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Human Trafficking in Japan Through the Use of Schoolgirls

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Abstract

Joshi Kosei (JK Business), is the integration of schoolgirls in the human trafficking industry in Japan. It is a form of compensated dating called “*Enjo Kosai*.” Japan is currently ranked as a tier 2 country within the Trafficking in Persons 2017 report that is conducted by the United States' Department of State. This is due to the lack of enforcement behind the current policies to prosecute traffickers and protect victims. This paper traces the human trafficking industry from World War II to present times, as well as the *Joshi Kosei* phenomena from the 1990s to the present, including a look at current efforts and policies in place. With a greater public awareness, the rewording of current policies, and more intense enforcement efforts, Japan has the potential to become a tier 1 country.

Introduction

Thomasina Larkin, a reporter for the Japan Times, tells the story of Neary, a woman from Cambodia whose husband sold her to a brothel in Japan for \$300 (Larkin, 2007). For the next

five years, Neary was forced into sexual interactions with an average of five to seven men daily. Neary became infected with HIV/AIDS and became very ill. The owner of the brothel threw her out onto the streets, where she found refuge in a local shelter. At the age of 23, Neary died of HIV/AIDS (Larkin, 2007). Neary's story is one of the many that have been experienced by individuals caught in the human trafficking system in Japan.

This paper focuses on “*Joshi Kosei*¹,” (also known as JK business) a small section of the human trafficking spectrum within Japan. It is more prevalent in the city of Tokyo, and a majority of the hubs are located in small cafés that line the streets. *Joshi Kosei* is beginning to become a part of the *Enjo Kosai* or "compensated dating" culture. This is due to the fact that *Joshi Kosei* is the exploitation of younger girls who work in entertainment cafes that attract an older, male demographic (Fawcett, 2015). Older men will sit with these girls and pay for their company. Many of these chats are innocent conversations but can turn into something more. Sexual activities are not included in the initial fee, but for extra pay, the "arrangement" can be made. Harry Fawcett, a reporter for Al Jazeera, tells the story of a student who works part time for a *Joshi Kosei*, in the Akihabara district of Tokyo (“*Paid dating...*”). Mai, the student, works at the cafe where her boss is very particular in hiring girls who look around the age of 15-18 years old. Koichiro Fukuyama, the store owner, describes the characteristics that are necessary when hiring a girl: he explicitly describes a young school girl². For most of the time, Mai wears her school uniform that she would wear to attend classes. According to Fawcett, Mai loves working at the cafe more than at her last job (Fawcett, 2015). Yet, for many other girls that work in *Joshi Kosei* cafes, the experience is different.

In order to understand *Joshi Kosei*, it is important to begin by exploring the history of the human trafficking issue within Japan. This historical look will establish migration patterns into the country. This information will then be related to the current migration of the victims who are trafficked into Japan. From there, the paper will expand on the current legislation and other legal efforts to prevent human trafficking. Non-government agencies and non-profit agencies play a significant role in this effort. This paper will then make recommendations to suggest how the government might change the current situation surrounding human trafficking.

History of Japanese Human Trafficking

To understand the prevalence of human trafficking in Japan, it is important to understand its history. For example, Geiger explains that human trafficking began after World War II, when parents began selling their children (2012). Around the 1950s, trafficking in this form became obsolete in Japan, but then a different form emerged: the exploitation of migrant women in Japan's sex industry (Geiger, 2012). In the late 1960s and early 1970s, Japan's sex industry experienced a huge increase in correlation to the country's economic advancements occurring at the same time. Most of this demand came from the Japanese businessmen who traveled to other Asian countries during their business trips (Geiger, 2012).

As Japan began to experience, an economic boom called the "bubble economy," there was also a steady increase of temporary visitors and immigrants entering Japanese territory. Many were migrating due to the hope that they too could experience better economic opportunities. Yet, the hopeful dreams of better economic opportunities were hard to fulfill. Many of the incoming immigrants filled the labor shortages Japan held at the time. These jobs

were considered difficult, dirty, and dangerous (Geiger, 2012) – jobs that native Japanese were reluctant to take on. For other migrant workers, in particular, for women, jobs were not so easy to come by. In fact, migrant women were faced with the choice to become a part of the sex industry in Japan. In 2000, it is estimated that almost 300,000 women from countries like the Philippines, Thailand, Korea, and Taiwan were working in that industry (Geiger, 2012). Indeed, there were establishments much like the *Joshi Kosei* Cafes in Tokyo called “Philippine pubs.” These pubs employed the immigrant women as "exotic" hostesses and dancers (Geiger, 2012). Moreover, despite employment, women were trapped in debt bondage with debts sometimes reaching \$50,000 (Mensendiek, 2014).

The demographics of the populations that moved to Japan during the 1960s to 1970s reflect the number of people who are being trafficked into the country. Currently, many immigrants come from the surrounding areas of China, Russia, South Korea, Eastern Europe, Southeast Asia, and even some parts of Latin America whereas traditionally, women immigrants come from China and Korea (Geiger 77). During the period of economic advancement [in the early 1990s], Japan experienced an influx of “newcomers.” These newcomers immigrated from countries in South Asia: Thailand, the Philippines, Bangladesh with some immigrants traveling to Japan from the Middle East. As a result, the human traffickers participating in the recruitment of Human Trafficking and *Joshi Kosei* are not preying on immigrants from one certain area. Instead, the common denominator is to prey on those individuals who have fallen on hard times.

While traditional human trafficking and JK business are similar, some relevant differences will be outlined within the next section. Recognizing that Japan also harbors

traditional human trafficking, the next section will explain the prevalence of the *Joshi Kosei* within the culture and its impact on the lives of those trapped in that industry.

Background of *Joshi Kosei*

According to a study published by *Dignity*³, JK business originated in the 1980s to early 1990s – in the form of schoolgirls selling their used clothing to male counterparts. This phenomenon became very popular with the rise of the female singing group, *O-nyuanko Cluba*. The lyrics of this group contained provocative language, and the performers would dress in school uniforms. This was also the time of the infamous “bubble economy” that was experienced throughout Japan. Through the extra money being circulated, there existed both an increasing demand and the capacity to pay for the company of schoolgirls.

However, in early 1992, the country experienced a decline from the “bubble economy.” This decline then translated into desperate companies serving as the facilitator for relationships between high-school girls and male customers, thus bringing the popularity of Enjo Kosai (“compensated dating”) into the cities. In short, the male customers would offer financial support to schoolgirls in exchange for their time [and/or sexual activities] (Ogaki, 2018). In order to make this practice more acceptable, Enjo Kosai was associated with a form of volunteering, which made male customers feel less guilty about participating in these activities. Ogaki also points out that the term “Enjo Kosai” was useful in order to distinguish between the prostitution of schoolgirls and traditional forms of prostitution, since both had become so prevalent (Ogaki, 2018).

Through the popularity of *Enjo Kosai* and the amount of wealth many male customers had, younger girls became the focus of many customers. JK business comes in many forms, but two popular ones are: “*JK Rifu*” (JK "relaxation) and “*JK Satsueikai*” (or JK Photography). However, one of the most popular versions of JK business is “*JK O-Sanpo*” (JK strolls). In *JK O-sanpo*, male customers will go on walks with the high-school girl of their choice. Many of these walks are innocent, but for extra fees, sexual activities – the so-called "secret options" – can be included. Many of these walks fluctuate between thirty to one hundred minutes. The male customers will pay anywhere ranging from 5,000 ¥ (\$50) to 120,000 ¥ (\$120), and many of the girls who participate in the JK business are doing so to pay for educational services. Girls who come from broken homes due to poverty or divorce are particularly vulnerable as are those who have suffered sexual abuse from family members. Due to the flexible work hours, school girls prefer to practice *JK* rather than obtaining a normal job with fixed schedules (Ogaki, 2018).

Other girls are not so fortunate to make the decision themselves to enter the JK Business. Many girls are forced to entertain older men; they believe that they are working in a café only to find themselves caught in JK business. Many of the younger looking women and young girls are forced into prostitution through forced labor. Many are being trafficked into the country and are held in forced labor acts through debt bondage, threats of violence, threats of deportation, or blackmail. (Ogaki, 2018). While many are immigrating into Japan for better economic opportunities and lifestyles than those available in their home country, the actual experience of life in Japan often leads to disillusion.

The phenomenon of JK Business is complex, and individuals participate in it for different reasons. Nonetheless, efforts do exist in Japan to combat this industry, and one particularly helpful report that chronicles such efforts is the “Trafficking in Persons” report, conducted in 2017.

Government Efforts

The United States Department of State publishes an annual report called the Trafficking in Persons Report (“Japan,” 2017). This report places a country into a certain tier in a three-tier system. Each tier has minimum requirements that each country must meet in order to be categorized into a certain tier. In tier 1, the top tier, countries must meet the Trafficking Victims Protection Act’s minimum standards in full. Tier 2 has two sections, the actual tier and a watch list. In order for a country to be classified as tier 2, a country does not fully meet the minimum standards, but there are significant efforts being made to meet them. To be placed on the watch list, a country must meet the requirements for tier 2 but falls short of other requirements, such as, the absolute number of victims of severe forms of trafficking is significant or increasing. If there is failure to provide evidence of efforts to combat severe forms of trafficking than the previous year, but the country indicates its determination of the country to meet the minimum standards by taking additional steps over the next year, it qualifies for tier-2 status. To be placed in tier 3, the worst tier, a country does not fully meet the minimum standards and there are no efforts being made to meet those standards. (“Tier Placements,” 2017).

According to the report, Japan was ranked as a Tier 2 country in the 2017 Trafficking in Persons Report (“Japan,” 2017) because the government has not succeeded in meeting minimum

efforts to eliminate trafficking, although there are some significant changes that are being made in order to comply. For example, the Japanese government did increase prosecutions and convictions of traffickers and helped to identify the number of victims in 2015. However, the government failed to enact legislation that would facilitate the prosecution of trafficking crimes in accordance with international law.⁴ Instead, the government only increased its efforts to protect the victims of trafficking. This can be seen through training programs for law enforcement through agencies willing to explore the fight against human trafficking.

The National Police Agency (NPA), for instance, provides classes to new employees at the Police Academy and at the time of a promotion (“Japan,” 2017). The Immigration Bureau provides lectures during human rights education programs, which are held throughout a variety of stages of an employee’s career (“Japan,” 2017). The Coast Guard of Japan holds trafficking lectures at the annual training programs, while the courts arrange lectures conducted by university professors during the training programs for judges (“Japan,” 2017). There is also a meeting with the International Organization for Migration, NGOs, and Law Enforcement Agencies to facilitate a conversation about new information on human trafficking and to share the views from employees within Japan. (Umeda, 2016). Japan’s criminal code does not obstruct all forms of trafficking as defined by international law, and this creates in turn problems of enforcement. The government relies on previous laws relating to prosecution of traffickers, prostitution, and abduction. For example, in cases of child prostitution, the government uses the standards that were put in place by the 1947 Child Welfare Act⁵. This Act broadly criminalizes any harm done to a child in the form of obscene acts, the deliverance of a child to another person who plans to harm that child through obscene acts, and/or the commitment of a harmful act

towards a child. According to Japan's Trafficking in Persons report in 2017, the government reported 44 cases of crimes related to trafficking in 2016 and 2015, but only initiated prosecutions of 43 suspected traffickers in 2016 and 26 in 2015 ("Japan," p.226). The conviction rates are also problematic. The government only convicted 37 traffickers, and of these, only 10 convicted traffickers only received fines ("Japan" p226).

According to a report conducted by The Law Library of Congress, there are several government agencies that have specific roles and responsibilities to combat human trafficking ("Japan," 2017). The Ministry of Foreign Affairs (MOFA) specializes in efforts to prevent foreigners from being trafficked into the country. It does this through a careful examination of visa applications at overseas diplomatic posts that are located in the home country of the applicant. In addition, the Immigration Bureau controls the flow of immigration through the air and sea ports of Japan. This is done by using certain information such as passenger information, ticket reservation records, and an international database on stolen or lost passports. The organization also has a system to detect altered documents and a thoroughly trained staff to detect suspicious persons or brokers. In June 2014, a task force was established called the *Law Enforcement Task Force Against Trafficking in Persons*. This task force involves members from several agencies such as: the NPA; the Japan Coast Guard; the Ministry of Justice; and several others (Umeda, 2016). So why do the numbers of prosecuted traffickers and open cases remain so low?

Despite the responsibilities of these agencies and the establishment of the task force, the government fell short in developing specific protections and assistance programs for said victims. Although the laws meant to protect children are technically in force, several child

victims are treated like delinquents. This treatment has left the victims without any proper services and, often, their cases have not been investigated or punished (“Japan,” 2017).

Government agencies seem to be putting in a lot of effort towards combating trafficking, unfortunately, with minimal results. Due to this reason, Non-Government Organizations (NGOs) and Non-Profit Organizations (NPOs) have stepped in to lend a hand in preventing human trafficking and protecting those who have been victimized by trafficking.

NGO/NPO Participation

Non-Government Organizations (NGOs) and Non-Profit Organizations (NPOs) have attempted to step in to offset the problems of human trafficking. These organizations are: *Japan Network Against Trafficking in Persons* (JNATIP); Lighthouse, and ZOE. These are only a few of the organizations that play an active role in the elimination of human trafficking in Japan.

The JNATIP⁶ was formed after the International Symposium on “Trafficking of Women to Japan” was held in Tokyo in January 2003 (Tamai, 2003). This symposium was a stepping stone to the birth of NGO involvement in confronting the human trafficking situation in Japan. JNATIP’s main goal is to formulate effective laws regarding the prevention of trafficking in persons, and the punishment of perpetrators. Since the formation of the organization, JNATIP has been lobbying for the adoption of a draft of a bill that focuses on trafficking. This draft highlights issues surrounding the coordination between organizations, identification of victims, the need for shelters, medical assistance, protection of child victims, and education and training

on the issue of trafficking The organization conducts these efforts through what is called the “data book.” This resource highlights details of human trafficking in Japan, the drafting of a bill, and campaigns held to aid in the efforts to raise awareness around the issue of trafficking in Japan (Mensendiek, 2014).

The Polaris Project, on the other hand, was founded in 2002 in the Americas and has since branched into other countries to lend a helping hand in the effort to combat “modern-day slavery.” The organization centers its efforts on the victims of trafficking. It focuses on helping the survivors restore their freedoms, on preventing the abuse of more victims, and it uses data and technology to seek out traffickers in their trafficking routine (“About,” 2018). Among many of its volunteers, a young native Japanese woman took it upon herself to step in for many of the victims in Japan. Shihoko Fujiwara⁷ worked with the Polaris Project in the United States until 2004, she ended up founding Lighthouse, formally known as Polaris Project Japan. In contrast with Polaris Project, Lighthouse provides a variety of services such as: offering survivors confidential consultation services; educating and training law enforcement and officials; and organizing awareness campaigns. Most importantly, Lighthouse lobbies the government to change the legislation The main goal of this organization is to push for the establishment of an in-depth anti-trafficking law in Japan by the year 2020, and it makes use of a variety of efforts and involvement with the government. For example, representatives meet with the Cabinet Office and other ministries and agencies to collaborate on policy proposals (Shihoko, 2016). This organization also identifies cases where the current law would not apply. Such collaboration helps, then, to foster the conversation on policy recommendations. Although Lighthouse’s main priority is to lobby government officials to help facilitate the policy changes, it also works with

companies and individuals who have a significant social influence within the community to change the culture (Shihoko, 2016).

Finally, ZOE is a Christian organization that was established in the United States by two Americans, Michael and Carol Hart⁸. This organization focuses its efforts on rescuing children who have fallen victim to human trafficking. The main priority of ZOE is to educate the community. This organization has found that the communities being targeted the most for trafficking are: rural communities; poor families; and young adults and teenagers. This organization conducts a child rescue hotline where they receive tips of child trafficking. ZOE is also able to conduct telephone interviews with callers to determine the severity of the situation. If the child is in severe danger, a rescue team will respond to the child's location to remove the potential victim safely from the situation.

Human trafficking of women and children has become a severe issue within Japan. With the constant assistance offered by NGOs and NPOs, survivors and victims are receiving some necessary care and support. Each of the three organizations outlined are putting forth the effort to support each victim individually, but each also works in some way with the government to change the language of the laws to better protect others from falling victim to trafficking.

Recommendations

With the prevalence of these NGOs and their efforts to push for a more effective legislation against the trafficking of persons, one can recognize that the government is not active enough. The Japanese government needs to update the legal framework to criminalize all forms

of trafficking in congruence with the definition of trafficking established by international law. This includes those who participate in the recruitment and transportation of those who have been trafficked. According to the “Trafficking in Persons Report” conducted in 2017, ten of the thirty-seven convicted traffickers only received fines (“Japan,” 2017). The government should work to strengthen legislation to investigate trafficking cases and to punish such crimes. Although annual training programs are held, it is important to hold a variety of training sessions throughout the year. Human trafficking, in all of its forms, is very prevalent in Japan. The culture surrounding this industry is constantly changing to avoid punishment. Therefore, having demonstrations on new behavior and better tactics for dealing with the new strategies that the traffickers adopt, law enforcement will be better equipped to handle those situations – in addition to new legislation – the problem of human trafficking could be better monitored throughout the country.

This would be important not only for officials involved in the government, but for the local communities as well. All along the streets of Tokyo, there are schoolgirls lined along the streets calling out to those who are passing by. Why is this culturally acceptable? In light of this situation, wide-scale educational efforts or exhibitions highlighting some of the lives of the survivor’s stories are called for, and such initiatives should be free to the public. Through such endeavors, the community is more likely to respond as if they had been in the situation themselves. To personalize human trafficking in Japan might be seen as scandalous due to the country's code of decorum. However, making human trafficking a noticeable problem throughout the country is a necessity to bring about change.

While changing the wording of legislation is important to convict those who are guilty, raising awareness of the issue is an important step of its own. This was seen in the previous section related to the background information of JK business. Culturally, JK business has been seen as doing these girls a favor. With a change of this outlook, JK business could be drastically curtailed.

The final recommendation is directed at the efforts made on behalf of the victims. Often, victims are treated like criminals by officials, which misrepresents the number of child victims: 10 out of 577 children are officially identified as a child victim of human trafficking (“Japan,” 2017). If a child is not officially recognized by the government (for instance, by the police and the courts) he/she will receive no support or service. Through proper education and legislation, better support could be offered. The standards that are being used to determine the status of a victim need to be restructured in order to help victims of trafficking, they need to be properly identified.

Conclusion

Historically, Japan has experienced migration from multiple home countries, accompanied by human trafficking, although the focus on *Joshi Kosei* is somewhat unique to the culture. Even though there is little to no punishment for those who go through the process of prosecution, Japan has a variety of agencies in place to combat trafficking. Nonetheless, these efforts are lacking in one area: enforcement. With no legally binding foundation, it becomes a challenge to hold the violators accountable. The findings of this research project draw attention to the fact that more can be done to reduce the amount of corruption or bribery between the traffickers and law enforcement. Japan has a variety of government and non-government

agencies that are already working to combat human trafficking in multiple ways but could be improved.

With the prevalence of different NGOs and the efforts to push for a more effective legislation against the trafficking of persons, the limits of the government's intervention become more visible. The Japanese government needs to update the legal framework to criminalize all forms of trafficking in congruence with the definition of trafficking in international law, and this includes those who participate in the recruitment and transportation of those who have been trafficked. The government should also work to strengthen legislation to facilitate the investigation and the prosecution of trafficking cases.

The restructuring of the enforcement side of the legislation can promote better results in terms of the number of convicted violators and it can improve the efforts towards providing support for victims. Many of the survivors of human trafficking – those who are seeking support – are left feeling as if they are the criminals. Through strong collaborations between existing government and non-government agencies, Japan has the potential to become a tier 1 country within the “Trafficking in Persons Report” (“Japan,” 2017) in order to combat human trafficking head on.

Notes

¹ “*Joshi Kosei*” translates to schoolgirl. It became very prevalent in pop culture around 2009.

² Koichiro Fukuyama, the store owner, told Fawcett the girls needed to be slim, stylish, pretty, and smart.

³ *Dignity* is an online journal that reports on issues surrounding sexual exploitation and violence through the Digital Common at the University of Rhode Island.

⁴ According to Article 3 paragraph (a) “Trafficking in Persons is defined as the recruitment, transportation, transfers, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” (*United Nations* 2004).

⁵ There was an amendment of the Act in 2016, however, it outlined issues around family-based care.

⁶ As of 2004, JNATIP works in alliance with 25 other organizations.

⁷ Shihoko Fujiwara studied at the University of Wisconsin-Madison in an exchange program from Tokyo. She started “Lighthouse” by offering seminars to educate people in Japan about

human trafficking. She also established a 24-hour hotline to provide support to the victims in a handful of languages.

⁸ Michael and Carol Hart founded the organization after hearing about multiple cases of modern-day slavery. The organization started with its headquarters in California, but soon moved to Thailand.

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