

BEHIND THE SHOJI SCREEN: SEX TRAFFICKING OF JAPANESE CITIZENS

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A geisha sits behind the *shoji* screen, patiently waiting for her customer to arrive. In a way, she is the epitome of Japanese women historically and today: demure, well-educated, and highly skilled, but also resigned to traditional gender roles, used, overworked, and victimized. For centuries, the sex trafficking of Japanese women has gone unacknowledged, hiding the victims behind a *shoji* screen created and supported by Japanese society. The normalization of victimization, such as sexual assault, and the constraint of traditional notions of gender, specifically the devalorization of females, prevent the identification of victims, while vague governmental policies and definitions fail to protect them. In order to effectively combat trafficking, Japan must open the *shoji* and reveal the women veiled behind it.

Japanese victims of sex trafficking are arguably hidden in plain sight as they are culturally and historically visible, yet their plight and status as victims are often overlooked. A simple glance at highly discussed aspects of Japanese culture, such as the geisha and the Japanese sex industry, points to the existence of sex trafficking. Japan is notorious for its large sex industry, as evidenced by the multitude of Japanese guides geared towards foreign patrons and often criticized or, in some cases, favored for the plethora of sex work.¹ This industry is highly visible, widely accepted (best seen by its popularity among Japanese businessmen and its great scale), and the largest market for women in Asia, generating around four and ten trillion yen annually.² Less known are the dark secrets held by this multibillion-dollar industry that facilitates sex trafficking. Despite the notoriety of the sex trade, the existence of sex slavery in Japan is much more prevalent than nationally acknowledged. A 2012 survey taken by the anti-human trafficking NGO

¹ Matt Young, "Shinjuku, Tokyo: Inside World's Most Notorious Red Light District," News.com.au, December 17, 2017 (accessed June 23, 2020, <https://www.news.com.au/travel/travel-advice/travellers-stories/my-terrifying-experience-inside-worlds-most-notorious-red-light-district/news-story/9206f3ba-b11c989265a4064d34d75e5b>).

² Meryll Dean, "Sold in Japan: Human Trafficking for Sexual Exploitation," *Japanese Studies* 28/2 (2008), 169–170.

Polaris Project Japan (now known as Lighthouse) revealed only 4.8% of the Japanese population was aware of foreign victims of human trafficking being brought into Japan. Perhaps more appalling, only 2.1% of the population was conscious of the fact that Japanese people are trafficked domestically.³

This lack of awareness or acknowledgment is also seen in the international and academic communities. Japan is considered a source, transit, and destination country for human and sex trafficking, yet most discussions focus on its status as a destination or transit route while failing to address Japan's role as a supplier of victims. One 1999 bulletin from the International Organization of Migration explains, "Japan has the largest sex market for Asian women, with over 150,000 non-Japanese women involved, mainly from Thailand and the Philippines," but fails to mention Japanese women at all.⁴ This is a common trend as scholarly articles discussing sex trafficking in East Asia also neglect Japanese victims, and instead, choose to highlight foreign ones. But this comes at a price, as failing to recognize victims only pushes them further into the darkness.

The inability to identify Japanese victims is indicative of indoctrinated societal issues and requires close examination. What constitutes trafficking is frequently disputed and differs from country to country, thus, for this study, I define trafficking as a process consisting of coercion, movement, and exploitation, though this movement does not need to cross borders. Recognizing factors that prevent the identification of Japanese victims of sex trafficking is an essential step in identification and protection; without first understanding why victims remain hidden, society will be unable to combat the issue as a whole. The problem of sex trafficking is detrimental to Japanese society as the exploitation of Japanese women prevents them from participating in both the public and private sphere, stagnating growth in the formal economy, and negatively affecting the family structure as they are unable to help raise children and support their families. As the ignorance of the plight of Japanese women negatively affects Japanese society as a whole, it is an issue citizens must tackle as a community.⁵

³ Darrell Moen, "Sex Slaves in Japan Today," *Hitotsubashi Journal of Social Studies* 44/2 (2012), 35.

⁴ *Ibid.*, 42.

⁵ *Ibid.* The phrase "private sphere" is used in gender studies to indicate the domestic sphere, located inside the home, while the term "public sphere" refers to society outside the home.

Barriers to Prosecution

Multiple barriers to victim identification lead to the paucity of acknowledgment for Japanese victims. Trafficking cases often go unreported, and many are labeled as immigration violations rather than instances of trafficking, reducing the likelihood that other victims will come forward for fear of deportation.⁶ The inability to differentiate between trafficking and illegal immigration, as well as the failure to recognize trafficking victims, originates with the definition used by the Japanese government. According to the United States Trafficking in Persons Report, Japan uses a “narrow”⁷ definition of human trafficking, that can be found in the 2009 Immigration Control and Refugee Act, chapter 1, article 2:⁸

(vii) The term “trafficking in persons” means any of the following acts:

- (a) The kidnapping, buying or selling of persons for the purpose of profit, indecency or threats to a person’s life or body, or delivering, receiving, transporting or hiding such persons who have been kidnapped, bought or sold;
- (b) In addition to the acts listed in sub-item (a) above, placing persons under 18 years of age under one’s control for the purpose of profit, indecency or threats to a person’s life or body;
- (c) In addition to the acts listed in sub-item (a), delivering persons under 18 years of age, knowing that they will be or are likely to be placed under the control of a person who has the purpose of profit, indecency or threat to their lives or bodies.⁹

⁶ “Human Trafficking for Sexual Exploitation in Japan,” Report, International Labour Organization, January 1, 2005, 36 (accessed June 23, 2020, http://www.ilo.org/global/topics/forced-labour/publications/WCMS_143044/lang--en/index.htm.36).

⁷ In what way this definition is narrow is not explained.

⁸ US Department of State, “US Department of State Trafficking in Persons Report” (Washington D.C., 2017), 225–227.

⁹ “Immigration Control and Refugee Recognition Act,” Immigration Services Agency of Japan, July 15, 2009 (accessed June 24, 2020,

The “narrow[ness]” cited by the Trafficking in Persons Report is likely due to the vague wording used when discussing the purposes attributed to trafficking. According to the aforementioned act, trafficking is done “for the purpose of profit, indecency or threats to [people’s] lives or persons.” In this sentence, the word “profit” is vague, leading one to question what exactly constitutes profit? When looking at a more literal translation from Japanese, the answer becomes clear. The law states trafficking is done “for the purpose (*mokuteki* 目的) of making money (*eiri* 営利), obscenity (*waisetsu* わいせつ), or violence towards life or body (*shitai ni taisuru kagai* 身体に対する加害).”

More specifically, the term *eiri*, which uses the characters for business and profit, respectively, refers to “commercialization” or “money-making,” emphasizing a financial aspect. Therefore, this “profit” must be financial in nature. Possibly most detrimental to identification and combating is the word わいせつ. This term has multiple translations in English, including but not limited to: obscene, indecent, improper, and dirty, but is not defined anywhere else in the article, nor is there reference to this phrasing in Japanese government rhetoric. However, another issue arises from the phrase “for threat to life and body” as trafficking is rarely ever done for the purpose of hurting someone; this is just a means to an end. In this case, the translation of the official definition given by the Palermo Protocol, off which the Japanese government bases its definition, into Japanese becomes jumbled, going from “by means of the threat or use of force” to “for the purpose of.”¹⁰ This slight change in wording obfuscates identification and prosecution as acts constituting trafficking must align with the stated purposes, which is also the case regarding the word “indecency” as what is obscene and indecent changes depending on the person.

Ambiguous language open to subjectivity further complicates conviction and prosecution. One can easily argue that something is not sex trafficking and that someone is not a sex trafficking victim, creating multiple avenues for traffickers to take advantage of ambiguities in the wording. Hypothetically, one can claim that naked images of women over the age of

<http://www.immi-moj.go.jp/english/newimmiact/pdf/RefugeeRecognitionAct01.pdf>.

¹⁰ UN General Assembly, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime,” November 15, 2000, Article 3a.

18 are not indecent, even if they were forced to take them. Therefore, the act is not sex trafficking, and women are not sex trafficking victims. Likewise, the fixation on the purpose of the trafficking allows the hypothetical argument that because these pictures were taken as forms of art, and profit was secondary and not purposeful, it is not an act of sex trafficking. The emphasis of profit as monetary also disregards the multitude of victims who are used as sexual slaves and creates loopholes for traffickers who may trade sexual services for objects or favors. This ability to bend and twist the definition of trafficking factors into the low numbers of prosecutions and convictions of traffickers and prevents the identification of victims.

Japan's view of human trafficking as an issue of migration also contributes to the small number of prosecutions. This leads to a "disparity" between the number of trafficking cases reported by the National Police Association and the number of cases that end up going to trial, as many of those accused of trafficking are "dealt with by the Immigration Bureau for immigration law violations."¹¹ Consequently, many traffickers are deported rather than prosecuted, allowing them to continue trafficking. Those that are prosecuted receive relatively light punishments.

According to the United States Trafficking in Persons Report, in Japan, the use of deception in sex trafficking results in a punishment of "a maximum of three years imprisonment or a fine." When threats or violence is used, the punishments are "three years imprisonment and a fine" and "a maximum of three years imprisonment."¹² In fact, many offenders receive "suspended sentences" consisting of a fine and a promise to "not commit another crime during a set period of time."¹³ In 2015, a total of 27 sex traffickers were prosecuted, with 9 receiving only fines as punishment.¹⁴ This low punishment allows for fast recidivism as traffickers are quickly released from prison, or allowed to pay a fine, and then able to resume their business. Not only is Japan often incapable of identifying traffickers, but it is also unable to prosecute them successfully, and fails to prevent what little

¹¹ Dean, "Sold in Japan," 176.

¹² US Department of State, "US Department of State Trafficking in Persons Report," 2017, 225.

¹³ Dean, "Sold in Japan," 176.

¹⁴ Alastair Wanklyn, "Japan Short of 'Minimum' Standards on Human Trafficking: U.S. State Department," *The Japan Times*, July 1, 2016.

traffickers the government can penalize from re-integrating into society and continuing to subjugate women.

Cultural Barriers to Identification: Shame

As foreign trafficking victims overshadow the recognition of Japanese ones, aspects of Japanese culture and society further contribute to the lack of awareness of domestic victims. Shame, one of the many *shoji* screens, may be the strongest barrier, preventing Japanese victims of trafficking from coming forward while also affecting government rhetoric as Japan hopes to avoid embarrassment in the international system.

A country and culture that is known for its warriors preferring to die on their swords than admit defeat in battle or be captured by the enemy, Japan has a long-documented history of aversion to shame.¹⁵ This is best evidenced by the government's continued inability to apologize for wartime atrocities as it would mean admitting guilt and disgracing the nation.¹⁶ Avoidance of shame is increasingly important in a society with strong social pressure and a focus on *sekentei* (世間体), a word used in relation to one's appearance in the "eyes of society." In Japan, a person's behavior and way of living are based on what is "appropriate" within the public sphere, breeding a culture of conformity as "the stake that sticks out gets hammered back in" (出る杭は打たれる *deru kui wa utareru*). Any individual who acts out of the norm is "subject to social sanction in the form of shame," which hurts one's standing in society.¹⁷ An individual must always guard their reputation and save face.

In Japanese society, both honor and face are prioritized. Honor consists of both an internal and external determination of individual worth, while face focuses more on one's position within a social hierarchy and the respectability claimed by this position. The concept of shame is "tied to the external evaluation of individual worth that is central to both honor and face

¹⁵ Takie Sugiyama Lebra, "Shame and Guilt: A Psychocultural View of the Japanese Self," *Ethos* 11/3 (1983), 193.

¹⁶ Torsten Weber, "Apology Failures: Japan's Strategies Towards China and Korea in Dealing with Its Imperialist Past," in Berber Bevernage and Nico Wouters, eds., *The Palgrave Handbook of State-Sponsored History After 1945* (London: Palgrave Macmillan UK, 2018), 801–816.

¹⁷ Masayuki O. Asai and Velma A. Kameoka, "The Influence of Sekentei on Family Caregiving and Underutilization of Social Services among Japanese Caregivers," *Social Work* 50/2 (2005), 114.

concerns,” and dishonorable behavior embarrasses the individual and their family.¹⁸ Because of this, the Japanese are unlikely to ask for help when they need it, for fear it makes them seem weak to others.¹⁹ In upholding honor and saving face by adhering to what is acceptable within society, the Japanese are able to avoid shame. However, when dishonor is inevitable, they put significant effort into hiding disgraceful behavior and events.

Being taken advantage of sexually is a prodigious source of shame, preventing victims from self-identifying and asking for help.²⁰ As a result, there is a definite pattern of underreporting acts that victimize women, such as sexual assault. While Japan often “boasts” about its low rates of sexual assaults, survey results suggest otherwise.²¹ A 2014 survey by the Cabinet Office of the Central Government found 1 in 15 women “[experienced] rape at some time in their lives.”²² Due to the stigmatization of rape, these results are probably inaccurate: TELL, a Japanese Non-Profit Organization dedicated to providing support and counseling services, estimates that “1 in 3 women will experience sexual violence within their lifetime.”²³ Over 2/3 of the women from the 2014 survey reported never telling anyone, and less than 4% reported the assault to police. Reasons given for not reporting rape or sexual assault include the fear of shame, losing face, and dishonoring one’s family. Being more conservative and reserved in their “attitudes, behaviors and contact with men,” Japanese women tend to respond to sexual assault with silence, which is reinforced by the fear of “personal and family shame” and “the risk of being shunned by neighbors.” Rather than acknowledge their

¹⁸ Michael Boiger et al., “Defending Honour, Keeping Face: Interpersonal Affordances of Anger and Shame in Turkey and Japan,” *Cognition and Emotion* 28/7 (2014), 1257–1258.

¹⁹ Asai and Kameoka, “The Influence of Sekentei,” 111.

²⁰ John P. J. Dussich, “Decisions Not to Report Sexual Assault: A Comparative Study among Women Living in Japan Who Are Japanese, Korean, Chinese, and English-Speaking,” *International Journal of Offender Therapy and Comparative Criminology* 45/3 (2001), 278–301.

²¹ Motoko Rich, “She Broke Japan’s Silence on Rape,” *The New York Times*, December 29, 2017 (accessed June 24, 2020, <https://www.nytimes.com/2017/12/29/world/asia/japan-rape.html>).

²² Ibid.

²³ “Sexual Abuse,” TELL Japan (accessed June 24, 2020 <https://telljp.com/lifeline/tell-chat/homepage/resources/sexual-harassment/>).

involvement in “taboo behavior” and report being assaulted, Japanese women find it is more beneficial to “suffer in silence.”²⁴

In addition to shame and self-blame, this under-reporting is likely also due to the “narrow” definition of rape. Japanese courts and the police often only pursue cases involving “physical force” and “self-defense.”²⁵ In other words, if force is not involved and/or a woman does not fight back, the Japanese judicial system does not consider it a case of rape and does not believe they will obtain a conviction. Japanese law does not allow for plea bargaining, so prosecutors only take the strongest cases to court, resulting in a 99.9% conviction rate in 2002.²⁶ The definition of rape, together with the standard for prosecution, affects the way women view consent, as victims are unlikely to “describe nonconsensual sex as rape.”²⁷ A study carried out by John Dussich revealed that out of 784 respondents, 90.7% decided not to report their sexual assaults when violence was not involved. Unfortunately, even when violence occurs, 75.9% of victims still opted not to report the assault.²⁸ This way of thinking may be connected to the shame of being taken advantage of and victim-blaming. If the women themselves do not think of the act as rape, then they have nothing to be ashamed of and do not have to come to terms with the stigma of being victims.

Unsurprisingly, trafficked women are also often afraid of reaching out for help due to the shame of their actions. Sexual assault sexually is a humiliating occurrence that often brings with it victim blaming and shaming, as society states, the victims put themselves in that position.²⁹ Admitting or bringing attention to the fact someone was tricked, sexually exploited, and sex trafficked brings with it only dishonor and suffering.³⁰ Kurumin Aroma, a victim of a fake modeling agency interviewed for ABC Australia, “felt ashamed she was involved at all,” reflecting how outward societal shame internalized and become self-blame. Furthermore, she is “ashamed” of her

²⁴ Dussich, “Decisions Not to Report Sexual Assault,” 280–281.

²⁵ Rich, “She Broke Japan’s Silence on Rape.”

²⁶ Eric Rasmusen, Manu Raghav, and Mark Ramseyer, “Convictions versus Conviction Rates: The Prosecutor’s Choice,” *American Law and Economics Review* 11/1 (2009), 47–78.

²⁷ Ibid.

²⁸ Dussich, “Decisions Not to Report Sexual Assault,” 290.

²⁹ Ibid., 297–298.

³⁰ Ibid., 281.

overall involvement, not just the sexual acts she was forced to perform. Regarding these acts, she explains that “it was like rape,” with the modifier “like” being used to downplay her experience, a common trait among victims. Kurumin is unable to acknowledge much of what happened to her was the epitome of rape.³¹ If she does not admit she was raped, she does not have to label herself a rape victim in addition to a trafficking victim.

Shame is not only effective at silencing individuals but is also a powerful catalyst in public policy issues and governmental affairs. As a country that has been trying to prove itself and compete within the international community, it is important for the Japanese government to appear strong. Since the Meiji Period, the government has attempted to catch up to the West and be considered a major power, a feat that eventually led to its militarization and expansion within East Asian and galvanized the Asian Pacific War in 1937. Japan’s defeat in World War II and subsequent US occupation, in conjunction with its demilitarization, set back Japan’s quest for dominance. While it has achieved economic power, leading the world economy in the ’70s and the ’80s before the economic bubble burst, it has never regained the military prowess it experienced pre-WWII and has been trying to prove its worth.³²

To save face and maintain its status in the hopes of once again becoming a hegemon, the Japanese government actively avoids anything that makes the country appear weak in the eyes of the international community. Countries that have extensive reports of human trafficking are often seen as weak in terms of security, with criticism citing their lack of militaristic power.³³ Still, human trafficking is, in mainstream theory, a security issue attributed to inadequate border control and government power. Weaknesses cause criticism of a country’s security, which is essentially a manifestation

³¹ Rachel Mealey, “Women in Japan Tricked into Pornography,” *ABC News*, June 10, 2017 (accessed June 23, 2020, <http://www.abc.net.au/news/2017-06-10/increasing-number-of-japanese-women-forced-into-pornography/8602288>).

³² William Gerald Beasley, *The Rise of Modern Japan* (New York: St. Martin’s Press, 1995), 194–198, 214–215, 243–253; and Hu Lingyuan and Gao Lan, “Proactive Pacifism: A Blessing for the Japan-US Alliance,” *China International Studies* 52 (2015), 80.

³³ Stewart Patrick, “Weak States and Global Threats: Fact or Fiction?” *The Washington Quarterly* 29/2 (2010), 39.

of power in international society; a state that lacks security lacks power.³⁴ For a country like Japan, which already lacks hard power and is currently trying to increase its security capabilities, anything that abates the state's power in the eyes of the international community, or its people, is inherently detrimental.

The Japanese government is ashamed of the trafficking within its borders and chooses to forego disseminating information regarding domestic sex trafficking. As Kinsey Dinan of Human Rights Watch explains, “[t]he Japanese government has been more reluctant to acknowledge that human trafficking exists in Japan, than other countries.”³⁵ Due to the government control of information given to the media, the dearth of knowledge regarding the sex trafficking of Japanese citizens is indicative of the government failing to provide reports on the topic, an idea supported by the lack of current Japanese data regarding sex trafficking.³⁶ The government prefers to hide or ignore the issue than to admit shame and appear weak.

Because of this shame and fear, Japanese rhetoric regarding sex trafficking victims downplays their plight. Often, these women are not labeled as “trafficking victims” and are alternatively given the title of “prostitutes,” insinuating they are selling themselves of their own volition. Instead of calling them “sexual slaves” (*seidorei* 性奴隷), women used by the Japanese military during World War II were referred to as “comfort women” (*ianfu* 慰安婦),³⁷ the word “comfort” sounding softer and less risqué. When referring to the act of high schoolers selling their bodies to older men, Japan uses the phrase “compensated dating” (*enjo kōsai* 援助交際),³⁸ making the process seem almost innocent and focusing on the exchange of services and

³⁴ Jennifer K. Lobasz, “Beyond Border Security: Feminist Approaches to Human Trafficking,” *Security Studies* 18/2 (2009), 343.

³⁵ June Lee, “Human Trafficking in East Asia: Current Trends, Data Collection, and Knowledge Gaps,” *International Migration* 43/1–2 (2005), 187.

³⁶ Most of the data regarding sex trafficking in Japan comes from other countries. In fact, the Japanese government and organizations combatting sex trafficking within Japan often direct people to the US Department of State's Trafficking in Persons Report.

³⁷ Sharon Kinsella, “From Compensating Comfort Women to Compensated Dating,” *U.S.-Japan Women's Journal* 41 (2011), 64.

³⁸ *Ibid.*

not the sexual grooming of young women. The softening of language surrounding trafficking victims presents their subjugation as less shameful, creating another shoji, hiding victims, and preventing their identification and protection.

Sexist Norms

Japanese governmental norms and regulations support sexism within society, which in turn reinforces gender roles and norms that affect female roles within the public sphere.³⁹ The banality of victimization of Japanese women, seen by the high rates of sexual assault, harassment, and abuse, also permeates society. Violence and victimization are often downplayed or ignored, and Japanese women have absorbed a sense of learned helplessness, making them less likely to report assault or trafficking, further hindering identification. Because of discrimination and harassment, especially in the professional environments, many women seeking employment are left with no choice but to assume gendered roles within the professional sphere or, lacking options, enter the sex industry. Despite the government's attempts at regulation, it ultimately fails to protect women within the workforce and the sex industry, erecting more shoji, creating vulnerabilities, and paving the way for victimization by traffickers.

Numerous sexist norms within society disempower women, making them susceptible to traffickers. Many of these vulnerabilities extend from Japan's current economic stagnation. In response, in 2015, Prime Minister Shinzo Abe launched his 'womenomics' initiative as an effort to boost the economy. This initiative, aimed at getting women into the workforce and leadership positions, is a sharp contrast to Abe's second goal of increasing the birthrate.⁴⁰ While normally these two goals could coexist harmoniously, traditional notions of gender decrease the effectiveness of Abe's policies. Furthermore, while Prime Minister Abe attempts to convince women to join the workforce, he fails to address societal factors impeding women's entrance into the public sphere.

Perhaps the biggest obstacle remains the difficulty women face when attempting to find employment, caused by discrimination within the

³⁹ Joyce Gelb, *Gender Policies in Japan and the United States: Three Cases in the United States and Japan* (New York: Palgrave Macmillan, 2006), 63.

⁴⁰ Kevin Rafferty, "Why Abe's 'Womenomics' Program Isn't Working," *The Japan Times*, December 31, 2015.

Japanese workforce. This discrimination roots itself in traditional gender roles that relegate women's loyalty to the home and the family, a notion that counteracts Japanese business interests as they wish for their employees to be solely loyal to the company.⁴¹ Therefore, women are often unable to find full-time employment, as companies expect them to spend most of their time doing reproductive labor by caring for their families.⁴² This is evidenced by the common business interview practice of asking women questions regarding relationship status, possibilities of marriage, and the likelihood of having children. After graduating with a law degree from one of Japan's top universities, one woman reports being asked if she was "planning to have a baby."⁴³ This societal expectation that women will get married and have children makes it difficult for women to find jobs even right out of college. It is a challenge for women to enter the workforce, which in turn makes it difficult for them to obtain full-time jobs, preventing them from attaining high positions in the company and moving up in the workforce, or supporting themselves financially without relying on parents or spouses.

When women are finally able to find employment, their jobs typically adhere to traditional gender roles. Because of the devalorization of feminine roles, women are often given "lower-paid" and "part-time" jobs and tasks and commonly subordinated to "clerical positions" even when they are just as qualified as their male counterparts.⁴⁴ According to the Ministry of Internal Affairs and Communications, in the late 2000s, women constituted 70% of part-time and casual workers.⁴⁵ One of the most popular and inherently gendered jobs for women is the position of "Office Lady" or "OL."

⁴¹ Kelly Barrett, "Women in the Workplace: Sexual Discrimination in Japan," *Human Rights Brief* 11/2 (2004), 1; Rafferty, "Why Abe's 'Womonomics' Program Isn't Working."

⁴² Ibid. Work associated with roles in the domestic sphere, primarily caregiving, cooking, and cleaning. This work is unpaid labor that is unrecognized and devalued within society.

⁴³ Leo Lewis, "Japan: Women in the Workforce," *Financial Times*, July 6, 2015 (accessed June 23, 2020, <https://www.ft.com/content/60729d68-20bb-11e5-aa5a-398b2169cf79>).

⁴⁴ Barrett, "Women in the Workplace," 3; Rafferty, "Why Abe's 'Womonomics' Program Isn't Working."

⁴⁵ Yoshio Sugimoto, *An Introduction to Japanese Society* (Port Melbourne, Australia: Cambridge University Press, 2014), 172.

First appearing in the 1950s and the 1960s, this role encompassed tasks considered befitting of women such as cleaning, sewing, and shopping. At this time, it was not uncommon for women's tasks to be interrupted in order for them to perform errands for men, as jobs given to males were valued more highly. Female roles were often "simple, routine, assistant jobs that are performed each time in response to an order," and women usually lived at home, expecting to find a husband and then quit their job.⁴⁶ This explains the relatively low pay as women were assumed to be working for "lipstick money"⁴⁷ rather than to support themselves or their families. Today, Office Ladies' jobs remain "simple and repetitive," and women in these roles frequently become bored with their work. These positions are often fetishized as these women set fashion trends and are commonly interviewed by magazines and the company they work for regarding frivolous topics, such as views on love and marriage, leisure, and fashion.⁴⁸ OL jobs and other roles commonly occupied by women within the workforce are demeaned, and feminine work is made into something akin to a fashion statement, rather than a serious profession.

Not only are women discriminated against when attempting to join the workforce, but they are also harassed upon their entrance. The most common form of harassment is "sexual harassment" or "*sexy-hara*." A survey carried out in Tokyo by Japanese Feminist group WeToo Japan found 70% of women had experienced some form of harassment in public, with 48% of women saying they had been touched inappropriately and 42% of women stating a stranger "had pressed their bodies against them suggestively." Only 10% reported the harassment to the police.⁴⁹ These statistics are indicative of men believing they have a right to female bodies, which exist mainly for their consumption. This is also seen in professional

⁴⁶ Yuko Ogasawara, *Office Ladies and Salaried Men: Power, Gender, and Work in Japanese Companies* (Berkeley: University of California Press, 1998), 24–25.

⁴⁷ Ibid. The term "lipstick money" is used by feminist scholars to draw attention to the fact that society views males as working to support a family, while females are merely earning money to buy frivolous things like lipstick.

⁴⁸ Ibid.

⁴⁹ Yuko Aizawa, "Lifting the Lid on Japan's Harassment Problem," *NHK World-Japan*, January 30, 2019 (accessed June 25, 2020, <https://www3.nhk.or.jp/nhkworld/nhknewsline/backstories/liftingthelid/>).

environments as 1 in 3 women admits to experiencing sexual harassment at work, 24% of which occurs at the hands of a boss.⁵⁰ Just as problematic is the manifestation of a new form of harassment known as “maternity harassment” or “*mata-hara*,” defined as discrimination against pregnant women, it has become a common practice in Japanese businesses for pregnant women to be fired or forced out of their jobs.⁵¹ Sometimes this harassment is as blatant as women being told to “clean out their desks” before going on maternity leave. Other times it is subtler, such as being reassigned and forced to do menial tasks until they become frustrated or bored with their work and quit of their own volition. Recent reports show that 1 in 4 working mothers has experienced maternity harassment in some form. Outside the professional sphere, working mothers are often criticized for not dedicating enough time to their families, and their ability to successfully take care of their family is questioned.⁵²

In response to workplace discrimination and harassment, Japan issued the 2010 Third Basic Plan for Gender Equality, which promises to tackle these issues. Unfortunately, this plan is vague and focuses on raising awareness and monitoring conditions, rather than creating or implementing laws. Additionally, the plan does not lay out details regarding how they will raise awareness, or who is in charge of monitoring:⁵³ it is just an empty promise to support and protect women within the workforce without actually putting policies into motion.

⁵⁰ Justin McCurry, “Nearly a Third of Japan’s Women ‘Sexually Harassed at Work,’” *The Guardian*, March 2, 2016 (<http://www.theguardian.com/world/2016/mar/02/japan-women-sexually-harassed-at-work-report-finds>).

⁵¹ Emma Chanlett-Avery and Rebecca M. Nelson, “‘Womenomics’ in Japan: In Brief,” *Current Politics and Economics of Northern and Western Asia; Hauppauge* 23/4 (2014), 418.

⁵² Patrick Cox, “Matahara: When Pregnant Women, New Moms Are Harassed at Work,” *Public Radio International*, September 9, 2015 (accessed June 25, 2020, <https://www.pri.org/stories/2015-09-09/maternity-harassment-so-common-japanese-workplace-they-invented-word-it>).

⁵³ “Third Basic Plan for Gender Equality,” UN Women: Global Database on Violence against Women, 2010 (accessed June 25, 2020, <http://evaw-global-database.unwomen.org/en/countries/asia/japan/2010/third-basic-plan-for-gender-equality>).

High rates of domestic abuse also highlight Japan's inability to protect women. According to official statistics offered by the Japanese government, in 2015, 1 in 4 women experienced abuse at the hands of a spouse.⁵⁴ These statistics are likely inaccurate due to under-reporting, considering a World Health organization study from 2006 found that around 15.4% of women in Yokohama, a large city in Japan, reported experiencing some form of domestic violence.⁵⁵

In fact, domestic abuse is the least reported violent crime in Japan, despite accounting for "one fifth of all violent crimes."⁵⁶ To add insult to injury, the reporting of such crimes is unlikely to result in prosecution. In 2015, a total of 63,141 cases of domestic abuse were reported, yet less than 10% resulted in arrests. The significance of this issue on the health and wellbeing of women remains evident in the increasing fatalities resulting from domestic abuse, estimated to be one every three days. Women who experience abuse at the hands of boyfriends or while dating are at even more of a risk as laws against domestic abuse only pertain to women who live with their abuser.⁵⁷

Sexist patterns and norms within Japanese society negatively affect women by failing to protect them and making them vulnerable to sex traffickers. Low paying jobs and low participation rates in the workforce creates susceptibility to abuse as women become dependent on men to support them. Women unable to find male support are forced to look for jobs elsewhere, the easiest location being the sex industry where they are offered jobs pertaining to traditional notions of gender, mainly the servicing of men. Gabriele Koch, a postdoctoral fellow at the Edwin O. Reischauer Institute of Japanese Studies at Harvard University, explains that "sex industry employment is also a means for securing financial stability in a context wherein women are largely undervalued as workers in the full-time,

⁵⁴ Rob Gilhooly, "Domestic Violence: 'Abuse Was All I Knew,'" *The Japan Times*, May 7, 2016.

⁵⁵ Claudia Garcia-Moreno et al., "Prevalence of Intimate Partner Violence: Findings from the WHO Multi-Country Study on Women's Health and Domestic Violence," *The Lancet* 368/9543 (2006), 1264.

⁵⁶ Gilhooly, "Domestic Violence."

⁵⁷ *Ibid.*

professional economy.”⁵⁸ Hence, the most popular occupation chosen by these women is “hostessing,” where women are paid to keep groups of men company.⁵⁹ Hostess clubs are considered part of the *mizu shobai* (水商売 lit. “water trade”), or “nightlife industry,” which is essentially a less carnal counterpart to *fuzoku* (風俗 lit. “public morals” or “customs”), also known as the “sex industry.”⁶⁰ However, the use of the term “water” as a euphemism for sexual services justifies the consideration of the nightlife industry as part of the sex trade.⁶¹ Moreover, while these companies rarely include sex, the often sex-centered discussions, as well as the sexualization and objectification of the women, bring the job of hostess further into the realm of sex work.⁶²

Many women turn to these professions due to the high salaries not offered in mainstream industries, while others choose this line of work because there is “no other work for women.”⁶³ Often, these institutions are run by Yakuza and located in districts associated with the sex industry, such as Kabukicho in Shinjuku ward, Tokyo.⁶⁴ Even though these women are not always trafficking victims, they remain vulnerable specifically to other forms of sexual violence such as sexual harassment and assault.⁶⁵ The precarity in Japan’s workforce creates an excuse for traffickers to approach vulnerable women, promising them a job, support, and high wages that they cannot find elsewhere, often leading them to unknowingly or unwillingly enter a situation they cannot escape.

⁵⁸ Gabriele Koch, “Willing Daughters: The Moral Rhetoric of Filial Sacrifice and Financial Autonomy in Tokyo’s Sex Industry,” *Critical Asian Studies* 48/2 (2016), 226.

⁵⁹ “Hostess Girls,” Japan’s Disposable Workers, 2013 (accessed June 25, 2020, http://disposableworkers.com/?page_id=2).

⁶⁰ Anne Allison, *Nightwork: Sexuality, Pleasure, and Corporate Masculinity in a Tokyo Hostess Club* (Chicago: University of Chicago Press, 1994), 34.

⁶¹ Greg Naito, “What Are the Dynamics of Work, Play and Gender in the Mizu Shobai?” 徳島文理大学研究紀要 75 (2008), 13.

⁶² *Ibid.*; Allison, *Nightwork*, 46–49.

⁶³ “Hostess Girls,” Japan’s Disposable Workers.

⁶⁴ David A. Feingold, “Human Trafficking,” *Foreign Policy* 150 (2005), 28.

⁶⁵ Rhacel Salazar Parreñas, *Illicit Flirtations: Labor, Migration, and Sex Trafficking in Tokyo* (Stanford: Stanford University Press, 2011), 8.

Failure to Protect Sex Workers

Not only does Japanese society steer women into the sex industry, but it also fails to protect sex workers, allowing exploitation at the hands of traffickers. Along with the re-emergence of the Japanese sex industry post-World War II came the 1948 Law Regulating Businesses Affecting Public Morals, which required businesses involved in the sex industry to register with the police, operate within a specific registered category, and prohibit hiring anyone under the age of 18.⁶⁶ The existence of such a law not only accentuates the importance and acceptance of the sex industry within Japanese society but exhibits the government sanctioning of such an industry. Besides these regulations, little was done to monitor businesses. There were no laws put in place to protect workers, other than an age limit that was likely rarely enforced due to a lack of intervention, thereby allowing the exploitation of sex workers and trafficking to continue.

In 1956 came the first attempt at protecting sex workers, with Japan taking an abolitionist, anti-prostitution stance. Created in an attempt to “[protect] and [rehabilitate] prostitutes,” the Prostitution Prevention Law, enacted in 1957, criminalized acts relating to prostitution including solicitation, the operation of brothels, and “intercourse with an unspecified person in exchange for payment,” and defined punishments for violators, including fines and jail time.⁶⁷ This law was probably created with the combating of sex trafficking in mind, since in most cases, prostitutes were seen as being forced into prostitution rather than “autonomous” agents, and the “evils of prostitution” were often attributed to “people arranging [the] prostitution,” whereas prostitutes themselves were viewed as victims.⁶⁸

According to Rhacel Parreñas, Professor of Sociology at the University of Southern California, these claims of “forced prostitution” spurred by moral and abolitionists sentiments prevent the recognition of sex work as a form of “viable employment” and divert attention away from

⁶⁶ Jun Hongo, “Law Bends over Backward to Allow ‘Fuzoku,’” *The Japan Times*, May 27, 2008.

⁶⁷ Tsubasa Wakabayashi, “Enjokōsai in Japan: Rethinking the Dual Image of Prostitutes in Japanese and American Law,” *UCLA Women’s Law Journal* 13 (2003), 164–166; Shiga-Fujime Yuki and Beverly L. Findlay-Kaneko, “The Prostitutes’ Union and the Impact of the 1956 Anti-Prostitution Law in Japan,” *U.S.-Japan Women’s Journal, English Supplement* 5 (1993), 23.

⁶⁸ *Ibid.*, 165.

“solutions that target the regulation and protection of sex workers.”⁶⁹ In this vein, this well-intentioned law did very little to protect sex workers or prevent prostitution largely due to the specificity of what constitutes intercourse and the definition of prostitution as an exchange of sex for money. The law itself defined sex as vaginal intercourse, leaving room for other sex acts (such as oral sex) that, when exchanged for money, were not by definition prostitution and thus were not illegal.⁷⁰ Other issues with the law include the difficulty of determining what sex is compensated and what sex is consensual, as well as the fact that paid sex with a “specified person or acquaintance” is not banned. Businesses and other parties involved can easily claim the customer and worker had consensual sex as friends and then exchanged money for the room or other expenditures. These gaps prevent the law from being effective, allowing the continued subjugation of sex workers, and increasing the risk of trafficking.⁷¹

Combating Efforts

Japan’s efforts to combat sex trafficking in recent years are ineffective, though, according to the Trafficking in Persons Report, they are significant. Often referred to as the TIP, the report is issued annually by the United States Department of State for the purpose of monitoring and combating human trafficking. First issued in 2011, the report places state governments into tiers based on their compliance with standards stated in the Trafficking Victims Protection Act (TVPA), with Tier I marking full compliance and Tier 3 indicating lack of compliance with no indication of efforts to do so.⁷²

Beginning in 2011, Japan was consistently identified as a Tier 2 country due to the lack of full compliance with the TVPA’s minimum standards for combating human trafficking.⁷³ After making significant efforts

⁶⁹ Parreñas, *Illicit Flirtations*, 8.

⁷⁰ Yuki and Findlay-Kaneko, “The Prostitutes’ Union and the Impact of the 1956 Anti-Prostitution Law in Japan,” 166.

⁷¹ Hongo, “Law Bends over Backward to Allow ‘Fuzoku.’”

⁷² US Department of State, “Victims of Trafficking and Violence Protection Act” (Washington D.C., 2000); and US Department of State, “US Department of State Trafficking in Persons Report,” 2017, 225–227.

⁷³ US Department of State, “US Department of State Trafficking in Persons Report” (Washington D.C., 2011).

to comply with these standards, Japan was finally upgraded to a Tier 1 country in 2018, with the report citing the establishment of a task force combating child sex trafficking, specifically compensated dating and child pornography. Whether or not these efforts are indeed effective in combating trafficking is not discussed, and the report continues to criticize Japan on its leniency during prosecutions.⁷⁴

Arguably, the most notable attempt at combating trafficking was Japan's signing of the Palermo Protocol. The "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime" focuses on trafficking as a transnational process that "is committed in more than one State," with effects in other states, a large part of its process occurring in another state, or "[involving] an organized criminal group that engages in criminal activities in more than one State."⁷⁵ It defines trafficking as "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."⁷⁶

In all, the Protocol brings focus to what is known as the "Three P's" of prevention, protection, and prosecution.⁷⁷ While it seems like a substantial step towards fighting trafficking, Japan is not yet a party to the Protocol, but it does make significant efforts to conform to it, such as the 2004 Japanese Comprehensive Action Plan increasing the enforcement of "immigration controls, assurance of the security of travel related documents, review of

⁷⁴ Ibid., 2018, 244.

⁷⁵ Jean Allain, "No Effective Trafficking Definition Exists: Domestic Implementation of the Palermo Protocol," *Albany Government Law Review* 7 (2014), 113–114.

⁷⁶ UN General Assembly, "Protocol to Prevent, Suppress and Punish Trafficking in Persons," Article 3a.

⁷⁷ Kelly Hyland Heinrich, "Ten Years After the Palermo Protocol: Where Are Protections for Human Trafficking Victims?" *Human Rights Brief* 18/1 (2010), 1.

status of residence and visas for ‘entertainers,’ countermeasures against false marriages, [and] measures to prevent illegal employment.”⁷⁸

Unfortunately, Japan’s efforts focus on trafficking as a transnational process and have minimal effect on the trafficking occurring within state borders, particularly the trafficking of Japanese citizens. The government focuses on border security, checking residential status, and reinforcing immigration controls, with most of these combating efforts occurring through the Immigration Bureau of Japan.⁷⁹ By emphasizing the immigration aspect of trafficking, victims are viewed as illegal immigrants rather than vulnerable human beings, and efforts to fight trafficking are ineffective. International Affairs and Global Security scholar Jaqueline Berman explains that “a focus on crime and violated borders (rather than on the conditions under which women migrate or are forced to work) extends barriers to migration and renders it more dangerous for women while not necessarily hindering movement or assisting the actual victims.”⁸⁰ Immigrants will enter a country by any means necessary, making migration more dangerous and allowing them to be targeted by traffickers.

Furthermore, Japan’s view of human trafficking as an issue of illegal immigration impedes efforts to fight trafficking involving Japanese citizens, shown by the “ongoing failure to help Japanese runaway girls who are subjected to sex trafficking.”⁸¹ In other words, Japan’s focus on border security instead of human security only serves to complicate migration, making it more difficult and paving the way for exploitation by traffickers,

⁷⁸ Ellen M Queen, “The Second Tier: Japan’s Stagnation in the Fight Against Sex Trafficking,” *Indiana International and Comparative Law Review* 25/3 (2015), 552–553.

⁷⁹ “Japan Vows to Advance Steps to Eradicate Human Trafficking,” *Kyodo News Service*, May 8, 2015 (accessed June 25, 2020, <http://www.moi.gov.mn/npe/?q=content/japan-vows-advance-steps-eradicate-human-trafficking>).

⁸⁰ Jacqueline Berman, “(Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-Trafficking, the European Political Community and the Panicked State of the Modern State,” *European Journal of International Relations* 9/1 (2003), 37.

⁸¹ Alastair Wanklyn, “U.S. Slams Japan over Sex Trafficking, Forced Labor,” *The Japan Times*, July 28, 2015.

while simultaneously marginalizing Japanese victims.⁸² Indeed, the history of Japanese anti-trafficking and anti-prostitution laws reveals the Japanese government's abolitionist stance on prostitution. While society itself accepts the sex industry, shown by its continued visibility – and as the Japanese government supports it, evidenced by its longevity and their attempts to regulate it – the act of prostitution itself (at least the version defined by Japan) is not permitted.⁸³ Instead of taking the more complex route of outlining the difference between sex trafficking victims and sex workers, Japan prefers to abolish the act of prostitution as a whole, as seen by the ongoing legality of the possibly outdated Prostitution Prevention Law. By simplifying this difference, the Japanese fail to understand there is a “significant difference between purchasing the time of a prostitute – a commercial sex act – and making use of or paying for an imported sex slave – a by-product of human sex trafficking.”⁸⁴

Even when it is illegal, women hoping to make money will continue to sell their bodies in order to survive in a society that discriminates against them in the workforce but welcomes them into the sex industry. Much like focusing on border security only serves to make migration more dangerous, an abolitionist approach to prostitution only serves to make sex work more dangerous and reinforces sex trafficking as women rely on third parties for protection from the law, creating more avenues for exploitation.

Conclusion

Multiple factors facilitate sex trafficking in Japan and allow the continued exploitation of women as they prevent the identification and protection of victims while creating and supporting risk factors for trafficking. Japanese trafficking victims remain unidentified within society as the government combating methods focus on border security and fail to

⁸² Ibid. Human security is a term used by Feminist International Relations scholars defined as the freedom from need, and freedom from want. The term is juxtaposed against State Security as it focuses on the individual as the most important actor, rather than the state.

⁸³ Seiko Hanochi, “Constitutionalism in a Modern Patriarchal State: Japan, the Sex Sector, and Social Reproduction,” in Isabella Bakker and Stephen Gill, eds., *Power, Production and Social Reproduction* (London: Palgrave Macmillan UK, 2003), 83.

⁸⁴ Queen, “The Second Tier,” 558.

prosecute traffickers. Shame culture and inherently gendered governmental laws and policies further harm women, preventing them from coming forward and announcing their plight, while creating avenues for further exploitation. Though these factors are difficult to combat as they are embedded within society, measures must be taken in order to pave the way for effective combating of the sex trafficking of Japanese citizens. The focus must be on society, changing its views of female victimization, and raising awareness regarding the prevalence of sex trafficking within Japan. This spread of public awareness of human trafficking should start with the younger generation, specifically targeting males as they are the most likely demographic to purchase sexual services.

Japanese society must also strengthen its collectivist tendencies. As a nation that values group loyalty and wellbeing over the individual, Japan appears to have a “don’t ask, don’t tell” view of sex trafficking and the sex industry.⁸⁵ According to a 2006 survey by the National Women’s Education Center of Japan, 45.5% of men and 26.3% of women stated tolerance of a ‘man unknown to myself’ using sexual services, while 25.5% of men and 4.9% of women expressed tolerance of a “male family member or acquaintance” using services. These views also occur with the selling of services as in response to a “woman unknown to myself” selling services, 42.1% of men and 20.4% of women were accepting, while 9.7% of men and 3.6% of women expressed tolerance of a “female family member or acquaintance” selling services.⁸⁶ In other words, men and women are relatively accepting of the buying and selling of sexual services as long as they themselves are unaware of it or do not know the person involved, which contrasts with the collectivist ideology ingrained in the Japanese psyche whereby you are your neighbor’s keeper.

Collectivist tendencies are increasingly important in the context of self-policing. Japan is a society where women are seen as second-class citizens, as they are often collectively and individually irrelevant unless it

⁸⁵ Harry C. Triandis et al., “Individualism and Collectivism: Cross-Cultural Perspectives on Self-Group Relationships,” *Journal of Personality and Social Psychology* 54/2 (1988), 324.

⁸⁶ Nami Otsuki and Keiko Hatano, “Japanese Perceptions of Trafficking in Persons: An Analysis of the ‘Demand’ for Sexual Services and Policies for Dealing with Trafficking Survivors,” *Social Science Japan Journal* 12/1 (2009), 53–54.

benefits society in some way, particularly men. The importance of women, both as individuals and as a group, must be emphasized: women are instrumental to Japanese society in both the public sphere as workers and in the private sphere as mothers. The victimization and exploitation of Japanese women can no longer be hidden behind shoji screens. Thus, to identify victims and combat trafficking, society must recognize the importance of women, understand their vulnerabilities, and be more conscious of the sex trafficking of Japanese citizens.

