the sea if she tried to escape. During this time, she was locked in the apartment with other Thai sex slaves and worked for several years. After a while, she escaped from the apartment by killing the owner. In spite of human rights organization protests, Japanese prosecutors sentenced 10 years in prison to Urairat of robbery and murder by smashing traffickers’ head with a bottle.

A Possible Solution

In the Urairat case, should we sentence her to imprisonment? Of course the answer is no. The industry persists because it is profitable, it is overlooked, and there is a demand for the services. The solution would be multifaceted. The “commercialization of sex” is not Urairat’s fault but mismanagement of business. These businesses are especially lucky that government administration regards the sexual industry as a significant origin of tax revenue. First, it would be necessary to break down the profitability structure. Where possible, the local government could heavily tax the areas where these business facilities exist. Since it would be difficult to directly tax the services, the government could tax the land or buildings in the area or increase the taxes on any services and products associated with the industry. They should do a system of checks to ensure that officials are doing their job. An international organization can regulate and create a standard for proper overseeing of the industry.

Another possible solution is to authorize prostitution without ambiguity. This will increase transparency and regulation while removing the guilt workers feel. Also, legalizing prostitution will give workers access to social security, such as the Japanese pension system, which accumulates money for old age. To have formal access to social security and authorized institution reduce motivation of criminal organization at the same time of empowering sex-workers. Moreover if Japan made it legal, decrease of HIV population will possibly be expected. HIV patients gradually rose year by years, surprisingly this symptom was seen only in Japan among developed countries.

The government could then use that extra money they generate from directly or indirectly taxing the sex industry to promote travel to the area for other reasons – such as natural wonders, historic sites, and clean entertainment. They could also use the money to support non-profits and programs that support the men and women who want to leave the industry and to reintegrate them into society. They would need training to get the skills to get an equally profitable job and the opportunity to be hired in this new job. They would also need the immigration status to stay and work if the opportunities are not available in their home country. Unfortunately, the policy the government took was to restrict immigrants into Japan, to heed the United Nation’s warning. As they ban foreign immigration, brokers think up new ideas to get workers in for profit.

The whole nation must reflect if it is worth taking economic impact over the protection for poor women who do not have as many choices as us. Advertisements against affairs may help to get rid of the wall. They could start a marketing campaign to discourage young women from entering the sex industry and educating them on the tricks used to get them into it. The campaign would also market to young men to discourage them from seeking these services.

Conclusion

This paper has focused on the Japanese sex industry and the ties to international economic relations. The historic and modern demand for the sex industry in Japan has driven trafficking of men and women across international borders. Legal ambiguity and indifference has further enabled this industry and delivery of workers to Japan. Poverty in developing countries, such as Thailand and Colombia, has driven men and women into the sex industry to support their families back home. Japanese women have also been driven into the sex industry from their desire for luxury goods. In order to begin to attack this intricate industry, it is important that governments, businesses, and non-governmental organizations work together to break down the profitability of the industry and provide a viable alternative for the players involved.

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