

Sex trafficking in Japan:

An interdisciplinary exploration of Japan's anti-trafficking efforts and their shortcomings

by

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Abstract

Trafficking in persons (TIP) is one of the most pressing global humanitarian and security crises facing the world in the twenty-first century. Yet, despite increasing attention to the problem, countermeasures have been woefully inadequate. One of the greatest barriers to effective counter-trafficking measures is the erroneous assumption that a uniform, global approach can successfully address the problem. Although trafficking is a transnational problem which requires transnational-level solutions, anti-trafficking policies require narrow tailoring to the specific environment they are expected to function in. Case studies can illustrate how regional and national factors warp policy implementation, elucidating why certain strategies fall short as they encounter specific cultural, historical, economic, and socio-political realities.

Japan serves as a useful case study which has received relatively little scholarly and political attention despite its important role in the international sex trade. Tracing the history of sex trafficking and anti-trafficking legislation in Japan since 1872, the research strives to identify root causes of reform failures and other factors impeding their success, with the objective of devising practical, actionable policies aimed at addressing current shortcomings.

This project adopts a critically descriptive approach. Rooted in interdisciplinarity, it is heavily informed by the fields of history, political science, sociology, and gender theory, as well as globalization studies, criminology, and international law. The research covers the 1872 to 2023 period, and takes the state as its main unit of analysis; notably, this work attempts to upset the tendency to ignore how gender relations shape the state and its actions. The research offers both general and case-specific insights as to why anti-trafficking policies fail, and it suggests that both country-level reforms as well as systemic overhaul are necessary to end trafficking.

The dissertation is divided into four chapters. The first examines the intent behind the Japanese government's anti-trafficking efforts and explores the role and limits of foreign pressure. It reveals that Japanese officials have long enacted sex-related legislation with the aim of safeguarding the country's international image and bolstering the state's influence, demonstrating Japan's tendency to engage in cosmetic conformity. Seeking to uncover the reasons behind the state's lack of political will to tackle trafficking, the second chapter examines gendered, racial, and classist influences upon sex-related legislation. It illustrates how various othering mechanisms impede efforts to prosecute sex trade-related crimes. Domestic institutions' role in fueling, supporting, and tacitly endorsing systems of sexual exploitation and trafficking are subsequently explored in Chapter 3. Elements of corruption, complicity, and collusion between the state, institutionalized systems of exploitation, and criminal elements of Japanese society are investigated, focusing on how the military, yakuza, and police and justice system relate to human trafficking in Japan. Finally, the fourth chapter examines the impactful role of non-state actors on the development of anti-trafficking policies in Japan. It considers the interplay between the state and international and nongovernmental organizations. The chapter reveals that the changes Japan has made to align with international standards may be counterproductive in stopping trafficking.

Having demonstrated Japan's instrumentalization of sex-related legislation as a soft power tool, as well as the problems inherent with anti-trafficking strategies, the dissertation concludes with policy recommendations aimed at improving anti-trafficking outcomes in Japan, while also suggesting ways in which this case-study research can offer broader insights applicable beyond Japan's borders. Effective anti-trafficking policies will require both the

development of an intrinsic national-level desire to tackle trafficking in its own right, as well as the adoption of systemic and rights-based strategies and solutions.

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Trafficking in persons (TIP) is one of the most pressing global humanitarian and security crises facing the world in the twenty-first century. Yet, despite increasing attention to the problem, countermeasures have been woefully inadequate. One of the greatest barriers to effective counter-trafficking measures is the erroneous assumption that a uniform, global approach can successfully address the problem. Although trafficking is a transnational problem which requires transnational-level solutions, anti-trafficking policies require narrow tailoring to the specific environment they are expected to function in. Case studies can illustrate how regional and national factors warp policy implementation, elucidating why certain strategies fall short as they encounter specific cultural, historical, economic, and socio-political realities.

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Introduction

Trafficking in persons (TIP) has expanded significantly since the end of the Cold War to become one of the most pressing global humanitarian and security crises facing the world in the twenty-first century, growing in tandem with political instability, conflict, wealth and gender inequality, and barriers to migration. Countermeasures have been woefully inadequate, as evidenced by the continued, persistent expansion of human smuggling and trafficking activities despite increasing attention to the problem.¹ The corruption, complicity, and collusion of law enforcement and other officials in propagating and facilitating human trafficking, along with the impunity enjoyed by human traffickers throughout the world, are persistent hurdles in the fight against TIP (Shelley 2010). Despite these and other near-universal facilitators,² one of the greatest barriers to effective counter-trafficking measures is the erroneous assumption that a uniform, global approach can successfully address the problem.

Although trafficking is a transnational problem which requires transnational-level solutions, regionally and domestically tailored anti-trafficking policies are crucial to effectively curbing TIP. Historical, cultural, social, economic, and political factors have shaped diverse trafficking patterns, affecting push and pull factors for human smuggling and trafficking, such that TIP “requires multifaceted solutions tailored to the cultures and the nature of the dominant trafficking patterns” (Shelley 2010, 132). Taking into consideration how regional and national factors warp policy implementation can help elucidate why certain strategies fall short or even

¹ E.g., “Forced labour increased since 2016 in both absolute and relative terms” (ILO, 2022, p. 23). “An estimated 6.3 million people are in situations of forced commercial sexual exploitation at any point in time” (ILO, 2022, p. 4).

² These near-universal factors indicate, notably, that “efforts to combat high level corruption and AIDS, to reduce conflicts, improve peacekeeping, and prevent the transfer of natural wealth and state assets from the developing to the developed [world] are important prerequisites to an effective counter-trafficking strategy” (Shelley, 2010, p. 302).

fail as they encounter specific cultural, historical, socio-political realities. Put succinctly, “There is not a single solution to human trafficking” (Shelley, 2010, p. 199). Dissimilar patterns and models require different solutions. To this end, case studies can serve to both shed light on country-specific hurdles to successful anti-trafficking policies, and to illustrate broader trends, generating transferable skills and knowledge that might prove applicable in other cases, helping scholars and policymakers uncover the root causes hindering the success of anti-TIP strategies in other countries.

Playing a pivotal role in the sex markets of East and Southeast Asia, Japan provides for a consequential case study of anti-trafficking reforms and their inadequacies, highlighting the ways approaches to sex trafficking³ are culturally and historically contingent. Despite Japan’s nominal commitment to combatting trafficking, even progress on paper has been slow in coming and limited, while conditions on the ground have barely improved over the past two decades. This indifference and inaction, however, run contrary to Japan’s public commitments to address such exploitation, and it is hard to reconcile the lack of progress with promises to (at least attempt to) curb practices that allow for trafficking to persist and grow. In understanding why discourse and practice are so disjointed, it is important to recognize that, although the face of sex trafficking has changed in tandem with historical circumstances, commonalities in its practices and the state’s management of the sex trade persist. Japanese history reveals a pattern of governments amending or passing legislation that claims to restrict the sex trade but which leads only to cosmetic changes.

³ Although both sex and labor trafficking exist in Japan, this research endeavor focuses specifically on exploitative practices within the sex trade.

Japan serves as a useful case study which has received relatively little scholarly and political attention despite its important role in the international and regional sex trade, as a sending country historically and a receiving one in the post-Cold War era. Although TIP has become a major talking point in the twenty-first century, awareness about the existence of TIP in Japan remains low.⁴ Japan also serves as an interesting case study because of its unique status as both part of, but an outlier among, the G7, especially as relates to gendered issues, highlighting some of the complicity among powerful nations in prioritizing some matters, not just above, but *at the expense of* trafficking in persons. This work builds upon existing cultural and historical analyses of Japan's sex trade-related problems by examining how the state's attitudes towards gender, sex, trafficking, race, migration, crime, law, and governance have influenced its anti-trafficking efforts. Tracing the history of sex trafficking and anti-trafficking legislation in Japan since 1872, the research strives to identify root causes of reform failures and other factors impeding their success, with the objective of devising practical, actionable policies aimed at addressing current shortcomings.

Main Arguments and Findings

This critical analysis reveals that the Japanese state is not motivated to put an end to sex trafficking for its own sake, and argues that, as long as the absence of genuine political will persists, trafficking will remain a persistent issue in the country, sustained by othering

⁴ See, for example: Otsuki & Hatano 2009, various State Department *TIP Reports*, and NGO statements. Personal anecdotal evidence also corroborates this as very few individuals I spoke to about my research, both in and out of Japan, were aware the problem existed there; in a few cases, there was a general awareness that TIP "is a problem everywhere." Interestingly, the only Japanese individual I spoke to (who was not a professor or activist) who knew about sex trafficking as a Japan-specific problem, had been frequenting sex industry establishments, inclusive of prostitution businesses, for years. Though he apparently found it regrettable, this knowledge did not seem to deter him from partaking in the sex industry as a customer. This is indicative of the need to go beyond mere awareness, although it is a crucial first step.

mechanisms that disempower victims and by complicit institutions that shield the state from meaningful consequences in a global environment that promotes harmful moralistic and counterproductive carceral tactics to combat trafficking in persons. Rather than stemming from human rights considerations, the research shows that Japan's primary incentive to pass anti-trafficking policies instead lies in its quest for power and influence. Since the international community has deemed TIP a major issue, conforming to anti-trafficking norms proves advantageous to Japan—conformity has thus far been overwhelmingly cosmetic in nature, however. Partly, the state's lack of true political will stems from the gendered, racialized, and classed biases that underlie sex trafficking. Rather than protecting and empowering individuals who are at risk, victims, or survivors of trafficking, the state instead displays a greater preoccupation with its ability to exert control over the sex trade, especially so that it profits from the industry's exploitative practices. The evidence underscores the complicity of institutions such as the military, police, justice system, and organized crime in perpetuating these cycles and systems of sexual exploitation. Finally, to the extent that Japan has implemented limited anti-trafficking reforms, these sometimes prove problematic as they adopt the international community's anti-immigration and anti-prostitution biases. These connections are important in understanding the historical failures and continued limitations of anti-trafficking measures in Japan. They also indicate that effective anti-trafficking policies will require both the development of an intrinsic national-level desire to tackle trafficking in its own right, as well as the adoption of systemic and rights-based strategies and solutions.

Literature Review

Human trafficking is a multidimensional problem requiring a well-rounded, interdisciplinary exploration. This research thus draws upon scholarship and methods from history, political science, gender studies, sociology, and to a lesser extent globalization studies, criminology, and international law. A variety of processes, actors, and factors influence trafficking in persons, which the literature review addresses.

Trafficking in persons and TIP-adjacent issues are frequently contentious, highly debated, and nuanced matters. So much so that even the definition of TIP is contested. In November 2000, the UN General Assembly adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*—more commonly referred to as the Palermo Protocol—which represented a breakthrough in providing an internationally-recognized and agreed-upon definition of ‘trafficking in persons’ (TIP). Article 3 of the Protocol (2000) provides that:

For the purposes of this Protocol:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.

As Anne Gallagher (2009, p. 811) observes, TIP comprises three distinct elements according to this definition: “(i) an action (recruitment, transportation, transfer, harboring, or receipt of persons); (ii) a means (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person); and (iii) a purpose (exploitation).” Contrary to expectations, the Protocol has *not* resolved definitional debates. Notably, “there are deep disagreements about whether trafficking is the same as slavery, about how to differentiate between smuggled economic migrants and trafficking victims, and about whether all women who work in prostitution are trafficking victims” (Merry, 2016, p. 116).

Regarding this first rift, many authors use the term slavery when writing about trafficking in persons, either listing them as distinct but undefined offenses, or using the terms interchangeably. Kevin Bales’s influential book *Disposable People: New Slavery in the Global Economy*, originally published in 1999, is responsible for popularizing the idea of ‘modern-day slavery,’ still widely utilized by NGOs and governments, but also in some scholarship. In “Understanding Historical Slavery, Its Legacies, and Its Lessons for Combating Modern-Day Slavery and Human Trafficking,” for instance, David Wilkins (2020, p. 11) refers to both “modern-day slavery and human trafficking” without defining these terms. Julia O’Connell Davidson (2015, p. 9) critiques this persistent “absence of an exact and operational definition” for both ‘trafficking’ and ‘modern-day slavery’ in her book, *Modern Slavery: The Margins of Freedom*. She points out that context has been abstracted in the “pursuit of a universal, transhistorical definition of slavery,” and concludes that the “new abolitionist analysis of slavery does not provide a satisfactory answer to the question ‘what is slavery?’ or allow us to identify

what is uniquely morally wrong with it” (O’Connell Davidson, 2015, pp. 52-54). Elizabeth Bernstein (2018), in *Brokered Subjects: Sex Trafficking & The Politics of Freedom*, builds upon this point, referring to ‘modern-day slavery’ as a “trope,” arguing that what abolitionists mean “by the term when they invoke it is by no means transparent,” as they fail to distinguish ‘modern-day’ slavery from “chattel slavery, wage slavery, or what was once known as white slavery.” In addition to the murkiness or outright absence of definitions, the word ‘slavery’⁵ tends to conjure up images of physically-bound victims, yet today’s trafficking victims are bound by debt, inadequate travel documents, verbal and physical threats, and psychological manipulation. The imprecise use of the term ‘modern-day slavery’ may lead to misconceptions that can impede both popular and political understandings of trafficking in persons.

In the Japanese context, the linguistic problems are slightly different but nonetheless present. The most common word for human trafficking is *jinshin baibai* (人身売買). Composed of the characters for “human” and “buying and selling,” *jinshin baibai* is typically associated more narrowly with the act of buying and selling people as goods, rather than exploitation itself.⁶ The word for slavery, *dorei-sei* (奴隷制), which contains the characters for ‘slave’ (*dorei*) and ‘system’ (*sei*), is more directly associated with historical systems of exploitation such as Greek, Roman, or American slavery. *Jinshin baibai*, rather than encompassing all the acts which fall under the international definition of ‘trafficking in persons,’ is correlated more directly with the sale aspect that comes *before* slavery or exploitation. The official government translation of the Palermo Protocol instead uses the term *jinshin torihiki* (人身取引). *Torihiki* translates most

⁵ Slavery may also be primarily associated with (objectionable but nonetheless) legal social stratification systems, with expected and well-established patterns of interactions—TIP, on the other hand, is a criminal activity that is not reflective of entrenched legal societal arrangements.

⁶ The term does carry a negative connotation, and the expectation that exploitation will follow the sale of the person.

directly to “transaction.” Though largely synonymous with *baibai*, the latter inherently involves a monetary exchange while *torihiki* includes non-financial means of compensation. Despite this improvement, however, popular understandings of the term remain relatively limited and divided. Outside the organizations that deal directly with trafficking in persons, it is unlikely that *jinshin torihiki* would be interpreted in a way that encompasses all of the Palermo Protocol’s central elements. Debates about what comprises trafficking in persons do not begin nor end with specific definitions and translations, however.

Three areas of debate are particularly relevant to this dissertation. First is the rift between abolitionists, who argue that all forms of prostitution constitute trafficking, and those who view sex work as a valid form of labor that is distinct from sex trafficking. Opinions are also divided as regards migration policies, with some arguing in favor of strict border controls as a way of preventing trafficking, and others maintaining that barriers to migration exacerbate risks of trafficking. Finally, the Palermo Protocol has served to frame trafficking in persons primarily as an organized crime problem, but some scholars contest the usefulness of this framing, pointing instead to systemic problems (e.g., inequalities and conflicts linked to neoliberal capitalism and neocolonial militarism) as the primary causes for trafficking, favoring a human-rights based approach instead.

Radical feminists, such as Caroline Norma, Andrea Dworkin, and Catharine MacKinnon, consider prostitution and pornography to be inherently exploitative, violent, patriarchal institutions which should be banned, as they “tend to view all sexual commerce as victimizing” (Gerassi & Nichols, 2018, p. 7). This abolitionist stance favoring the criminalization of prostitution is popular among certain anti-trafficking activists and policymakers, however, many scholars and practitioners find flaws with abolitionism. In the first place, many disagree with the

idea that there can be no such thing as sex work, or that all prostitution is equivalent to sex trafficking. Sex workers' rights activists recognize that the "sex industry is both sexist and misogynist," and are not "uncritical of what *work* means in a context of insatiable global capitalism" (Smith & Mac, 2018, p. 4).⁷ They argue that "Attitudes towards prostitution have always been strongly tied to questions of race, borders, migration, and national identity in ways which are overt but often hidden," affecting both sex work and sex trafficking (Smith & Mac, 2018, p. 2). They reject, however, the idea that women in prostitution are necessarily victims. Elizabeth Bernstein (2018), consistently highlights the "sharp contrast" between sex workers' "own self-representation and the accounts of victimhood that prevail in international trafficking discourse;" instead "sexual commerce [is] one form of economic survival among many," or can even provide "much coveted access to" desirable lifestyles. Jodi Miller (2011, p. 505) recognizes that many "have 'chosen' prostitution from a desperately limited range of options, and most prostitutes work under exploitative labor conditions. This," she cautions, "is a different set of claims than the argument that commercial sex is inevitably a form of slavery." Lerum & Brents (2016, p. 17) similarly draw attention to the frequent conflation of sex work with human trafficking. Contrasting with the popular abolitionist depiction of women in prostitution as passive victims, there is a long history of sex workers' social and political mobilization as they have organized strikes, protested, unionized, and engaged in various forms of community care and activism.

The anti-trafficking movement tends to ignore the agency of both sex workers and sex trafficking victims (Gerassi & Nichols, 2018, p. 7), instead working to the benefit of the

⁷ The authors note that "In the sense that we wish to see an end to all work, particularly the gendered and exploitative nature of prostitution, many sex worker activists are in fact 'sex industry abolitionists'" (Smith & Mac, 2018, p. 4). Heather Berg (2014, p. 694) similarly demonstrates that sex work can be exploitative simply by virtue of being work undertaken in a (neo)capitalist world.

neoliberal, capitalist state. Elena Shih (2016, p. 67), for instance, notes that abolitionists “seek criminal justice protection and punishment rather than social welfare or social justice approaches to addressing human trafficking,” contributing to “a larger state project of the control and surveillance of immigrants” and sex workers. David Wilkins (2020, p. 14) similarly demonstrates that “the form of abolition offered today, like its historical predecessor, tackles only the most extreme cases of exploitation while legitimizing the system that creates this exploitation by entrenching inequality.” Claudia Cojocaru, herself a survivor of sex trafficking, offers a scathing critique of the abolitionist movement in her article, “Sex Trafficking, Captivity, and Narrative: Constructing Victimhood with the Goal of Salvation.” Abolitionists, Cojocaru (2015, pp. 184, 191) shows, market “misery and degradation...in policy circles,” relying on “Fraud, lies, and contorted facts” to “promote the image of the helpless and witless, therefore pure and deserving, victim awaiting salvation.” This “fabricated character, the ultimate victim archetype, contorted out of numerous racial, moral, and classist fears” serves as the “perfect puppet-like targets of patriarchy,” as “sex trafficking survivor accounts are presented with carefully directed and inflated emphasis on the women’s lack of agency and gendered helplessness” (Cojocaru, 2015, pp. 191, 185, 193). Rhacel Parreñas (2011, p. 21), who worked as a hostess in Japan, similarly identifies abolitionist zeal as dangerous, and draws attention to “unsubstantiated claims of forced prostitution” as “morally charged and spurred by abolitionist sentiments.” In this critical trafficking literature, criminalization policies are consistently condemned for their harmful impacts. Indeed, studies of commercial sex workers indicate instead that *legalization* of the sex industry would increase safety and protection against violent crimes (Sloss & Harper, 2010). Often, anti-trafficking proponents of sex workers’ rights emphasize the

need to reject moral sex panics and instead focus on the systemic issues that underlie trafficking, such as those tied to migration and poverty.

As hinted at above, migration, especially as it plays out in today's highly globalized world, is intricately tied to human trafficking. Globalization and migration are classed, racialized, and gendered processes which affect vulnerability to trafficking, and although globalization is "globalizing and borderless for some," the reverse can be true for less fortunate segments of society, who find themselves increasingly marginalized, their lives marked by localization and lack of mobility (Aas, 2013, p. 31). Sarah Hupp Williamson (2017, p. 78) explains that migration "is directly connected with human trafficking, as many individuals seek migration for better economic opportunities," with the "decision to migrate" being affected by "macro-level 'push factors'...such as poverty, unemployment, war and famine." Such conditions provide incentives for human smuggling, which can easily turn into trafficking. As Chuang (2006, p. 140) reveals, "the problem of trafficking begins not with the traffickers themselves, but with the conditions that caused their victims to migrate under circumstances rendering them vulnerable to exploitation." Yet the underlying logic of much anti-trafficking policymaking is that "trafficked persons are ignorant of the risks they are taking and that they act illegally only under coercion," while the "forms of economic, gender, or structural inequality that foster trafficking or the restrictive immigration policies that encourage migrant smuggling and illegal immigration are not considered" (Merry, 2016, p. 123). Part of the problem resides in the desire to create binary categories, "either free subject (migrant) or enslaved subject (trafficked person)," that are unreflective of reality as they "fail to capture the complex dynamics of coercion and choice that embody...labor migration experiences. We need," Parreñas (2011, p. 19) urges, "to dismantle the binary framework that separates these two distinct migratory flows and construct a

middle ground that recognizes the agency of migrants without dismissing the severe structural constraints that could hamper their freedom and autonomy.”

Stephanie Limoncelli (2017, p. 825) notes that “Anti-trafficking policy has been and continues to be used in some countries as a means of controlling migration and securing borders,” with “some states using the issue in the interests of population management and state security.” Cojocaru (2015, p. 183) likewise argues that the “human trafficking definitions employed by the [UN Palermo Protocol] support a politically conservative agenda on migration.” While the prevailing trend in policymaking is to promote stricter migration measures and tight border controls, many anti-trafficking scholars insist this is likely to exacerbate rather than ameliorate the risks of trafficking for vulnerable populations. As Wilkins (2020, p. 13) cautions, “prioritizing controls on migration, criminalizing those in violation of migration laws...further endanger those vulnerable to exploitation.” Parreñas (2011, p. 18) describes how, in the case of Filipina hostesses working in Japan, for example, “criminalization leaves undocumented workers overly dependent on employers and other Filipinos who take advantage of their vulnerability, [threatening] the autonomy of migrant Filipina hostesses, in turn leaving them vulnerable to various human rights violations.” Barriers to legal migration can thus discourage victims of violence, including trafficking victims, from reporting their abuse and seeking help as they face the threat of being “criminalized for violations of migration laws or other laws they [have] been forced to violate” as part of their trafficking experiences (Wilkins, 2020, p. 13). In constricting prospective migrants’ opportunities to move legally and even erecting physical barriers to mobility, anti-immigration policies may encourage individuals to seek extra-legal help.

In an increasingly competitive market economy, there is a constant demand for cheap labor, which transnational criminal organizations are happy to provide, smuggling and

trafficking human beings across borders into “various types of shadow economies” (Albrecht, 2011, p. 60). Human trafficking and smuggling, Alexis Aronowitz (2001, p. 165) explains, are both forms of irregular migration, but while “smuggled persons always travel voluntarily,” trafficked individuals “may have been coerced or kidnapped.” A smuggled person’s dependence on a criminal organization ends when they arrive at their destination, whereas trafficking victims “are used and exploited over a long period of time,” often through debt-bondage (Aronowitz, 2001, p. 165). It is possible for individuals to begin their journey with criminal organizations as smuggled persons but to wind up being trafficked if they are not released upon arrival. In order to formulate adequate solutions to the problem, Aronowitz insists upon the importance of understanding the factors that drive the trade in human beings. Victims are often the “most disadvantaged in their own countries,” motivated to leave by poverty or political persecution, for instance, and the prospect of a better life elsewhere (Aronowitz, 2001, p. 167). Profit-making opportunities motivate the participation of organized criminal groups in facilitating the movement of such individuals. Indeed, over the past three decades, the involvement of organized criminal networks which profit from trafficking has come to the fore, as the expansion of TIP has led it to become one of the fastest-growing sources of profit for transnational criminal organizations in the post-Cold War era.

Many scholars draw attention to the intersections between the illicit trade in human beings and the legitimate economy, as the benefits which legal persons or entities derive from human exploitation help perpetuate it. Louise Shelley (1995), a leading expert on crime, corruption, and trafficking, defines transnational criminal organizations as organized crime groups based in one state but committing crimes in one or more host countries where “market conditions are favorable” and the risk of apprehension for conducting their illicit activities is

low. Factors, such as geopolitical shifts growing out of the collapse of the USSR, globalization (i.e., leading to internationalized markets and greater migration), and technological advances (e.g., allowing for easy travel and instantaneous communication) have buttressed the rapid internationalization and expansion of organized crime groups since the 1990s. Alexis Aronowitz (2001) draws attention to similar factors, noting that the growing flexibility and diversification of organized crime groups makes them highly responsive and adaptable entities, capable of reacting quickly to threats and changes in the market. While cooperation between criminal organizations has grown transnationally, interagency cooperation within and among nation-states has lagged behind (Shelley, 1995). Recognizing the problem this poses, the United Nations adopted the *Convention against Transnational Organized Crime* in 2000, intending to “foster and enhance close international cooperation in order to tackle those problems,” but hindrances to effective countermeasures by states persist. Shelley (1995) notes this is a matter of resources, will, and history.⁸ Profitable interactions between the illegal supplying of trafficked persons and legal economies that benefit from their labor complicate efforts to combat organized crime and human trafficking, especially when coupled with political corruption and police complicity (Aronowitz, 2001, p. 173). Typically, notions of ‘organized crime’ rest “on the basic division of social reality into...the legitimate world and the underworld” (Volkov, 2002, p. x), predicated on the existence of the state and justice system. However, legitimacy is often a gray, nuanced area, and the state can sometimes delegate some of its functions to organized crime groups (Volkov, 2002, p. 187). The case of Japan’s organized crime, the yakuza, highlights these phenomena.

⁸ i.e., a state which lacks a “history of uncorrupted government” will likely view corruption, even in the form of criminal organizations, as business as usual (Shelley, 1995).

The yakuza-state relationship is a longstanding one, and rather unique in its symbiotic nature. In her article, “Befitting Bedfellows: Yakuza and the State in Modern Japan,” Eiko Siniawer (2012, p. 624) traces the history of these ties between state and nonstate actors to demonstrate how lines between the legal and illegal, the legitimate and the illegitimate can blur. Using the yakuza as a substitute for professional military force, thereby outsourcing violence to a group with no legitimate claims to political power, has historically helped the central government protect itself from criticism and usurpation. The yakuza have been politically unthreatening allies, relative to more legitimate power holders, but this state-criminal alliance nonetheless led the yakuza to become an integral part of Japan’s ruling system and political regimes (Kaplan & Dubro, 2012). News articles and memoirs, such as Kattoulas’ “Bright Lights, Brutal Life” and Adelstein’s *Tokyo Vice*, provide evidence of the role which the yakuza have played in perpetuating sex trafficking in Japan. These criminal organizations, well and deeply-embedded into the very fabric of Japanese society, have not been easily dislodged. Connections to the yakuza were historically helpful for politicians, as they could lean on crime bosses’ ties to corporations and other powerful individuals to generate profit, garner support, foster power, and obtain protection. Having normalized the criminal-political alliance for three centuries, the Japanese state has taken a long time to accept the idea that organized crime should be deterred, with the political will to carry this through lagging even further. Additionally, summoning the means to uproot the yakuza has proven difficult as those means have themselves been contaminated through deep-seated corruption. Authors such as Aronowitz, Kaplan and Dubro, Shelley, Siniawer, and Volkov, thus draw attention to the imperative to be cautious when considering what legitimacy is, and what its limits are.

Although few would dispute the relevance of the connection between organized crime and trafficking in persons, framing TIP as primarily a crime rather than human rights issue *is* a matter of contestation. Some authors, such as Simmons, Lloyd, & Stewart (2018) draw attention to the usefulness of the crime frame as having spurred states to action much more swiftly and widely than when exploitation was framed in terms of human rights violations. However, by framing human trafficking as a *subset* of a broader transnational organized crime problem (i.e., the Palermo Protocol *supplements* the UN's *Convention against Transnational Organized Crime*), TIP ends up being relegated as a secondary concern that is important because of how it interacts with other issues instead of being a problem in its own right. Using crime frames encourages the adoption of criminalization tactics to combat trafficking which often harms rather than protects trafficking victims and survivors. Furthermore, “framing modern-day slavery as a crime and not a social, economic, and political failing,” encourages the idea that individual actions can remedy the situation, when in truth these “cannot compete against a global, systemic valuation of economic profit over human welfare” (Wilkins, 2020, p. 12). Elena Shih (2016, p. 84) additionally highlights how “antitrafficking rescue functions as an extension of neoliberal and punitive nation state agendas,” especially in promoting the surveillance and policing of marginalized communities. Lerum & Brents (2016, p. 20) corroborate this, critiquing the rebranding of “various social problems connected to poverty, migration and labor rights as individual moral problems (or national security concerns)” which is used to expand “the criminal justice system to increase monitoring and control of marginalized populations.” Instead of these counterproductive approaches, many authors suggest the importance of addressing the systemic conditions underlying exploitative practices. This suggests a need to (re)turn to a human rights frame.

Aronowitz (2001, p. 192) argues that the causes driving individuals to take the risk of being smuggled or trafficked, push factors, are perhaps the most significant aspect which anti-trafficking policy should address—she claims “it will be impossible to stem the tide of illegal migration until the root causes of the problems...are permanently rectified. This is...the only permanent solution to the problem.” Wilkins (2020, p. 5) believes that “promoting and guaranteeing human rights and equality for individuals so that life chances are no longer dependent on the lottery of birth, nationality, citizenship, and race” is key to undermining and undoing systems of exploitation. Lerum & Brents (2016, p. 20) point out that “Anti trafficking approaches that feed rescue and carceral institutions are also in direct contradiction to advice by leading global health and human rights researchers and sex worker rights advocates...with many calling for the complete decriminalization of prostitution[, arguing] for resources and rights rather than rescue and criminal punishment.” Indeed, as Smith and Mac (2018, p. 2) argue, “Contemporary feminists’ disapproval of prostitution remains unmoored from pragmatism;” what is needed to end sex work is not criminalization, but rather “ensuring viable alternative livelihoods.” This logic largely applies to ending sex trafficking as well, since economic vulnerability and barriers to employment are some of the most prevalent factors leading victims to be trafficked.

Unfortunately, over the course of the Palermo Protocol’s drafting, “the human rights perspective, concerned with the circumstances of the trafficking victims and the structural conditions that produce trafficking, fell by the wayside” (Merry, 2016, pp. 119-20). Simmons, Lloyd, & Stewart (2018, p. 253) caution that “using rights to frame policy debates about human trafficking has not always been effective in securing significant policy innovations,” but as Gallagher (2009, p. 847) aptly reminds her readers, “Accepting the limits of human rights law

does not require one to renounce the faith...Human rights law and its enforcement mechanisms are critically important when it comes to ensuring that national responses to trafficking do not violate established rights or circumvent the obligations that states owe to all persons.” There is no single solution to trafficking—a multidimensional, complex issue, it requires multifaceted, nuanced solutions.

This work uses the case study of Japan to illustrate of these various dynamics play out at the national level, reinforcing the complex, nuanced nature of trafficking practices and the hurdles impeding anti-trafficking policy successes. This work does not use the term ‘modern-day slavery’ interchangeably with trafficking.⁹ Slavery, which is more closely associated with official, legal systems of ownership should be considered distinct, if related to, TIP.¹⁰ This work adopts Merry’s (2016, p. 118) general framework for *human trafficking as consisting of “the recruitment or transport of persons by means of some form of force or fraud for an exploitative purpose.”* It views trafficking in persons primarily as a human rights abuse, with criminal components.

Prostitution is explored here in relation to its connections to trafficking in persons. Although it is the view of this author that prostitution *is* a form of labor, the term ‘sex trafficking’ is used to distinguish trafficking for the purpose of sexual exploitation from other forms of ‘labor trafficking’. Careful use of and delineation of terminology is important when discussing issues relating to the sex trade, especially given the heated, emotionally charged debates surrounding prostitution. This dissertation critiques abolitionist discourse and policies within the Japanese socio-political historical context, and reinforces the position that

⁹ The term ‘white slavery’ or ‘white slave trade’ is used to reflect a particular historical phenomenon, so dubbed by the great powers of the world and the international community between the late 19th and early 20th century.

¹⁰ Especially considering that the Japanese term, *doreisei*, evokes historical forms and systems of slavery.

decriminalization of prostitution would be beneficial, leading to more effective anti-trafficking tactics. In particular, it demonstrates how criminalization in Japan led to the invisibilization or ‘undergroundization’ (SWASH, 2015) of prostitution which has entailed greater challenges and harms for sex workers and sex trafficking victims.

In this work, ‘sex trade’ is employed as an umbrella term to broadly refer to the many forms of sexual labor which people engage in, either willingly or unwillingly—as such, both ‘sex workers’ and ‘sex trafficking victims’ are considered part of the sex trade. Similarly, ‘commercial sex’ and the ‘sex industry’ broadly refer to any acts or businesses, respectively, in which sexual labor (e.g., stripping, pornography) is compensated in some way—often monetarily, but not always—whereas ‘prostitution’ refers specifically to the exchange of some form of compensation for sex (in any form, e.g., oral, anal, non-penetrative, intercourse, etc.¹¹). ‘Sex work’ involves two or more *consenting* adults. As Smith and Mac (2018, p. 1) write,

The term sex workers refers to people who sell or trade their own sexual labour in exchange for a resource, which is often money but can also be drugs, alcohol, or shelter¹² [...] Sex worker is a political term, and therefore not all people in the sex trade may use it to openly identify themselves. When it is used, it generally indicates that the speaker thinks that selling sex is or can be work. It is therefore rejected by those who think that selling sex is not work.

‘Sex trafficking’ involves the utilization of coercive means to exercise control over another person in order to sexually exploit them for a profit or other forms of gain. As indicated above, prostitution is not here considered synonymous with sex trafficking. Sex trafficking should *not* become a catch-all term for any and all problems related to the sex trade—doing so dilutes its meaning and the effectiveness with which trafficking is addressed. Prostitution in its various

¹¹ But not inclusive of other forms of sexual labor, such as camming, peepshows, and phone-sex chatlines, for example (Smith & Mac, 2018).

¹² “The sex workers’ rights movement does not consider managers or bosses to be sex workers.”

forms is intricately intertwined with sex trafficking so it remains relevant and important to consider how prostitution laws affect sex trafficking landscapes. People¹³ in prostitution or ‘prostitutes’ may be sex workers or sex trafficking victims.¹⁴ Critically, this work recognizes that this is not always a straightforward dichotomy, rather it is possible to exist as both or to move between these categories. On this note, significant emphasis is placed throughout the research on the concept of agency. Following Gerassi & Nichols’ (2018, p. 7) argument that the “agency-victimization dichotomy, where victimization automatically equates to lack of agency (and vice versa), is outdated,” it instead adopts the idea that “agency and victimization are varied, fluid, complex, and can occur simultaneously.”

This research endeavor further builds on the broader literature on the intersections of trafficking, crime, and migration, by focusing on how the ways these play out in the Japanese historical and political context specifically. Sustained by racist ideologies and myths of homogeneity, Japan has a long history of restrictive migration policies, which are only slowly shifting, partly due to economic necessity as the country’s birthrate continues to decline. It is therefore unsurprising that the limited anti-trafficking measures the country has in place align with anti-immigration proponents—Japanese authorities are especially prone to criminalizing and thereby revictimizing trafficking survivors who have violated migration laws. Such trends, along with the negative outcomes brought on by the passing of an anti-prostitution law in 1956, serve to reinforce scholars’ arguments that criminalization does not effectively serve the anti-

¹³ Individuals of all genders work in prostitution, but this work focuses more narrowly on adult women as victims of sex trafficking, so feminine pronouns and gendered labels such as ‘women in prostitution’ are more frequently used.

¹⁴ These distinctions are similar to the ones made by Cynthia Enloe (2014) in *Bananas, Beaches and Bases*, in which she clarifies: *sex worker* implies labor autonomy; *sex slave* and *trafficked woman* capture the realities of forced (un)paid sexual servicing. *Woman in prostitution* leaves pending the nature of the woman’s sexualized servicing. In identifying what category a person falls under, Enloe (2014) suggests the following criteria are relevant: a) under what conditions any individual first entered prostitution, b) under what conditions they are daily living, c) actual opportunities they have to leave prostitution if they so choose.

trafficking cause, but rather supports states' agendas of control, especially through policing of marginalized bodies. In exploring the yakuza's role in trafficking, the dissertation also helps demonstrate the simultaneous importance but insufficiency of a crime-focused approach to trafficking.

Sources and Methodology

This dissertation is a cultural, gendered, and legal exploration of sex trafficking in modern Japan and the concomitant failures of anti-trafficking policies. Heavily informed by the fields of history, political science, sociology, and gender theory, as well as globalization studies and international law, the research is an analytical, theory-focused qualitative work rooted in interdisciplinarity. This case study illustrates a broader history of state complicity in sex trafficking (both by the Japanese state and by states in general). It thus serves as a critique of the state and other existing systems and institutions (e.g., capitalism, militaries) which fuel the trade and exploitation in human beings. The research offers both general and case-specific insights as to why anti-trafficking policies fail, and it suggests that both country-level reforms as well as systemic overhaul are necessary to end trafficking.

Methodological difficulties are inherent in trafficking research, as it is, by its very nature, a covert activity which severely limits researchers' ability to obtain reliable data. Other acts commonly associated with trafficking, such as prostitution, drug use, and irregular migration compound this difficulty as these, too, are often criminalized.¹⁵ This methodological frustration is highlighted in most works dealing with transnational organized crime and trafficking in

¹⁵ Authorities tend to prioritize the prosecution of these crimes rather than support and promote justice for trafficking victims, which can impede recognition and prosecution of traffickers and their crimes.

persons. In her book, *Human Trafficking: A Global Perspective*, for instance, Shelley (2010) acknowledges the difficulty in obtaining reliable quantitative data on criminal organizations and trafficking, often compounded by the tight-knit nature of ethnically-based criminal groups which are hard to penetrate. Aronowitz (2001) likewise laments that criminal groups and their assorted illicit activities are difficult to accurately measure. Volkov (2002) cautions statistics are most useful in terms of observing certain trends and patterns, as the numbers themselves are likely highly unreliable.

As frustrating as the inability to obtain exact figures might be, obtaining them is not necessary for the sake of policy formulation: no credible source disputes the existence of TIP as a problem, nor its significant and expanding scale. While “data is useful: crucial, even, in many contexts,” Smith & Mac (2018, p. 5) warn that “heavy reliance on statistics risks becoming a form of ‘argument by authority’ [... Although] numbers are reassuring, seemingly apolitical, and knowable,” they want instead for “readers to *think empathetically* about how changes in criminal [and migration] law change the incentives and behaviours of people,” for if “you understand *how* those behaviours change and *why*, then you will have a much deeper understanding of how changes in the[...]law make people who sell sex more – or less – safe,” which holds true for trafficking victims as much as sex workers. This project, while recognizing the importance of data, takes to heart critiques of statistical approaches in trafficking research, and adopts a critically descriptive approach to avoid the pitfalls associated with broad, blanket statements backed up by questionable figures.¹⁶ This work uses statistics to mark trends rather than as

¹⁶ For example, in 2013, the U.S. State Department’s Trafficking in Persons Report claimed to have identified 46,570 victims in 2012, “but that social scientists reported as many as 27 million men, women, and children who were victims,” a figure imported from Kevin Bales’s 1999 book *Disposable People*, even though Bales himself has identified that number as a “very rough guess” (Merry 2016, 126).

objective truths. Regardless of the specific numbers, experts and lawmakers alike agree trafficking is widespread and growing and that it needs to be effectively addressed.¹⁷

Anti-trafficking policies require narrow tailoring to the specific environment they are expected to function in. Trafficking in persons is a culturally infused practice, it “refers to a diverse set of practices shaped by local and national social structures,” and therefore cannot be addressed merely through international one-size-fits-all solutions (Merry, 2016, p. 116). Since TIP is “very hard to define...in a way that crosses national, local, and other social and cultural boundaries,” Sally Engle Merry (2016, p. 116) suggests “joining quantification with detailed qualitative studies is essential for understanding trafficking in all its variation and complexity.” This is what this project seeks to accomplish. This research follows Stephanie Limoncelli’s (2017, pp. 828-29) recommendations that “we should consider political, economic and cultural processes and the ways that they intersect to facilitate or hinder development;” she further advocates for the recognition that “we can neither ignore relations of power in this process nor assume that they are always at work in a hegemonic manner;” finally she stresses the need for an approach that is “explicitly historical, avoiding a priori assumptions and analyzing each case empirically [which allows for] comparisons and [would help] build a new, more nuanced theoretical perspective.”

While relatively narrow in its geographical focus (though it considers the interplay between Japan and outside powers), the research covers a long time span, from 1872 to 2023. As John Gerring (2004, p. 348) notes, “there is a methodological affinity between descriptive inference,” which this research employs, “and case study work. When one is examining

¹⁷ E.g., Shelley 2010. Aronowitz (2001, p. 169) notes that experts agree, “in spite of the difficulty in collecting statistical data, trafficking [is] a growing phenomenon.” Albrecht (2011) emphasizes the methodological difficulties associated with research on transnational crime, a “topic not accessible through conventional instruments of criminological research,” nonetheless, he states, trends can be observed and established.

correlative relationships or proximate causal relationships the case study format[...]is often highly informative.” The main unit of analysis is the state (i.e., how has the Japanese state used sex-related legislation in its interactions with other global powers; how does the patriarchal nature of the state shape policymaking and policy outcomes; how have state institutions contributed to trafficking while shielding the state itself from meaningful critique and consequences; how does the Japanese state interact with non-state actors in addressing TIP). The method produces broad insights which would be invisible to quantitative studies and qualitative studies of discrete events. *Longue durée* studies such as this can illustrate important points about trafficking and anti-trafficking reforms, highly complex and nuanced issues, from which broad conclusions can be drawn.

This work makes use of a critical globalization perspective, as well as critical gender theories. As Sarah Hupp Williamson (2017, p. 82) explains, in the social sciences, “the critical tradition is an approach, which is analytical of the status quo and its coexisting power structures, ultimately seeking to replace them with ‘just and equitable social arrangements.’” Although critical “scholars are not wedded to any single worldview” and “critical thinkers’ different backgrounds and interests have produced varied emphases...At minimum, a critical approach is suspicious, troubling, and open ended in its search for knowledge” (Mittelman, 2004, p. 219). Critical globalization studies (CGS) “are particularly suited to the study of human trafficking” due to their “focus on reflexivity and the role of historical social arrangements” which can help avoid Eurocentrism and instead “develop a pluralistic world-view” that could counter the prevailing reductionism prevalent in human trafficking studies and policymaking (Williamson, 2017, p. 82). In addition, the ability of CGS “to incorporate interdisciplinary thought such as feminism or post-colonialism allows for a more nuanced understanding of the contexts in which

migration and human trafficking occur in various global regions, as well as what populations are made vulnerable to trafficking by globalization” (Williamson, 2017, p. 83). Further, CGS allows scholars to incorporate agency while maintaining awareness of the broader context in which individual decisions are made; finally, it integrates “not just theory to practice, but also the local context with the global context” (Williamson, 2017, p. 83). As such, although this research addresses Japan in particular, the implications of this work are broader, especially in the ways they interact with global studies.

The research draws heavily from gender studies, particularly emphasizing critical, intersectional gender theories. Intersectionality is the recognition that different aspects of one’s life and identity, such as race, class, and gender, *intersect* as vulnerabilities to create varied and unique experiences and problems which cannot be adequately addressed by treating these as standalone categories. It is best understood as an analytical tool, a way of acknowledging, conceptualizing, and analyzing problems linked to overlapping categories of identity which, rather than being additive, create new and unique experiences (Crenshaw, 1991; Nash, 2019). The concept’s scope includes factors such as disability, sexuality, class, and immigration status, intersecting with race and gender to create unique identities and corollary vulnerabilities and experiences of discrimination. Analyzing historical events through the lens of intersectionality highlights how various biases and othering mechanisms have shaped historical systems of exploitation, including sex trafficking in Japan. In this particular work, much emphasis is placed on the intersections among race, ethnicity, gender, class, occupation, and migration status. The analysis favors a sex workers’ rights-based approach over radical or liberal feminism, and is influenced by feminist Marxist critiques of capitalism.

This work melds gender with international relations by emphasizing the gendering of sociopolitical institutions and the masculinized state in particular. States are patriarchal entities which make use of femininities and masculinities to enhance their power at home and abroad. Cynthia Enloe defines masculinities as “the variety of gendered ideas about how men should think and behave,” while femininities are the “variety of ways to imagine how girls and women think and behave—or *should* think and behave,” though these are “masculinist notions of femininity” written by and for men (Enloe, 2015, pp. 16-17; Nagel, 1998, p. 243). Neither of these concepts is monolithic, and both intersect with factors such as status, ethnicity, race, sexuality, and class to create stratified hierarchies of gender roles and norms, though femininities are almost always subordinate to masculinities. In conjunction, feminization devalues those things imagined to be “‘naturally’ or ‘especially’ aligned with women, girls, or the alleged qualities of femininity,” and masculinization is the reverse valorization of those things “aligned with men, boys, or manliness” (Enloe, 2015, p. 18). Patriarchal societies create then work hard to sustain such ideas, norms, and standards. This effort has proven merited, in the eyes of state officials, because the instrumentalization and deliberate subjugation of women by men has proven central to patriarchal states’ masculinized pursuits for power.

Common masculinist pursuits which states engage in include militarism, expansionism, colonization, globalization, capitalism, and a generalized seeking after power and influence. Often, states rely on soft power tools, namely diplomacy, to achieve their goals. At other times, however, hard power tactics may seem preferable, with states enlarging their military might and making use of it. Until recently, most scholarly and policy attention was devoted narrowly to these instruments of power: diplomacy and war-making. But states have much more than these at their disposition. This work expands upon the study of soft power tools by exploring the use of

sex-related legislation by Japan in pursuing great power status. Traditional explorations of politics and international relations have largely been characterized by gender blindness, or even gender chauvinism, which has served to “render invisible women’s hands in the making of nations and states” (Nagel, 1998, p. 243). But ignoring half of the population is misguided, at best. Notably, the instrumentalization of gender, sex, and race in the name of nationalism is a commonplace though it takes varying shapes according to time and place. Relations between men and women, and among various women, inevitably impact events and the ways in which history unfolds. This work represents an attempt to upset the tendency to ignore how gender relations shape the state and its actions. It also answers Benería, Berik, & Floro’s (2016, p. 17) exhortation to consider the importance of cultural frameworks since gender is a cultural construct existing within specific socio-political, historical, and economic contexts which shape and warp policymaking and implementation.

Secondary literature from the fields of history, sociology, criminology, and critical human trafficking studies form the principal theoretical backbone of this work and help construct a coherent historical narrative. The research further draws on secondary literature in political science, globalization studies, and international legal theory. In applying the various tools of critique offered by the approaches described above, the project draws on critical discourse analysis and social constructivism. As Darin Weinberg (2014, p. 114) writes, “the very reality of social problems depends on how they are perceived and managed by members of historically and culturally specific constituencies.” In the Japanese context, human trafficking has *not* been constructed as a significant social problem, which contributes to (a) the absence of a political will to tackle the issue, and (b) the lack of awareness among the public at large. Critical discourse analysis, which this project also relies on, “is particularly concerned with power and is

rooted in ‘constructivism’,” it involves “the study of the ways in which the very existence of specific institutions and of roles for individuals to play are made possible by ways of thinking and speaking” (Hodges, Kuper, & Reeves, 2008, p. 70).

As opposed to purely descriptive work, critical discourse analysis (CDA) aims “to systematically explore often opaque relationships of causality and determination between (a) discursive practices, events and texts, and (b) wider social and cultural structures, relations and processes; to investigate how such practices, events and texts arise out of and are ideologically shaped by relations of power and struggles over power” (Fairclough, 2010). Crucially for this particular research endeavor, CDA views

a prevailing social order and social processes as constituted and sustained less by the will of individuals than by the pervasiveness of particular constructions or versions of reality – often referred to as discourses[;] views power in society...as an inevitable *effect* of a way particular discursive configurations or arrangements privilege the status and positions of some people over others[;] views...texts as sites for both the inculcation and the contestation of discourses;

and perhaps most importantly from a methodological standpoint, it “views the systematic analysis and interpretation of texts as potentially revelatory of ways in which discourses consolidate power and colonize human subjects” (Locke, 2004, pp. 1-2). CDA can be applied to analyze “relations of power and constructions of ‘truths’ ... to rethink or reconfigure the roles, relationships, or institutional practices” that create and sustain trafficking in persons.

The dissertation analyzes and interprets legal texts and international treaties with a view to revealing (a) how certain problems and their solutions are constructed in ways that solidify state power and control, but also (b) to highlight the discrepancy between what is said and what is done in practice by those in positions of power. Feminist international legal theory bolsters this critique, revealing a pattern of legislation and official commitments formulated in ways that ensure written or verbal commitments are not translated into action. Instead, international, legal,

and political organizations tend to verbally affirm their support for progressive aims (e.g., feminist goals); these declarations are then translated into written commitments (e.g., in laws or treaties) which gives the impression of genuine dedication to the cause, yet meaningful action rarely follows through in practice (e.g., “women’s issues” are sidelined). Thus, legislation is often written such that political statements do not get translated into action when they are first downgraded into written formats, and they might lose most or all their intended impact when further downgraded into practice during the implementation phase.

Beyond international agreements and domestic laws, sources include interviews, conducted with a U.S. State Department staff and a Japan Network Against Trafficking in Persons (JNATIP) steering committee member. Reports from both historical and modern international organizations (IOs) and non-governmental organizations (NGOs) regarding trafficking, as well as the State Department’s *TIP Reports*,¹⁸ and official releases from Japan’s police and ministries are also consulted. Occasionally, stories from memoirs or news articles supplement the analysis with first-hand evidence.

Dissertation Structure

Chapter 1

The dissertation is divided into four chapters, all of which draw upon a mix of primary and secondary sources. Chapter 1 examines the intent behind the Japanese government’s anti-trafficking efforts and explores the role and limits of foreign pressure. An analysis of both historical and modern sex-related legislation and policies, focusing on the discrepancies between

¹⁸ The author readily acknowledges the limitations and flaws of these (see Merry 2016 for an in-depth exploration). Primarily, these *TIP Reports* are useful in highlighting trends, as well as providing descriptive evidence of trafficking practices and anti-trafficking policy shortcomings.

their stated goals and actual outcomes, illustrates Japan's underlying motivations in addressing matters of human trafficking lie in power—rather than human rights—considerations. The chapter argues that Japan has adeptly managed to use discourse as a way of ingratiating itself to the West, wielding it as a tool with which to grow its influence and assert its authority in the international community. Simultaneously, Japan has largely failed to turn discourse into practice, following its own trajectory in spite of international condemnation. The chapter employs discourse analysis to construct a historical narrative which reveals that Japanese officials have long enacted sex-related legislation with the aim of safeguarding the country's international image and bolstering the state's influence rather than improving conditions for individuals exploited in the sex trade. This chapter draws upon scholarly secondary literature to frame its arguments; it supplements the analysis with both historical and modern legal texts and international accords, as well as an interview conducted with a U.S. State Department staff in summer 2022.

After introducing key concepts (soft power, *ura-omote*, *gaiatsu*), chronologically organized sections align with important sex trafficking and TIP legislation-related milestones. Beginning with the passage of the 1872 *Order to Liberate Prostitutes* as modern Japan's first anti-trafficking law, this section introduces the use of legislation as a soft-power tool. It is followed by an exploration of how Japan managed and mitigated its negative public image in correlation with the *karayuki-san* trade, in which Japanese women were trafficked abroad for sexual exploitation. Relevant international treaties, such as the League of Nations' *International Convention for the Suppression of the Traffic in Women and Children*, are considered as Japan continued to make use of such agreements as soft power tools rather than (tools with which) to effectuate meaningful change against trafficking. Japan's consideration for its international

reputation even amidst war is explored next, principally in its treatment of white comfort women, although again the cosmetic nature of this preoccupation stands out. After the war, and following both international and internal pressure, Japan passed an anti-prostitution law, but the research highlights how this move was largely motivated by the desire to appear to align morally with the international community rather than to meaningfully curtail prostitution practices—be they coercive or voluntary. The final section looks to Japan’s post-Cold War efforts against trafficking in persons, focusing on Japan’s nominal adherence to the UN Palermo Protocol in particular, and the largely stagnant state of anti-trafficking efforts. In sum, the evidence presented in Chapter 1 shows the limited TIP reforms enacted by the Japanese state stem from power concerns, demonstrating Japan’s tendency to engage in cosmetic conformity. The lack of a genuine desire to curtail trafficking for its own sake dramatically reduces the effectiveness of anti-TIP legislation.

Chapter 2

In chapter 2, gendered, racial, and classist influences upon sex-related legislation are examined, revealing how long-rooted traditions of exclusion, discrimination, and systems of oppression have historically impacted and continue to shape anti-trafficking policies, with harmful consequences. Employing intersectional gender theory and adopting a critical perspective in human trafficking literature reveals the tendency of anti-trafficking policy to either disregard or even reproduce the gendered, classed, and racialized harms that contribute to the prevalence of trafficking in persons. The way in which othering affects trafficking and anti-trafficking efforts threads this theory-focused chapter together, highlighting ways in which conceptualizations of gender, race, imperialism, and militarism have affected developments in

the sex trade. Chapter 2 thereby builds on the first, notably by explaining *why* there is a lack of political will to tackle trafficking.

This second chapter begins by introducing key concepts, especially from the field of gender studies. It then proceeds to explore how questions of control and agency played out in Japan's licensed prostitution system, revealing the latter to serve primarily as a means to exploit and police poor women's bodies. The subsequent section focuses primarily on how classism and racism affected the development of Japan's *karayuki-san* trade, before tackling how various forms of othering underlay the creation of the comfort women system. The next section explores the discriminatory roots of Japanese abolitionism as it arose in the late 1890s, then examines the movement's fight to criminalize prostitution in the 1950s which eventually met with legislative victory—a struggle that has proven inseparable from its moralistic, classist origins. The chapter then explores how both abolitionists and the patriarchal state have a vested interest in curtailing the agency of othered individuals, such as sex workers and sex trafficking victims. Finally, the tendency to equate anti-immigration policies with anti-trafficking strategies is considered, with a particular emphasis on how racially- or ethnically- based othering encourages such harmful tendencies. Overall, the chapter illustrates how various othering mechanisms impede efforts to prosecute sex trade-related crimes.

Chapter 3

Chapter 3 explores the role the Japanese state and domestic institutions have historically played in fueling, supporting, or tacitly endorsing systems of sexual exploitation and trafficking, demonstrating how shadow economies and informal systems of power interact in ways that encourage formal institutions to work *with* rather than against the former. Building upon the foundation established previously, this chapter highlights how masculinity links governmental

and criminal institutions across time and space in Japan. Elements of corruption, complicity, and collusion between the state, institutionalized systems of exploitation, and criminal elements of Japanese society are investigated, focusing on how the military, yakuza, and police and justice system relate to human trafficking in Japan. The masculinist nature of these institutions and the murky nature of legitimacy weave the various sections into a coherent whole. The chapter adopts a more thematic approach, beginning with an exploration of the military's role in Japan's sex trafficking history, demonstrating how pre-war attitudes towards military prostitution affected the development of the wartime institutionalization of sexual violence via the comfort women system. The next section considers the yakuza's connections with the state, and the role played by these organized criminal groups in sex trafficking. Importantly, it questions whether sex trafficking should be framed primarily as a crime or a human rights issue, and argues that there are greater benefits to be derived from shifting to a rights-based frame. Finally, the chapter tackles police and government complicity in Japan's systems of trafficking, revealing the state's preoccupation with controlling and profiting from the sex trade rather than addressing exploitative practices and abuses therein. On the whole, this chapter shows that the Japanese state's institutions have played a larger role in perpetuating rather than stopping sex trafficking and associated forms of violence.

Chapter 4

Finally, the fourth chapter examines the impactful role of non-state actors on the development of anti-trafficking policies in Japan. It considers the interplay between the state and international and nongovernmental organizations, identifying the successes and pitfalls of the international community's approach to combatting trafficking, both as a global endeavor and in Japan more specifically. In addition to NGOs' contributions to anti-trafficking efforts, the

challenges they contend with in their interactions with the state apparatus are studied. While the opening chapter presents the limits of the international community's influence as it encounters domestic barriers to proper implementation, this final chapter foregrounds the problems inherent in the international community's anti-trafficking approaches. This part of the research dives deeper into the critiques of abolitionism, the predominantly criminal framing of TIP, and the absence of consequences for Japan's passivity on matters of trafficking.

The critique of abolitionism is divided into two broad sections, the first considers how Japan's anti-trafficking NGOs have addressed the problem. A case study of the Japanese Woman's Christian Temperance Union (JWCTU) introduces the historical background for Japan's anti-trafficking activism, highlighting the moralistic and classist roots of the movement. This is followed by an exploration of the present-day Japan Network Against Trafficking in Persons (JNATIP). Drawing primarily upon an interview with a JNATIP steering committee members, web pages of the NGOs that make up this network, and U.S. *TIP Reports*, supplementing the analysis with critical literature, this section highlights the advances made by NGOs in the fight against trafficking, along with ongoing hurdles they face. Connections and ruptures between modern and past NGOs' tactics are investigated, revealing that while progress has been made, some potentially problematic tendencies persist. The second half of Chapter 4 focuses on international organizations' influence on Japan's anti-trafficking efforts, using a variety of TIP-related international agreements for its evidentiary basis and various trafficking reports and assessments to elucidate the harmful impact of the international community's anti-prostitution, anti-migration strategies. Both NGOs and IOs have heavy moralistic biases and a tendency to homogenize and sometimes even dehumanize victims of sexual exploitation; like the Japanese state, these organizations tend to be concerned with the exercise of 'proper' control.

The chapter bleakly reveals that the changes Japan *has* made to align with international standards may be counterproductive in stopping trafficking. The chapter looks to rights-based organizations and strategies as alternative approaches that might hold greater promise for effective anti-trafficking responses that strongly entrench human rights.

Conclusion: Arguments, Findings, and Policy Recommendations

Having demonstrated Japan's instrumentalization of sex-related legislation as a soft power tool, as well as the problems inherent with anti-trafficking strategies, the dissertation concludes with policy recommendations aimed at improving anti-trafficking outcomes in Japan, while also suggesting ways in which this case-study research can offer broader insights applicable beyond Japan's borders. Since the lack of political will to address trafficking partly rests on ingrained forms of othering, initiatives that seek to generate awareness about the existence and harms of racism, sexism, and classism are recommended. Given the demonstrable complicity of institutions in ignoring or even perpetuating trafficking and trafficking-related harms, institutional reform is also paramount. Along with improved awareness then, concrete steps should be taken to address discriminatory attitudes and practices in education, government, corporations, and industries – for instance by implementing mandatory diversity, equity, and inclusion trainings, as well as promoting greater political participation of youth and women. The research also highlights the detrimental effects of dominant anti-trafficking paradigms that favor anti-prostitution and anti-immigration laws, and instead recommends adopting tactics that protect and ensure sex workers' and migrants' rights. Building on this, the dissertation argues that framing TIP as primarily a human rights issue, with a crime component, would be beneficial. Rather than a subset of organized crime, TIP needs to be considered as its own, separate issue—the conclusion thus suggests that Japan's anti-trafficking outcomes would benefit from the

establishment of a national office on trafficking. Overall, the conclusion reiterates the importance of (1) generating an intrinsic, national-level political will to tackle trafficking, (2) Japan's allies leveraging their authority to ensure that practical actions rather than cosmetic conformity with anti-trafficking standards are rewarded, and (3) prioritizing systemic and rights-based solutions to fight trafficking.

Chapter 1 -Cosmetic Conformity and the Limits of International

Pressure

Introduction

Government and social acceptance of commercial sex is deeply rooted in Japanese culture and history. Prostitution was a government-regulated and thriving business for over three-hundred years, but this licensed prostitution system was characterized by exploitative practices, including what would today be identified as human trafficking. Before the Pacific War, sex trafficking was largely confined within Japan's own borders and primarily involved Japanese victims. When its period of isolationism came to an end, Japan quickly became a major sending country as its sex trade grew in tandem with the empire's expansion. Since the post-war era, Japan has shifted from primarily a source to a destination country, where women from around the globe are sexually trafficked. Although patterns have shifted with historical developments, official attitudes towards sex trafficking in Japan have remained fairly consistent, characterized by a general indifference for exploited victims and disinterest in addressing this human rights violation.¹ And yet, Japan technically has a long history of legislative commitments against trafficking, reaching back at least as early as 1872. This chapter explores why, despite a rather pronounced lack of concern for exploited individuals, the Government of Japan (GOJ) has chosen, at different points in history, to ostensibly enact reforms and legislative measures to address sex trafficking.

¹ As *Yomiuri* reporter Jake Adelstein discovered when investigating sex trafficking in Japan at the turn of the century, "the Japanese police and the Japanese government didn't care and didn't want to deal with" the rampant human trafficking plaguing the country; beyond trafficking itself (which was not technically criminalized at the time), the "crime in this case was indifference to and tacit approval of the exploitation of foreign women" (Adelstein, 2009, pp. 257-258).

The chapter delves into the considerations that influence Japanese officials to address human trafficking, in particular focusing on how foreign pressure affects Japan's policymaking, specifically as regards the sex industry and sex trade. It also explores whether and how Japanese policy regarding sex trafficking has changed over time. To this end, relevant legislation, treaties, and policies are analyzed to understand and explain why anti-trafficking and related laws have largely failed to curb the practices they targeted.² Published documents provide insights into Japan's stated objectives. They allow its officials to publicly declare their interest in or concern for internationally salient matters. Public statements, international treaties, and laws are means for nations to communicate with the rest of the world, and Japan has historically used and continues to employ sex-related legislation as a way of managing relations with Western powers and publics. Ergo, the 'why' behind legislative change is also examined, with the argument that *intent matters* and can deeply influence the initial phrasing of a law, its implementation, and its eventual successes or failures. This chapter employs contextual readings of legal documents and official statements to contrast their stated intent against policies' actual outcomes. Contrasting public pronouncements and promises against official actions reveals the implicitly duplicitous nature of the Government of Japan's stance on sex trafficking, whereby policies and laws are crafted in such a way as to create a legal framework that nominally outlaws sexual exploitation, while ensuring the availability of commercial sex without addressing, in practice, the violence and exploitative practices that plague the industry. This runs contrary to Japan's public commitments to the international community to address such exploitation.

² This chapter focuses on the international dimensions of legislative and policy change, it explores how the Japanese state's motives prove insufficient to enact effective change. Chapter 4 addresses the substance and inadequacies of mainstream anti-trafficking strategies, exposing how these are inherently flawed, further contributing to the failure of anti-trafficking reforms.

Japan's historical relations to the sex trade and sex trafficking contribute significantly to the prevalence and perseverance of exploitative practices into the twenty-first century. Even though Japan became a signatory to the Palermo Protocol in 2002, full accession to the Protocol was only given in 2017, fifteen years after Japan signaled its intent to do so. Over the past two decades, progress 'on paper' has nonetheless been slow in coming and limited, while conditions 'on the ground' have barely improved. The research demonstrates a pattern of cosmetic conformity with international standards as Japanese officials adeptly make use of sex-related legislation as a soft-power tool with which to gain influence as a global power. Rather than a means to its own ends, sex-related legislation has proven politically useful for the Japanese state in its various patriarchal pursuits for power.

Concepts and Theoretical Foundation for the Argument

Japan and International Cooperation

Why, to what extent, and in what ways states care about the international community and their place within it are ensconced within a complex set of factors that includes political calculations, cultural influences, historical legacies, and economic considerations. Since the Meiji era,³ the Government of Japan has cared about its status in the wider world. This can be garnered from its accession to international treaties from the early 1900s and from its active participation in international organizations such as the League of Nations. This quest for leadership among a cooperative international community was interrupted during the 1930s and 40s, when Japan pursued regional hegemony instead. This trend quickly reversed again during

³ 1868 to 1912.

the post-war Occupation, during which time “Japan continuously expressed its wish to take part in various international organizations,” such that by 1975, it was “a member of more than 50 intergovernmental organizations – universal and regional” (Yokota, 1975, p. 70). Indeed, in the post-war era, Japanese leaders have consistently sought to foster international cooperation, particularly with the United States, and aimed for a leadership role in the international community—a trajectory which continues to be pursued in the twenty-first century, despite a resurgent nationalism.

Prime Minister Shinzo Abe expressly wanted Japan to “play a more significant role in international peace and stability...based on the principle of international cooperation,” and he favored advancing “reforms in the United Nations...to enable it to be more prominent in efforts at solving challenges faced by countries and people across the globe” (Abe, 2015). In its 2019 Diplomatic Bluebook, Japan’s Ministry of Foreign Affairs (MOFA, 2019, p. 232) stressed the importance of continuing and strengthening the country’s efforts in the realm of international cooperation “so that Japan can lead the international community as a major responsible country in the world and ensure the international environment and order in line with Japan’s national interests.” In a 2020 speech to the University of British Columbia, Ambassador Yasuhisa Kawamura expressed pride at “the achievement of Japan’s diplomacy in recent years,” stating his belief that his country “could lead the international community for greater common good” (Kawamura, 2020).⁴ As recently as January 2024, Prime Minister Kishida expressed, in his

⁴ The consistent emphasis on Japan’s alignment with the U.S. in particular is worth stressing. In the same speech, Kawamura (2020, emphasis added) stated, “I believe Canada and Japan have a lot in common. Not only do we share liberal democratic values and a liking for ‘Anne of Green Gables’ and sushi, but we are on the same boat in this unpredictable world, *aligning with the United States*, managing complicated relationships with China, and fighting shoulder-to-shoulder against North Korea’s nuclear ambition;” he further encouraged discussions on how “Japan-Canada-U.S. trilaterally, can work together on global governance or regional rules-based order.”

policy speech to the 213th session of the Diet,⁵ his desire to deepen “relations with other nations,” stating that “cooperation with our allies and with like-minded countries is critical,” and he identified the Japanese-U.S. alliance as the “cornerstone of Japan’s diplomacy” (Prime Minister’s Office of Japan, 2024).

These, among other statements and actions, reflect Japan’s pursuit of influence as a global leader in the international community, particularly among the political West. This desire for cooperation extends explicitly to working with the UN Office on Drugs and Crime (UNODC), under whose auspices the Palermo Protocol falls. In 2021, Japan and UNODC drafted a joint plan of action in which they addressed the importance of countering TIP and migrant smuggling, with Japan pledging to “continue its cooperation with UNODC to enhance the global capacity of countering trafficking in persons and smuggling of migrants by strengthening the knowledge and capacity of countries as well as promote international cooperation and information exchange to that effect” (UNODC & GOJ, 2021). Japan has thus officially, and on multiple occasion, staked a claim in the fight against trafficking, yet its anti-trafficking policies have been consistently ineffective and inadequately implemented.

This first chapter focuses on the political influences that have shaped policymaking, exploring how international pressure and interstate relations motivate Japan’s actions. Japan’s Constitution’s preamble⁶ states plainly, “We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and

⁵ Japan’s National Diet is the country’s bicameral legislature.

⁶ It is important to acknowledge that the Japanese constitution was largely a U.S. imposition with only limited Japanese input. It is included here, however, partly because, “regardless of its origins in the Occupation,” the document has “secured a firm foundation in the political consciousness of the Japanese as their fundamental charter” (Johnson, 1980, p. 111). Additionally, as shown in the previous paragraphs, there are numerous instances of Japanese leaders expressly discussing the importance of international cooperation or behaving in ways aligned with the goal of global leadership.

slavery, oppression and intolerance for all time from the earth” (Prime Minister of Japan and His Cabinet, 1947). Yet evidence points to power and influence, rather than human rights considerations, as guiding Japan’s purported commitments to the anti-trafficking cause. It is not so much the “banishment of slavery and oppression” which guides the government’s actions but more so the “desire to occupy an honored place” among the international community. A dearth of genuine political will to tackle the issue characterizes Japan’s anti-trafficking efforts, as it is instead motivated to secure its role as an influential global actor and leader among nations in the international sphere.

Sex and Soft Power

How do sex trafficking and other sex-related laws fit into Japan’s quest for power and influence? Though they might disagree on which forms of power matter most, all major theoretical perspectives in political science acknowledge the importance of power itself, both tangible and intangible, which grants critical actors the ability to influence events and control outcomes. Joseph S. Nye, Jr.’s (2008, p. 94) concept of “soft power” is particularly helpful in understanding Japan’s use of sex-related legislation as a way of dealing with Western powers. Soft power refers to the “ability to affect others to obtain the outcomes one wants through attraction rather than coercion or payment,” such power rests on a country’s “resources of *culture, values, and policies*.” Nye (2008, p. 95) further explains that, in international politics, “the resources that produce soft power arise in large part from the values an organization or country expresses in its culture, in the examples it sets by its internal practices and policies, and in the way in handles its relations with others.”

A common tool used to exercise such soft power lies in public diplomacy, which “tries to attract by drawing attention to these potential resources,” *but*, Nye (2008, p. 95) warns, “if the

content of a country's culture, values, and policies are not attractive, public diplomacy that 'broadcasts' them cannot produce soft power. It may produce just the opposite." It is thus important for Japanese officials seeking to use soft power to recall that the latter "is contingent on the potential for foreign publics to identify with the cultural presentation of Japan" (Hayden, 2011, p. 65). In other words, Japan benefits when it adopts, adheres to, and publicizes attitudes and policies that reflect commonly held or uncontroversial international values.

Soft power is a critical resource for Japan, whose ability to rely on hard power is somewhat curtailed. As Craig Hayden (2011, p. 64) argues, "in Japan's case, soft power is not merely a strategic alternative, but in many respects a necessity in light of real constraints on Japan's capacity to project other forms of power." While it is important to acknowledge that Japan's Self-Defense Forces is one of the most powerful militaries in the world, Japan's constitutional renunciation of the use of force should not be dismissed as inconsequential as public attitudes in Japan are generally anti-militaristic.⁷ Though internal debates exist as to how to convert intangible sources of power into policy outcomes (Hayden, 2011, p. 81), there is little question that Japan has embraced soft power and has honed its ability to recognize and utilize it.

Japan's "pursuit of soft power as a viable strategic recourse" is particularly evident when considering the post-WWII and post-Cold War contexts of "pressing competition for regional influence from neighboring China and South Korea[,] material and symbolic constraints[, and] Japan's ambivalent efforts to repair its historical legacy in the wake of World War II" (Hayden, 2011, p. 64). Modern and commonly recognized uses of soft power by the Japanese state and

⁷ While support for the Self-Defense Forces is increasing in today's highly volatile, conflict-ridden environment, a minority supports expanding the military (<https://thediplomat.com/2023/03/poll-japanese-support-for-self-defense-forces-rises-to-record-high/>); Although it is not reflective of Japan's material capabilities, "most Japanese take the idea that their country renounced war and lacks a true military quite seriously" (<https://thediplomat.com/2012/08/how-japan-sees-its-military/>).

society include providing development aid, lending humanitarian assistance in the wake of natural disasters, and broadcasting popular media like anime, video games, and manga.⁸ Though earthquake relief, popular *Nintendo* consoles, and names like *Naruto*, *Studio Ghibli*, *Zelda*, and *Mario* may all sound more-or-less familiar, a less-recognized aspect and use of soft power lies in sex-related policies and practices.

Gender and sex have only recently gained recognition as meaningfully impacting international relations, but their relevance is far from novel. Though scholars have only begun to investigate the ways “intimate histories and international relations are interconnected,” they have shaped the course of events for centuries (Kovner, 2012, p. 4). Historically, great powers have deemed indentured servitude, the (white) slave trade, and prostitution central to their ‘civilizing’ or ‘modernizing’ efforts, which Japanese officials, eager to earn their place among a privileged group of international influencers, recognized and capitalized on. In the twenty-first century, ending human trafficking has become one of the most important, and among the least controversial, aims of the United States and the international community, as embodied by the UN. It stands to reason, then, that Japan should hop on the anti-trafficking bandwagon to reinforce its ties to powerful allies, such as the United States, without antagonizing potential rivals – China acceded to the Palermo Protocol in 2009, years ahead of Japan⁹ – and to earn itself a good reputation at the UN. The historical record supports the claim that Japan uses sex-related legislation to further its political interests transnationally or internationally; it does not, however,

⁸ South Korea’s K-pop and K-dramas’ exploding international popularity are another obvious and successful example of such influence in the 21st century.

⁹ Recall that, although Japan *signed* the Protocol in 2002, becoming a signatory in this context signals only a commitment to eventually accede to the protocol; the government of Japan did not ratify the Palermo Protocol until 2017.

support the idea that Japan's anti-trafficking actions have been motivated by altruism or a concern for victims.

Preoccupation with Reputation

To varying extents, all nation-states are preoccupied with their reputation and status, striving to project a certain image to the rest of the world.¹⁰ Indeed, "Face-saving is ubiquitous...in International Relations," writes Deepak Nair (2019), who further argues that "face-saving practices¹¹ geared to avoid embarrassment are micro-level mechanisms that produce international institutions like diplomacy." International relations scholars have recently acknowledged "the importance for states and nations of recognition, status, and respect," but Jörg Friedrichs (2015, p. 63) stresses "that there are important cultural differences in the pursuit of self-worth." Some countries may put stronger emphasis on dignity or honor, and others, such as Japan, tend to prioritize face. Saving face (*mentsu wo tamotsu*), as "a practice¹² geared to avoid embarrassment" (Nair, 2019), is a relevant concept in exploring Japan's political behaviors, especially its management of interstate relations and interactions.

In her analysis of Japanese society, Chie Nakane (1970) establishes not just the importance of face-saving, but the power it carries as a concept. Indeed, Nakane (1970, p. 53) demonstrates that the preoccupation for unity and consensus in Japanese society allows face-

¹⁰ This image is contingent upon multiple factors. Countries' "best", or most beneficial side, varies with time and historical events, it is not a static concept. The "face" which states present to the rest of the world is conditioned by such factors as history, regime type, conflicts, peace, religion, alliances and rivalries, etc.

¹¹ One such mechanism is the use of euphemisms in diplomacy as a "face-saving feature of almost all politically sensitive international agreements" (Berridge, 2002, p. 82).

¹² That is, in contrast to conceptualizing face-saving as "essentialist cultural group traits;" instead "a practice view foregrounds an anthropological conception of culture as constellations of everyday performances and representations embedded in relations of power" (Nair, 2019). Given the prevalent essentialism attached with the concept of "face", I primarily refer to the importance Japan has attributed to its reputation, status, and image within the international community, only rarely employing the term face or face-saving as such.

saving to be used as an effective tool to silence – or win over – any kind of opposition.¹³ While Nakane’s examples deal primarily with internal relations, the core principles easily and visibly translate to the international stage, where presenting a unified front and preserving the nation’s reputation is of utmost importance. Although *all* “politically organized societies reveal a discrepancy between the formal and the actual, between the ideal and the normative functioning of their political institutions,” in Japan, this discrepancy is “a structural feature around which the polity has been organized and evolved,” rather than a mere “source of active politics and political change” (Johnson, 1980, p. 91). This engrained cultural structure is represented by the twin concepts of *omote* and *ura* – which can be variously translated as public and private, front and back, visible and invisible, explicit and implicit. *Omote* refers to the public face that individuals, companies, organizations, and the government, wish to present to the outside world. *Omote* behavior “is more restrained and concerned with social appearances” (Dunn, 1999, p. 107). Putting up a front which does not accurately reflect dealings ‘behind the curtain’ is far from uniquely Japanese, yet “the discrepancy between *omote* and *ura*[,] which is found in all societies, is more pronounced in Japan and perhaps the single most important datum for the political analyst” (Johnson, 1980, p. 91). There is, therefore, a dual preoccupation in Japan with its reputation *and* presenting a harmonious face¹⁴ to the outside world. Suzuki (1978, p. 146) terms this culture of extreme consideration *omoiyari no bunka*, which is “further complicated by the split between *omote* and *ura*,” with the *omote* world being subject to this problem in particular given it is the “arena where form is everything and *content little*” (Johnson, 1980, p. 109). TIP

¹³ When a faction within a group dissents from the majority, that group’s leader need only appeal to this “weaker faction to concede its point ‘for the sake of my face’ – that is, for his standing and reputation; and if the leader’s face is saved, so is that of the opponent” (Nakane, 1970, p. 53).

¹⁴ Various authors, such as Takao Suzuki and Chie Nakane, have emphasized the strict limitations Japanese norms impose on the free exchange of ideas, and the associated lack of debate or hindered legitimacy of opposing views.

policy firmly lies in this *omote* realm, and its contents are indeed little. In regards to sex-related legislation, adept decision-makers have been able to adopt the appropriate public stances, eloquently saying what they need to maintain international respectability in the *omote* world, without other Japanese elites expecting them to carry out their commitments.

The Influence and Limits of Gaiatsu

“In its foreign relations,” writes López i Vidal (2022, p. 26), “every nation is constrained by the pressure or demands that other actors—states, international organisations, alliances and markets—exert on its politics, economics, trade or security.” This well-documented pattern of external pressure can help induce foreign policy change in some cases.¹⁵ Japan is often assumed to have a primarily reactive foreign policy, as the country’s policies have “been highly influenced by outside pressure,” dubbed *gaiatsu* in Japanese (López i Vidal, 2022, pp. 26-27). One example of Japan’s responsiveness to external influence can be detected in Shinzo Abe’s promotion of ‘womenomics’, whereby the former Prime Minister promoted “greater inclusion of women in the economy and government” (Hasunuma, 2015, p. 80). Womenomics became “an important public relations strategy under Abe because of the mounting pressure on Japan to do more about its gender inequalities,” leading Hasunuma (2015, p. 80) to identify gender *gaiatsu* as having “forced Japan to demonstrate its commitment to addressing its gender inequalities.” The connection between foreign relations and domestic politics is not quite so straightforward, however, and Japan is not as malleable or manipulable as a superficial glance may suggest.

While there is no denying the “relevance of foreign pressure in explaining changes in Japan,” Lluç López i Vidal (2022, p. 28) convincingly argues that “analyses of Japan’s foreign policy have overestimated the relevance of *gaiatsu* as determining changes in Japanese foreign

¹⁵ Note that it can also backfire and lead to entrenched resistance against foreign meddling.

policy.” Indeed, while “Abe’s focus on women [was] a winning public-relations strategy on the domestic and international fronts for his party and the government,” it has not led to significant gains for Japanese women (Hasunuma, 2015, p. 82). This reflects the superficiality, or perhaps even insincerity, of such externally-motivated policy pursuits. Rather than being driven by feminism and the genuine pursuit of gender equity, the “womenomics agenda is a continuation of the neoliberal, pro-business reforms...consistent with the LDP’s economic focus and strategies,” with a view to ameliorating the international community’s perception of Japan (Hasunuma, 2015, pp. 105-106). Likewise, this research shows that Japan has been sensitive to *gaiatsu* in some ways, declaring its interest in resolving human trafficking crises throughout history, yet it reveals the effects of this pressure have been largely superficial.

Early Reforms & International Cooperation

The Meiji Restoration period, which officially began in 1868, saw Japan’s move away from Tokugawa-era isolationism and feudalism and into modern international politics. This shift entailed significant cultural and institutional changes as Japan modernized and militarized, avoiding the colonial fate of many of its neighbors to instead become an emerging great power in its own right, and, much as the Western powers it sought to emulate and compete with, an imperialist one at that. Reaching this point entailed both soft and hard power pursuits: for instance, on the way to achieving great power status, Japan allied formally with Great Britain, signing the Anglo-Japanese Alliance in 1902, and defeated Russia in the Russo-Japanese war in 1905. Beyond the formation of alliances, meaningful soft power pursuits included aligning (nominally at least) with Western ideals and goals, such as the elimination of indentured servitude, and later of ‘white slavery.’ Japan has a long history of anti-trafficking legislation, but

the impetus for officials to enact legal reforms on the matter has rarely stemmed from domestic activism.¹⁶ As early as 1872, the government passed the *Order to Liberate Prostitutes* which prohibited “the buying and selling of persons” (Howland, 2013, p. 37). It was an international incident regarding Chinese indentured laborers, then known as ‘coolies’, however, rather than a concern with indentured prostitution, which spurred the change. The importance of soft power and its contribution to Japan’s effort to be accepted by foreign powers is evident in the *Maria Luz* incident and the subsequent, though short-lived, liberation of Japanese prostitutes.

Japan’s Stake in Peru’s Trafficking of Chinese Laborers

In 1872, Japanese officials liberated Chinese indentured laborers who were being held prisoner aboard the Peruvian ship, the *Maria Luz*. These individuals, who would today be identified as victims of labor trafficking, had been tricked or otherwise misled into signing their contracts and were being mistreated, held in conditions reminiscent of slavery. Though “initially reluctant to interfere with Peru, a foreign power with whom Japan had no treaty” (Howland, 2013, p. 23), international pressure and interstate considerations helped convince Japanese officials to intervene and rule in favor of the Chinese laborers’ liberation. On the one hand, addressing the issue presented “an opportunity for Japan to bolster good relations with China” (Howland, 2013, p. 23). Moreover, the U.S., France, and Great Britain, three of the world’s most influential states at the time “had been attempting to eliminate” this slave-like trade. Peruvian authorities challenged the liberation of the laborers, however, pointing out that “Japanese law allowed the analogous practice of indentured prostitution,” (Howland, 2013, p. 24). To uphold and justify its decision, then, Japan had to amend its prostitution laws.

¹⁶ Of course, domestic activism exists, and cannot be dismissed as inconsequential. But, as will be explored below—at least in the case of sex-related policymaking—government officials have generally been persuaded by activists’ arguments pertaining to Japan’s international reputation rather than by the essence of their cause.

Chinese indentured laborers and Japanese prostitutes inhabited a similar space within the context of nineteenth century capitalist development, where “each was a captive group placed in a specific site of productivity,” marked by a form of segregation (Howland, 2013,p. 22). Taku Ōe, the Kanagawa assistant governor who handed down the ruling in the *Maria Luz* case, “agreed that the two practices were similar violations of personal rights and represented a common subversion of the justice *anticipated by the international civilization to which the new Japan aspired*” (Howland, 2013, p. 21; emphasis added). Japanese authorities, more than anything, thus appeared to be motivated by the hope that Western countries would favorably look upon Japan’s efforts to align domestic practices and laws with international standards. The British and Americans had been particularly invested in attacking and ending the so-called ‘coolie’ trade, and the Japanese decision in the *Maria Luz* incident played an instrumental role in its final suppression. Japan was thus able to demonstrate its commitment to internationally salient causes, concretely contributing to international cooperation and taking a step towards fulfilling its aspirations for global leadership.

The 1872 Order to Liberate Prostitutes’ Failure

Unfortunately, the *Maria Luz* incident did not catalyze the successful suppression of bonded prostitution. The failure of the regulations intended to moderate the growth of prostitution is not surprising given the Meiji state prioritized economic policies that essentially justified or supported prostitution over the well-being of exploited women. The impetus behind the passing of the *Order to Liberate Prostitutes*¹⁷ did not prove conducive to an amelioration in

¹⁷ Together with Ōe’s prohibition on human trafficking, the Ministry of Justice’s *Order to Liberate Prostitutes* established “the following: (1) They prohibited the buying and selling of persons, and warned that moneys paid to purchase women for work as prostitutes, geisha, or servants could be confiscated. (2) They condemned the prostitutes’ and geishas’ loss of rights, and decreed that moneys paid for their purchase or upkeep may not be called by creditors. (3) They condemned the sale of children as an especially severe matter that would meet with dire

the lives of Japanese individuals vulnerable to indentured prostitution and trafficking. In actuality, the reform laws of 1872, rather than liberating women, “offer evidence of a paternalistic state safeguarding the institution of prostitution” (Howland, 2013, p. 22). Much as international considerations and pressures had influenced the liberation of indentured Chinese laborers, Japan’s national reputation was seen to be at stake with the reform of the licensed prostitution system.

Japanese public opinion on the question of licensed prostitution was divided. Although some critics viewed “prostitution as a national disgrace,” portending “national humiliation among the civilized nations of the earth” (Howland, 2013, p. 35), this concern over international standing was mitigated by the economic benefits derived from prostitution. Rather than criminalizing coercive practices within the prostitution system, the *Order to Liberate Prostitutes* and associated laws and reforms ensured brothels would continue to function much as they had: sanctioned by the state, with brothel owners often able to count on police complicity when girls and women did attempt to leave. Indeed, as businesses lost money from freeing prostitutes from their debts, economic concerns took precedence over the condition of women in bondage, and the *Order to Liberate Prostitutes* was reversed a mere three years later, in 1875.

The short-lived, ineffectual reforms had, quite blatantly, not been passed with women and children’s best interest at heart. Instead, the decision to officially abolish the domestic traffic in women and children for sexual labor served principally as a “mark of Japan’s membership in the civilized family of nations, an important and strategic mark of alliance with Britain and the United States, the two countries most influential in international affairs;” justice for prostitutes

penalty. And (4) they allowed for the continuance of contracted labor, provided that such contracts were properly written and limited to no more than seven years, and decreed that all contracts made prior to the Order were in effect void, so that prostitutes were free to leave their brothels;” in practice, however Japan’s Supreme Court only recognized prostitutes’ right to leave a brothel in 1902 (Howland, 2013, p. 37).

was, in brief, “secondary to the overall national goal of international parity” (Howland, 2013, pp. 38-39). The nominal pursuit of Western ideals and goals was essentially one tool Japan made use of in its successful quest for great power status, not a quest for human rights. Rather than humanitarian ideals guiding legislators’ decisions, concern for Japan’s national reputation dictated the shape of reforms. It is therefore unsurprising the *Order* failed to help women and children.

Fundamentally, the 1872 reforms led to a shift from familial paternalistic to patriarchal state authority in overseeing prostitution, vesting more authority in the state, setting a dangerous precedent of state complicity in exploitative systems, and fundamentally reinforcing practices which stripped women of agency in controlling their own fates (Howland, 2013, pp. 37-38). The 1872 reforms represent an early example of the Japanese government’s long-term tactic of changing its laws to reflect the international community’s priorities, while implementing only limited reforms on the ground, such that legislation has little to no practical impact on the sex trade. Cosmetic changes enacted in this manner have proven to be a pattern since the 1870s despite several changes in Japan’s constitutional and political systems.

Japan’s Expanding Sex Trade

While they did not end prostitution, the reforms of 1872 did briefly criminalize the buying and selling of persons, in other words, trafficking in its most basic sense. And yet, from the late 19th into the 20th century, Japanese traffickers became key procurers of women and girls for the international sex trade, involved in far-reaching networks of trafficked sex labor that spanned South and Southeast Asia, and stretched from Australia to Siberia. Often referred to as *karayuki-san* (‘Miss Gone to China’), many Japanese women and girls worked abroad as

prostitutes during this period, sometimes having migrated to escape poverty but finding few or no other viable options, other times having been sold to brokers in Japan with the initial intent of trafficking them for sex labor.¹⁸ Only a minority went abroad voluntarily, aware of the fate that awaited them.¹⁹ The *karayuki-san* trade was not officially sanctioned by the Japanese state which made some attempts at tackling the problem. Where and in which contexts it did so proves telling.

International Destinations = International Scrutiny

The impetus to address the trade stemmed largely from concern with Japan's image abroad. Many *karayuki-san* were sent to Hong Kong, Singapore, and Shanghai, places with important foreign populations which garnered international attention. The traffic of Japanese women to Singapore can be traced back to the late 1870s,²⁰ and the problem expanded significantly and quickly until the end of the First World War. As early as 1885, Warren (2003, 70) writes, "the Japanese Minister for Foreign Affairs had requested the colonial government in Hong Kong to restrict the number of licenses granted to Japanese women for prostitution," but this did not prove effective. In 1896, "the Japanese government promulgated an important law [preventing] women from openly leaving the country to engage in prostitution abroad," but unsurprisingly, "traffic in Japanese women to South-East Asia was not reduced to any extent by this measure in the period of 1896-1914" (Warren, 2003, p. 83). The reason for this was two-

¹⁸ Warren (2003, p. 68) notes that *karayuki-san* had few rights and were moved between brothels under duress.

¹⁹ Warren (2003, p. 82) estimates up to one fifth, but notes that in these cases, "awareness" was limited to expecting to work in prostitution, this did not entail awareness of the often abysmal work conditions they would face.

²⁰ "As Japanese companies invested in China and Southeast Asia, Japanese women too were shipped to Shanghai, Hong Kong, Singapore, Batavia, Manila, Saigon, and elsewhere. Although the peak of traffic in these Japanese women, known as the *karayuki-san*, occurred between 1890 and 1935, J. F. Warren, who has completed the most extensive study of prostitution in Singapore, noted that fourteen Japanese prostitutes were registered in Singapore already by 1877. And a significant population of 276 Japanese women was present in Siberia in 1884. In other words, overseas traffic began well before officials in Japan became aware of the trend" (Howland, 2013).

fold. First, powerful and influential individuals controlled the “highly profitable, well-organized brothel system,” and second, in an echo of the failures of the 1872 reforms, “the economic impact” of the *karayuki-san* “fostered prosperity of local Japanese merchants, and the remittance of much needed foreign exchange to Japan” (Warren, 2003, p. 83).²¹ Economic benefits derived from prostitution businesses also served the state’s militaristic endeavors.

The pursuit of great power status is evidenced in both the relative complacency toward the trafficking of Japanese women and girls, and the precedence of economic concerns over their well-being. In fact, the efforts of the Meiji state in controlling or reducing the traffic appear mostly symbolic when considering that, “Far from wishing to redress” the exploitation of women from impoverished areas,²² the government instead “planned to exploit a general underclass of Japanese women as cheap labour in mills and factories or as prostitutes offshore to *support its drive towards imperial expansion and in catching up with the advanced capitalism of the West*” (Warren, 2003, p.199). The trade only began to meaningfully shrink after the First World War, when colonial policy changed and trafficking declined.²³ Once again, international pressure proved consequential in influencing the Japanese government to more seriously tackle and successfully reduce its outgoing traffic in the interwar years. International cooperation was especially stressed in the immediate postwar years.

Japan’s Membership in International Organizations

Japanese policy immediately after World War I sought to consolidate Japan’s place as a surviving great power in the postwar era. To this end, Japan joined the League of Nations in

²¹ Tying soft power tools into hard power pursuits, it is worth noting that the Russo-Japanese war had only served to highlight the “economic necessity of expansion of a strong mother country” (Warren, 2003, p. 86).

²² Especially from the Amakusa islands and Shimabara Peninsula.

²³ “By 1921 the Japanese prostitution population had been dramatically reduced as a result of an imperial decree, which abolished brothel prostitution abroad, and recalled the women to Japan;” British officials made concerted efforts to “assist the Japanese Consul in its implementation” (Warren, 2003, p. 87)

1920, taking “pains to demonstrate that its political and financial roles in the organization were commensurate with the *status of a major power*” (Burkman, 2008, p. xiii). Frank P. Walters (1960, 116), the Deputy Secretary-General of the League noted that “Only Italy and Japan among the great powers looked upon the [first Assembly] meeting as an occasion of practical importance...Japan appreciated the fact that at Geneva she stood on an equal footing with the leading States of Europe and could watch and, if she chose, share in, the management of international affairs.” Thomas W. Burkman (2008, p. xii) likewise argues that “Japan attached importance to its membership in the League of Nations,” despite having shared that membership with only one²⁴ of the “three nations most crucial, then and now, to Japan’s external affairs – China, Russia, and the United States.” The Government of Japan itself claimed it was “indeed a matter of historical fact that Japan has continuously participated in the various activities of the League with a zeal not inferior to that exhibited by any other nation” (LON, 1933b). Japan’s active participation in the League, despite a pronounced nationalism and a history of isolationism, is not entirely surprising.

Despite the Japanese government’s initial skepticism, the GOJ was motivated to take part as an active member in the League because it “was obviously better to take part in various rule-making processes” (Goto-Shibata, 2020). But it is also possible that the government of Japan sought to use its participation in the League to strengthen or ameliorate its ties with foreign powers such as the U.S., even if “Japanese senior politicians considered [President Wilson’s] idealism as mere lip service” (Goto-Shibata, 2020). Although it was not an official member of the League, the U.S. remained a major power which maintained its involvement in international humanitarian efforts, using aid initiatives on behalf of vulnerable populations to justify its

²⁴ China

foreign influence and interventions (Porter, 2016). As Porter (2016) argues, “Humanitarian projects could exercise profound authority,” in part because “they were often part and parcel of diplomatic strategies of the American state in the country’s official relations with other states.” As the 1920s progressed, Japanese diplomats spent much time in Europe, attending League meetings in various Committees, including the Advisory Committee on the Traffic in Women and Children (Burkman, 2008, p. 123). It is plausible that Japan, much like the U.S., deployed humanitarian efforts as a soft power tool with which to promote and maintain good interstate relations, not just with League members, but also to cater to American public opinion.

It is important to recognize the limits of international pressure in the interwar decades, however, as it was especially ineffective in molding Japanese domestic policy. For example, while Japan set up an International Labor Organization (ILO) office in Geneva,²⁵ the country was “not solicitous of social change attributable to outside influences;” it remained a conservative nation, disavowing socialism, and the ILO “censured Japan on women and child labor practices” (Burkman, 2008, p. 138). In this way, the ILO – which was relatively independent, hence its survival beyond the League’s demise²⁶ – did officially criticize Japan for what would now be recognized as labor trafficking. The League of Nations, on the other hand, failed to adequately censure Japan for its sex trafficking practices.

²⁵ The International Labor Organization (ILO), in existence to this day, was established by the Treaty of Versailles in 1919 and has long played an important role in anti-trafficking matters, at a minimum insofar as labor standards and laws have been linked to aspects of trafficking. It should be noted that “Japan’s eagerness to monitor ILO activities reflects the extreme anxiety of the government over the potential interference by the ILO in Japan’s presumed harmonious worker-management relationship” (Burkman, 2008, p. 135).

²⁶ Attesting to the power and independence of the ILO, Japan continued its membership in the organization “even after withdrawal from the League. And in the last years before 1939, when the central institutions of the League were becoming more and more powerless, the Labour Organization was raised to new strength by the adhesion of the United States” (Walters, 1960, p. 196).

International Treaties of the 20th Century

That Japan was motivated to act in ways that bolstered its status rather than serving progressive aims and broadening human rights is evidenced in the selectiveness of its anti-trafficking efforts. As regards the *karayuki-san* trade, Sarah Kovner (2012, p. 13) notes that at “the same time that the state sought to prevent Japanese sex workers from operating in *foreign* territories, it extended the system of licensed prostitution to its colonies.” And despite acceding to the League of Nations’ *International Convention for the Suppression of the Traffic in Women and Children* in 1925, Japanese sex workers “followed the expansion of empire across Southeast and East Asia” throughout the 1920s (Kovner, 2012, p. 14). Although the “Japanese state was eager to promote its progress against prostitution to burnish a positive image abroad,” it actually “did little to stop domestic trafficking, instead focusing on the international trade, *especially of European women*” (Kovner, 2012, pp. 102-103).²⁷ That Japan limited most of its anti-trafficking efforts in the early 20th century to stopping the international trade in European women highlights the audience they were targeting were Western authorities. Japan’s participation in international committees, its accession to treaties related to trafficking in women and children, and its *selective* actions to address the problem provide support for the hypothesized argument that safeguarding its image and status dictated the shape of Japan’s reforms and policies.

Even prior to joining the League of Nations, Japan aligned with the international community in its aims to control the sex trade. As early as the first decade of the 20th century, Japan made efforts to stop “white slavery.” In 1904, major powers such as France, Great Britain, and Russia signed the *International Agreement for the Suppression of the “White Slave Traffic”*

²⁷ This pattern did start to shift as heavily racialized nationalist sentiments grew, and concerns for ‘national purity’ became dominant. This is explored in greater detail in Chapter 2 which considers the racist dimensions of Japan’s anti-trafficking policies in greater depth.

which called upon its signatories to undertake efforts to monitor trafficking routes and destinations, to detect victims and perpetrators, and to repatriate victims whenever possible (1904, pp. 86-88). Japan acceded to the subsequent 1910 *International Convention for the Suppression of the White Slave Traffic* and thereby *ipso facto* to the 1904 Agreement as well. The government also signed the *International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications* in 1924, ostensibly aligning its sexual morals and values with those upheld by the international community.²⁸ However, Y. Sugimura, the Assistant Head of the Japanese League of Nations Office in Paris, included reservations with his signature. Reinforcing the idea that Japan's adherence to Western morals and goals would not extend to its own territories, he declared his signature "not binding in respect of Taiwan, Chosen [Korea], the leased territory of Kwantung, Karafuto or the territories under Japanese mandate" (*International Convention for the suppression of the Circulation of and Traffic in Obscene Publications*, 1923, p. 232). Most significantly, Japan acceded to the *International Convention of the Suppression of the Traffic in Women and Children* in 1925, though again, with the reservation that they did not include Korea, Taiwan, Kwantung, and other Japanese territories.²⁹ Japan's accession to these various treaties is representative of the state's deployment of soft power tactics. Although laws were passed in Japan against "procuring, abduction and detention for immoral purposes, kidnapping, buying and selling or receiving and concealing of such persons and attempts to

²⁸ Christianity being the main religion observed in most internationally influential nations (or groups of nations), the international norms to be observed were (and often remain) generally strict and conservative, likely owing to the traditional religious association of sex, and female sexuality in particular, with sin. The spread of venereal diseases, especially in times of war, likely added to the importance that increasingly secular states attached to controlling sex and sexuality.

²⁹ Japan did not sign on to the *International Convention for the Suppression of the Traffic in Women of Full Age*, which was signed in October 1933; this is unsurprising given that Japan had announced its intention to withdraw from the League earlier that year, in March 1933.

commit these offences” (LON, 1933a, p. 102), officials made little use of these laws and Japan remained an important source country in the early twentieth century’s international sex trade.

The League conducted several enquiries on trafficking of women and children in different regions of the world, including in Japan whose government had replied favorably to the organization’s request to extend this enquiry to its territory in 1930 (Ito, 1930). The sum of these efforts resulted in the *1933 Commission of Enquiry into Traffic in Women and Children in the East*. The report found that women of ‘Japanese’ nationality (including ethnic Japanese, as well as Koreans and Formosans[Taiwanese]) were second only to Chinese women as the biggest groups of individuals being trafficked (LON, 1933a, p. 21). By the time the enquiry was conducted, Japanese prostitutes’ clientele had become racially restrictive to their own countrymen, with the women operating mostly outside the Japanese empire proper, especially in China, but in places with significant Japanese populations. Echoing the changes in Japan’s trafficking flows after its accession to the League, the report notes that the few Japanese prostitutes found in “Hong-Kong and places south and west of that port...are remnants of considerable groups who, *prior to 1920*, plied their trade in the shipping centres of the Far and Middle East;” unlike their contemporary counterparts in China at the time, these women still catered to all nationalities (LON, 1933a, p. 68). The Commission directly references matters of international standing and reputation in explaining the changes witnessed in Japan’s trafficking patterns, stating that 1921 marked a turning point.

At that time, “Considering that the presence of many Japanese women of ill-fame in foreign countries ‘*reflected on the prestige of Japan and adversely affected the sound development of Japanese interests abroad*,’” the Japanese Government took steps to repatriate Japanese prostitutes (LON, 1933a, p. 69). Within Japan, anti-prostitution efforts were successful

in some prefectures, including Kanagawa, where the Governor directly referenced international humanitarian standards and the “honour and prestige of the nation” in justifying this policy (LON, 1933a, p. 108). At the national level, however, the licensed prostitution system remained in place which proved to be a sticky point of contention between Japan and the League. The report explicitly puts some of the blame for the trafficking of Japanese women to Northern China on Japan’s system of licensed prostitution since its existence meant there could “be no justifiable objection to a demand by considerable groups of Japanese abroad for prostitutes of their own race” (LON, 1933a, pp. 70, 76). The ability of Japan to nonetheless remain in good standing with the League on this point, despite the contradiction between the abundant outgoing traffic of Japanese prostitutes and Japan’s legal commitment to punish and check the traffic of women and children, highlights the success of the policy of cosmetic compliance.

Although clearly aware of the contradiction between Japan’s commitments and the realities on the ground, the League’s investigators largely accepted the Japanese government’s claims, or at the very least, designated the contradictions as a non-problem internationally. Since the “bulk of the traffic in women of Japanese nationality is traffic between the Japanese Empire and China, *a problem which concerns practically no other authorities but Japanese*[...]”³⁰ the matter of international cooperation hardly comes into question;” furthermore, and illustrating the adept way in which the Japanese government navigated international politics, in destination territories which did *not* fall under Japanese influence or ownership, “co-operation between Japanese Consuls and the local authorities is so efficient that prostitution by Japanese women there has been almost brought to an end” (LON, 1933a, p. 92). Over the surveyed period, the

³⁰ “...in view of the fact that Japanese subjects in China are under the consular jurisdiction of their country and, in addition, in most of the places to which this traffic is directed, the municipal administration is Japanese. Under these circumstances...”

Japanese empire saw little to no incoming traffic given the practically nonexistent demand for foreign prostitutes and its criminalization of foreign sex workers.³¹ The only exception was the Kwantung Leased Territory, which Japan excepted from its international commitments, and which the international community itself categorized as a domestic issue. Regarding the ethnic makeup of the incoming traffic into Kwantung, while considerable numbers of Chinese women worked there as prostitutes, traffic “in other nationals has been largely suppressed” (LON, 1933a, p. 114), once again hinting at Japan’s narrow interest in satisfying Western authorities. Sex trafficking was not in itself much of an issue in Japanese officials’ eyes. Adhering to international standards was.

Perception over Action

The GOJ acceded to international treaties banning sex trafficking and prostitution despite feeling little inclination to follow-through because governmental leaders believed it was in Japan’s national interest to be *perceived* as committed to fighting sex trafficking. Their reasoning was straightforward. As with the previous century’s 1872 reforms, power considerations dictated Japan’s foreign policy outlook and actions. Though imperialist and isolationist forces won out in the end, Japanese proponents of the League tried to defend continued membership in the organization by appealing to powerful and deeply ingrained ideas about face-saving. For example, Kisaburō Yokota, a “leading figure in the Japan Council of the IPR [Institute of Pacific Relations] and an international law scholar at Tokyo University,” warned that Japan would “lose face internationally and incur ‘moral and legal criticism,’” and argued that staying in the League would encourage “more stable relations with the United States, England, and Russia,” great

³¹ In Japan proper, all licensed prostitutes were Japanese, and in the five years preceding the report, only one European woman had been deported for engaging in prostitution (LON, 1933a).

powers who exercised substantial influence in East Asia (Burkman, 2008, p. 179). Similarly, the League Undersecretary-General Sugimura “regretted that, in its departure, Japan sacrificed the stature it had earned in the halls of Geneva,” opining that ““In its international contributions, the future was bright for the Yamato race’,” Sugimura further recommended in his memoir that Japan should ““develop national policy by looking at the world broadly”” (Burkman, 2008, p. 179).

What is interesting to note, despite Japan’s increasing detachment from the League in the 1930s, are its continued efforts vis-à-vis anti-trafficking initiatives. Even after the 1931 invasion of Manchuria and amidst growing international discontent with Japan, the latter’s representatives were proud to report to the League, as late as 1937, that the “Home Ministry had distributed 114,000 yen to destitute women in northeastern Japan to dissuade them from becoming prostitutes,” though their efforts to stop domestic trafficking were minimal, and outgoing traffic continued to the very colonies and territories it had exempted, as well as to China (Kovner, 2012, pp. 102-03). That same year, Japan claimed in a report to the League that “in the previous five years, *no European women* had been caught and that six suspects had been deported” (Kovner, 2012, p. 103). The emphasis on European women again points to Japan’s preoccupation with its reputation among Western powers rather than for exploited individuals. Power concerns rather than concern for the well-being of children and women meant that, on paper, Japan was doing its part to suppress human trafficking, while functionally continuing to play a leading role as a facilitator in the sex trade. Any such pretense would dissipate during the Second Sino-Japanese War and Second World War, as Japanese officials sanctioned and propagated the forced prostitution of between 50,000 to 200,000 women in so-called “comfort stations.”

The Comfort Women & International Reputation

Over the course of the Second Sino-Japanese War (1937-1945) and the Second World War, the Imperial Japanese Army, with direct support from the government at home, kidnapped and sexually enslaved women and girls into a system of prostitution known as “comfort stations” across occupied territories and conquered countries. Most victims were Korean women, though the Japanese army captured women for their brothels everywhere they settled, and even brought some Japanese prostitutes³² to service higher-ranking soldiers on the warfront. Much has already been written about the history of the Comfort Women,³³ but brief mention must be made here of what this system entailed,³⁴ and how it fits into Japan’s demonstrable concerns with its image abroad, and especially its consideration of Western powers.

White Victims & Pretensions of Consent

Even while at war, Japan proved more wary of sexual enslavement of Westerners than of others. After Japan conquered the Dutch East Indies, army authorities extended the system of sexual enslavement to the occupied territory. Between two- to three hundred of the victims procured for prostitution there were European women. The Japanese used force and other threats

³² These women had typically been conscripted—or trafficked—into civilian prostitution prior to the war.

³³ See, for example:

- Henson, M. R. (1999). *Comfort Woman: A Filipina's Story of Prostitution and Slavery under the Japanese Military*. Rowman & Littlefield.
- Hicks, G. (1994). *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War*. W.W. Norton & Company.
- Norma, C. (2016). *The Japanese Comfort Women and Sexual Slavery During the China and Pacific Wars*. Bloomsbury Academic.
- Soh, C. S. (2008). *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan*. University of Chicago Press.
- Tanaka, Y. (1996). *Hidden Horrors: Japanese War Crimes in World War II*. WestviewPress.
- Tanaka, Y. (2001). *Japan's Comfort Women: The Military and Involuntary Prostitution During War and Occupation*. Routledge.
- Yoshimi, Y., & O'Brien, S. (2000). *Comfort Women: Sexual Slavery in the Japanese Military during World War II. Asia Perspectives*. Columbia University Press.

³⁴ The underlying othering mechanisms that allowed for the existence and growth of the comfort stations is examined in greater detail in the following chapter.

to conscript captured European women into comfort stations, but “whether because of effective internees’ organization or *Japanese fears of using violence against white women*, the situation differed from that faced by Asians” (Tanaka, 2001, p. 72). Japanese authorities spent time and effort on pretending that the conscripted Dutch women had volunteered for sex work. They did this by adhering to formal processes that created the pretense that the women involved had made their choice freely. Steps included taking care to draft contracts – though the women usually could not read them and only signed under duress – and not infrequently allowing “volunteers” to join the comfort stations. Typically, these volunteers were professional prostitutes who took the place of younger women who had initially been selected by Japanese doctors or officers. In contrast, the Japanese never bothered with contracts – however phony – for Asian women they recruited, even though demanding signatures from Dutch women clearly demonstrates they “knew that enforced prostitution would be a violation of the Geneva Convention,” which the Empire of Japan was a party to (Tanaka, 2001, p. 77). Japanese authorities were thus aware of, and trying to minimally accommodate, international law. They focused on European women because they knew that violations of international norms against white Europeans could affect postwar Japan’s international relations with states that wielded international influence.

Military Considerations and Racialized Fears

Another telling incident occurred in the last week of April 1944 when multiple brothels “in which European women had been put to work were suddenly shut down” (van Poelgeest, 1994, pp. 11-12). These temporary closures resulted from an inspection by an officer from the Ministry of War in Tokyo who had been alerted by a Dutch camp leader of the forced prostitution of European women from civilian internment camps. These closures also seem to coincide with increasing military hardships, notably the Battle of Hollandia, which may have

prompted the War Ministry to take action. Carried out by the Hollandia Task Force, code-named Reckless, the success of this Allied operation was expected to

isolate the defending forces along the coast[...], would place all of north-eastern New Guinea under Allied domination, and would afford air and naval bases for future operations against the remainder of Dutch New Guinea or other subsequent objectives which might be selected to the north and west. Control of this portion of the New Guinea coast also would provide security against any enemy counter-blow aimed from the west at the supply lines and positions of friendly forces occupied in consolidating their gains in the Bismark Sea area (U.S. Army I Corps, 1944, p. 1).

“Ahead of attempts to neutralize Hollandia came severe blows directed against Japanese airfields around Wewak” and later Hollandia, such that “the air force prepare[d] the way for, and assure[d] the success of, the landings at Aitape and Hollandia” (Craven and Cate, 1983, pp. 588, 604). On April 22, 1944, the Hollandia operation officially began and lasted until June 6, 1944, ending in an Allied victory. The possibility of defeat, eventually borne out, may have encouraged Japanese authorities to shut down comfort stations employing white comfort women, as a tactic to mitigate potential sanctions from victorious Western powers.

International Disregard for Non-White Comfort Women

The case of Dutch women highlights the reticence of Japanese authorities to treat white western Europeans as dismissively as other Asian races whom they considered inferior. The Japanese consideration of only European white women seems to have been a judicious call, as the post-war Dutch authorities proved indifferent to other victims. From a minimal interest-based perspective, this disregard justified the Japanese’s lack of concern for the “exploitation of non-Europeans” (Tanaka, 2001, p. 78). In stark contrast to the punishment doled out against Japanese officers who exploited Dutch civilians, Dutch authorities and other Allied forces “all failed to pursue legal prosecution against [...] the Japanese who committed crimes against numerous Asian women, *despite the fact they had accumulated ample evidence*” (Tanaka, 2001, p. 83). The

exploitation of Asian women was, at the time, simply not seen as a serious crime against humanity. Japanese officials had accurately calculated that the risks associated with the exploitation of non-Westerners were fairly low. The “international” opinion which mattered squarely belonged to great powers and Allied power blocs. Dismantled in 1945 with the Allied victory in the Pacific War, the system morphed into something new, which presented both continuities and ruptures with its wartime incarnation.

Changing Sexscapes in Post-World War II Japan

During the U.S. Occupation of Japan, efforts were made by Occupation officials to curtail prostitution. Yet prostitution proved a booming business, in so small part thanks to U.S military bases, and “American servicemen brought with them a new attitude toward ‘the space of love’—one that encouraged street prostitution,” which did not sit easily with most Japanese (Sanders, 2012, pp. 404-405). Streetwalkers, known as *panpan*, “quickly became a vivid and contentious symbol of the Allied occupation...a conspicuous symbol of postwar chaos” (Kovner, 2009, p. 777). A “majority of the populace and of the elite still perceived [prostitution] in neutral or even positive terms” (Walsh, 2021, p. 711), so long as it was an organized, state-controlled business. Streetwalkers, however, “were a manifestation of defeat...The visible presence of ‘objectionable’ women reminded many of their status as an occupied nation” (Kovner, 2009, p. 797). It further stoked “deep-seated Japanese anxieties about racial contamination and racial subordination by the occupying forces” (Garon, 1997, pp. 199-200). This new form of prostitution which came to dominate Japan’s post-war sexscapes was seen as a collective humiliation, a highly visible reminder of Japan’s defeat, and the blow this entailed for the state’s international reputation and influence. In some ways, the Japanese government had lost its hold

over sex as a soft power tool, and it was instead being wielded against them. It is therefore unsurprising that efforts were promptly made to regain control over the sex trade. What is, at first glance, more surprising is the success of abolitionists, whose efforts culminated with the passage of an anti-prostitution law in the post-Occupation era. A closer look reveals the nominal ban on prostitution to be in line with the state's well-established practices of instrumentalizing sex-related legislation to pursue national—and nationalist—goals: indeed, the law served to bolster Japan's place within the international community, helping to rebuild its reputation in the aftermath of war.

The 1956 Prostitution Prevention Law

Although the movement to criminalize prostitution in Japan was couched in terms of women's and children's rights, in reality it was a highly classist³⁵ movement which concerned itself more with punishing rather than helping women in prostitution. As Garon (1997, p. 201) argues, "few postwar women's leaders recognized the right of the prostitute to practice her trade if she so chose. The Japanese women's movement was often more eager than the state itself to manage the sexuality of prostitutes and their customers." That *gaiatsu* and power considerations were the true engine behind surface-level human rights reforms became rather obvious in the debates surrounding the passing of an anti-prostitution law in the post-Occupation years. A leader of the abolitionist campaign and Socialist Diet member, Ichiko Kamichika explicitly referred to matters of international standing in defending the prostitution ban. In 1954, Kamichika claimed that "Recently, when Mrs. Roosevelt came to Japan, she even asked, 'Your country has [rampant] prostitution, doesn't it?' This is truly a disgrace" (Fujime, 2006, p. 43).

³⁵ The problematic roots of Japanese abolitionism and the various forms of othering which underlie the movement are explored in greater depth in Chapter 2.

Indeed, the inaccurate but influential “statement that ‘[a]ll the civilized countries of the world have all prohibited prostitution, and Japan is the only one that lags behind’ circulated widely” by the law’s defenders (Fujime, 2006, p. 43). Criminalizing prostitution was thus viewed as a way for Japan to regain its standing among the international community.

While abolitionists were more concerned about “Japan’s moral reputation,” the expectation that “an anti-prostitution law would enhance Japan’s national respectability” resonated with politicians, even those who did not inherently support the abolitionist cause (Rowley, 2002, p. 40). Indeed, the arguments that allowed Kamichika and her supporters to persuade their more conservative, primarily male, colleagues were those appealing to Japan’s image abroad rather than those appealing to human dignity. Proponents of an anti-prostitution law pressed “the argument that Japan could not be a member of the international community in good standing until it outlawed prostitution,” and Diet members in favor of abolition persistently drove “home the same point: Japan’s failure to outlaw prostitution was an international embarrassment” (Kovner, 2012, pp. 116-17). This was an argument bound to resonate with Japanese statesmen eager to rebuild their reputation and standing in the aftermath of the Pacific War, and it proved successful, as an anti-prostitution law was passed in 1956. “Shaming the national leadership was rhetorically effective, but,” Kovner (2012, p. 118) warns, “it also conveyed the message that the issue was one of appearance.” Rather than a novel approach to prostitution, then, Japan’s post-war instrumentalization of sex industry-related legislation represents a continuation of tried-and-true tactics employed since the Meiji Reformation, particularly in the cosmetic nature of these laws.

Japan was admitted to the United Nations in 1956 which coincided with the passing of the Prostitution Prevention Act (*Baishun Bōshi Hō*). In an echo of earlier patterns, the state

“wasted no time demonstrating its official commitment to international efforts to stamp out trafficking in persons,” acceding to the UN’s *Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others* “on May 1, 1958, exactly one month after the penal provisions of the Prostitution Prevention Act came into force” (Rowley, 2002, p. 47). On the surface, the 1956 Prostitution Prevention Law marks a significant departure from Japan’s traditional approaches and attitudes toward sex work. In practice, the law is full of easily exploited loopholes which have, for decades, been left unaddressed. Eradicating prostitution was ostensibly *not* the intent of the law, and in fact, “the sex industry has grown immensely since the establishment of the Prostitution Prevention Law” (Fujime, 2006, p. 45). The anti-prostitution bill only succeeded in passing in a drastically-altered form—one which ensured protection of the industry’s customers, including the very legislators responsible for passing the law (Kovner, 2012). Rather than broadly defining prostitution as the exchange of sexual services for some form of compensation, Japanese law conceives of it narrowly as compensated vaginal intercourse between strangers, which has led to the expansion of a multi-billion dollar, thriving, completely legitimate sex industry.³⁶

The Prostitution Prevention Law of 1956 very obviously illustrates Japan’s primarily cosmetic approach to sex legislation which has nevertheless significantly and negatively affected the country’s general sexscapes, impacting those coercive aspects of the sex trade as well. The law has failed to curb prostitution, yet it has had unquestionably harmful repercussions for women working in the sex industry, in essence identifying women who sell sex as the problem, as criminals. As Fujime (2006, p. 48) demonstrates, “the implementation of the Prostitution

³⁶ Oral sex salons, BDSM parlors, host(ess) clubs, ‘massage’ parlors, and the like make up a variety of completely legal sex-related shops.

Prevention Law greatly increased the violence and harm suffered by Japanese women driven underground as they continued to sell their sexual services;” foreign women are in an even more precarious situation, as they “are treated as criminals having violated immigration laws as well as the Prostitution Prevention Law, putting them in a doubly and triply vulnerable position” (Fujime, 2006, pp. 45-46). The law has hindered the fight for sex workers’ rights and compounds the difficulties faced by trafficking victims without contributing anything of value to anti-sex trafficking efforts.

The international community has long viewed prostitution negatively, and Japanese authorities have recognized this since the Meiji era. The nominal criminalization of prostitution represents a ploy to *appear* to align with internationally upheld mores, but it is little more than mere words on paper, “paying lip service to new global norms” (Kovner, 2012, p. 118). Political considerations rooted in both hard and soft power interests encouraged the men of the Diet to unanimously approve a Prostitution Prevention Law in 1956, eclipsing concerns for human rights and dignity. The Prostitution Prevention Law did not effectively end legal prostitution in Japan, but it did, as intended, mark Japan’s membership in the postwar community of influential nations. It is a perfect example of the cooptation of sex-related legislation by the state’s leading actors to bolster their power and influence, control women, and improve their international standing. In so doing, it accomplished exactly what most of those who voted in favor of the bill hoped for. Though it has undergone revisions, the Prostitution Prevention Law remains the law of the land, and in making victims of the sex trade more vulnerable and invisible, the prostitution ban has complicated efforts at tackling sex trafficking.

Plus ça change... : The Post-Cold War Era

The most important change altering Japan's trafficking profile coincided with the momentous end of the Cold War which entailed critical shifts in international relations and heralded a new age of opportunity for traffickers. The dominant pattern since has been that of the so-called *japayuki-san*, 'Miss Gone to Japan', turning Japan into a major destination country for victims of human trafficking. That the sex trade continued to thrive in the post-war period, and into the twenty-first century, with little legal impediment should not be too surprising. External pressure has encouraged some limited reforms, but anti-trafficking outcomes have not meaningfully improved. Japanese leaders have long recognized they have much to gain from claiming a stake in the fight against human trafficking, but they have not suffered consequently from their failure to follow through on these promises.

TIP Reports and Gaiatsu

As noted in the Introduction, the U.S. State Department's annual *Trafficking in Persons (TIP) Reports* are currently the dominant measurement of trafficking indicators. The reports rank countries into four tiers, according to how well they meet the standards established, not by the UN, but by the United States' domestic legislation regulating trafficking, the TVPA (Trafficking Victims Protection Act of 2000). Tier 1 countries are deemed by the U.S. government to "meet the minimum standards for the elimination of trafficking." Tier 2 countries do not meet these standards but are "making significant efforts to do so." Since 2004, the State Department has included the category Tier 2 Watch List. Countries that fit the Tier 2 requirements but for which:

- the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions;
- or there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims,

and decreasing evidence of complicity in severe forms of trafficking by government officials

are categorized as Tier 2 Watch List, putting them at risk of being downgraded to Tier 3, which designates countries deemed to neither meet nor make efforts to meet those standards (*TIP Report*, 2023). These reports and their rankings “have become a tool for pressuring countries to fight trafficking,” through shaming as well as sanctions (Merry, 2016). Notably, Tier 3 countries might be subject to

certain restrictions on [nonhumanitarian, nontrade-related] foreign assistance...the President may determine to withhold funding for government official or employee participation in educational and cultural exchange programs [and] may also determine to instruct the U.S. Executive Director of each multilateral development bank and the International Monetary Fund to vote against and use their best efforts to deny any loans or other uses of the institutions’ funds to a designated Tier 3 country (*TIP Report* 2023).

Anne Gallagher (2010, p. 827) has “observed multiple instances in which the open threat of a negative grade in the U.S. *TIP Report* has provided the direct impetus for major reform initiatives, including the criminalization of trafficking, the decriminalization of victims, and the opening of shelters.” Japan too has been responsive to this form of *gaiatsu*.

In 2004, Japan faced greater international scrutiny and reprobation on the matter of trafficking, which seems to have pushed the government into more concretely addressing the problem, as it drafted a National Action Plan of Measures to Combat Trafficking in Persons (NAP). The 2004 NAP was meant to serve “as a means of achieving close cooperation among all government ministries and agencies concerned, and to promote coordination with the international community in order to promote measures speedily and effectively towards the prevention and elimination of trafficking in persons and the protection of the victims of trafficking” (MOFA, 2004, p. 1). This timing coincided with at least two rather unflattering assessments of Japan’s anti-trafficking efforts. That year, Japan was downgraded to Tier 2 Watch

List, “based on its commitments to bring itself into compliance with the minimum standards by taking additional steps over the next year,” by the State Department which exhorted the government to “speed its review of anti-trafficking legislation and ensure trafficking-related punishments are commensurate with the severity of the crimes” (*TIP Report*, 2004). Additional pressure came from the International Labor Organization which was then ramping up its fight against trafficking in persons and conducting its own inquiries into Japan’s case. Though the ILO’s “Human Trafficking for Sexual Exploitation in Japan” report was revised after the National Action Plan had entered into force to reflect Japan’s latest efforts, its assessment remained rather unfavorable. Much as the State Department had done, the ILO highlighted the insufficiency of Japan’s legislative efforts: as of 2004, no anti-trafficking law had “been adopted in Japan to directly prohibit the trafficking of foreigners into the country (ILO, 2005, p.45). These critical assessments seem to have played a role in spurring Japan to action.

It is likely that Japan feared that being labelled negatively by the U.S. and ILO might threaten its image and reputation at the international level. The GOJ thus determined “to develop/amend necessary laws to meet the requirements of the [Palermo] protocol” with a view to ratifying it (ILO, 2005, p.50). A few reforms were thus implemented, and legal changes eventually effected, including amendments to Japan’s criminal code criminalizing trafficking-related activities. In its 2005 assessment, the State Department even optimistically opined “The foundations that the Government of Japan has laid in the past few months offer promises of results that would place Japan in a leadership role in fighting trafficking” (*TIP Report*, 2005).

This enthusiastic outlook was soon moderated since Japan showed only “modest progress in advancing anti-trafficking reforms” thereafter; as of 2007 “progress appeared to slow,” and *TIP Reports* subsequently note that efforts remain largely inadequate and insufficient; in 2010

the State Department even found that Japan “diminished anti-trafficking law enforcement efforts” (*TIP Reports*, 2007, 2010).³⁷ Although the ILO noted in its 2005 report that the Japanese Government was “hastening to improve related legislation against ‘modern-day slavery’, mainly because it wishes to ratify the UN Convention against transnational organized crime and the supplementing Palermo Protocol as soon as possible” (ILO, 2005, p. 3), it ended up taking another thirteen years for Japan to accede to the Protocol. This led the State Department to upgrade Japan to Tier 1 status in 2018 and 2019, but by 2020 it had once again been deemed to fail in meeting the minimum standards for the elimination of trafficking. The noncommittal, surface-level nature of Japan’s reforms supports the argument that the government was primarily concerned with its image, with doing *just* enough to avoid being noticeably reprimanded for its anti-trafficking policy failures. Arguably, the NAP reforms represent little more than a power play, the point being damage control following unfavorable assessments of Japan’s anti-trafficking efforts.³⁸

How Do I Look? Japan, Trafficking, and the Olympics

On paper, the NAP reforms marked an important departure from the status quo. Practically, however, very little changed. An obvious disconnect appears between the government’s stated objectives and the actions it implements, or rather fails to implement, to achieve those aims. Just as soft power, strategic appeals led to the passing of anti-prostitution legislation as a way of gaining an ‘in’ with powerful nations in the 1950s, similar concerns have

³⁷ This contrasts with the Government of Japan’s own assessments which, unsurprisingly, are a lot more favorable. For example, Japan’s Ministry of Justice claimed in its 2007 assessment that Japan was “ensuring a system for victim identification and protection” (MOFA, 2007, p. 5), but the State Department’s *TIP Report* (2007) of the same year found “the effectiveness of victim protection declined.” In its 2009 Action Plan, the Ministry claimed the GOJ “has greatly improved its actions against trafficking in persons through steadfast efforts to implement the policies set forth by the 2004 Action Plan” (MOFA, 2009, p. 1).

³⁸ Most notably to remediate Japan’s embarrassment in the wake of the State Department’s ranking it as a Tier 2 – Watch List country.

guided Japan's efforts to pass anti-trafficking legislation in the twenty-first century. In fact, direct references are made to the international community's perception of the issue in Japan's official TIP-related documents. For example, in its 2009 Action Plan, the Ministry of Foreign Affairs (MOFA, 2009, p. 2) highlighted that "trafficking in persons is a serious transnational problem, and thus, the international community pays close attention to Japan's action against the crime and has suggested that the government should take more comprehensive action."³⁹ This is reiterated in the 2014 and 2020 Action Plans, which both emphasize that various international organizations or groups, such as the UN, ILO, and G7, have made eradicating trafficking a priority.

Of course, at times of enhanced international visibility, all states will make extra efforts to polish up their image, hopeful the attention presents an opportunity to bolster the state's reputation and status within the international community. A particularly interesting manifestation of this is evidenced in Japan's association of the Olympics with a heightened urgency to address trafficking. Having been selected to host the 2020 Tokyo Olympics and Paralympics, the GOJ found it "important for Japan to continue to demonstrate active efforts to carry out measures against trafficking in persons" (MOFA, 2014, p. 2). This was not the first time the Olympics prompted action on issues related to the sex trade. Illustrative of the "abolitionists' concern for Japan's international reputation...[w]hen Tokyo was selected as the site of the 1964 Summer Olympics, anti-prostitution activists immediately got busy...With so many foreigners looking on, prostitutes could not be allowed to undermine Japan's claim to be a modern and respectable nation" (Rowley, 2002, p. 48). In 2014, the GOJ drew up its updated National Action Plan "as

³⁹ MOFA (2009, pp. 2-3) further referenced the UN Special Rapporteur on Trafficking in Persons' July 2009 visit, noting that the rapporteur had "included issues that had not been generally considered as cases of trafficking in persons in Japan, but are internationally considered part of or closely related to trafficking in persons according to the definition of Article 3 of the Protocol."

part of making ‘Japan, the safest country in the world’ towards the 2020 Tokyo Olympics and Paralympics” (MOFA, 2014, p. 2). Yet 2020 coincided with Japan being downgraded once again to Tier 2 status by the U.S. *TIP Report*. Although Japan was unable to capitalize upon the Olympics to improve its image vis-à-vis trafficking countermeasures, it did not concretely suffer from this either. While “the international community remains strongly concerned about measures to combat trafficking in persons, and Japan’s efforts in this area have also drawn the attention of the international community” (Council for the Promotion of Measures to Combat TIP, 2023, p. 4), Japan has nonetheless managed to avoid concrete sanctions. Partly, the adoption of *plans* to address TIP seem to currently hold the international community over.⁴⁰

Conclusion: The (In)sufficiency of Cosmetic Adherence

Japan *has* made some efforts to address trafficking in persons in the twenty-first century, but these have been largely unsuccessful. The Council for the Promotion of Measures to Combat Trafficking in Persons (2023, p. 86) reports on various anti-trafficking tactics adopted by Japan and proudly claims that “measures against trafficking in persons in 2022 has showed steady development.”⁴¹ Yet a disconnect remains between aspirational policies and practice. For instance, a Cabinet Office poster claiming “We are intensifying the crackdown on Trafficking in Persons” warns that crimes such as forced labor and “coercing someone to appear in pornographic videos” carry sentences of up to ten years in prison, yet the charges imposed on individuals prosecuted through trafficking-related offenses rarely exceed 2.5 years of

⁴⁰ E.g., the 2023 *TIP Report* cites the mere approval of the 2022 National Action Plan as part of the government’s “overall increasing efforts” to address TIP.

⁴¹ Some of which—notably strict restrictive migration laws—are counterproductive, as will be explored in greater detail in subsequent chapters.

imprisonment, and are frequently suspended (Council to Combat TIP, 2023, Figure 15, Table 2). Problematically, as of 2023, Japan still lacked a “comprehensive anti-trafficking statute that included definitions in line with international law” (*TIP Report*, 2023). It is difficult to shake off the impression that, as was the case historically, Japan’s stated commitments to abide by international humanitarian principles represent little more than power-driven cosmetic changes. Change was needed for Japan to give the impression of genuine concern for the substance of the agreements it purports to adhere to, but it largely serves as a façade. Moreover, while these surface-level reforms have been *insufficient* to meaningfully curb trafficking, they have been sufficient to keep Japan in the international community’s good graces, despite the occasional reprobation.

That Japan cares about its image is evident. Japanese officials have “on more than one occasion,” told the State Department, “we need foreign labor to come to Japan, so please don’t make us look bad, please don’t say that the foreigners who are working here are being trafficked” (State Dept Interview, 2022). But whereas some countries “might lean in” to show they are making “robust effort to address this problem,” the State Department has speculated that Japan’s strong shame culture might contribute to the perception that it is better to pretend the problem does not exist (State Dept Interview, 2022). Year after year, the State Department’s *TIP Reports* provide evidence of ongoing and substantial incoming traffic into Japan of victims of both sex and labor trafficking. Year after year, the same or similar recommendations are made as Japan does little to implement these recommendations, or to come up with alternative solutions to mitigate the problem. And yet, the State Department consistently categorizes the country as striving for the elimination of trafficking (*TIP Reports*, 2001-2021). Part of this may stem from the U.S.’s anxieties about maintaining a strong alliance with Japan which is particularly sensitive

about its image and reputation. Friedrichs (2015, p. 78) finds that “humiliation is unlikely to occur” in cultures which are “concerned with social harmony,” but warns that when it does occur, “humiliation and resentment may seriously destabilize relations further down the line.” Perhaps it is this fear of destabilizing relations with Japan which has encouraged the U.S. and other allies to only mildly reprimand the state’s rather paltry anti-trafficking efforts. Indeed, when asked about why Japan had not been downgraded to Tier 2 Watch List in 2022 despite the *TIP Report* (2022) indicating many *decreasing* efforts, State Department staff indicated that, “Japan does tend to be very receptive to...*gaiatsu* pressure, but it’s tricky...there’s a gentle balance” that has to be struck between pressuring Japan for change, making sure that the GOJ finds the U.S. report credible, and protecting the countries’ partnership (State Dept Interview, 2022).

When asked what could help Japan start to bridge the gap between paper promises and implementing actions, the State Department staff interviewed (2022) opined that the situation might improve if Japan recognized “that there is a benefit to addressing this problem,” and noted that officials are “very responsive to their economic challenges...and the need for foreigners to come here for labor.” Rather than downplaying and failing to identify trafficking cases to make “it *look* like there isn’t a problem” such that Japan *looks* like “an appealing place to go,” officials should recognize that Japan “actually needs to *be* a good place to go” (State Dept Interview, 2022). While this could prove a promising avenue, it may be difficult to capitalize on due to (1) ingrained cultural practices that favor dissimulating rather than addressing societal issues, and (2) a historical pattern that seems to vindicate cosmetic adherence as a successful policy. The lack of sanctions despite twenty years of too-few efforts and largely inconsequential or failed reforms illustrates the shrewd understanding that Japanese leaders have of the workings of the

international system. Adhering to the anti-trafficking discourse is advantageous: it costs little and entails little risk despite inaction. *Gaiatsu* pressure may be significantly less impactful than Western governments typically assume or hope. Japan has proven quick to publicly adopt stances that align with external pressures, but this has not always translated into actions.⁴² It seems as though, at least when it comes to trafficking, adopting the right discourse has been largely sufficient to protect Japan from being held accountable for maintaining exploitative systems in place and failing to adequately implement policy reforms.

The GOJ's limited anti-trafficking efforts have not resulted in appreciable amelioration of trafficking outcomes. The state's priorities lie in power considerations rather than human rights concerns, as they have since the 1872 reforms, which dramatically impedes the effectiveness of anti-trafficking legislation. In their failure to accomplish their stated goals, the NAP and subsequent reforms have been all but unprecedented—the Japanese state has a three-hundred-year history of facilitating rather than combatting sex trafficking, and a rather deplorable track record in joining deed to word when it comes to the sex trade. The fact that acceptance to the Palermo Protocol was only given *fifteen years* after Japan signaled its supposed willingness to complete the treaty-making process reflects the government's degree of (in)sincerity and apathetic commitment to the anti-trafficking cause. It can be expected Japan's long-standing custom of subsuming humanitarian pursuits to male-driven power interests continues to define and curtail much of its anti-trafficking efforts. The next chapter explores how deeply rooted sexist and racist attitudes, along with other forms of othering, affect both societal and official

⁴² It is worth noting that the GOJ has historically and continues to put more emphasis on its participation in *international* anti-trafficking frameworks and invests more time and money in *international* initiatives and conferences dealing with TIP. This contrasts with how little the GOJ has done at the domestic policy level to address the issue, further emphasizing the point that the state is primarily driven by power considerations, the desire to be a leader among the international community, and the maintenance of a particular image that bolsters its reputation and status internationally.

attitudes, such that Japanese authorities care little about the fate of trafficked victims, further contributing to anti-trafficking policy failures.

Chapter 2 - Intersecting Vulnerabilities & Prejudices: Sex Trafficking as a Gendered,¹ Classed, and Racialized Issue

Introduction

Anti-trafficking policy is seldom formulated in a way that reflects a concern for trafficked individuals' rights, freedom, and well-being, but rather seems primarily motivated by a desire to control and limit the movement and autonomy of women and (certain classes) of migrants. Governments, including Japan's, have historically passed anti-trafficking legislation that serve *other* state goals and interests—in such cases, human rights are nominally used as a means rather than an end in and of themselves.² In essence, othering, which is at the crux of discriminatory beliefs and practices, is a critical tenet of the masculinized state, inherent to nationalism, racism, chauvinism, and militarism. Othering involves treating some groups or individuals “as different on some basis,” and is an intersectional process, whereby “race, gender, class, and age converge as intersecting vulnerabilities” (Williamson, 2017, p. 75). In nationalist contexts, it tends to manifest as ethnocentrism and racism, as members of the nation are held to be superior to others. Othered women are often oversexualized, contrasting with those of the nation who are conceived of primarily as pure, chaste keepers of the nation and its honor. As

¹ Throughout this chapter, I overwhelmingly rely on feminine pronouns/terms to refer to trafficking victims and survivors. This is meant to reflect the gendered nature of sex trafficking and is not intended to erase, dismiss, or downplay the existence and experiences of men and boys who are victims of trafficking. Although an exploration of the intersections of trafficking and LGBTQ+ identity is beyond the scope of this project, it is also important to acknowledge that transgender individuals face heightened risks of sexual exploitation and violence, and their experiences in sex trafficking might differ from those of cisgender victims. The State Department reports, for instance, that some Japanese “transgender youth seek employment in unregulated urban entertainment districts as a means of financing their gender-affirming care and are subsequently exploited in commercial sex and possibly forced labor” (*TIP Report*, 2021).

² See chapter 1 for Japan's use of sex-related legislation as a soft power tool used toward the pursuit of great power status and international influence.

gender “shapes politics – through men and their interests, their notions of manliness, and masculine micro and macro cultures” (Nagel, 1998, p. 243), sex work and trafficking, purity myths, motherhood and dutiful daughters, sexuality, sexual violence, and sex-related legislation all fall within the realm of ‘high’ politics. Sex, it turns out, is more than a mere private matter.

Trafficking victims are often underprivileged and disenfranchised or otherwise disempowered individuals whose vulnerabilities are taken advantage of by the system, by traffickers, and by buyers of trafficked labor. Though it is their safety and rights which are on the line and which are the subject of anti-trafficking reforms, their voices are seldom listened to; or rather, only one “victim” voice is heard. The multiplicity of people’s varied experiences in the sex trade and differing interpretations thereof is largely ignored. The “perfect” victim is a young, innocent woman or girl, in need of rescue, protection, and rehabilitation, who was unwittingly tricked into prostitution; most likely, she desires to return home upon rescue. This is the streamlined narrative which policymakers rely upon in crafting reforms, the ‘gold standard’ of victimhood. But the victim/survivor who points fingers at the system rather than her individual traffickers, the victim/survivor who does not view *all* sex work as subjugating, the victim/survivor with a flawed personality, who does not willingly submit to repatriation (deportation), who does not view herself in need of “rescue” despite her harrowing experiences of trafficking...she poses a challenge to the status quo.³ Such a survivor of trafficking threatens the aims of trafficking legislation as they currently stand: to control and limit immigration and

³ See especially Claudia Cojocaru’s (2015) “Sex Trafficking, Captivity, and Narrative: Constructing Victimhood with the Goal of Salvation.”

See also Jody Miller’s (2011) “Beach boys or sexually exploited children? Competing narratives of sex tourism and their impact on young men in Sri Lanka’s informal tourist economy” for an analysis on how moral claimsmaking and the insistence on innocence and passivity as defining the experience of sexually exploited individuals proves harmful, resulting in victim-blaming and a corollary failure to address this exploitation.

mobility, to blame individual deviance and crime rather than systemic factors for the prevalence and growth of trafficking.

Sex trafficking is both a gendered and racialized problem. Human trafficking is embedded in a system of inequality where layers of vulnerability – such as race, gender, and socioeconomic status – compound the risks of trafficking. These same risk factors also impact how problems of human trafficking are framed and addressed. It is therefore imperative to examine how the gender dimension of the problem influences policy formulation and implementation, as well as the role racism plays, at one level fueling the sex trade, and at another warping policy-making such that anti-trafficking turns into an anti-immigration exercise. Given Japan’s unprecedented “transition from regulated sex work, to outright deregulation, to criminalization” of prostitution, the country presents a particularly unique subject for analysis (Kovner, 2012, pp. 2-3). Its long historical role in both domestic and international sex markets sheds light on issues related to political forces and social and cultural change, highlighting ways in which conceptualizations of gender, race, imperialism, and militarism have affected developments in the sex trade.

In particular, this chapter will focus on sex work and sex trafficking, exploring how these systems were historically understood, how and why they morphed over time, and who has benefitted. It will also examine how competing conceptualizations of femininities are used by the state, and how racism interplays with these factors. In brief, this chapter seeks to explore how the Japanese state and its officials have employed sexual labor and sex-related legislation to further their political, economic, and military interests, both in peace and war time, from the 1870s to the present. It will employ intersectional gender theory and adopt the critical perspective in human trafficking literature to establish the shortcomings and harms that have resulted from

treating sex trafficking as an anti-immigration focused, women's issue. Rather than working to unravel them, anti-trafficking policy has a tendency to either disregard or even reproduce the gendered, classed, and racialized harms that contribute to the prevalence of human trafficking.

Globalization & Trafficking

Since the Cold War ended, the pace of globalization has accelerated rapidly along with the expansion of neoliberal capitalism, both of which are racialized and gendered projects that have concurrently contributed to rising global inequalities. While some (especially from the Global North) have been fortunate enough to benefit from increased international connectivity and mobile capital, many (especially in the developing world) have suffered negative consequences, facing increasing poverty, growing instability, and shrinking social safety nets. And while globalization is “globalizing and borderless for some,” the reverse has often proven true for less fortunate segments of society, who find themselves increasingly marginalized, their lives marked by localization and lack of mobility (Aas, 2013, p. 31). Yet as mobility becomes the “defining characteristic of privilege and power[,] the attribute that allows people to make the most of global integration and to ride globalisation as an opportunity and an adventure, rather than a disaster that must be suffered,” barriers to immigration proliferate (Bhattacharyya, 2005, pp. 23-24). This anti-immigration trend has exacerbated trafficking problems in several ways.

Human trafficking is often linked to irregular migration. Many are compelled to migrate due to macro-level factors which threaten their survival, safety, dignity, as well as their well-being and that of their families (Taran, 2002, p. 12). The push factors which encourage risky migration “are not created by the traffickers so much as” the broader context of economic (among other) hardships created or exacerbated by globalization (Chuang, 2006, p.141). Race

and gender compound the risks of experiencing the negative impacts of globalization and thus heighten the risk of trafficking among people, and especially women, of color. Notably, discriminatory practices in attaining education or employment contribute to the feminization of poverty such that “economic and gender-based inequalities may then push women to seek migration, inadvertently leading women to be disproportionately victimized by trafficking” (Williamson, 2017, p. 75). Chuang (2006, p. 140) convincingly concludes that the “problem of trafficking begins not with the traffickers themselves, but with the conditions that caused their victims to migrate under circumstances rendering them vulnerable to exploitation.” It would thus stand to reason that anti-trafficking policy should aim to ease those initial circumstances and make migration less risky; unfortunately, this has not been a widely adopted strategy.

Rather than recognizing barriers to migration as a factor which heightens risks of trafficking, policymakers have largely adopted policies that restrict immigration as ‘anti-trafficking’ strategies. As Berman (2003) found, anti-trafficking policy has been and continues to be used in some countries as a means of controlling migration and securing borders. Historically and currently, repatriation and strict immigration controls have been purported to be effective deterrents for trafficking, without much evidence to support this claim. Though not always overtly so, racial, gendered, and class biases have been used to justify this approach. As early as 1927, the League of Nations was “disposed to think that stricter [immigration] measures, have produced a marked effect both in the extent and character of the traffic” in women and children (LON, 1927, p. 2). In actuality, anti-immigration policies constrict legal opportunities of prospective migrants to move and even erects physical barriers that may encourage individuals to seek extra-legal help. This means that, when trafficked, victims are often unwilling or unable to seek or obtain police assistance or legal support as they are deemed illegal immigrants and thus

likely to be treated as criminals themselves. No exception to the rule, Japan, which has historically exhibited strong anti-immigration sentiments, has looked to tough immigration controls as a solution, and victims have suffered from it.

A “Women’s Issue”

Historically and officially, matters of sex and gender have often been and still are interpreted and handled as *women’s* issues. The exclusion of men, as both victims and buyers, from the discussion when it comes to the sex trade is glaring and recurring, with strong historical precedents. Prostitution and sex trafficking have notably been dealt with as though exclusively affecting – and by extension seemingly affected by – women and children. The International Organization for Migration’s (IOM) Counter-Trafficking Data Collaborative (CTDC) estimates about 70% of human trafficking victims are female (IOM, 2021b) and the estimated percentage of female victims of sexual exploitation runs as high as 93% (IOM, 2021a).⁴ While these statistics may support the idea that treating human trafficking, and sexual exploitation in particular, as a women’s issue is an appropriate approach, it has, in fact, proven harmful on multiple levels. Notably, making the sex trade a women’s issue seemingly excludes men from the problem. However, men make up the greatest part of the demand for trafficked labor and sex services, and their inclusion will be integral to an effective anti-trafficking strategy. In Japan in

⁴ The CTDC’s breakdown for 2017 has women (65%) and girls (28%) making up 93% of victims of sexual exploitation, with men making up 4% and boys 3% of victims. Similarly, UNODC (2022, Infographic 4) reports the gender breakdown for detected sex trafficking victims as 64% women, 27% girls, 5% boys, and 4% men. Some figures run even higher, with the ILO & Walk Free Foundation (2017, p. 11) estimating up to 99% of victims of sexual exploitation are women and girls, though in a more recent publication, the ILO seemed to revise these figures, finding instead that “nearly four out of every five of those trapped in forced commercial [sexual] exploitation are girls or women” (ILO, Walk Free, & IOM, 2022, p. 45).

particular, men's frequenting of the sex industry is commonplace,⁵ with some data indicating that "approximately 40% of [Japanese] men have paid for sexual services;" yet a majority of surveyed respondents (57.5%) did not know about human trafficking (Otsuki & Hatano, 2009, pp. 50-51). The absence of a demand-oriented approach to anti-trafficking reforms and measures is harmful and shifts blame away from men—the most prolific buyers of sex, and thus of trafficked labor. Putting men back into the (anti-)trafficking narrative will therefore prove instrumental in the formulation of adequate demand-side solutions.

Fundamentally, crafting sexual exploitation in general as a women's problem ostracizes and ignores male victims, such that acknowledgment of male victimization is severely lacking. It is likely the extent of male sex trafficking is underestimated, as cultural and institutional hurdles aggravate issues of underreporting for men and boys. Indeed, the IOM (2021b) has found that, over time, a higher percentage of male victims of trafficking has been identified. Among the shortcomings and harms that have resulted from treating sex trafficking as a women's issue, then, is the persistent absence of recourse and aid for men and boys who have been sexually trafficked. A frequent indication of the disregard for male victims lies in the common habit of mentioning boys and men as victims of trafficking as a kind of afterthought or side-note.⁶

To date, there has been little contestation of the categorization of trafficking as a women's issue. This exclusion is embedded in the very names of anti-trafficking treaties, with the early 1921 *International Convention of the Suppression of the Traffic in Women and*

⁵ Prostitution enjoys somewhat of a wide degree of social acceptance, with 40% of men and 30% of women having little or no problem with the selling of sexual services and expressing tolerance for strangers purchasing sexual services (men 45.5%, women 26.3%) (Otsuki & Hatano, 2009, pp. 54-55).

⁶ See, e.g., "And Boys, Too." 2013. An ECPAT-USA discussion paper about the lack of recognition of the commercial sexual exploitation of boys in the United States. See also Jody Miller's (2011) "Beach Boys or Sexually Exploited Children" for an incisive discussion of child sex tourism in Sri Lanka in which she explicitly discusses adolescent boys and young men who sell sex.

Children setting the trend. The League of Nations then defined international traffic as the “direct or indirect procurement and transportation for gain to a foreign country of *women and girls* for the sexual gratification of one or more persons” (LON, 1927, p. 1; emphasis added). This exclusive focus on female victims has been widely adopted globally and has been maintained in Japanese domestic policy too. Notably, the 1956 *Prostitution Prevention Law*, as will be explored below, in essence identified women who sell sex, rather than prostitution’s clients, as the problem. It remains the law of the land, and in making victims of the sex trade more vulnerable and invisible, it has complicated later efforts at tackling sex trafficking.

Today’s main anti-trafficking treaty, the 2000 Palermo Protocol, has continued this problematic practice, as its full name plainly indicates: *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Of course, the problem goes beyond mere titles, as the policies’ names reflect the contents thereof, and are indicative of the approach generally adopted in dealing with trafficking. In addition to labeling sexual exploitation a women’s issue, sex trafficking policy often employs the “womenandchildren” or “womenandgirls” discourse, which, among other issues, tends to infantilize adult women; more broadly, sex trafficking frameworks tend to deny women and children’s “capacity for autonomy and agency” which often results in oppressive interventions (Miller, 2011, p. 486). Notably, the human trafficking definition employed by the Palermo Protocol supports “a politically conservative agenda on migration and trafficking in human beings, with a patriarchal emphasis placed on women and children[, which] has enabled the revival of anti-prostitution movements” (Cojocar, 2015, p. 183). Sally Engle Merry (2016, p. 120) corroborates this claim, noting that the Palermo Protocol “continually stresses the vulnerability of the victims of trafficking, portrayed repeatedly as ‘women and girls’, [denying] the possibility of their consent or agency.”

In sum, in interpreting and handling sex trafficking and sex work as women's issues, the official discourse has perpetuated harmful rhetoric which has had nefarious repercussions on anti-sex trafficking efforts.

Prostitution and the Japanese State Throughout History

The world's so-called oldest profession has always held an important place in society. Whether widely condemned and prohibited, or accepted and regulated, prostitution has oft been a concern of the state and society at large; it has gone (and goes) hand-in-hand with expansionism and military conquests, and serves as a microcosm of the many ways in which control over and violence against women are perpetuated. Sex work thus offers an underappreciated lens through which to analyze such diverse matters as gender relations, military cultures and institutions, as well as the (unintended) consequences of legislation. Although prostitution and sex trafficking are not equivalent,⁷ there are two principal reasons for examining the broader history of prostitution in trying to understand the shortcomings of modern-day anti-trafficking policies. First, understanding how sex-related legislation has historically been conceived, laying bare the underlying ideals which affect the formulation and application of the law, can be instrumental in perceiving the continued influence of misguided or ineffectual conceptions of regulation and criminalization. Second, because both sex work and sex trafficking involve sexual labor, prostitution history and legislation influence trafficking sexscapes. Investigating the historical

⁷ Recall from the Dissertation Introduction that, in this work, 'sex trade' is employed as an umbrella term to broadly refer to the many forms of sexual labor which people engage in, either willingly or unwillingly. 'Commercial sex' and the 'sex industry' broadly refer to any acts or businesses, respectively, in which sexual labor is compensated in some way, whereas 'prostitution' refers specifically to the exchange of some form of compensation for sex. 'Sex work' involves two or more *consenting* adults. 'Sex trafficking' involves the utilization of coercive means to exercise control over another person in order to sexually exploit them for a profit or other forms of gain. Prostitution is not here considered synonymous with sex trafficking.

configurations of Japan's sexscapes serves to establish a historical tendency to treat women as second-class citizens and, especially, to show the nature of the commodification of women's bodies and policing thereof so as to establish historical (dis)continuities between past and present systems of sexual labor and exploitation.

The Licensed Prostitution System & The Protection of Public Morals and Hygiene

Japan's system of state-supported licensed prostitution thrived for centuries, and though it morphed in tandem with historical changes (e.g., Western influence in the Meiji era⁸), it remained, first and foremost, a method of policing women's bodies which also dehumanized the women who worked in it. Their mobility was tightly constricted, as "prostitutes could neither work nor live outside the brothels," leading the Nagoya District Court to conclude in 1900 that "there is scarcely [any] difference between their treatment and that accorded to convicts" (Garon, 1993, p. 713).⁹ Prostitutes came from the poorest social strata and regions in Japan, and were often indentured to their brothel owners, having been sold into prostitution by their families who received advance payments in return, which their daughters were then responsible for paying back through their sexual labor.¹⁰ Dutiful daughter myths supported the idea that these girls and women had a responsibility to their families that warranted their exploitation. Women's sexuality was to be used within strict confines, however, and as such the licensed prostitution system was predicated on employing women with no other alternatives. Sexually liberated women (with income to boot) would pose a threat to the established gender order, and so it is not surprising that "the Home Ministry did not permit applicants to become prostitutes unless they listed

⁸ See, e.g., Fujime 1997

⁹ Ruling of May 21, 1900, translated in U. G. Murphy, *The Social Evil in Japan and Allied Subjects*, 3d edn. rev. ([Tokyo], 1908), 142.

¹⁰ See, e.g., Douglas Howland's (2013) "The Maria Luz Incident" in *Gender and Law in the Japanese Imperium*, especially pp. 32-33.

poverty as the reason,” and though it is likely that some women entered the sex trade because they wished to, it is telling that *officially* this would not have been tolerated (Garon, 1993, p. 715). Being a prostitute *was* considered disgraceful work, but ideas about innate lust and male sexual needs justified the system’s existence and, of course, absolved male customers.

Proponents of the licensed prostitution system viewed it as necessary to regulate public morals and maintain public hygiene, with Japanese officials designating vice districts as “a ‘breakwater’ or ‘public latrine,’ protecting society and the ‘daughters of good families’ from foulness” (Garon, 1993, p. 721). This highlights the male-driven tendency to pit femininities against each other, all while subordinating them to masculinities.¹¹ Men were free to engage in sexual pursuits and infidelities as they pleased, ‘good’ girls and women were chaste and pure, poor girls and women forced into prostitution remained acceptable so long as they lived on the margins of society, but any woman who purported to *want* to engage in sexual labor fell outside the bounds of propriety and acceptable femininity. The government thus purposefully kept out women who might have wanted to be involved in sex work since it sought to maintain ideals of purity; as such, daughters engaging in the sex trade out of filial piety for their impoverished families was the only acceptable reason for engaging in prostitution. The lives of poor women were expendable in the name of the greater good.

Karayuki-san: “In-Group” Classism & “Out-Group” Racism

Beyond illustrating the Japanese state’s use of women’s sexual labor as a soft power tool deployed towards gaining international influence and economic advancement,¹² the *karayuki-*

¹¹ As noted in the Dissertation Introduction, masculinities are “the variety of gendered ideas about how men should think and behave,” while femininities are the “variety of ways to imagine how girls and women think and behave—or *should* think and behave” (Enloe, 2016, pp. 16-17).

¹² Refer to Chapter 1.

*san*¹³ trade also highlights the racist character of Japan's expansionism and the various ways women were hierarchized and instrumentalized to serve state aims. As noted in Chapter 1, the League of Nations found that, by 1933, Japanese prostitutes' clientele had become racially restrictive to their own countrymen, unlike earlier Japanese prostitutes who had catered to all nationalities (LON, 1933a, p. 68). This was a result of the government's growing opposition to Japanese women servicing 'inferior' foreigners as the country's racism expanded in tandem with its territorial gains. Japanese masculinity was fundamentally premised upon ideas of racial superiority to other Asians, and tainted by fears and insecurities of inferiority to white Westerners.

The increasingly racialized expansionist militarism of interwar Japan was thus reflected in its sex-related policies and legislation (e.g., the repatriation of prostitutes mentioned in Chapter 1, such that the number of prostitutes abroad dwindled to be just sufficient enough to cater to "an almost exclusive demand by Japanese men" [LON, 1933a, p.69]). By the 1930s, Japanese prostitutes were found "outside their country in appreciable numbers only in those parts of China where there [were] considerable colonies of Japanese," and they had "relations only with Japanese;" more succinctly, prostitutes went abroad for their own countrymen (LON, 1933a, p. 22). The Japanese government and people's "determined opposition...to prostitutes plying their trade in foreign countries and receiving clients of foreign nationalities" was limited to this racist framework (LON, 1933a, p. 70). Japanese residents abroad and officials generally objected to "the spectacle of Japanese prostitutes catering for men of other races," *not* to

¹³ Not all *karayuki-san* were sexually trafficked. Often, however, even if they knew the nature of the labor they were to engage in was sexual, they were not aware of the inmate-like conditions under which they would live. It was possible, therefore, for *karayuki-san* to have been trafficked either from the start of their journey or later on. As mentioned in Chapter 1, agency and victimization are not dichotomous, and neither are the categories of sex worker and sex trafficking victims.

prostitution (LON, 1933a, p. 70). In fact, demand by Japanese men living abroad for Japanese prostitutes constituted a source of continued migration and trafficking of Japanese women for the sex trade.

In sustaining the demand for sex services, and in creating the necessary conditions for this exploitation to carry on largely unimpeded, or even formally assisted,¹⁴ Japanese men and the government continued to prey on lower class Japanese women. As the League of Nations' (1933, p. 77; emphasis added) report summarizes,

the majority of Japanese prostitutes are drawn from the families of poor and ignorant agricultural workers. Although the business of providing recruits for the brothels is strictly supervised and the safeguarding of the *inmates* well organised, there is no doubt that, in the majority of cases, the willingness of those recruits to enter the life of prostitution and the acquiescence of their parents or guardians are won by highly-coloured pictures of a gay and easy existence. Naturally, the farther away the place of destination, the more enticing is the picture that can be drawn by the unscrupulous trafficker.

Class differences, especially as they are borne out in financial and educational means, constitute an important aspect of the sex trade.¹⁵ Individuals with fewer means face heightened risks of exploitation, including sex trafficking.¹⁶ It is interesting to contrast the Japanese government's largely successful efforts to cease racial intermixing with its utter disregard and even active support for the exploitation of poor, un(der)educated Japanese women. If nothing else, this

¹⁴ "The recruitment of Japanese prostitutes for places in China is also effected through employment agencies...The agent who procures these girls therefore does not need to make use of illegal or secret methods. He is carrying on a legitimate business if not a savoury one" (LON, 1933a, p. 75).

¹⁵ The League of Nations identified financial necessity as a primary driver for prostitution: "The system on which the recruitment of Japanese women for prostitution is based in general meets the desire for relief from financial stress which, as everywhere else, drives women into that profession" (LON, 1933a, p.72).

¹⁶ This is still the case today. For instance, Marcela Loaiza, a Colombian national born in 1978, was sexually trafficked in Japan; her financial situation made her vulnerable to trafficking. As she recounts, "At the age of 17 I became a single mother and even though I worked several jobs to make ends meet, my circumstances made me a perfect target for human traffickers. When my child needed hospital treatment a man loaned me the money to pay the bill and then offered me a job as a professional dancer in Japan. However, once I arrived in Japan my passport was taken away and I was told I would have to pay back \$50,000 by becoming a prostitute before I would be released. For 18 months I was forced to work as a prostitute in Japan" (UNODC, IMO, & UNICEF, 2017, p.1).

discrepancy highlights that what the government lacked most, unlike most victims of trafficking, was not means, but will.

Rather than prostitution, it was the idea of Japanese women selling sex to racial *others* that grew to be seen as shameful and even threatening. As Lu (2016, p. 850) writes, the “shame” prostitutes were accused of bearing stemmed “from a refusal to be racially grouped with other inferior Asians,” it was the “result of anxiety over the constantly fluid boundaries between the civilized/uncivilized and rulers/ruled in Japan’s imperial expansion.” For instance, the Moral Reform Society (cited in Fujime, 1997, p. 156) decreed that “The Japanese Empire, which reigns supreme in the Orient with a powerful army and wealth, and further has been enthroned in the world, has had its nation’s flag sullied” by prostitutes’ racial intermingling. Fundamentally, the issue lay in that Japanese prostitutes’ selling of sex to non-Japanese men impeded the construction of a superior sense of race which, in turn, hindered the legitimacy of a Japanese empire whose colonial rule was founded on ideas of racial supremacy. Where Japan’s international reputation was concerned, the supposed shame “of overseas prostitution came from the harm it caused the representation of Japanese masculinity and racial progress” as these women “degraded their human value by taking the barbarous men of ‘inferior races’ as their customers” (Lu, 2016, p. 849).

It is interesting to note this emphasis placed on prostitutes’ ability to detract from the national pursuit of status. Such women were disempowered and disenfranchised, among the poorest and most vulnerable members of Japanese society, yet they were somehow seen as representing a serious threat whose mere profession jeopardized the country’s reputation. The displacement of responsibility from the elite to those with little concrete power and influence is a prevalent historical trend. The concept of national shame is particularly relevant in this case—it

is not the state's inability to provide so-called 'respectable' jobs and security to all its citizens which is deemed shameful, but rather the women themselves who purportedly bring shame upon the nation through their work in the sex trade – even though the decision to work in prostitution was often taken out of necessity and in the absence of viable alternatives,¹⁷ and coercive recruiting practices were common as well. Regardless of the hypocrisy and irony behind these ideas and conceptualizations of national shame, they are deeply entrenched and have proven impactful.

Although prostitutes were considered among the lowest classes of women, masculinist ideas about womanhood proved restrictive beyond the confines of brothels. When Lu (2016, p. 849) notes that *Karayuki-san* were seen to be sabotaging “the imagined superiority of Japanese national morality in which female chastity was a crucial principle,” the utilization of womanhood as a nationalist construct is apparent, whereby ‘good’ women – again, as a vulnerable and disempowered class themselves – are purported to carry the weight of national pride on their shoulders and thus expected to adhere to very narrow standards of behavior which usually constrict their freedoms and flatten all women into one (or two) politically-useful mold(s). All Japanese women, not just prostitutes, were subjugated by the ideals of the state, their freedom to move, behave, and act constricted by tight social norms and strict rules. Wives were designated as responsible for maintaining the family's honor, stability, and discipline, expected to tolerate husbands' infidelities while reigning in their own sexuality. Wives, mothers, and daughters of ‘good families’ were thus instrumentalized in different ways, viewed as protecting the purity of

¹⁷ Poverty frequently drives individuals into the sex trade. In one case in Hokkaido, “from the beginning of 1955 nearly sixty wives and daughters were confronted with the unavoidable choice between prostitution and starvation owing to layoffs and nonpayment of wages” (Shiga-Fujime & Findlay-Kaneko, 1993, p. 7).

the Japanese race¹⁸ and safeguarding the morals of society, while being treated as second-class citizens nonetheless. War intensified such ideas, reinforcing a gendered separation of roles and duties, and exacerbating the exploitation of lower-class Japanese women and of racialized ‘others.’ Indeed, expansionism rooted in racism proved disastrous during Japan’s 20th century military conquests when Japanese officials sanctioned and propagated the forced prostitution of an estimated 50,000 to 200,000 women in so-called ‘comfort stations.’

The Comfort Women: “Othered” Victims

Exploitative systems are not created in vacuums, and the ongoing sexual exploitation of certain classes of foreigners in Japan is rooted, in some ways, in prior racist and sexist practices and structures; as such, it is important to reiterate the significance of the othering underlying the comfort women system. Broadly, war serves to strengthen “the sense that women are property, as well as symbols of national victory” (Higonnet & Higonnet, 1987, p. 37), and wartime Japan exemplified this tendency. Over the course of the Second Sino-Japanese War and the Second World War, the Imperial Japanese Army, with direct support from the government at home, kidnapped and sexually enslaved women and girls into a system of prostitution known as ‘comfort stations’ across occupied territories and conquered countries.

The objectification and instrumentalization¹⁹ of women were a blatant fact of the comfort station system—men prostituted women with little to no care for the latter’s situation, whether they were “pregnant,” “seriously and obviously injured,” or “living in inhuman conditions” (Norma, 2016, p. 128). As one teenaged Taiwanese victim of the comfort stations interviewed in

¹⁸ Ironically, in some ways, the Japanese prostitute could also be seen as having ensured the purity of the Japanese race by selling sex to her own countrymen abroad such that they did not “have to” rely on foreign sex workers.

¹⁹ Objectification leading women to be perceived as little more than tools for sexual release rather than human beings being violated. Instrumentalization in using women as symbols of victory or purity in the context of war and conquest.

1996 reported, she had been told by Japanese police that she “would be preparing meals and mending torn clothes for the soldiers,” which she did throughout the day, but she was also prostituted “at night, I died...I wished to flee, but [i]f you fled, you would be shot...I had a miscarriage” (The Asian Women’s Fund, 2024). Racist prejudices also characterized the comfort system. As Tanaka (2001, p. 5) explains, “Sexual abuse of the bodies of women belonging to the conquered nation symbolizes the dominance of the conquerors. This helps us to understand why the majority of comfort women were from Korea.”

Although most victims were Korean women, the Japanese army captured women for their brothels everywhere they settled.²⁰ In her autobiography, *Comfort Woman: A Filipina’s Story of Prostitution and Slavery under the Japanese Military*, Maria Rose Henson (1999, p. 43) tells of her experiences being repeatedly raped by soldiers; attesting to the lack of concern for comfort women’s health, she recounts “I became very ill...But no matter how weak I was, the soldiers continued to rape me.” Such testimonies of this system of mass rape abound. Kimiko Haneda, who was forced to serve as a comfort woman in China as a teenager, reveals that “When the soldiers came back from the battlefields, as many as 20 men would come to my room from early morning” (testimony from 1998; The Asian Women’s Fund, 2024). The gendered lens through which forced prostitution was viewed is made clear when one considers that the term ‘*comfort*’ is entirely predicated on the “male experience of prostitution as delivering some kind of bodily or psychological reassurance” which ignores “women’s experience of physical and psychological harm” (Norma, 2016, p. 18).

²⁰ As mentioned in Chapter 1, Japanese prostitutes, who had typically been conscripted into civilian prostitution prior to the war, were also brought to service higher-ranking soldiers and officers on the warfront as comfort women.

Conceptions of femininity worked to reinforce the prevalence and frequency of “acts of callousness and brutality” against prostituted women, while conceptions of masculinity conversely shaped the system, entrenching and reaffirming the idea that men have a right to women’s bodies, and that sexual release is an imperative in wartime. Although cults of masculinity, militarism, and the wartime psychological stresses which help propagate rape as commonplace on the battlefield are by no means unique to Japan,²¹ the Japanese system of forced prostitution in the Second World War developed in distinctive and extreme ways. The linking of sexual domination/violation with national victory and racial superiority helps explain why patronization of the comfort system was sometimes forcefully enforced by superior officers, fueling the hypermasculinization of Japanese soldiers and inculcating “subordinates with practices of prostitution” (Norma, 2016, p. 126). Moreover, the dehumanization of foreign women, and of Japanese prostitutes as well,²² was integral to the creation and propagation of the comfort women system. Arguments which had been used to defend civilian licensed prostitution in peacetime – notably that it served a protective function for the health and morals of society, in the name of which some women must be sacrificed – were reiterated and exacerbated in wartime. Indeed, Tanaka (2001, p. 3; emphasis added) notes that “Japan’s military leaders organized the comfort women system based on the conviction that they were protecting the moral and physical character of their troops, and protecting Asian civilians too. They regarded the system as a

²¹ In most cases, “The conquest of another race and colonization of its people often produce the de-masculinization and feminization of the colonized” (Tanaka, 2001, p. 5).

²² Social status better explains cases of Japanese victims; Japanese prostitutes were seen as necessary but were looked down upon and constructed as a sub-class perceived to engage in immoral acts, these women were marginal to Japanese society and deemed expendable. These Japanese women, who had often been pressed into prostitution at home and were subsequently forced into the comfort system, only serviced Japanese men (usually officers), so their sexual labor represented no threat to national purity. For an in-depth look at the Japanese victims of Japan’s comfort system, see: Norma, C. (2016). *The Japanese Comfort Women and Sexual Slavery During the China and Pacific Wars*. Bloomsbury Academic.

*necessary and effective means of preventing Japanese soldiers from raping civilians and from contracting VD [venereal diseases]”. Yasuji Okamura, a self-proclaimed “initiator of the comfort women project” boasted that thanks to comfort women, “rape crimes totally disappeared, which made me very happy” (Okamura 1970, quoted in Asia Women’s Fund, 2024b). Several underlying central assumptions and distortions are worth highlighting in the idea that the *system of mass rape* that was the comfort system served as a means to *prevent* mass rapes.*

An extreme form of othering must take place to make the inherently contradictory statement above believable.²³ To achieve this, Japanese officials who designed and operated the comfort stations had to somehow designate comfort women as ‘not rapeable.’ This conceptualization was achieved through a variety of othering mechanisms, which allowed Japanese soldiers to remain “oblivious to the irreparable violation of the most fundamental human rights of the comfort women who were [their] victims” (Tanaka, 2001, p. 3). Othering is dehumanizing, and unsurprisingly, the “comfort women were treated as ‘military supplies,’” thus Japanese racial prejudice for other Asians made women from Taiwan, China, Korea, and other places in Southeast Asia “suitable for the role of comfort women” (Tanaka, 2001, p. 31). Henson’s (1999, pp. 38-40) account, among others, reveals how dehumanizing the comfort stations were, noting that soldiers “laughed at us,” that only “twice a week, we were taken out to get some sun,” and that “When the soldiers raped me, I felt like a pig.” Othering based on race evidently played a critical role in dehumanizing the victims. By itself, however, racism is an

²³ In Chapter 3, an additional dimension of this puzzle, the institutionalization of sexual violence, is analyzed.

insufficient explanatory factor given that the mass rape of such racial ‘others’ provided the biggest impetus for the expansion of the comfort station system in the first place.²⁴

In addition to racism, othering premised on misconceptions related to status and profession helped justify the idea that the comfort station system was distinct from the mass rapes perpetrated in Nanjing. Especially relevant is the (sometimes still held) assumption that engaging in sexual acts with prostitutes cannot be ‘rape,’ simply by virtue of the fact that sexual labor is their job. The conscription aspect may also have played a role, separating those women who were forcefully selected to serve in these comfort stations as no-longer civilians. In reality, all it takes for sexual intercourse to qualify as rape is a lack of consent,²⁵ yet drawing these technical distinctions (conscribed prostitute vs. civilian) may have enabled a greater degree of willful ignorance on the part of perpetrators. This willful ignorance rests on various forms of “deliberate not-knowing,” such as wishful thinking which leads to discarding information that “goes against the agents’ interest” (Arfini & Magnani, 2021, p. 4).²⁶ To wit, deliberately discarding information that could undermine the erroneous conviction that sex with comfort women was not rape.²⁷

²⁴ Tanaka explains the “sudden increase in the number of Japanese comfort stations in China was closely related to atrocities that Japanese soldiers committed during the ‘Nanjing Massacre.’[...] The leaders of the Central China Area Army soon recognized the problem of mass rape committed by their soldiers. On December 11, they instructed the commanders of each military contingent to *set up comfort stations in order to prevent further rapes*” (Tanaka, 2001, p. 13; emphasis added).

²⁵ Any form of coerced ‘consent’ is *not* consent. Consent can be withdrawn at any time. Problematically, Japanese law defined the crime of rape as “forcible sexual intercourse” until 2023 when it was revised to “non-consensual sexual intercourse” (Johnson, 2024). In line with arguments made in the previous chapter, it is interesting to note that citizens lobbying for the legal change emphasized that “Japan’s legal system...remains far behind other industrialized countries” (Asahi Shimbun, 2022).

²⁶ In a deplorable continuation of this willful ignorance, Japanese officials, particularly of its conservative ruling party, the Liberal Democratic Party (LDP) largely deny the coercive aspect of the comfort station system. Likely the product of a persistent racially motivated nationalism and entrenched sexism, party members such as Chief Cabinet Secretary (and later Prime Minister) Yoshihide Suga have boldly but falsely claimed that “no evidence was found indicating that women were forcefully taken away” (Prime Minister of Japan and His Cabinet, 2014).

²⁷ Self-deception as a psychological mechanism was probably involved as well. Arfini & Magnani (2021, p. 5) describe three distinct types of self-deception: (a) the intentional holding on to false beliefs because acknowledging

As mentioned in the first chapter, Western authorities elected to pursue legal prosecution only against those who had conscripted European women into the comfort stations; despite having plenty of evidence that Asian women had been similarly exploited (on a much wider scale), their exploitation was not deemed worthy of redress (Tanaka, 2001, p. 83). Beyond the general subordination of women to men, then, this reinforces the existence of racialized hierarchies of femininities, whereby women of some races are seen as worthy of rescue or as deserving justice, while others are not. Far from being a unique byproduct of war or a convenient justification for exploiters, this hierarchy of worth has been and remains sadly pertinent in anti-trafficking efforts. The process of othering based on race, ethnicity, and class or social status remains prevalent (though admittedly in less extreme forms in peacetime), and is at play not just in the sexual exploitation of foreign trafficking victims, but also in the policies that are intended to help address such human rights' violations.

Abolitionism and Othering

The Discriminatory Roots of Japanese Abolitionism

Tracing the history of the licensed prostitution system's backers and detractors reveals several relevant historical tendencies common to both groups. Notably, abolitionists and supporters of licensed prostitution were both guilty of policing women's bodies and commodifying them into instruments of nationalism and empire. Ironically, the abolitionist strand of the anti-trafficking movement can be accused of similar classist, racist, and sexist patterns of discrimination as the individuals and entities which directly traffic, or support the

the truth would prove too painful; (b) deluding oneself into believing "something false because they have a desire that trumps epistemic reasons to believe otherwise. In this case, they do not know they hold a false belief;" (c) and lastly people may "shift between believing a certain painful proposition to be true and a condition of self-delusion, in which they believe that proposition is false."

trade in, human beings. Rather than a primary concern for women, abolitionists mainly appear to dislike a particular brand of femininity,²⁸ and to be primarily driven by the desire to exercise control over women—in Japan’s case, by upholding a moralistic feminine ideal. An inherently classist movement, it has tended to assign greater worth to the lives and values of upper- and middle-class women while looking down on poor women engaged in prostitution.²⁹

Japanese abolitionists constructed their arguments against the licensed prostitution system in gendered, nationalistic terms. From its inception, Japan’s abolitionist movement generally looked down upon prostitutes, even resorting to appeals to the state³⁰ and reliance on its support to achieve limited gains. Examining the abolitionist movement reveals the way classed hierarchies of femininities competed, resulting in different forms and degrees of harm being perpetrated against various Japanese women.³¹ It further highlights the tendency of groups in places of authority, such as state and abolitionist organizations, to (1) subsume women’s interests and well-being to other—state or moralist—goals, (2) to subjugate and justify the ensuing exploitation of certain classes of women, and (3) to enshrine generally sexist ideals into policy.

²⁸ Shikin Shimizu, a women’s rights advocate and member of the Japanese Women’s Christian Temperance Union, “claimed that prostitutes were ‘the most foul of all women’” (quoted in Fujime, 1997, p. 156).

²⁹ For instance, in a February 1911 publication of the abolitionist magazine *Kakusei* (Purity), abolitionists argued that “Middle- and upper-class women, even as they complain about the difficult times they are forced to endure by not becoming prostitutes, engage in other kinds of work. The work of prostitution is vulgar, shameful work, and from the standpoint of morality, prostitution is an idea that should be considered a criminal vice” (quoted in Fujime, 1997, p. 155). Thus, clear class distinctions are drawn along the lines of morality, and even when they acknowledged financial considerations as pushing women into prostitution, abolitionists nonetheless persisted in viewing it as a moral failing which should be criminalized by the state.

³⁰ The state, it should be recalled, *directly* supported organized prostitution.

³¹ Abolitionists were so loath to associate their version of Japanese femininity with prostitution that some even claimed “people engaged in businesses such as brothels are from a completely different race than Japanese people” (April 1912 issue of *Kakusei*, quoted in Fujime, 1997, p. 155).

Early abolitionists may at first glance seem to have had prostitutes' best interests at heart,³² as they likened licensed prostitution to slavery and were "most offended...that the state lent its police powers to brothel keepers to suppress" the civil liberties normally granted to Japanese subjects (Garon, 1993, p. 719). However, theirs was an attempt to reform sexual mores along strict Christian norms and they relegated "prostitutes to a degrading position," viewing them as "immoral for engaging in sexual activity outside of marriage"³³ (Fujime, 1997, p. 137). It is therefore unsurprising that abolitionist "campaigns in the late nineteenth century were male dominated and that the anti-prostitution movement was led in large part by male activists advocating female chastity and women's domestic responsibility" (Lu, 2016, p. 842). Neither supporters nor detractors of licensed prostitution concerned themselves much with the well-being of the women working in the sex trade, often having been trafficked or forced into it by circumstances (e.g., poverty, family debt). In fact, the tendency to blame women for men's actions or for the outcomes thereof was upheld by the abolitionists. For instance, the Tokyo Women's Christian Temperance Union deemed that by "becoming 'playthings of men,' prostitutes and concubines unwittingly contributed to the overall 'denigration of women'" (Garon, 1993, p. 720). Such statements failed to acknowledge the power differential underlying the system of sexual labor, underplayed the centrality of the circumstances which often led Japanese women into a life of prostitution, and once again shifted the burden of responsibility onto victims rather than perpetrators of trafficking and other forms of coercive sexual labor.

³² Indeed, the League of Nations' 1933 report claims "Japanese society is well aware of the unselfish motives which in many cases prompt girls to take up the life of prostitution, and the attitude towards prostitutes personally is influenced in their favour by this consideration. Amongst the Japanese, both in China and in the mother country, public opinion is more and more concerned with the social aspect of recourse by parents to such filial sacrifice and, indeed, the social danger of the system of licensed brothels in general" (LON, 1933a, p. 73).

³³ Note that middle class abolitionists relied on heavily misogynistic blame tactics that viewed prostitutes as responsible for their husbands' infidelities.

Interestingly, both supporters³⁴ and detractors of Japan's licensed prostitution system managed to fit race into their respective arguments, and abolitionism started as a highly racialized movement. From the outset, the denunciation of Japanese prostitution abroad was grounded in a concern that "overseas prostitutes blemished the reputation of the Japanese empire and the Yamato race" (Lu, 2016, p. 840).³⁵ Womanhood as a nationalist construct was put to work in abolitionists' favor. In particular, chastity of the nation's women as a proxy for national purity has long been upheld as a moral criterion of 'civilized'³⁶ nations, and "Social reformists' anti-prostitution campaigns were driven by their desire to establish a civilized empire and cultivate a progressive Japanese racial self" (Lu, 2016, pp. 841-42). Though initially unsuccessful, these racialized anti-prostitution campaigns proved a good match with the imperial government's expansionist character in the 1930s. The abolitionist movement would thus reshape itself to fit this more nationalistic mold, transforming itself into "the national purity campaign in the 1930s, which tolerated licensed prostitution and manipulated sexual morality to support Japan's imperial expansion" (Lu, 2016, p. 841).

The interests of reformers and state officials proved compatible especially because both viewed unlicensed prostitution as a threat that warranted joining forces in the 1930s. This was largely an outcome of the growth of café culture and clandestine prostitution, which, contrary to the licensed system, did not lend themselves well to the control and policing of women's

³⁴ Supporters of licensed and overseas prostitution viewed *karayuki-san* as enhancing "Japanese overseas expansion by meeting the sexual needs of Japanese single male migrants" and promoting domestic economic growth through remittances (Lu, 2016, pp. 842-43).

³⁵ *Karayuki-san* were deemed by the Moral Reform Society to be "disgracing Japan," and argued that, for the sake of the Japanese empire, "the nation must make it so that these sorts of evil women are not sent away from Japan (December 1911 issue of *Kakusei*, cited in Fujime, 1977, pp. 156-57).

³⁶ The wife of Lower House Representative Saburō Shimada, a leader of the abolitionist movement, claimed that the existence of prostitution was a disgrace to her sex: "Those who are in the prostitution trade always appear in public and freely associate with upstanding citizens. This does not exist in a civilized society" (from the December 1911 issue of *Kakusei*, referenced in Fujime, 1977, p. 156).

sexuality.³⁷ The ultimate goal of abolitionists was “neither a more humane licensed system nor the liberation of women from sexual double standards but rather the ‘rectification of morals’” (Garon, 1993, p. 731). A fact made obvious when the abolitionist movement, which had once nominally stood for greater rights and freedom, applauded and demanded greater suppression when faced with liberalized morals and the seeming threat of ‘loose’ women (Garon, 1993, p. 728). Thus it was that the state, with an eye to its great power pursuits, allied with both social reformers and brothel-owners in regulating public mores and the sex industry, with the Japanese government endorsing licensed prostitution at home and in its colonies while condemning it in foreign territories, where it might stain the country’s image. These misguided and discriminatory foundations would prove lasting as the fight for a prostitution ban in the 1950s demonstrated.

Post-War Abolitionism: Competing Femininities, Masculinized Interests, and the State

The *Prostitution Prevention Law* of 1956 very obviously illustrates the cosmetic-only approach to sex legislation, along with the class and gender biases that often dictate the shape of sex-related laws and policies. The 1956 law provides an important precedent reflective of the tendency for sex-related legislation to be divorced from the interests of those it is meant to serve. Not only was it eventually passed mainly thanks to reformers’ appeals for enhanced international status and influence,³⁸ but even the reformers’ own initial goals were largely misguided. The women and men who supported the ban on prostitution did so from a place of privilege. As Sayo

³⁷ According to Sheldon Garon (1993, p. 727): “the rise of cafes and dance halls constituted a bolder threat to the Japanese state and society. Most Japanese considered sexuality in the licensed quarters...to be traditionally Japanese, aesthetic, and for the sole pleasure of males. Cafes and dance halls, on the other hand, were associated with modernism, individualism, and Western-style romantic relations between the sexes. The sexuality of waitresses could not be easily managed. In contrast to the filial daughters who became licensed prostitutes for reasons of poverty... many waitresses chose their own jobs, concluded contracts directly with employers, and ‘abandoned themselves’ to ‘the pursuit of pleasure’.”

³⁸ Refer to Chapter 1.

Masuda (2003, pp. 158-59), who worked as a prostitute, rhetorically asked, “among those making the laws, were there any women like us, who couldn’t have survived if they hadn’t prostituted themselves?...Nobody becomes a prostitute because she enjoys it,” she further argued; “It’s human instinct, is it not, to fill your belly when you’re hungry, even if you have to steal to do it? Just passing laws banning prostitution isn’t going to accomplish anything.” Echoing this sentiment, another woman in prostitution wrote in 1955, “We are human beings, feed us! Even though we are in dire straits, our voices go unheard. We are about to be made enemies of the law and of the police for the simple reason that we are living our lives here in this way” (from the July 15, 1955 issue of *Fujin shinpū*, quoted in Shiga-Fujime & Findlay-Kaneko, 1993, p. 18). Abolitionists tend to view all sex work as infringing upon women’s human rights, such that, in their eyes, “the abolition of licensed prostitution and the criminalization of the sex industry constitute liberation and progress” (Rowley, 2002, p. 39). As intuitively benign as this might seem, such policies may not have been as well-intentioned as expected.

Indeed, the human dignity that concerned abolitionists was rather restrictive. Ichiko Kamichika, the most influential leader of the anti-prostitution movement in the Diet in the 1950s, made obvious her concern was for middle-class married women and not with the poor women the law would mainly affect when she opined: “We have no choice but to punish the 500,000 some prostitutes in order to protect the way of life of 40 million respectable married women” (Kamichika, 1956, p. 107).³⁹ This type of reasoning is an interesting echo of earlier *proponents* of the licensed prostitution system who claimed, “The State’s objectives are to maintain order and improve the welfare of the greatest number, and if the interests of a few [women] must be sacrificed, this is truly inevitable” (Garon, 1993, p. 723). The continuity in this type of discourse

³⁹ Cited in and translated by G.G. Rowley (2002, p. 47).

highlights the unchanging tendency to deem some women worthy (middle class housewives who represent the dominant values of influential members of society), while casting others (poor, engaging in activities deemed improper) as a stain on womanhood and the nation.⁴⁰ The well-being of the latter does not factor much in abolitionists' considerations. Broadly, this once again illustrates the pitting of acceptable and respectable forms of femininities against that associated with sex workers. It should thus come as no surprise that the prostitutes affected by abolition and criminalization seldom support such policies, as was the case with Japanese sex workers. Confronted by the anti-prostitution movement in the post-WWII era, they "formed a union, published a newspaper, held meetings, collected signatures" in hopes that prostitution would "remain a legal option for women" (Rowley, 2002, p. 39). Unsuccessful in their endeavor, these women were angered by the law and its hypocrisy.

As Masuda Sayo, a former geisha, wrote in her autobiography, "Prostitution isn't something that will simply disappear just because you've passed a law against it...even if prostitution is prohibited, those women will have nowhere else to go; they're at their wit's end" (Masuda, 2003, p. 158). Much as their predecessors had done, members of the Diet who supported the law looked down upon prostitutes, failing to take into account the circumstances these women faced and ignoring or outright dismissing their voices, claiming they were "'liars' who cried poverty in order to win sympathy and to excuse their 'vanity' and 'curiosity'" (Rowley, 2002, p. 44). Aiming to counter this narrative, prostitutes published their stories in their union newspaper in an attempt to demonstrate that poverty often forced them into prostitution as a matter of last resort. One woman complained that "the thing I had turned to as a last-ditch

⁴⁰ For instance, the JWCTU argued that "Not only did [Japanese women working as prostitutes abroad] defile their souls and ruin their bodies by selling sex, but they also covered in mud the dignity of Japanese womanhood...the almost 'slave-like' existence of the Japanese women working in brothels sabotaged Japan's standing vis-à-vis other 'advanced' nations" (Mihalopoulos, 2009, p. 32).

effort for survival is going to be taken away,” and plainly explained, “we’ll have to break the law...so we can continue to live” (Shiga-Fujime & Findlay-Kaneko, 1993, p. 23). Yet the law passed without providing a satisfactory answer to the main concern sex workers faced now that their trade had been criminalized: “How, pray tell, are we supposed to survive?” (Rowley, 2002, p. 50). Lawmakers did *not* include provisions in the law that would compensate for prostitutes’ loss of income. Unsurprisingly then, the answer they typically supplied for themselves was to continue to work in the sex industry, but since their work was now criminalized, many “disappeared into the dark world controlled by the very back street bosses and pimps they had feared the most, their freedoms severely restricted” (Shiga-Fujime & Findlay-Kaneko, 1993, p. 24).

Abolitionists were only partly successful in their criminalization efforts. Although the legal code was amended to technically outlaw prostitution, the final version of the bill which the Diet ratified in 1956 was less a morally-driven attempt to eradicate prostitution and more a male-driven exercise in protecting customers’ access to sex services while pinning the responsibility for the “crime” on women. Moralistic language did make it into the law which states that prostitution is harmful to human dignity and runs counter to proper sexual morals (Anti-Prostitution Act, 1956, Art. 1), but the narrow definition of prostitution – compensated vaginal intercourse with unspecified persons – ensures continued legal access to any sexual act that is not penetrative heterosexual sex with a stranger (Art. 2).⁴¹ This has led to the expansion of a multi-billion dollar, thriving sex industry, leading the ILO to conclude that, though nominally illegal,

⁴¹ It also leads to a common practice of clients and sex workers first sharing a drink, so that they become ‘acquainted,’ and as such are no longer deemed strangers, and therefore not in violation of the law.

prostitution continues to be “tolerated and largely provided in ‘restricted sex-related businesses’” (ILO, 2005, p. 38).

Throughout the law, prostitutes are primarily identified as girls (女子, *joshi*⁴²) which reflects both the inherent sexism in the law and the infantilization of sex workers. This is not too surprising given prevailing attitudes towards women among men, and towards sex workers among abolitionists who “tended to regard prostitutes as stupid women with no self-esteem who allowed themselves to be exploited” (Shiga-Fujime & Findlay-Kaneko, 1993, p. 18). While Article 3 (Anti-Prostitution Act, 1956) seemingly recognizes that men can also be prostitutes, as it states, “No *person* shall engage in prostitution or be a party to prostitution,” multiple articles pertain narrowly and explicitly to ‘girls’. The very first article of the Prostitution Prevention Law, for instance, designates girls as needing protection and rehabilitation (Anti-Prostitution Act, 1956, Art. 1). The emphasis on the need to rehabilitate girls who engage, or are likely to engage, in prostitution, made it into the official text despite sex workers’ complaints that “They did not want to be locked up in the ‘rehabilitation dormitories’ (*kōseiryō*) the moral crusaders had in mind for them. They couldn’t afford it...If the state was going to make their livelihood illegal, they wanted to be compensated [with] jobs that paid enough to support their families, that would enable them to ‘rehabilitate’ themselves” (Rowley, 2002, pp. 49-50). Indeed, “with no funds to help get through the rehabilitative period, many of us with dependents who must think about tomorrow’s living would probably be right back working as prostitutes” (Takeo Shizuko in *Women’s New Wind*, no. 44, quoted in Shiga-Fujime & Findlay-Kaneko, 1993, pp. 21-22).⁴³ Yet

⁴² The kanji for this term includes the character 子, which means child. The term for women (*josei*) is not used.

⁴³ As Shiga-Fujime & Findlay-Kaneko (1993, p. 22) highlight, “The term ‘rehabilitation,’ which implied that one had done something criminal, brought about fierce emotional reactions from women who had no other options. “‘Rehabilitation!’ We really despise that word. We worked in the red light districts. What is criminal about that? We

the law passed without providing any form of compensation for the women whose means of survival had been turned into a crime.

The law has made it easier to penalize women engaged in the sex trade, while buyers of sex are not held responsible despite providing the demand for prostitution. Ergo, it may be more accurate to say that *prostitutes*, rather than prostitution, have been more effectively criminalized. The prostitution ban remains the law of the land, and in making victims of the sex trade more vulnerable and invisible,⁴⁴ it has complicated later efforts at protecting sex workers and tackling sex trafficking. Thus, the law not only failed women because it represented soft power pursuits, but also because it was based on the prejudices of middle-class abolitionists who were not simply naïve but willfully ignorant as they refused to listen to the women affected by the law they devised. The face of prostitution changed so that the law was superficially adhered to, but commercial sex never stopped. In Japan's case, the criminalization of prostitution: (1) increased organized crime's influence and presence in the sex trade,⁴⁵ (2) marginalized sex workers, worsening their precarity and ensuring little beside a lack of legal protections and recourse, and (3) further hinders sex trafficking victims' ability to come forward about their exploitation while (4) allowing 'sex-related business' owners and prostitution-buyers to carry on largely

came here when we were in dire straits. Every day, we made a little money and somehow were able to eke out a living and raise our children. Is there any need to treat us like criminals such as pickpockets and murderers, forcing us to go through rehabilitation?'"

⁴⁴ On the subject of (in)visibility, it is interesting to draw connections throughout history between visibility and the relative acceptability of prostitution. The licensed prostitution system designated prostitution as acceptable so long as the poor girls and women forced into the sex trade remained on the margins of society. During the *karayuki-san* trade, discomfort arose with visible forms of prostitution as Japanese residents abroad and officials generally objected to "the spectacle of Japanese prostitutes catering for men of other races," *not* to prostitution (LON 1933a 70). Then, in the Occupation era, the increasing prevalence of streetwalkers made Japanese citizens ill at ease. The Prostitution Prevention Law appears to be a logical culmination of this discomfort as it emphasizes the criminality of solicitation in public places (1956, Art. 5)

⁴⁵ Much of the sex industry fell into the hands of organized crime as a direct consequence of the abolishment of a government-sponsored, licensed prostitution system. It was only well into the 2010s that the Japanese government more seriously tackled its organized crime problem such that the yakuza's influence is diminishing, but the role of organized criminals in both sex work and sex trafficking is likely to persist.

unimpeded, circumventing the penalty-light law. Criminalization of prostitution undermines sex workers' human and labor rights, complicates anti-trafficking efforts, and renders victims more vulnerable by making them largely invisible and labeling them 'criminals'.

Anti-Sex or Simply Sexist Japan?

Sexual Liberalization vs. Traditional Conservatism

The parallels which can be drawn between the anti-prostitution and the anti-trafficking debates are significant, not least because both have been susceptible to moralistic anti-sex bias. To say that Japan broadly embraces the abolitionists' (or international community's) anti-sex attitude, however, would be overly simplistic and inaccurate. Japan presents a paradoxical case, its society's relationship to sex full of seeming contradictions and double standards. On the one hand, sex is a taboo topic. Public figures tend to preach conservative views of sex and sexuality and publicly uphold so-called traditional family values.⁴⁶ As in most countries, women's acceptable roles are constricted by traditionalist patriarchal ideas.⁴⁷ Sex education in schools is characterized by a narrow biological focus and essentialist ideas; in fact, most students learn about sex from friends and seniors rather than through school.⁴⁸ Discussion of sexual

⁴⁶ E.g., although some provinces have been adopting more progressive policies, LGBT+ rights are not nationally recognized. There is a gap between the conservative LDP's policies and public opinion, however, which is generally more progressive than politicians' attitudes (e.g., "While Japan's conservative government has been criticized as stonewalling diversity, recent surveys show a majority of Japanese back legalizing same-sex marriage" [Yamaguchi, 2024]).

⁴⁷ E.g., men ought to take charge when it comes to sexual matters: an overwhelming majority of Japanese couples (30.8%) rely on condoms for contraception, with only 0.9% of women taking the pill. Even fewer use IUDs (0.4%) (UN DESA, 2018). This kind of behavior may be illustrative of broader and potentially harmful gender relations which limit women's control over reproductive choice. Mothers, not fathers, are also expected to set their careers aside to handle childcare responsibilities.

⁴⁸ 37.55% of High School respondents said they receive knowledge about sex through school, compared to 60.4% who obtain information through friends and seniors (Nihon Seikyouiku Kyoukai, 2018, p. 66).

harassment, rape, and other sex crimes is limited at best, absent at worse,⁴⁹ with negative repercussions on the awareness of sex crimes in Japan, including trafficking, which remains low.⁵⁰ Prostitution is *technically* outlawed, and the international treaties to which Japan adheres are formulated in ways that support a conservative, anti-sex workers' rights agenda.

On the other hand, Japan boasts a large sex industry which offers a host of services, not hidden in back alleys, but visible and out in the open. As one police reporter once opined, the “police don’t mind if you get a blow job in the middle of the day or if the operators of sex clubs advertise their services right out in the open” (Ansei Inoue, quoted in Adelstein, 2009, p. 25). Sexually explicit figurines, sometimes of child-like figures, may be placed in open view of underage customers in anime and manga stores. There is no shortage of sexual content in Japanese print media either, to say nothing of Online sources. And while Japan finally banned the possession of child pornography in 2014, the last of the OECD countries to do so, the “law does not include the banning of anime and manga that feature explicit scenes of children, after lawyers and publishers argued that censoring the materials would curb free speech” (Hellmann, 2014). Rather than a concern for free speech, a concern for profits seems to motivate much of the defense of such harmful depictions of sex. Although minors are banned from buying and consuming sexually explicit manga and anime, such materials are easily accessible via the

⁴⁹ Although “Japan is often said to have one of the lowest rape rates in the world,” notes Johnson (2024), “violence against women is much more common than official statistics suggest.” In reality, sources indicate that “more than 70 percent of Japanese women have been sexually molested,” and according to victimization surveys conducted by Japan’s Cabinet Office, “approximately five million Japanese women have been raped at least once, as have 700,000 men.”

⁵⁰ For instance, the 2006 national ‘Survey of Modern Consciousness and Behavior’ conducted by the National Women’s Education Center of Japan found that, of their 1,190 respondents, 57.5% said they did not “know that women who have been trafficked from Asia and elsewhere are being sent to Japan” (Otsuki & Hatano, 2009, p. 50).

Internet. In fact, up to 20% of Japanese High Schoolers say they obtain information about sex through manga.⁵¹

So there is, in practice, little in Japan that is actually anti-sex, per se; on the contrary, if there is profit to be made, far be it from the authorities to stand in the way. But on both sides of this paradox, harmful gendered ideas prevail, limiting women's real and perceived autonomy and agency. Classist divisions underlie which women are expected to fall on which side of the divide. As in the past, middle-class married women are expected to adhere to conservative family values preached by public figures as defining Japanese society.⁵² Working class women,⁵³ on the other hand, and especially foreigners, may be exploited for the sexual pleasure of others (usually men). Attitudes and policies, for the most part, continue to support classic sexist, classist, and racist agendas, with the sexual liberalization offered to some often coming at the cost of the sexual exploitation of others, much as in the past.⁵⁴ Rather than anti-sex then, it may be more correct to say that anti-sex *worker* views prevail in Japanese society at large. Laws protect the industry at the expense of its employees, regardless of whether they are willing or coerced.

⁵¹ Manga/comic: 18% of High School boys; 24.5% of High School girls. (Nihon Seikyouiku Kyoukai, 2018).

⁵² A recent example of Japanese authorities upholding traditional policies which put women at a disadvantage in favor of progressive change towards gender equality involves Japan's top court's decision to uphold the constitutionality of forcing married couples to adopt the same surname; although they can choose to adopt the wife's surname, "96% of married couples in Japan" adopt the husband's surname (The Japan Times, 2021). See <https://www.japantimes.co.jp/news/2021/06/23/national/crime-legal/top-court-surname-ruling/> for more information. This decision was taken despite the fact that the Japanese public demonstrates "broad support for some kind of change to accommodate calls for women to use their maiden name even after marriage" (<https://aparc.fsi.stanford.edu/news/japanese-public-broadly-supports-legalizing-dual-surname-option-married-couples>).

⁵³ Disability and poverty often characterize the ongoing sexual exploitation of Japanese nationals. According to the 2021 *TIP Report* (echoing other years' similar findings), "Highly organized commercial sex networks target vulnerable Japanese women and girls—in many instances those living in poverty or with cognitive disabilities—in public spaces such as subways, popular youth hangouts, schools, and online, and subject them to sex trafficking in commercial sex establishments, small musical performance venues, retail spaces, and reflexology centers, often through debt-based coercion."

⁵⁴ Notably, the sexual exploitation of *karayuki-san* for the sexual gratification of Japanese men abroad, and that of the comfort women for Japanese soldiers.

In the realm of trafficking policy, which is dominated by abolitionists, this anti-sex worker bias continues to hold, much as it did during the anti-prostitution debates. This is deeply troubling and unfortunate as the resulting agenda proves counterproductive and even harmful to trafficking victims. Japanese abolitionists, then as now, and here as most everywhere, suffer from a misinformed and misguided saviorism which often ends up hurting those they seek to help. Although abolitionists may be motivated by a genuine desire to help, there is nonetheless a degree of willful ignorance which sustains the problems that plague the movement's approach to anti-trafficking. Though in a less extreme manifestation, similar mechanisms of "deliberate not-knowing" as buttressed the abuse of the comfort women are at play in abolitionists' persistence on ignoring the voices of those who work in the sex industry, and on tolerating only one narrative from victims of sex trafficking. Abolitionists are often far removed from the problem but are also not seeking information that might disrupt their worldview, at times even actively dismissing information that runs counter to their preconceived notions.⁵⁵ Abolitionism has not distanced itself much from its roots, it remains essentially a "social purity movement" that markets "misery and degradation" but which has "veiled [itself] as anti-human trafficking or anti-modern day slavery activism" (Cojocaru, 2015, p. 184). Abolitionists paint an unrealistically unidimensional picture, promoting "the image of the helpless and witless, therefore pure and deserving victim awaiting salvation" which runs counter to some survivors' experiences (Cojocaru, 2015, p. 184; see also Parreñas, 2011). Statist and religious motivations sustain such narratives and practices.

Comparing Masuda's account with modern ones offers evidence of how little the abolitionist/social purity movement has evolved over the past few decades. Highlighting the

⁵⁵ E.g., see Cojocaru 2015 and Parreñas 2011.

apparent insincerity of anti-prostitution activism, Masuda writes she was “forced to conclude” that the women legislators who toured the red-light district were “just having fun,” and that if these abolitionists “thought all that goggle-eyed gawking was going to help them understand what goes on in the whorehouses, they were very badly mistaken” (Masuda, 2003, pp. 158-59). This reveals the disinterest in actually understanding the plight of these women and in formulating policies that truly aim to serve *their* interests rather than those of “respectable” middle-class women and policymakers. Then as now, sex workers and trafficked victims’ pain is sensationalized, fetishized, and turned into a spectacle for consumption, then instrumentalized in policymaking. Writing in the 2010s, Elizabeth Bernstein paints a not-too-dissimilar picture in her opening to *Brokered Subjects*.

The “human trafficking tour”⁵⁶ she and Elena Shih went on in Thailand, as part of a research trip, foregrounds these unchanging trends. Much as the prostitutes of the red-light districts were gawked at rather than engaged with by the Diet members, these modern-day tourists were invited to observe from afar, in consternation, rather than encouraged to talk with the “victims” which tour guides pointed out to them in the red-light district. Moreover, despite being presented as such, the so-called “victims” the tourists saw (gawked at) had in fact *not* been trafficked; one woman in particular was a committed sex workers’ rights activist! (Bernstein, 2018, Ch.1). The women Bernstein and Shih spoke with admitted that working in the sex trade was difficult, but they saw themselves as propelled by social circumstances⁵⁷ and resisted the “increasingly prevalent terminology of ‘trafficking’” (Bernstein, 2018, Ch. 1). This long-standing commodification of human misery is packaged in such a way as to reinforce prejudiced

⁵⁶ The mere existence of such “tours”, in this case organized by U.S.-based evangelical Christian and secular NGOs, further reinforces the point that turning pain/tragedy into spectacle is a common trope of anti-trafficking activism.

⁵⁷ This echoes Masuda’s narrative and mirrors the experiences and interpretations of many Japanese prostitutes fighting against the ban in the 1950s.

ideas rather than forcing outsiders, be they Diet members or tourists, to come into contact with the unadulterated reality. It serves little informative function but rather legitimizes policy formulation rooted in stereotypes, prejudice, and a good dose of willful ignorance.

Claudia Cojocaru's (2015) narrative of both sex trafficking and sex work in Japan, along with Rhacel Parreñas' work on Filipina hostesses in Japan, are instrumental in bringing to light the tendency for abolitionists to actively block out information that contradicts their biases. Unsurprisingly, the anti-trafficking activists Cojocaru (2015, p. 186) encountered who supported an abolitionist agenda were "not interested in my interpretation or my expertise, and entirely ignored my insistence that labor migration policies and cultural differences are central to understanding the contradictions between the experiences of victimized women and the anti-trafficking discourse." Such expertise and interpretation would create an uncomfortable reckoning with one's worldview, and would detract from the patriarchal institutions and goals at work behind the classist abolitionist movement.

Imbuing victims of trafficking with agency does not serve the interest of the state which, rather than liberating survivors, often involves itself as the "legitimate owner of the woman," demanding the "exchange of freedom for protection" (Cojocaru, 2015, p. 185). Unlike its committed anti-sex activists, however, the Japanese state's commitment to the abolitionist cause is dubious at best. It fails trafficking victims in different ways, exhibiting a lack of genuine care for trafficking matters beyond their impact upon its international reputation.⁵⁸ Today, most victims of sex trafficking in Japan are foreigners whom the Japanese state may confine, but

⁵⁸ According to the 2021 *TIP Report*, "as in prior years—the government failed to provide adequate protection services, such as trafficking-specific shelters, psycho-social care, and legal aid, to trafficking victims including Japanese and foreign trafficking victims...The government reported 18 victims 'self-identified' to authorities during the reporting period, but it did not report providing or referring these victims to protection services. Civil service providers reported that if a trafficking victim sought assistance from a provider, it could not assist a victim until the government formally identified the victim as such, which significantly delayed essential services given to victims."

primarily seeks to deport. In addition to sexist influences, then, race and immigration status further serve to render victims of sex trafficking vulnerable and impair the adequate tackling of trafficking crimes.

Race and Trafficking in the Post-Cold War

Anti-Trafficking as Anti-Immigration Policy

As Japan's economy grew and thrived in the post-war period and fewer Japanese women were forced into prostitution out of poverty, transnational sex trafficking into Japan grew and a large number of foreigners now work in the country's thriving sex industry. As noted in the previous chapter, this pattern has been dubbed *japayuki-san*, reflecting Japan's transformation from a source country in the first half of the twentieth century to a major destination country in the twenty-first. Despite Japan's accession to the Palermo Protocol and updated Action Plans to Combat Trafficking in Persons, little has changed in the way Japan handles trafficking in persons. Namely, far from a distant relic from the past, Japanese racist attitudes have continued to play a role in fostering modern sex trafficking and impeding anti-trafficking efforts.

Comparing the Japanese government's annual report on trafficking in persons and that of the State Department highlights some of the discrepancies between the goals laid out in the former and the reality on the ground as described by the latter. For instance, despite plans to "appropriately take measures for identification of victims" (Council to Combat TIP, 2020, p. 35), civil society groups have noted that the Japanese government lacks a "procedure for screening foreign nationals...in immigration detention for possible trafficking indicators" (*TIP Report*, 2021, p. 319), attesting to a general disregard for foreign victims and a preoccupation for strict immigration law enforcement instead. Attesting to this persistent and harmful emphasis on the

intersections of racism and preoccupation with strict enforcement of immigration laws, Parreñas (2011, p. 335) reports, “police and immigration authorities can approach [undocumented hostesses] without reason and demand to see proof of their legal residency. They need not commit a criminal act. In Japan, looking foreign by itself invites inquisition from authorities.”⁵⁹ When abuses arise in the industry, undocumented or illegal migrants are unlikely to claim “their labor rights, as most fear seeking intervention from the proper government authorities would only bring them unwanted attention from immigration authorities” (Parreñas, 2011, p. 339).

Having been reprimanded year after year by the State Department for insufficient efforts to adequately prosecute traffickers and to protect victims, the 2014 Action Plan (MOFA, 2014, p. 11) resolved to promote efforts for the protection and support of trafficking victims. In line with this goal, Japan’s 2020 Annual Report reiterated that “the Immigration Services Agency gives comprehensive consideration to the situation of each individual while respecting their wishes, and where necessary, permits them to change their statuses of residence to ones that allow them to work in Japan” (Council to Combat TIP, 2020, p. 50). However, “international organizations and NGOs reported most foreign trafficking victims had limited or no access to other government-provided social services from which legal resident victims could benefit,”⁶⁰ and although the “Immigration Services Agency granted resident status to one foreign trafficking victim and ‘special permission to remain in Japan’ to seven foreign victims in 2020, it did not report if it provided or referred these victims to essential care” (*TIP Report*, 2021, p. 319). Japan’s own report on measures to combat TIP mentions multiple times the provision of foreign

⁵⁹ One hostess, Maki, explains, “if you look Filipina, they come up to you. They ask you for your passport and alien card. If you have nothing to show, they will take you away. They will surround you. You are like a criminal. They treat you like a criminal. They are terrible here” (Parreñas, 2011, p. 335).

⁶⁰ This still held true as of 2023, when the State Department reported that “Foreign trafficking victims had limited or no access to other government-provided social services from which legal resident victims could benefit” (*TIP Report*, 2023).

language and interpretation services, yet NGOs have “highlighted a lack of government-provided language interpretation services as a particular challenge to the protection of foreign victims” (*TIP Report*, 2021, pp. 319-20). Such contradictory statements between the two reports are likely the product of two main factors acting in parallel. On the one hand, the benchmarks of what constitutes adequate measures may differ, with Japan setting lower standards for itself than the U.S. On the other, Japan may deem on-paper commitments to be sufficient proof of efforts while the State Department, NGOs, and other civil society organizations may be more concerned with the actual implementation thereof.

Race and ethnicity are important to trafficking and must be acknowledged in formulating counter-policies. Labor rights and protections could prove highly instrumental in giving trafficking victims a path of escape; however, while a minority (23%) of the Japanese population believes exploited migrants “only have themselves to blame,” as much as 56% of the public believes those with “irregular status who have broken the law should not expect to have any rights at work” (ILO & UN Women, 2020, p. 28). Encouraging practices that are conducive to trafficking situations is the lack of laws prohibiting “employers, recruiters, or labor agents from confiscating either Japanese or foreign workers’ passports, travel, or other identity documents,” rendering foreigners particularly vulnerable to exploitation (*TIP Report*, 2021-2023). In fact, confiscating passports is a widely used practice among traffickers, which many victims attest to—when Dolores arrived in Japan, for instance, “her passport and tickets were taken away, and she was taken to a club where she was forced to strip, do lap dancing where she could be touched by customers, and to touch customers sexually” (ILO, 2005, p. 25). Being “unauthorized and unrecognized,” leaves undocumented workers, including hostesses, sex workers, and sex trafficking victims, “vulnerable to human rights abuses,” as their “vulnerability to deportation”

makes them reticent to involve law enforcement or other officials (Parreñas, 2011, p. 309).

Furthermore, the Japanese government tends to place the burden of responsibility for preventing trafficking on potential victims' shoulders, for instance by relying on information pamphlets distributed to immigration offices warning about the risks of trafficking as a purported deterrent.⁶¹ It has also placed much of the burden of responsibility for the protection of trafficking victims on foreign governments, relying on and expecting "foreign embassies to provide protection services to their nationals who were exploited in Japan" (*TIP Report*, 2021).

Not infrequently, victims "have an inherent distrust of law enforcement," which often proves legitimate.⁶² As indicated above, police and other officials in Japan have historically prioritized immigration infractions rather than female and/or foreign victimhood. It is revealing that, listed among the coercive and controlling practices used to prevent trafficking victims from running away are threats to "report to the police" and to "report to Immigration" (ILO, 2005, pp. 12, 29). Though there have been improvements in the last decade or so, trafficking victims' illegal immigration status may still prevent them from seeking help and reporting their trafficking. Indeed, the State Department (*TIP Report*, 2021, p. 319) notes that, "Although the law ostensibly protected victims from deportation from Japan, authorities' inadequate screening of vulnerable groups led to the arrest and detention of some victims due to immigration violations or other unlawful acts traffickers compelled them to commit." It should not be too

⁶¹ According to the Council for the Promotion of Measures to Combat TIP (2023, p. 34), in FY2021, Japan's Cabinet Office produced "about 50,000 posters and leaflets for victims titled 'Human trafficking (sexual service or forced labor) could happen to you!'" and distributed these to about 4,600 places including local governments, airports and sea ports, universities and technical colleges, the Japan Association of Travel Agents, IOM, and other relevant organizations. The Cabinet Office also displayed the posters in train stations and conducted public relations and awareness activities using means such as social media."

⁶² Orsini, in Burke 2013, chapter 12. Research reveals these anxieties are not necessarily unfounded. Racism tends to lead to a lack of prosecution or absence of sympathy for some victims of human trafficking. In the U.S., for instance, black girls are more likely to be charged with juvenile prostitution than treated as victims of trafficking.

surprising that victims may not find it worthwhile to report their trafficking: the risks they incur in doing so rarely prove worthwhile, as there is little chance this leads to adequate prosecution or sanctioning of their traffickers.

These trends and findings indicate insufficient efforts, particularly in the detection and protection of foreign TIP victims, which may be traced back, in part, to deeply-embedded sexist and racist practices linked to enduring structures that favor limited foreign entry⁶³ and influence in a country that positively considers its homogeneity⁶⁴ a source of stability. In sum, deep racist roots have affected the way trafficking is framed and the solutions conceived to deal with it. Racism affects policy formulation and implementation in ways that may re-victimize trafficking survivors. It is important to recall that misplaced priorities have very real and dire human consequences, as the following snapshot illustrates. Maria Gonzales came to Japan from her small Latin American town to work in a restaurant but was subsequently forced to prostitute herself. When she tried to escape and “explained her situation to a Spanish-speaking officer,” she was told “the matter was not police business,” while immigration officials claimed they could not help her since she had a valid tourist visa (Kattoulas, 2000, p. 55). On the other hand, individuals without valid immigration papers may face arrest and deportation. A tendency to view anti-immigration policy as a solution to trafficking ignores the reality of push factors for trafficking and elides the exacerbated difficulty faced by trafficking victims seeking help when their victimization is compounded with ‘criminality’ as undocumented (so-called illegal)

⁶³ While 2023 saw a “record high of over 3.2 million” foreign nationals residing in Japan, this figure still represents less than 3% of the total population (“Number of foreign residents in Japan rises to record 3.2 million” *The Japan Times*, October 14. <https://www.japantimes.co.jp/news/2023/10/14/japan/society/japan-foreign-population/>).

⁶⁴ Although Japan’s population “appears largely homogenous”, it is important to note that “this may be due to Japan’s absence of racial and ethnic statistics for Japanese nationals. The country has traditionally rejected the need to recognize ethnic differences in Japan” (<https://worldpopulationreview.com/countries/japan-population>).

immigrants.⁶⁵ Beyond governmental attempts to keep out and expulse foreigners, racism also manifests itself in creating a *demand* for sexualized and stereotyped foreigners.

Exoticism: Racism as a Driver for Trafficking

Racism has consistently factored into patterns of international human trafficking to and from Japan, but the way such bigotry has played out has shifted with changing historical circumstances and evolving ideas about national pride and purity. In the late 19th and early 20th century, there was little to no demand for foreign prostitutes in mainland Japan.⁶⁶ This is partly attributable to Japan's late entry into the modern, globalizing world,⁶⁷ but also to the form racism took in those years when they prided themselves on untainted racial purity and sought to protect the integrity of the Yamato race.⁶⁸ By contrast, racism in the modern sex industry often manifests as exoticism which is likewise founded on assumptions of racial difference and hierarchy.

Racialized and sexualized stereotypes of women of different colors and ethnicities create a demand for “exotic” women.⁶⁹ Chong (2014, p. 209) finds there are at least four ways in which race and ethnicity are directly relevant to trafficking: (1) women are viewed as exotic and desirable based on their race/ethnicity; (2) women of underprivileged ethnicity/race are viewed as cheap; (3) “sexual exploitation goes hand in hand with male domination and violence against women of a certain ethnic and racial background;” and (4) “structural poverty and social

⁶⁵ The case of entertainer visas for Filipinas is indicative of misguided, immigration-restrictive approaches to the problem of sex trafficking in Japan; see Parreñas' (2011) *Illicit Flirtations*.

⁶⁶ As a matter of fact, “Nowhere in the East has the Commission found attempts to provide exotic novelty to brothel clients by offering them women of alien races brought for the purpose from abroad” (LON 1933a, 22).

⁶⁷ As the League of Nations (1933a, p. 108) reported, there was “little to no incoming traffic in the Japanese empire” since there was “no demand for foreign women from the very small foreign population.”

⁶⁸ Foreigners were “not licensed to conduct brothels or practise[sic.] prostitution in Japan” (LON, 1933a, p. 102). The “entry of foreign women and girls for prostitution [was] prohibited. Thus between 1926 and 1930, only five attempts by foreign women to enter Japan for immoral purposes came to the notice of the authorities” (LON, 1933a, p. 108).

⁶⁹ This phenomenon is not new; as early as 1927, the League of Nations noted that the “attractiveness of the foreign woman increases the demand” for sex services (LON, 1927, p. 2).

alienation affect mainly ethnic and non-white women.” These factors are all relevant to the sexual exploitation of foreign trafficked women in Japan, where fantasized foreign women may be seen as desirable because they are imagined to be more or less of what Japanese women have or lack. Sex with such fantasized (othered) women may lead men to feel as though they “can shed civilization’s constraints[,] freed from standards of behavior imposed by respectable women back home” (Enloe, 2014, Ch 2). Depending on their race and ethnicity, women may be stereotyped as submissive but permissible, morally loose and oversexualized, while Japanese women are viewed as conservative and respectable.

In Japan, the frequenting of sex industry venues is embedded in the culture of corporate masculinity, such that the sex “industry is at least in part supported by corporate accounts” (ILO, 2005, p. 39). The entertainment industry generates substantial revenue, so while “mainstream business is neither responsible for the entertainment industry’s worst excesses nor directly connected to the trafficking industry, the broad entertainment industry does enjoy mainstream support” (ILO, 2005, p. 39). Of the 40% of men found to have paid for sexual services at least once in survey data collected in 2006, over fifteen percent had specifically paid for sex with foreigners (Otsuki & Hatano, 2009, p. 53). Unfortunately, demand in Japan for sex services is likely to remain high, and the market for trafficked women will thus remain profitable. The Government has failed to curtail domestic demand for sex services and, by extension, the demand for trafficked individuals (*TIP Report*, 2005). Social awareness and public relations campaigns aimed at educating the public and authorities about the harms of trafficking and violence against women have not made a noticeable impact.

Conclusion

Deeply-rooted sexist and racist ideas affect societal and official attitudes, such that Japanese authorities and publics care little about the fate of trafficked victims, leading to a lack of political will engendering anti-trafficking reforms that are incomplete and not comprehensive. Harmful constructs of masculinity/femininity, racism, classism, and a long history of state support, continue to exert influence upon today's sex industry, impeding efforts at effective prosecution of sex crimes and severely hindering the protection of individuals involved in the sex trade, whether voluntarily so or not. It is crucial that policymakers explicitly acknowledge and address the gendered, racialized, and classed biases that underlie these exploitative systems.

Interpreting and handling both sex work and sex trafficking as women's issues rather than gendered ones has allowed for the maintenance of harmful, preconceived notions about gender roles and obviated authorities from the need to reconsider their flawed prejudices. In Japan the "traditional tendency to treat prostitutes as criminals, not victims, and a concern over illegal immigration" persist (Williams, 2008, p. 149). Essentialist beliefs about sex that view men as naturally lustful have been used as justification for prostitution for centuries, and there is still the prevalent belief in Japanese society that men have a stronger innate sex drive which necessitates an outlet, with racist stereotypes serving, at one time or another, as justification for the exploitation of different groups of women. Yet a persistent double standard has been attached to the sex trade, as men decide on the status of and place of prostitution in society. Traditionally, prostitution in Japan was praised for "its salutary effect in maintaining safety and order in civilized society," although, of course, it was deemed "shameful and hateful work and should be secluded from society" (Howland, 2013, p. 35). This duality still serves as a way of controlling women and privileging men. The persistent stigma against women involved in the sex trade

hinders their ability to come forward about abuse, denies them agency, and relegates them to a dichotomous role as either amoral women or victims. As such, important cultural shifts will be essential to the development of successful, effective anti-trafficking measures.

Similarly, approaching anti-trafficking solutions with an anti-immigration mindset has brought about more harm than good. Limited means and opportunities often drive individuals to undertake risky migration which can then lead to situations of trafficking. As such, further constricting prospective migrants' legal avenues for travel and employment threatens to encourage more individuals to take risks and, out of options, turn to smugglers or traffickers. As Parreñas (2011, p. 378) demonstrates in her research on Filipina hostesses working in Japan, "solutions that would have assured them," women facing precarity and seeking opportunities abroad to escape abject poverty, "greater control over their labor and migration, solutions that would have enabled their independent migration, and solutions that would have guaranteed their continued employment are perhaps what would have empowered them as low-wage workers." Such solutions would have proven infinitely more helpful than those which constrict or outright eliminate their options for viable and officially sanctioned work in Japan. In addition to these misguided policy shifts, public attitudes towards irregular migrants which view them as undeserving of rights present another barrier to adequate trafficking prevention and victim protection.

There is no miraculous solution to these issues. They rest upon centuries of gendered discrimination and militarized masculine privilege and domination. However, partial solutions do exist, and in concert could go a long way to improving the system and deconstructing existing inequalities and exploitative tendencies. Notably, crafting policy in such a way that sex work and sex trafficking are handled as gendered but *not* women's issues could lead to improvements by

acknowledging men as integral to the problem. Shifts in cultural attitudes will be needed such that Japanese officials and society deconstruct racial and sexual stereotypes which would help them view women's victimization seriously, and view foreigners as deserving of protection and support. Social awareness and public relations campaigns as they currently stand have not made a noticeable impact. A helpful measure in remedying this would likely include effective education. Providing education in schools and including mandatory trainings about the harms of trafficking and violence against women at university, work, and for all authorities could help in improving respect for women and reducing instances of trafficking. Increased knowledge about and exposure to foreigners and foreign cultures, fostering multicultural understanding, could prove instrumental in shifting public attitudes, and might be achieved through foreign exchanges and improved school curricula.

Perhaps most directly relevant, the decriminalization of prostitution could plausibly go a long way to protecting sex workers and remedying trafficked women's perceived (and real) inability to seek police assistance. As the UN Working Group on Migration in Thailand (2019, cited in ILO & UN Women, 2020, p. 39) asserts, "By amending or repealing laws that directly and indirectly criminalize sex workers, labour protection mechanisms can be developed to eliminate recruitment and employment misconduct." Although at the time of writing, this remains an implausible solution at best, there are a few avenues for potential progress. Unfortunately, survey data from 2019 indicates only 30% of the Japanese population supports decriminalization of sex work; however, a slight majority (52%) did express "support for increased realization of human and labour rights for workers in the sex industry" (ILO & UN Women, 2020, p. 38). While this suggests decriminalization campaigns would be unlikely to meet with success today, it may also indicate potential success for a rights-based campaign

seeking to engender change in applying labor protections for sex industry workers. This could then serve as a starting point from which to 1) protect those in the sex industry regardless of immigration status, and 2) could open the door for greater public awareness. Indeed, a public-led movement supporting the rights of sex industry workers might provide a useful opportunity to subsequently engage in public discussions about the harms brought by the criminalization of prostitution, providing a starting point for activism aiming to educate the public on what decriminalization might achieve and generate conversations about how to get there.

Chapter 3 - Japan's Institutions of Violence in Trafficking

Introduction

The corruption, complicity, and collusion of officials and the impunity enjoyed by traffickers, past and present, contribute to the scale and resilience of human trafficking into Japan. If scholars are going to contribute to combatting human trafficking in Japan, exploring the state's role in fueling, supporting, or tacitly endorsing systems of sexual exploitation is imperative. This chapter examines the role and impact of domestic institutions on trafficking in Japan. It asks how the state's military, police, and justice systems as well as criminal organizations relate to human trafficking in Japan. This chapter investigates how these different organizations have fought against or encouraged sex trafficking and finds that the state and its institutions have tended to support, either explicitly or implicitly, systems of sexual exploitation.

The chapter highlights the fuzzy distinction between what is licit and illicit. Shadow economies and illicit systems of power interact in ways that encourage formal/licit institutions to work *with* rather than against the former. In making these claims, the chapter first examines the historical link between the military and the perpetration of sexual exploitation in a format that is controllable by the state and its agents. It finds that Japan's imperialist conquests and territorial expansion led to the concurrent expansion of its licensed prostitution system and the systems of trafficking that fed into it. The chapter then looks to the role of the yakuza, Japan's organized crime networks, as main agents of trafficking. It traces the yakuza's historical links with the Japanese state, and the evolution of its relationship with the authorities, revealing how police and other officials have inadequately tackled endemic crime problems, thereby enabling trafficking. The chapter further explores how police and the justice system have enforced, or failed to

enforce, anti-trafficking reforms and associated sex-related legislation, and otherwise contributed to the failures of anti-trafficking measures.

Building on the foundation established in the previous chapter, this chapter shows masculinity is an important element linking governmental and criminal institutions across time and space in Japan. Institutions legitimate certain types of behaviors and can condone certain harmful practices or hamper the effective reform of harmful systems. Both legal and illicit institutions are connected by their masculinist roots and biases, as they have been established, and largely perpetuated, by men thriving in a highly patriarchal setting. The interconnection between officials and criminals partly lies in the masculinized nature of both state and yakuza, and in the tendency of both to dehumanize and objectify women. These connections are important in understanding the historical failures and continued limitations of anti-trafficking measures in Japan. Indeed, the government set up in the aftermath of World War II integrated war criminals, members of the yakuza, as well as agents of the comfort women stations—it should thus come as no surprise that such a combination of deeply patriarchal, violent actors has yielded little in the way of protection for women and foreigners exploited in the sex trade nor in the prosecution of criminals engaged in gender-based violence. The presence of criminal networks embedded in a corrupt government has shaped how the government thinks about women, femininity, and power—notably, it has shaped its conception of who should have and wield power and authority, and whom should be subjected to the exercise thereof. The state's institutions are, by and large, institutions of violence, particularly as concerns women. Institutions, however, are created and upheld by people, and as such, they remain subject to change—there is therefore room for cautious optimism in the hope that they might evolve in ways that lessen othering and violence, and rather promote equity and justice.

The Japanese Military & Sex Trafficking

Militaries, Femininities, and Violence

Although militaries are deeply patriarchal, it is important to note the role which women can play in supporting their various projects and violences. Throughout Japan's expansionist decades, Japanese women, including feminists of the time, "embraced a militarized version of nationalism, actively supporting their government's wars as housewives, mothers, wives of soldiers, city workers, farmers, and community organizers" (Enloe, 2016, p. 143). Anti-prostitution activists even defended soldiers' role in sexual exploitation, pointing the finger instead at women in prostitution for their "seduction" and for venereal infections. This highlights the patriarchy's cooptation of some femininities at the expense of others in support of its goals. In other words, "While femininity is almost always manipulated (rewarded, nurtured, taught, discouraged, punished, avoided) in the process of militarizing national security, femininity comes in more than one form," especially since femininities "are intersected with class, ethnic, generation, and national dynamics," and the "militarizing process relies on the manipulation of diverse women's sense of their own femininity" (Enloe, 2016, pp. 149-50, p. 156). Militarization and nationalism can and often do successfully coopt women into their service despite the active harm it causes them.

Militaries are institutions of violence which have long played an important role in sex trafficking networks, as soldiers are often consumers of sexual—including trafficked—labor. This has historically been the case in Japan, where the military has taken an active role in feeding networks of trafficking, providing the supply created by their demand. Most infamously, the Japanese military was directly responsible for the creation of the comfort stations in which

trafficked women were sexually exploited throughout the Pacific War. The link between the military and sex trafficking in Japan predates the comfort station system, however. Additionally, the negative impact of European imperialism upon Japan's trafficking practices should be noted—while Western nations identified the “traffic in women [as] a sinister business” (LON, 1927, p. 1), it was their models and practices which paved the way for the dual expansion of Japan's empire and trafficking operations in the 20th century.

Meiji Reforms: Sexual Exploitation in Service to the Nation

Having been significantly influenced by Western practices during the Meiji era, one element of the modern European model that became entrenched in Japan's licensed prostitution system was “its support of military troops,” and of imperialism more broadly, “at the expense of women” (Fujime, 1997, p. 136). A direct link exists between Japan's militaristic imperialism and the expansion of trafficking networks, especially as military conquests led to an increase in the demand for sexual services by Japanese soldiers. As such, between the late 19th and early 20th centuries, the “establishment of military barracks and of licensed prostitution went hand in hand,” with some red-light districts, functioning more like “military comfort stations,” developed “solely for military use” (Fujime, 1997, pp. 147-48). Simultaneously, the financial demands of Japan's expansionist wars created undue economic burdens for its people, such that more women “were economically obliged to seek work as prostitutes” (Fujime, 1997, p. 146). Increasingly, Japanese girls and women who worked in prostitution found themselves being sent overseas—trafficked abroad—to work in military bases in the *karayuki-san* trade.

The relationship between militarism and trafficking has long been acknowledged, and as Fujime (1997, p. 149) reminds readers, “Japan's violence toward Asian women began alongside the incredible violence of earlier Japanese colonial aggression,” rather than with the better-

known comfort station system. In a 1927 report, League of Nations' "experts on traffic in women and children" identified the "movement of troops and ships" as a cause for "demand for foreign women" (LON, 1927, pp. 1-2). Indeed, trafficking networks expanded to Japan's colonies, where local women were forced into prostitution such that victims of militarized sexual violence included both Japanese and foreign women. Chinese and Korean victims suffered from racism in addition to the class and gender discrimination Japanese prostitutes experienced. By 1909, Fujime (1997, p. 148, emphasis added) notes that over four hundred "Korean women had *been made* into licensed prostitutes," highlighting the coerciveness of the system which relied upon trafficked labor. Violence linked to the institution of the military thus came in multiple forms, ranging from forced movement and coerced sexual labor, as mentioned above, but also victim-blaming, as well as invasive medical inspections.

Regardless of nationality, prostitutes were vilified as the "hated sources of the venereal infections that diminished soldiers' strength and wasted national resources," rather than being viewed as victims of disease, and this despite their presence being a direct result of soldiers' demand for sexual services (Fujime, 1997, p. 148). Such ideas were reinforced by "foreign medical ambassadors to Japan [who] intoned that [prostitutes] had to be carefully monitored in order to prevent the infection of the national armed forces" (Davis, 2009, p. 174). Nationalistic and militaristic rhetoric permeated even prostitution abolitionists' arguments as they "defended and exempted from responsibility soldiers who were infected with venereal disease by prostitutes,[...]and blamed the origin of the disease on seduction by military prostitutes," claiming they were responsible for the "corruption of soldiers" (Fujime, 1997, p. 162). The tendency, identified in the previous chapter, of blaming disempowered groups for the negative consequences of powerful actors' actions is again notable in these types of accusations.

In addition to the harmful rhetoric came harmful practice, as the military and police imposed compulsory testing for venereal diseases. The driver behind this came from Western influence, as “overseas military and diplomatic guests campaigned aggressively for the implementation of mandatory health exams for prostitutes servicing Europeans and Americans in the treaty ports” (Davis, 2009, p. 26). Japanese officials came to view this policy as beneficial for the health of their own empire, entirely disregarding the violence and violation this type of body policing imposed upon women in prostitution. Japanese authorities represented diseased prostitutes “as an alien contaminating force within the broader bodies of the treaty port, prefecture, nation, armed forces and empire,” so their surveillance came to be seen as a safeguard for the military, and consequently for imperial Japan (Davis, 2009, pp. 126, 180). This led to the establishment of the compulsory venereal disease examinations system which “inflicted great shame,” and “became a source of fear for prostitutes,” as various types of abuses were recorded,¹ sometimes leading to suicide (Fujime, 1997, pp. 139-40).² Japan’s military forces brought its venereal disease policies abroad, forcing their foreign victims to undergo these examinations as well.³

The Japanese state, as embodied by its military arm and officials, has thus long been complicit in networks of both domestic and overseas sex trafficking. Western-oriented reforms in the Meiji era led to both attitudinal and practical shifts. On the one hand, the licensed prostitution system was construed as serving the interests of the military. Prostitutes were seen as objects,

¹ “Other recorded abuses included exposing the lower half of a woman’s body in the presence of many people, including government authorities; doctors unfamiliar with the correct procedure causing injury; and using a prostitute’s body as practice material” (Fujime, 1997, p. 140).

² Violence against women was accepted as part of the “civilization” process and sublimated under the guise of enlightened morals.

³ This met with resistance, as “Korean public opinion escalated against the violence of the venereal disease examination system” (Fujime, 1997, p. 148).

rather than subjects, of the state meant to serve its imperialistic aims by servicing soldiers. After all, “prostitution was unavoidable” as far as military leaders were concerned, since soldiers and sailors led “difficult” lives (Fujime, 1997, p. 162)—never mind the difficult lives of the women who provided the “entertainment” military men craved. Women in prostitution were further dehumanized as they came to be pathologized and were subjected to brutalizing medical examinations, another Western import which served the Japanese state’s interests. It allowed the patriarchal, militaristic state to deepen its policing of marginalized, feminine bodies, in the pursuit of a healthy military corpus. It also allowed the state to blame its public health problems upon a disempowered class of poor or foreign women, rather than reprimanding the very class whose status it sought to elevate—military men in an increasingly nationalistic society. The foundations were thus laid which soon led to the systematized sexual exploitation of women in the comfort stations established during Japan’s wars of conquest and Pacific War.

Comfort Women: The Institutionalization of Sexual Violence

While widespread sexual violence is a staple of war, the wartime Japanese system of forced prostitution developed in unique and extreme ways. This corresponds largely with institutional policies. As Caroline Norma (2016, p. 11) notes, “prostitution activity among military personnel quite simply [correlates] with policies and implementation strategies enacted by military command to prevent or tolerate the behaviour.” Hence, such an exploitative system came to prevail, in part, because of the ways “the structure of the military and state organizations and various ideologies such as masculinity, racism, and nationalism” intertwined (Tanaka, 2001, p. 4). The profound irony of the comfort women system is that this system of mass rape came

about and expanded⁴ as a way to *prevent* mass rapes. As Ueno (2004, pp. 74-75) notes, the Rape of Nanjing in 1937 “acted as a direct catalyst for the comfort women system.” Understanding what the former form of rape represented for the state’s officials helps uncover the twisted logic behind this policy shift. As Tanaka (2001, p. 13; emphasis added) writes, the “sudden increase in the number of Japanese comfort stations in China was closely related to atrocities that Japanese soldiers committed during the ‘Nanjing Massacre.’[...] The leaders of the Central China Area Army soon recognized the problem of mass rape committed by their soldiers,” leading them to instruct “the commanders of each military contingent to *set up comfort stations in order to prevent further rapes.*” Rather than the violence itself, the way in which it unfolded during the Nanjing Massacre likely proved to be the key problem for Japanese leadership.

Control represents one of the underlying necessities of the Japanese state’s various patriarchal projects, including its militaristic expansion. However, in the case of Nanjing, the Japanese military *lacked* the ability to restrain the behavior of its troops adequately and to contain the violence. “In the first days of the capture of Nanjing,” writes Prazan⁵ (2007, p. 75), women everywhere were “savagely raped, tortured, and mutilated by small groups of soldiers.” Not all military leaders were on board with this “general impunity,” however—General Iwane Matsui “gathered the three hundred military command officers and violently reprimanded them,” contacting and warning the Tokyo high command and the generals in Nanjing to reign in the slaughter, with no success as the pillaging and raping dragged on for weeks (Prazan, 2007, pp.

⁴ Although this chapter focuses on the expansion of the comfort women system after the 1937 Nanjing Massacre, when it became general policy, it should be noted that “The comfort houses were first established in Shanghai before World War II, possibly as early as 1932. During the Shanghai incident in January 1932, Japanese soldiers raped many Chinese women, and the deputy chief of staff in Shanghai, Yasuji Okamura, set up a comfort station in order to prevent further rape (Utsumi et al. 1992: 37; Yoshimi 1992: 26)” (Tanaka, 2019).

⁵ Prazan quotes are my own translations from French.

89-90). Although other Japanese leaders seem to have been rather unconcerned by the violence itself, its visibility proved problematic.

Just as Japanese officials had worried about the international repercussions of its *karayuki-san* abroad, the potential ramifications of unbound sexual violence in China for the country's international reputation constituted an important source of concern. Within the first days of the Nanjing massacre, Western news outlets reported on the Japanese army's crimes in Nanjing,⁶ with General Iwane Matsui describing the Japanese army as "the most undisciplined in the world today" to the *New York Times* (February 8, 1938). It was the "revelations of the international press on the Japanese abuses in Nanjing" which "forced the Japanese army to better organize the management of its soldiers' sexual urges" (Prazan, 2007, p. 139). Since "Japan was afraid of criticism from China, the United States of America and Europe following the cases of massive rapes between battles in Shanghai [1932] and Nanking" (Chang, 2009, p. 52), the establishment of the comfort stations took the mass rapes out of the public eye—they did not bring an end to the horrors. The comfort system allowed for a shift from disorganized and uncontrollable outbursts of violence to supervised, controlled, organized, and legitimized, government-sanctioned brutality. Indeed, "Comfort women policies were instituted with the purpose of defending against rape and preventing venereal diseases in areas of expansion" (Fujime, 1997, p. 164). Comfort stations enabled the state's military officials to control both those providing and buying sex, while attempting to mitigate the health risks for its fighting forces. Of course, this system in no way prevented rape, rather it institutionalized it as military

⁶ E.g., *The New York Times* published an article by F. Tillman Durdin on January 9, 1938 entitled "Japanese Atrocities Marked Fall of Nanking After Chinese Command Fled: NANKING INVADERS EXECUTED 20,000."

policy—and as mentioned above, institutions can serve to legitimate and condone harmful behaviors and practices.

Using institutionalization as a means to craft violence as justifiable is far from unprecedented. Governments have a long tradition of broadly criminalizing undesirable social behaviors which they cannot supervise, while legalizing the same behavior in some state-sanctioned, controllable contexts.⁷ Thus, by denouncing the *visible* mass rape of civilians and moving rape into the designated space of the comfort stations where it was systematized, Japanese authorities made rape permissible for a select few (Japanese soldiers) while targeting a designated segment of the population (racially othered women and poor Japanese prostitutes). Of course, using organized versions of what would otherwise be considered criminal does not remove the violence nor injustice posed by the behavior. Bringing brutality into an institutional framework *does* allow the government to exercise some form of control over the violence. A previously criminal or objectionable behavior, in this case mass rape, becomes permissible in state-sanctioned contexts in which the government explicitly controls the circumstances around the exercise of this violence. The Japanese government's message in creating the comfort system was far from a blanket condemnation of rape, but rather represented an instrumental shift to controlling when, where, and how mass rape was permissible.⁸

Japan's concern for its international reputation has been an ever-present thread linking its trafficking and anti-trafficking endeavors through time and across space, as is its desire to

⁷ Take, for instance, gambling, which is often broadly criminalized, yet the state creates certain forms of acceptable betting or settings (e.g., casinos) in which it is allowable. This type of practice, criminalizing 'vice'—gambling, prostitution, fighting, killing—outside the government's reach but creating institutionalized exceptions, can be traced back even to Ancient Rome's gladiatorial combats.

⁸ Although examining the role of foreign militaries in the Japanese context is beyond the scope of this particular research project, it is worth noting that sex trafficking around U.S. military bases has continued since the post-WWII era. Soldiers continue to form a major source of demand for sexual, and potentially trafficked, labor.

maintain power by controlling the sex trade. The military's concern with making mass rape invisible to the outside world during the war parallels the state's earlier concerns with the visibility of *karayuki-san* in foreign ports—in neither case were officials attempting to end sex trafficking, they simply sought to shield the state from the negative consequences its visibility might entail. Similarly, the unease which sexuality caused when outside institutionalized, state-sanctioned settings can be seen in both efforts to criminalize and root out unlicensed prostitution and in the establishment of comfort stations. The state's motivations to manage systems of trafficking thus remained fairly consistent throughout the 20th century.

To this day, sexual violence remains a prevalent problem in the Japanese military. In December 2023, a Japanese court “convicted three former soldiers in a sexual assault case,” however, the “Fukushima District Court sentenced them to two years in prison but suspended the sentences for four years, meaning they won’t actually serve time” (Yamaguchi, 2023). Again, visibility seems to have played a role in prompting action on the part of Japanese officials as Rina Gono, the plaintiff, “went public with her story in a YouTube video. Japan’s Defense Ministry publicly apologized and launched an investigation;” attesting to the scale of the problem, the Ministry “uncovered more than 1,400 complaints from both men and women of sexual harassment and bullying in the military” (Kuhn, 2023). In an unfortunate example of institutions’ continued tendency to condone and even institutionalize objectionable, or outright criminal, behaviors, “A panel of experts that investigated harassment cases in Japan’s military and the Defense Ministry said...it found widespread coverups and reluctance among supervisors to deal with the problem” (Yamaguchi, 2023). This case also demonstrates the prioritization of patriarchal goals such as military recruitment over justice for victims of violence as some noted “the extensive abuse that Gono’s suit exposed is not good advertisement for careers in Japan’s

military,” which “missed its recruitment target for fiscal year 2022 by more than half” (Kuhn, 2023). Although current sexual abuses within the Japanese military are qualitatively different from the wartime comfort system, the contemporary prevalence of sexual violence illustrates the persistence of military complicity in systems of sexual exploitation.⁹

Organized Crime & Sex Trafficking

The Long History of State-Yakuza Cooperation

The yakuza are Japan’s organized crime syndicates, which have a long history of entanglement with the Japanese state, and of involvement in trafficking networks. These organized crime groups have formed an integral part of Japan’s ruling system, especially since the Meiji era, such that the yakuza have historically had quasi-official standing as allies of right-wing politicians. At the root of this cooperation lie “ideological kinship” with nationalist and other rightwing groups, “financial interest, and a shared attitude toward the use of violence,” viewing the latter as “a means to exert and maintain power” (Siniawer, 2012, p. 623). Cooperation between the state and yakuza can be traced back through most of the criminal gangs’ history, but it solidified in particularly strong ways with the nationalistic turn of the 1880s. Kaplan & Dubro (2012, p. 37) note that 1892 saw Japan’s first national election along with “the first large-scale cooperation between rightists and the underworld.” The ties between yakuza and government strengthened over time and particularly deepened during the

⁹ This case is also illustrative of arguments made in the previous two chapters. First, the cultural emphasis on harmony and reputational concerns means “whistleblowers are seen as troublemakers,” and leads to “skepticism towards claims,” such as those reporting sexual harassment and bullying within an institution, “that will break the harmony of an organization or bring reputational damage to an organization;” further, entrenched sexism leads to skepticism towards claims of sexual violence themselves, and Gono was accused online “of lying or trying to make money” (Kuhn, 2023).

increasingly militaristic 1930s. Spurred on by the threat which leftist reforms posed to various groups benefiting from more traditional (conservative, patriarchal) configurations of power, some “gangs worked side by side with police, military gendarmes, firemen, veterans, and muscle men of other ultranationalist groups”; they became so “integrated into their respective political parties...that more than a few bosses ran successfully for national office” (Kaplan & Dubro, 2012, p. 39). The history of these ties between state and non-state actors demonstrates how lines between the legal and illegal blur, and how this alliance contributed to the demise of democracy and rise of militarism in interwar Japan.

The failures of Japan’s budding democratic system in the 1920s owes in part to the yakuza’s alliance with the state’s anti-democratic forces. In what would prove fatal to Japan’s democracy, the “murkiness of the state-yakuza relationship helped shield the [interwar] state from the brunt of criticism,” which was instead aimed at democratic institutions, consequently delegitimizing them and facilitating the subsequent autocratic turn (Siniawer, 2012, pp. 629-30). The state’s cooperation with the gangs waned during the war, in part because the “wartime government, having moved as far to the right as big business and the army wished, no longer needed the rightists or gangsters as an independent force” (Kaplan & Dubro, 2012, p. 40), but the ties between state and crime syndicates resurfaced and strengthened in the postwar era, when the yakuza supported and assisted the rise of the Liberal Democratic Party (LDP).¹⁰

Yoshio Kodama, a veteran, suspected war criminal, and ultranationalist, was “the mastermind behind the yakuza’s rise to political power,” using his “ties to the right, the underworld, and American intelligence [to] become one of the most powerful men in postwar

¹⁰ Importantly, Kaplan and Dubro highlight the complicity of the United States in strengthening the position of the yakuza (and other right wing groups) during the U.S. Occupation.

Japan” (Kaplan & Dubro, 2012, p. 59). Kodama’s personal fortune helped finance the founding of the Liberal Party, which would later merge with the Democratic Party to form the LDP in 1955, and thus “firmly established the close relationship that would exist between Kodama and the ruling conservatives in Japan,” who have since “wielded a nearly unbroken hold on postwar Japanese politics” (Kaplan & Dubro, 2012, pp. 60-61). So while notions of ‘organized crime’ typically rest “on the basic division of social reality into...the legitimate world and the underworld” (Volkov, 2002, p. x), predicated on the existence of the state and justice system, the Japanese case complicates this assumption. On the one hand, the political establishment has not historically found it necessary to conceal its criminal ties. In fact, Kodama “was perhaps the most powerful single individual within the LDP” over the two decades after its founding (Kaplan & Dubro, 2012, pp. 60-61).¹¹ On the other, the yakuza, “with its web of political connections,” has operated in a “zone of ambiguous legitimacy” (Siniawer, 2012, p. 628). The state-yakuza partnership therefore raises important questions of legitimacy and demonstrates the power of shared patriarchal organizational structures and goals.

Even though the state and criminal groups are widely presumed to be antagonistic, the reality is that both are patriarchal organizations which exercise power in simultaneously licit and illicit ways, with common goals linking them in sometimes surprising ways. This is particularly evident in the case of modern Japan where the state and organized crime have operated “in a fluid realm” and not as “fundamentally different entities,” which challenges the notion that one is “unquestionably illegitimate, and the other unquestionably legitimate” (Siniawer, 2012, p. 635).

¹¹ The role of the U.S. Central Intelligence Agency in securing criminally-backed rightwing political power in the post-War era is worth noting, as the CIA and Occupation’s use of organized crime and ultranationalists “kept the Japanese left on the defensive and off balance,” while the “money, the favored treatment, and the privileged relationships accorded to rightists and their gangster allies by U.S. officials created a corrupt power structure that would last for decades...American misuse of power helped undermine Japanese democratic goals” (Kaplan & Dubro, 2012, p. 62).

Notably, both the yakuza and state have historically engaged in violence deemed criminal—illegal as per the state’s own laws, “and used for illicit ends” (Siniawer, 2012, p. 624). For instance, yakuza groups, both in the Meiji era, and during the post-World War II years, were used as strikebreakers, and used violence to “intimidate both political candidates and voters,” as well as unions (Kaplan & Dubro, 2012, pp. 36, 57). Ties to the yakuza have demonstrably proven particularly helpful to state officials as these criminal organizations have ties to corporations and individuals who can support them in seeking mutual profit, protection, and power.

The Japanese state has thus been able to rely on the yakuza—non-state violence specialists—as an instrument to pursue its aims, allowing officials to distance themselves from what was, in effect, state-sponsored violence more effectively than if they had had to rely on military or police forces (Siniawer, 2012, p. 629). The year 1919, for example, saw the formation of the *Kokusui-kai*, an “organization of more than 60,000 gangsters, laborers, and ultranationalists,” which “functioned quite similarly to its Fascist contemporaries in Italy,” and crucially “operated with the strong *support of the Home Ministry, the police, and certain high-ranking military officials*” (Kaplan & Dubro, 2012, p. 38).¹² This is illustrative of the potential for states to “co-opt violent entrepreneurs or delegate some state functions to them” (Volkov, 2002, p. 187). The state and its formal institutions thus tolerated and even relied on the yakuza for over a century, such that organized crime itself can be considered, to some extent, a state institution which has actively undermined Japanese democracy and fostered corruption, as well as sexual violence, including sex trafficking.

¹² Some speculate that the yakuza may also have been involved in recruiting Japanese women and girls to serve as comfort women for the occupation forces after the war (Tanaka, 2001, p. 138).

In contrast with other organized crime groups, the Japanese gangs have enjoyed a wide degree of acceptance in society for most of their existence, leading to “institutionalized corruption, compromised markets, and politicians and police unwilling to take on their nation’s biggest criminal challenge” (Kaplan & Dubro, 2012, p. 12). Though this acceptance and accommodation significantly waned in the post-Bubble era,¹³ the yakuza nonetheless managed to expand their activities to become truly international and modern crime groups, enabled by “an all-too-willing class of professionals in Japan” (Kaplan & Dubro, 2012, p. 11), and other factors which have proven a boon to crime groups everywhere (e.g., globalization, widespread poverty, improved technology). Despite the Japanese public’s decreased tolerance for state-yakuza cooperation since the end of 1945, the latter continued, albeit less openly (though barely so, at times), and violence as a political tool persisted—at least until the 1992 passage of the Anti-Boryokudan law. While “vocal and widespread condemnation” curbed the “most blatant and visible forms of state-yakuza cooperation” in the second half of the 20th century, open violence was partly replaced with corruption, which can prove more insidious and difficult to root out (Siniawer, 2012, p. 634). Only in 2006 did the number of registered yakuza members begin to decline (McCurry, 2020). In short, the interconnectedness of crime bosses and bureaucrats forcefully drives home the point that “crime is not the opposite of state legitimacy” (Siniawer, 2012, p. 624). Like criminal organizations, the state has a tendency to prioritize maintaining the dominance of male-led profit-driven nationalist ideals and patriarchal systems rather than seek reform—this maintained the connections between state and yakuza for over a century as they mutually benefited from each other’s existence, until the tide turned in the new century as

¹³ From 1986 until 1991, Japan experienced a period of economic boom characterized by overinflated real estate and stock market prices. This economic bubble burst in 1992 leading to a period of economic stagnation.

domestic opposition mounted simultaneously with a growing international push against transnational organized crime.

The Yakuza and Sex Trafficking

Globally, transnational organized crime plays a significant role in human trafficking, as these two illicit activities are intricately linked (Shelley, 2010). Factors which have buttressed the rapid internationalization and expansion of organized crime groups in the 20th and 21st centuries, notably globalization and technological advances,¹⁴ helped the yakuza expand their business into the trade in human beings. Starting in the late 1960s,¹⁵ yakuza syndicates became actively involved in various businesses exploiting trafficked women, especially sex tourism (Kaplan & Dubro, 2012, p. 220). The yakuza “did not originally create” the conditions that led to the boom of the sex tourism industry in East Asia, “nor [did] they control most of the local action,” but they nonetheless played “a key role in the trade” including by organizing and accompanying sex tours, “setting up contacts with local pimps,” financing sex clubs, and most notably, playing “a major role in trafficking the women overseas” (Kaplan & Dubro, 2012, p. 223). In the 1980s, however, as crackdowns on sex tourism intensified, “the yakuza began to reverse the trade—instead of exporting men, they would import women” (Kaplan & Dubro, 2012, p. 224). These women have been dubbed *japayuki-san*, a clever yet twisted play on *karayuki-san*, marking the shift from Japan as a sending to a receiving country.¹⁶

¹⁴ As noted in the Dissertation Introduction, these developments have led to the internationalization of markets and greater migration, as well as easy travel and instantaneous communication.

¹⁵ There is evidence that “After World War II, the yakuza operated brothels for American servicemen to utilize throughout the U.S. occupancy [*sic*]” (Jones, 2010)—there is thus a historical precedent for the yakuza’s involvement in sex trafficking.

¹⁶ *Karayuki-san* = ‘Miss Gone to China’
Japayuki-san = ‘Miss Gone to Japan’

From 2004 to 2013, the State Department identified the yakuza as important players in the international sex trade, although that influence was suspected of being “significant” only until 2011, after which yakuza were identified as being “responsible for *some* trafficking in Japan, both directly and indirectly” (*TIP Reports*, 2004-2023). In the 2005 ILO-sponsored report “Human Trafficking for Sexual Exploitation in Japan,” the Special Action Programme to Combat Forced Labour (SAP-FL) discusses, among other topics, the role of the yakuza in trafficking women from Colombia, Thailand, and the Philippines into Japan. The world of crime “is gradually becoming more transnational, often intersecting with the licit economy in hard-to-detect ways, and relying on the Internet to facilitate and propagate criminal activities (Aas, 2007, p. 64). This growing tendency of organized crime groups to form profitable transnational alliances highlights their increasing flexibility and diversification, which have consequently made them more responsive, adaptable entities (Aronowitz, 2001). The SAP-FL reports on some important turn-of-the-century shifts in the way the yakuza conducted its sordid business.

While yakuza recruiters would typically travel to source countries in the 1990s, they increasingly began relying on local brokers in the early 2000s (ILO, 2005, p. 8). The SAP-FL (ILO, 2005) presents evidence of the yakuza working with Colombian as well as Thai criminal organizations to ensure the smooth running of their trafficking operations; they have also worked with Filipino entertainment agencies—working as fronts for trafficking—to recruit women into the sex trade.¹⁷ Japanese crime syndicates thus began working alongside their criminal counterparts in source countries in the post-Cold War era. This has led some, such as Jones (2010), to argue that “Any approach to disrupting the yakuza’s illegal global activities would

¹⁷ But read Parreñas’ *Illicit Flirtations* for an insightful critique of the blanket labeling of Filipina entertainers as trafficking victims.

have to be performed in a multilateral forum to ensure governments around the world would help clamp down on organized crime simultaneously.” Of course, this is difficult to achieve for a host of reasons, ranging from the lack of effective interagency and cross-national cooperation to insufficient financial means. Notably, Ghada Waly, the head of the UN Office on Drugs and Crime (UNODC) warned the UN Security Council as recently as December 2023 that the “costs and risks of engaging in criminal activity have never been lower,” despite the *UN Convention against Transnational Organized Crime* having entered into force twenty years ago, “and the global threat posed by organized crime has reached new levels of complexity,” leading her to call for “institutions capable of delivering justice and ending impunity,” as well as greater investments in “resources to confront illicit markets that are worth trillions of dollars” (UN News, 2023). UN Secretary-General António Guterres urged states to fully implement the Crime Convention and to strengthen multilateral cooperation, hinting at the latter’s current insufficiencies (UN News, 2023).

Further complicating efforts to combat organized crime and human trafficking are the profitable interactions between the illegal supplying of trafficked persons and legal economies that benefit from their labor, so that a “symbiotic relationship between the legal and illegal economies” arises (Aronowitz, 2001, p. 173). Intersections between the illicit trade in human beings and the legitimate economy serve as hurdles to anti-trafficking efforts, as the benefits which legal persons or entities derive from human exploitation help to perpetuate it. Given the prevalence of prostitution-buying in Japan,¹⁸ it may be inferred there are many who benefit from

¹⁸ As mentioned in Chapter 2, the frequenting of sex industry venues is embedded in the Japanese culture of corporate masculinity, such that the sex “industry is at least in part supported by corporate accounts” (ILO, 2005, p. 39). So while “mainstream business is neither responsible for the entertainment industry’s worst excesses nor directly connected to the trafficking industry, the broad entertainment industry does enjoy mainstream support” (ILO, 2005, p. 39) Though most might rightfully expect the entertainment industry generates substantial revenue, few would suspect that the industry comprises between one and three percent of Japan’s GNP (ILO, 2005, p. 38).

illicit sexual labor, including the state's agents.¹⁹ Modern transnational criminal activity functions as a "rational and well-organized enterprise [which] becomes indistinguishable from other types of conventional economic behavior" (Albrecht, 2011, p. 62). In other words, organized crime groups such as the yakuza have come to function less like thugs and more like illicit counterparts to other profit-driven businesses. On the supply side of the problem, a growing number of individuals are vulnerable to trafficking. According to the ILO, Walk Free, & IOM (2022, p. 2), there has been "an increase of 2.7 million in the number [of] people in forced labour between 2016 and 2021, which translates to a rise in the *prevalence* of forced labour from 3.4 to 3.5 per thousand people in the world." In an increasingly competitive market economy, there is a constant demand for cheap labor, which transnational criminal organizations are happy to provide, smuggling and trafficking human beings across borders into "various types of shadow economies," including Japan's sex trade (Albrecht, 2011, p. 60). In 2022, the Council for the Promotion of Measures to Combat Trafficking in Persons (2023, p. 10) reported "83 cases of trafficking in persons pertaining to [TIP victims] put under protection by Japan were cleared (21 more than in 2021) and 37 persons were arrested for trafficking in persons." Meanwhile, IOM's Counter-Trafficking Data Collaborative (CTDC) has identified 434 victims from the Philippines, Thailand, and Indonesia exploited in Japan since 2002.²⁰

The same and similar factors which have helped the growth of transnational crime's success have therefore served to put others at risk. Globalization, poverty, and political

¹⁹ While many buyers, perhaps a majority, may be unaware (and uninterested) in whether those they are buying sex from are working under duress, this ignorance does not absolve clients from their role in fueling and participating in the sex trafficking industry.

²⁰ "The victims of trafficking data presented in these maps come from either the case management services or the hotline reports from CTDC contributing organizations. These data have been collected since 2002 in the case of case management services and 2015 in the case of hotline services. These data reflect the victims assisted/identified/referred/reported to the contributing organizations, which may not represent all victims identified within a country" (IOM, 2024).

instability have pushed individuals into precarious situations in which they are likely to encounter (or to be found by) criminal agents who may lure some into trafficking operations through false promises. In the post-Cold War era, victims have been trafficked into Japan from all over the globe,²¹ their travel often facilitated by the yakuza and other organized crime groups as well. Traffickers promise different kinds of work, higher wages, fair living and working conditions, and fail to provide information about the debt incurred by their unsuspecting victims. Even those who are aware they will be employed as prostitutes “have no idea of the conditions they will suffer or the debt they will incur” (ILO, 2005, p. 9). Maria, for example, knew that “she would be working as a prostitute and that she would have to repay her airfare,” though it was only after her arrival that “she was told that she owed 6 million yen, an amount far greater than she had expected...She had no day off. She was forced to work even when she was sick,” and in addition to her initial debt, she had to pay “10,000 yen a month protection money to the yakuza” (ILO, 2005, p. 11). Her story also highlights the international reach of organized crime groups as “Trafficking group members visited her family in Colombia, threatening her mother and six year old child with guns” (ILO, 2005, p. 11).

Carmen, who was trafficked from Colombia, was informed “that she had a debt of 3 million yen to cover the cost of the ticket” only once she had arrived at the airport in Osaka; her Colombian broker’s husband was a member of the yakuza, and rather than working in a computer shop as promised, she was instead expected to work as a prostitute; when Carmen tried to escape, the yakuza went searching for her, though she managed to find refuge at the

²¹ Victims have been trafficked from Eastern Europe, Northeast Asia, Southeast Asia, South Asia, South America, as well as Africa.

Colombian Embassy (ILO, 2005, p. 8). Unfortunately, there are many other such stories.²²

Human Rights Watch (2000) corroborates this finding, reporting that “agents routinely deceived women about the terms and conditions of the work they were going to do,” and though “promised jobs as waitresses or factory workers,” many of the women “were later coerced into engaging in sex work.” Debts run high, and hidden fees and penalties accumulate so that very few women can ever repay them. The ILO (2005, p. 70) reports that victims, even if they do manage to run away, “fear the yakuza finding them and reprisals against their families.” The Japanese state’s historical alliance with the yakuza fueled trafficking networks, and although the situation is finally improving, authorities’ previous reluctance to address the yakuza’s criminal activities contributed to the expansion of sexually exploitative practices.

Collusion between criminal and political elements of Japanese society historically ran in tandem with government and police corruption which contributed to the lack of political will to put an end to trafficking enterprises, but this began to change as the international community began to more seriously consider the problem of transnational organized crime, and to exert pressure on states to tackle endemic organized crime problems. In 1992, the Anti-Boryodukan²³ law was implemented resulting “in the dissolution of 192 Boryokudan [violence group] organizations and a reduction in the influence of remaining groups” (Police Policy Research Center, 2000). According to a National Police Agency (NPA, 2020) report,

Membership including associate members of Boryokudan peaked in 1963, at approximately 184,100 persons. Since then, it was on a steady decline until 1987 when

²² E.g., another Colombian victim, Angelica, was told after arriving that “she had a debt of 4 million yen, which for unexplained reasons became 4.5 million within a week. She was told that if she did not agree, her two children would be harmed” (ILO, 2005, p. 14). Sri, who was trafficked from Thailand, “was told she had to repay a debt of 4.8 million yen to cover the costs involved in bringing her to Japan, and that she would have to work as a prostitute,” only after she had arrived in Japan (ILO, 2005, p. 19).

²³ “Boryokudan is commonly referred to as ‘Yakuza’ and is defined by the Anti-Boryokudan Act as ‘any organization likely to facilitate its members to collectively or habitually commit illegal acts of violence’” (NPA, 2020).

it once again started showing signs of growth. With the implementation of the Anti-Boryokudan Act in 1992, this growth trend halted and the number of Boryokudan members began to decline again. As of the end of 2019, Boryokudan membership stands at approximately 28,200.

Partly,²⁴ this fall in membership can be attributed to “police crackdowns on major gangs and economic uncertainty [which] are making it harder for the yakuza to tempt young men with promises of easy money. Instead, they face decades of risk-taking on behalf of their bosses and longer prison sentences – all without the prospect of a pension” (McCurry, 2020).

The reason for these heightened legal crackdowns is partly the result of domestic pressure, but it is also likely that the strong international push against organized crime in the 21st century has played a role in Japan’s efforts to curb the influence of organized crime groups. Geopolitical situations determine, in part, which institutions are considered legitimate,²⁵ influencing who gets to be part of the official framework—contrasting with its quasi-legitimate status of earlier years, it is not too surprising to find the influence of the yakuza has been diminishing since their alliance with the state has largely come to an end in the 21st century. Illustrative of this is the steady decline in yakuza membership over the past eighteen years (Yoshida, 2023). It is also possible that the linkages between organized crime and other security issues, such as drug trafficking, terrorism, and illegal firearms sales, have encouraged the government to take a more proactive stance against criminal groups. Though the influence of organized crime syndicates has diminished, however, it has neither fully disappeared,²⁶ nor have

²⁴ A cultural factor also seems to be at play, as much of the romanticism traditionally associated with yakuza membership is fading. The view of the yakuza as honorable outlaws no longer holds much weight, and few youths find the prospect of gang membership to be appealing, especially given its rigid hierarchical structure which designates younger members as responsible for taking the fall and serving prison sentences for their bosses’ crimes.

²⁵ Recall, for instance, that during the Occupation, the yakuza received support from the U.S. government.

²⁶ According to the NPA, there were still “22,400 individuals linked to gang groups at the end of 2022” (Yoshida 2023).

its centuries of cultural and political influence vanished.²⁷ There is some debate, however, as to whether tackling organized crime represents a true solution to ending human trafficking.

Sex Trafficking as a Crime or Human Rights Issue

Indubitably, transnational criminal organizations pose a threat as they destabilize fundamental pillars of the state—its economy, judicial processes, and political structures, which they either infiltrate or whose members they corrupt, as well as civil society, as their actions limit “freedom of the press and individual expression” (Shelley, 1995). Louise Shelley (1995) further argues that a state which lacks a “history of uncorrupted government” will likely view corruption, even in the form of criminal organizations, as business as usual, as the Japanese state has long done. The link between organized crime groups and trafficking in persons is well-established, and there are few who would dispute the connection between these. But trafficking in persons has not always been framed in the context of transnational organized crime.

It was only in the late 1990s that human trafficking moved from the human rights sphere to that of drugs and crime, despite considerable contestation (Merry, 2016). This approach was solidified in 2000 with the drafting of the UN Palermo Protocol and the U.S. TVPA (Trafficking Victims Protection Act). One of the biggest proponents for the turn to framing trafficking as a criminal issue was the United States, whose annual *Trafficking in Persons (TIP) Reports* have a significant influence on the way anti-trafficking is conceived and implemented globally. Yet, as Sally Engle Merry (2016) warns, this type of reporting “homogenizes and distorts a very complex array of interactions and relationships[,] crystalizing the problem as being one of organized crime that requires a criminal justice response.” Some trends in the U.S. State

²⁷ The U.S. State Department staff I interviewed in summer 2022 also expressed frustration at the relationships the yakuza “have with NPA officials” which has allowed them to “avoid scrutiny because the NPA looks the other way.”

Department's *TIP Reports* are worth highlighting as pertains to the framing of trafficking as a crime-oriented issue.

Over the past two decades, the *TIP Reports* have heavily emphasized the need for the implementation of laws criminalizing trafficking and the importance of stricter prosecutions. Additionally, they have highlighted the role of organized crime groups in perpetuating trafficking crimes. In 2001, the U.S. *TIP Report* mentioned the role of “Japanese organized crime groups who hold illegal immigrants in debt bondage,” and in 2003 it criticized the government for failing to effectively deter the “professional syndicates involved in trafficking” (*TIP Reports*, 2001, 2003). From 2004 until 2013, *TIP Reports* outright named the yakuza as being involved²⁸ in trafficking. This corroborates the ILO's 2005 (p. 38) finding that, in Japan, “One major obstacle to the prosecution of trafficking is the powerful presence of organized crime groups (*yakuza* or *boryokudan*) controlling the sex industry.” Since 2014, however, the State Department's reports have no longer named the yakuza as playing a role in Japan's trafficking industry, which may correlate with the syndicates' diminishing presence and influence. Interestingly, there was no mention of “organized crime groups” at all in the 2014-2017 reports. This is particularly puzzling given that it was in 2014 that the U.S. State Department officially began listing accession to the 2000 UN *Transnational Organized Crime Convention* and the TIP Protocol as a recommendation for improving anti-trafficking outcomes.²⁹

Moreover, Japan finally acceded to these two UN Conventions in July 2017, which was noted in the 2018 *TIP Report*—yet the 2018 report was the first since 2013 to mention the role of

²⁸ Or being suspected of involvement, depending on the year.

²⁹ They first recommended accession to the 2000 UN TIP Protocol only (without outright including the Crime Convention) in 2013; in prior years, from 2007-2012, the U.S. *TIP Reports* mentioned as hurdles to the adequate prosecution of sex crimes the fact that Japan was “not a party to the 2000 UN TIP Protocol.”

“organized crime syndicates” in trafficking operations in Japan.³⁰ So it seems accession to the organized crime convention has not, in practice, had a noticeable impact on either the scope of human trafficking in Japan, nor the role played by organized crime syndicates in this trade.³¹ *TIP Reports* “are based on the theory that trafficking is the product of criminal networks that recruit and transport innocent, naïve victims,” and they blame organized crime rather than “economic disparities, violence in families, established patterns of servile labor, lack of legal modes of movement, desire to travel” (Merry, 2016). This theory, however, may prove erroneous. And while the dominant anti-trafficking tactic has become a crime-driven one, some scholars and activists question the effectiveness of such an approach.

There may be legitimate advantages in the U.S.’s security-oriented framing of trafficking. Simmons, Lloyd, and Stewart (2018, p. 276) are proponents of framing TIP as a crime issue, arguing that “the crime frame provokes much stronger, swifter, and more global action than frames that emphasize victim protection or human rights.” They point to the availability of the human rights approach “since the late 1940s and especially since the 1970s,” and the corollary modest and episodic nature of the states’ attempts to deal with human trafficking “throughout most of the twentieth century,” which the authors contrast with the “specter of transnational crime [that] provoked action like never before in the 1990s” (Simmons, Lloyd, & Stewart, 2018, p. 276). The authors even postulate that “in the absence of its linkage to transnational organized crime, human trafficking might have remained a silent problem in the 1990s and 2000s—one quite unlikely to have been acted upon by a great many states around the world” (Simmons, Lloyd, & Stewart, 2018, p. 277). Although this is plausible as states show, on the whole, greater

³⁰ In the most recent report at the time of writing, the 2023 *TIP Report*, organized crime syndicates were still identified as playing a role in luring and exploiting victims in sex trafficking.

³¹ Note that this may also be due, in part, to Japan’s policy of cosmetic conformity, discussed in Chapter 1.

willingness to address issues with linkages to their national security rather than human rights, this approach may not be as successful at remedying the problem of trafficking as anticipated, as highlighted in the above *TIP Report* trends, and it may even have negative repercussions.

Going hand-in-hand with the success of the transnational crime framing of the issue is that of carceral protectionism and abolitionism. This has resulted in greater surveillance and policing (Shih, 2016) on the one hand, and a heavy anti-prostitution bias that dominates anti-trafficking standards on the other. But the failure to distinguish between sex workers and sex trafficking victims, and the concurrent “intersection of criminal law and immigration law,” have created exploitative conditions for migrants and subjected both workers and victims to unwanted “rescues” and repatriations which “fail to provide women with compensation for their labor, protection from retaliation, or immigration relief, and” sometimes “force women to return to economic deprivation, political strife, or abusive spouses or families” (Zheng, 2010, pp. 10-12). Lerum & Brents (2016, p. 20) further point out that “Anti trafficking approaches that feed rescue and carceral institutions are also in direct contradiction to advice by leading global health and human rights researchers and sex worker rights advocates.” They note that “Aggressive policing and forced ‘rescues’ violate the human rights of individuals in the sex industry,” with many “Global health and human rights organizations [...] calling for the complete decriminalization of prostitution. Advocates for sex workers argue for resources and rights rather than rescue and criminal punishment” (Lerum & Brents, 2016, p. 20). What’s more, “While sex worker activists also wish to fight coercion and trafficking in the sex industry, when they do not acknowledge themselves as victims, anti-trafficking activists and state actors label them criminals, and their work on behalf of actual victims is at best marginalized, and at worst thwarted” (Lerum & Brents, 2016, p. 21). Clearly, change is needed.

Prior to the crime-oriented turn, trafficking was construed as “a problem of socially, politically, and economically marginalized groups caused by discrimination and societal abuse” (Merry, 2016). This systemic, rights-based approach is based on the understanding that “Slavery [trafficking] reflects the wider structures, values, and relationships of society and these, therefore, need to be addressed if slavery is to be eradicated,” it recognizes that “slavery is an institution that emerges and exists not because of criminal actors, but because slavery reflects relationships more widely replicated within society” (Wilkins, 2020, p. 4). Many scholars and activists advocate for a return to the latter and away from carceral protectionism and abolitionism. The argument is not that fighting transnational organized crime on its own is harmful, but rather that when trafficking in persons is ensconced within this framework, anti-trafficking solutions largely fail. “In short,” as Wilkins (2020, p. 14) suggests, “to repair the legacies of slavery and to prevent new cases of slavery, human rights must be prioritized.”

There is no question that tackling organized crime is an important security matter, including in the Japanese case. But curbing organized crime is not the same as, nor is it sufficient in, trying to curb and end human trafficking. The case of the yakuza illustrates well how a crime approach to solving human trafficking is inefficient and, at least on its own, doomed to fail. Despite the U.S. insistence on adopting a crime-based approach to anti-trafficking, the *TIP Reports* have not noted any improvement in the scale of trafficking regardless of the diminishing presence and influence of the yakuza,³² and their diminishing role in human trafficking networks especially. The National Police Agency’s Organized Crime Department indicates the yakuza today “resort not only to their traditional fundraising activities such as the illegal sales of

³² At their peak in the 1960s, the yakuza counted more than 180,000 members, while they still had 87,000 in 2006, that number has since been steadily decreasing, such that that figure had fallen to 22,400 by 2022 (McCurry, 2020; Yoshida, 2023).

stimulant drugs, extortion and gambling, but also to special fraud and other types of fraud abusing various financial aid programs. They also use their organizational power to make profits by intervening in legitimate private business transactions” (NPA, 2021). In 2022, the *yakuza* were primarily associated with online and telephone fraud” (NPA, 2022, p. 2). In recent reports, the NPA does not mention human trafficking as an area of concern relating to organized crime.³³ In other words, while fighting organized crime is important to national and international security, in itself it is not a solution to ending human trafficking. Other systemic issues and endemic systems of violence must be dealt with. While trying to tackle organized crime issues is a worthwhile and necessary pursuit for the sake of security and safety, and to root out persistent corruption, the crime approach to human trafficking is clearly not going to solve the issue—at least not on its own.

Police and Government Complicity in Systems of Trafficking

The state’s complicity in trafficking does not end with the military and organized crime syndicates. Other state institutions, most notably the police, but other government officials as well, have played a role in these exploitative cycles. Notably, historical ties between *yakuza*, police, and government created negative cycles of harm which, at times, have directly perpetuated trafficking. Today, officials continue to either turn a blind eye or turn to victim-blaming and re-victimizing practices. The state’s concern has always been with its ability to control and profit from the sex trade, not with its abolition, and certainly not with the ongoing

³³ The “Crime Situation” report does identify 390 cases of kidnapping and human trafficking in 2022, but does not correlate these with organized crime (NPA, 2022, p. 5). When she worked as a hostess in Japan, Rhacel Parreñas (2011, p. 13) found that, despite having “heard plenty of stories about the *yakuza*, knowing they are often blamed for the sexual trafficking of foreign hostesses...the fear associated with the *yakuza* was not reflected in the attitude of most hostesses I met in Tokyo [for whom] the *yakuza* were not threatening criminals but potential sexual partners [and] some of the most generous customers at hostess clubs.”

exploitation therein. Despite nominal successes of the abolitionist movement at various points in Japanese history, public authorities have never stopped regulating the sex trade—historically, they oversaw the licensed prostitution system, today they continue to regulate and oversee various sex-related industries. The state has repeatedly elected to prohibit *forms* of prostitution that it cannot easily control, and has made the sex trade a realm from which to profit and within which to expand state powers by giving officials, notably police, authority to oversee its conduct.

Police and Licensed Prostitutes: A Matter of Control and Corruption

Prostitution may have been legal for centuries in Japan, but only when overseen by the government—women who worked outside the licensed prostitution system were criminalized. Even licensed prostitutes faced severe constraints on their freedom and mobility, with “police regulations [that] made it difficult, even dangerous, for licensed prostitutes to venture outside the confines of the brothel quarters” (Garon, 1993, p. 710). Plainly put, “the state monopolized the traffic in women for sex and was a privileged participant in their exploitation[,] legalizing state-administered prostitution as the only exception to criminalized prostitution,” and indeed, “unlicensed prostitutes [were] the objects of official observation, prosecution, and suppression” (Fujime, 1997, pp. 141-42). Meiji-era changes, which emulated Western systems of control, included a strengthening of the police state. In following the European model, Japanese authorities “entrusted the regulation of prostitution as a ‘shameful calling’ to local police,” thereby providing the state with a veneer of respectability as the “central government gave the outward appearance of not participating in the ‘shameful calling’” (Fujime, 1997, p. 141). Police, however, were typically more interested in working alongside other government authorities in upholding exploitative systems rather than protecting women in prostitution and their rights. As

previously stated, the licensed prostitution system was, in effect, one of body policing for lower-class women who were being sexually exploited.

The justice system and police have a long history of supporting traffickers instead of their victims. The police in particular had a strong tendency to help brothel owners by prioritizing the repayment of debts over the coercive trafficking of some women and girls into the sex trade.³⁴

One of the glaring instances of state complicity with systems of trafficking from the early advent of anti-trafficking measures can be observed in the dual (nominal) criminalization of human trafficking after the passage of the 1872 *Order to Liberate Prostitutes*³⁵ while permitting prostitution “for poverty relief” (Fujime, 1997, p. 140). This despite knowing that many women and girls found themselves forced into the sex trade either as a matter of last resort or against their will, because of their own or their family’s poverty. This effectively forced those with no other means for financial gain to continue their work as prostitutes.

Despite the passage of a law in 1900 that enabled “any inmate of a brothel to have her name struck off the list of licensed prostitutes immediately on application to the police of the district, irrespective of any debt she may owe to the keeper” (LON, 1933a, p. 73), in reality debts continued to be used as a way of forcing women to keep working in brothels even against their wishes. The police were often complicit in this practice, as observed by the League of Nations (1933a, p. 73): often siding with brothel-keepers claiming to “have been defrauded, the police

³⁴ Holly Sanders (2006, p. 33) describes one such instance: “The victim of the ‘Ōta Ward Incident’ was a 16-year-old girl who had escaped from the geisha house to which her father had sold her. Geisha houses, though ostensibly providing customers with trained female entertainment, were in the vast majority of cases indistinguishable from brothels. This house was no different – the girl had accused her employer of forcing her into prostitution. After she ran away, the proprietor refused to forgive her debt and would not return her identity papers and belongings. Making matters worse, the police declined to help and turned her family away with useless advice: ‘She should go negotiate directly with the owner. It is best to settle this quickly,’ and concluded with the adage, ‘one must work to repay what one has borrowed’.”

³⁵ See Chapter 1 for more details.

find it adequate to call the employer into consultation with the applicant for release and also, on occasion, her parents or relatives,” in which case, appeals “to her filial devotion” often resulted “in her return to the brothel.” There are other instances in which a woman who “wished to have her name removed from the list of registered prostitutes” encountered police officials who “refused to accept” these requests or who might even use intimidation “to cause her to change her mind about leaving” (Garon, 1993, pp. 710, 714). Therefore, even though the Supreme Court “recognized prostitutes’ rights to leave brothels” in 1902 (Howland, 2013, p. 37), in practice, it remained very difficult to do so, partly owing to the close, mutually beneficial relationships maintained between policemen and brothel-keepers. Since “many prostitutes who opted out of prostitution could not earn enough in other jobs to pay off their debts, policemen often inhibited acts of free cessation after 1900” (Garon, 1993, p. 714). Neither did the courts seem concerned with the proper implementation of laws protecting licensed prostitutes, to say nothing of those working outside the official system.

Among the ways in which the state began to exercise greater control over the sex trade during the Meiji era were the aforementioned compulsory venereal disease examinations of prostitutes, overseen by police, military, and other government officials.³⁶ These fed into (and flowed from) the dehumanization of prostitutes as dangerous and parasitic.³⁷ Systems of policing grew more stringent as a direct result of Western influence, but despite Westerners’ anti-slavery and anti-prostitution campaigns, the work and living conditions of women in prostitution did not improve. Abolitionists complained about the use of police powers in curtailing women’s civil

³⁶ “Venereal disease examinations of waitresses (*shakufu*) were conducted three times a month under the supervision of the police inspector, and geisha were examined once a month” (Fujime, 1997, p. 152).

³⁷ Of course, clients never needed to get tested before they slept with prostitutes, since women in prostitution were blamed as the source of disease. This system was deemed by authorities to be “consistent with civilization and enlightenment policies” (Fujime, 1997, p. 139) as part of the tendency to label western systems and norms as “civilized”.

liberties, pointing out that the system of licensed prostitution denied prostitutes “the freedoms to cease trade, choose one’s customers, move about at will, and communicate unhindered with the outside world” (Garon, 1993, p. 719). In other instances, “the police tacitly permitted prostitution business owners to skim 60 percent of prostitutes’ earnings, in open violation of the labor codes” (Shiga-Fujime & Findlay-Kaneko, 1993, p. 8). The justice system failed women in prostitution as it did little to uphold their rights.

Even though abolitionists rightly pointed out these legal infringements, it was not uncommon to find them working *with* the state and police. Some Women’s Homes—nominally intended to support those trying to escape prostitution—cooperated with the police, refusing “to accommodate Japanese prostitutes who had escaped from the brothels and sought help if they ‘still owed a debt to their brothel owners.’ [...] Instead, the home handed them over to the local Japanese police department, which would eventually send them back to their brothels” (Lu, 2016, pp. 860-61, p. 872). In their mutual quests to abolish unlicensed prostitution, abolitionists and the state were both content with laws which gave “police extensive powers to arrest unlicensed prostitutes and order them to undergo medical examinations” (Garon, 1993, p. 712). Among the state’s agents, trafficking victims and sex workers had few, if any, allies.

During the U.S. Occupation, under General MacArthur’s directives, efforts were made to criminalize prostitution. The Japanese government, however, was not inclined to cooperate in these endeavors, and “maneuvering by the Japanese police and Home Ministry” rendered these efforts “meaningless. Brothel keepers got a green light to operate largely as they had before,” and the “Police generally avoided harassing ‘red-line’ districts, which had long-standing connections to the authorities” (Sanders, 2006, pp. 26-27). The U.S.-imposed regulations were ineffective, partly because the police was “poorly paid and corrupt,” but especially due to the

“attitude of the police who[...]criticized sex workers as ‘nothing more than a sort of women who hate to make themselves busy about any honest calling, fond of leading an easy, dissolute life, wanting to make easy money’” (Kovner, 2009, p. 790). In the end, the “tight relationships among recruiting agents, proprietors, presidents of street associations, and the police made it difficult” for “female sex workers in proprietor-type houses [...] to escape despite MacArthur’s” proclamations in the 1940s (Kovner, 2009, p. 790). It is important to recall that most women in prostitution did *not* support the criminalization of their trade—this was not the type of assistance which they wanted, and they rightfully anticipated it would fail to help them, and might even make matters worse. This led to a peculiar mix of sex workers, brothel owners, as well as police and other officials opposing the (eventually successful) criminalization attempts of abolitionists in the 1950s. As expected, “Sex workers, no longer protected by any sort of contract or legal status, became even more marginalized[...] They emerged from the process without any labor rights, because what they did was no longer considered labor. Once tolerated and regulated, it was now officially codified as a ‘social evil’” (Kovner, 2009, p. 799). The laws changed, but the justice system and police continued to fail those who worked or who were being exploited in the sex trade, and corruption remained.

Ongoing Issues with Prosecution of Trafficking: The Police and Justice Systems

The police and justice system in Japan continue to play a part in the mismanagement and failures of anti-trafficking policies in the post-Cold War era. Partly, the problem resides in deeply rooted patriarchal traditions and mindsets which have made it so the sex trade “is widely winked at by authorities in Japan’s male-dominated society,” contributing to the slow response by the government and authorities in addressing human trafficking (Kaplan & Dubro, 2012, p. 228). One problem, far from unique to Japan, which Williamson (2017, p. 78) highlights is that,

in some cases, “traffickers can gain immunity from the law and continue their trade through corrupt guardians such as police officers, border guards, or immigration personnel.” Traditional attitudes toward women and foreigners, resulting from harmful constructs of masculinity and racism, continue to hamper effective police and legal action against human traffickers in Japan. Police and the justice system have contributed to the failures of anti-trafficking measures in several ways.

The situation in Japan has improved over the past two decades, but misplaced priorities, an emphasis on immigration crimes, and the categorization of sex crimes as low-priority persist. According to Jake Adelstein,³⁸ when he spoke to the detective in charge of the Organized Crime Control Division 1 in 2004, the latter informed him the police could not “ignore someone working here illegally and give them shelter, even if they are victims...If we did not arrest one of the women deceived into working for those people [traffickers], that would be negligence of duty” (Adelstein, 2004, p. 255). Anti-foreigner biases persist, notably evidenced by the fact that “Foreign trafficking victims [have] limited or no access to other government-provided social services from which legal resident victims could benefit” (*TIP Report*, 2023) Although laws now do exist that allow police and prosecutors to build cases against traffickers, “police and immigration officials” continue to lack “awareness of trafficking indicators, especially in cases involving foreign nationals” and to prosecute some victims of trafficking for immigration violations (*TIP Report*, 2023). Criteria now exist to identify victims, but official guidelines for identification have not been updated since they were first drafted in 2010, and “The lack of adequate standardized guidelines, poor coordination among ministries, and an incomplete, disparate set of sex and labor

³⁸ Adelstein is an American-born reporter who worked for one of Japan’s largest newspapers, the *Yomiuri Shimbun*, for twelve years, starting in 1993.

trafficking statutes among all relevant agencies contributed to the government's inadequate efforts to identify and protect victims" (*TIP Report*, 2023). This echoes another persistent problem among the state's officials: the "disjointed lack of coordination" leading to unclear responsibilities within the government (State Dept Interview, 2022).

The *TIP Reports*, as well as NGOs, have repeatedly pointed out the lack of interagency coordination and the absence of a dedicated, specialized human trafficking department or office as persistent problems (*TIP Reports*, multiple years; JNATIP Interview, 2022; State Dept Interview, 2022). Indeed, the handling of trafficking crimes is "very disjointed because you've got the Ministry of Justice, you've got NPA, you've got MHLW [Ministry of Health, Labor, and Welfare], you've got the Cabinet Office, and then within each of those you've got sub-offices," all of which are somehow involved in anti-trafficking matters (State Dept Interview, 2022). The 2022 National Action Plan resolved to "strengthen the communication system between the departments in charge of trafficking in persons at the prefectural level, and share information about human trafficking cases and actively control specific problematic cases through the cooperation of relevant government offices" (MOFA, 2023, p. 16). These "relevant" offices, ministries, and bureaus are numerous, however, as the following list of ministries and agencies involved in measures to combat trafficking indicates (Council to Combat TIP, 2023, p. 87):

[Figure 42] List of ministries and agencies involved in measures to combat trafficking in persons

Cabinet Secretariat	Secretary to the Assistant Chief Secretary
Cabinet Office	Division on Gender-Based Violence, Gender Equity Bureau
National Police Agency	Safety Division, Community Safety Bureau
Children and Families Agency	Child Safety Division, Growth Bureau
	Child Abuse Prevention Division, Support Bureau
Ministry of Justice	Public Security Division, Criminal Affairs Bureau
	Investigation and Remedies Division, Human Rights Bureau
	Human Rights Promotion Division, Human Rights Bureau
Immigration Services Agency	Adjudication Division, Immigration Department
	Residency Management Division, Residency Management and Support Department
Ministry of Foreign Affairs	International Safety and Security Cooperation Division, Foreign Policy Bureau
	Foreign Nationals' Affairs Division, Consular Affairs Bureau
Ministry of Education, Culture, Sports, Science and Technology	Education Policy Bureau
	Gender Equality, Cohesive Society Learning and Safety Division
Ministry of Health, Labour and Welfare	Inspection Division, Labour Standards Bureau
	General Affairs Division, Social Welfare and War Victims' Relief Bureau
	Office of Counsellor for Overseas Human Resources Development, with a Director-General for Human Resources Development
Ministry of Agriculture, Forestry and Fisheries	Young Farmers and Women Division, Management Improvement Bureau
Ministry of Economy, Trade and Industry	Office for Industrial Human Resources Policy, Economic and Industrial Policy Bureau
Ministry of Land, Infrastructure, Transport and Tourism	Policy Division, Policy Bureau
Japan Coast Guard	International Criminal Investigation Division, Rescue Department

Moreover, transfers to different departments are frequent in the Japanese government, so there is a lack of continuity “and concurrent difficulty in building any significant degree of expertise [which] makes the task of tackling TIP very difficult” (JNATIP Interview, 2022). The officials “in charge of coordinating policy” on TIP issues are not anti-trafficking specialists, rather they are simply in an interim, short-term coordinator position which anti-trafficking activists and NGOs work with, and it “doesn’t feel as though they are serious about the issue”

(JNATIP Interview, 2022). As the JNATIP [Japan Network Against Trafficking In Persons] steering committee member I interviewed put it, “Officials who are supposed to deal with trafficking in persons are not eager to solve the problem—they just do whatever they are assigned to.” Having an official department which exclusively deals with trafficking in persons could help in remedying this dearth of experience, expertise, and motivation.

An additional issue is that the government lacks a comprehensive anti-trafficking statute, resulting in these various officials “picking and choosing” which statutes to prosecute perpetrators under (State Dept Interview, 2022). NGOs, such as JNATIP (2022) have also identified the absence of a comprehensive law as a hindrance to the success of anti-trafficking endeavors. In 2023, “Authorities continued to prosecute and convict traffickers principally under laws prescribing insufficiently stringent penalties” (*TIP Report*, 2023). Behind this pattern is the culturally-embedded “prosecutorial approach in Japan where prosecutors will only take a case if they’re relatively sure they will get a conviction, which leads to them pursuing cases under lesser charges,”³⁹ resulting in charges and sentencing both being weak (State Dept Interview, 2022). Penalties are insufficient for effective deterrence: prison sentences are often waived and replaced with fines, and “especially for some of these bigger brokers and operators, it essentially just becomes the cost of doing business, just a slap on the wrist” (State Dept Interview, 2022).

Hinting at both the insufficiency and complexity of this anti-trafficking legal landscape, Japan’s Council for the Promotion of Measures to Combat Trafficking in Persons’s 2023 Annual TIP Report presents information on the results of trafficking-related trials. In 2022, “37 persons were arrested for trafficking in persons,”⁴⁰ and of the thirty-four who had been prosecuted, as of

³⁹ Many prosecutors reportedly avoided using the ESA [Employment Security Act] and LSA [Labor Standards Act] due to a perception that the relatively high penalties were more likely to trigger appellate processes that would decrease their overall conviction rates and negatively affect their professional standing (*TIP Report* 2023).

⁴⁰ There were “no members of organized crime groups” (Council to Combat TIP, 2023, p. 10).

March 31, 2023, twenty-eight were “found guilty, four are still pending, and two were sent to the family court” (Council to Combat TIP, 2023, p. 10). No less than fifteen of these were suspended sentences, and seven offenders were simply fined (Council to Combat TIP, 2023, Table 2). These thirty-four suspects were prosecuted under a wide variety of laws and offenses, including the Anti-Prostitution Act (7), the Child Welfare Act (10), the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children (12), the Tokyo Metropolitan Ordinance of Juvenile Protection (3) and various other prefectural ordinances of juvenile protection⁴¹ (6), the Employment Security Act (2), the Act on Control and Improvement of Amusement Business (1), and a variety of offenses for which violated legal Acts were not specified⁴² (Council to Combat TIP, 2023, Table 2). While these individuals were suspects for the crime of trafficking in persons, the absence of the very word “trafficking” from their offenses and the Acts which were violated underscores the enduring absence of a designated anti-trafficking law.

Victim-blaming persists as well, including from agencies such as the NPA. Some police officers “don’t take victims as such but rather treat them instead as perpetrators, criminals, violators of immigration laws,” leading NGOs to emphasize the importance of training and education (JNATIP Interview, 2022). Another problematic aspect, as suggested by the State Department staff I interviewed, is the “lack of women in a lot of these positions,” resulting in a “very homogenous viewpoint,” which makes it “hard to get a lot of fresh ideas or momentum

⁴¹ The Shizuoka Prefectural Ordinance for Developing Favorable Environment for the Youth, Nara Prefectural Ordinance of Juvenile Protection, Gunma Prefectural Ordinance of Juvenile Protection, Kagawa Prefectural Ordinance of Juvenile Protection, Hokkaido Prefectural Ordinance of Juvenile Protection, Hiroshima Prefectural Ordinance of Juvenile Protection.

⁴² i.e., kidnapping of minors (4), obscene electronic or magnetic recording media; Kidnapping for indecency, confinement, constructive forcible sexual intercourse; Constructive indecency through compulsion (2); Compulsion attempt; Aiding public indecency.

injected into the system” (State Dept Interview, 2022). Other problems have been identified with the government and police’s handling of trafficking.

Over the years, the U.S. *TIP Reports* (2001-2023) list various concerns such as corruption within the entertainment industry, punishing victims for crimes committed as a direct result of their trafficking, inadequate screening for trafficking indicators, repatriation without proper risk assessment, limited to no legal assistance provision for victims, inadequate resources for victim care and services, a lack of shelters for male victims of trafficking and occasionally poor quality of shelters available to women and children, insufficient training of police and other implicated immigration agents, and the application of administrative penalties, suspended prison sentences, and minimal fines for traffickers. The NPA is also known to turn a blind eye to some of the yakuza’s criminal activities (State Dept Interview, 2022). In 2017, it was found that “Some victims were reluctant to approach authorities, fearing reprisals from traffickers or concerns over the government’s ability to aid them,” and it was also found that “Some police attempted to delay the repatriation of some victims against their will in order to persuade them to testify in cases against their traffickers” (*TIP Report*, 2017). Many of these flaws underlie issues faced by trafficking victims or are themselves direct forms of violence against these individuals. The collusion between brothel owners and police may not be as overt as it once was, but state agents nonetheless continue to serve as enablers of ongoing systems of sexual exploitation.

Conclusion

Overall, the Japanese state’s institutions have played a larger role in perpetuating rather than stopping sex trafficking and associated forms of violence. This was certainly true historically, but many problems persist to this day, as anti-trafficking measures continue to be

ineffective—while part of the problem resides in policies of cosmetic conformity, as described in the first chapter, and in the various classist, sexist, and racist biases described in the second, there is also an institutional basis for the failures of anti-trafficking policies. One element threading through these various examples and across time is the difference between law and actual political behavior. While the law represents an ideal (which may itself be problematic, as seen with prostitution criminalization), its interpretation and application may differ vastly from its intended purpose. Tensions exist between what laws require and actual behavior. Behind these tensions and contradictions are long histories of state complicity and collusion, as well as engrained cultural problems which view sex crimes and the exploitation of women and foreigners as relatively unimportant. Typically, victimhood is either caricatured or denied. Compounding this problem, a lack of awareness about trafficking persists among today’s “key law enforcement and judicial stakeholders” (*TIP Report*, 2023). In addition to the sometimes vast difference between intent and practice, the legal systems that have been put in place to counter trafficking have consistently failed to offer the kinds of support—namely financial—necessary for victims to leave the industry. There is no record that I have found of anti-trafficking or anti-prostitution legislation that offers poverty relief or the creation of alternative employment by the state.

The manipulative power of the state allows it to pretend to be something it is not—in this case, by hiding behind its various institutions, it pretends to support anti-trafficking endeavors while undermining them, sometimes actively so. The Japanese state’s use of various institutions to shield itself from blame, critique, and responsibility is evidenced in various mechanisms described above: for example, through its outsourcing of violence to yakuza syndicates, by using police to regulate the licensed prostitution system, and in hiding mass rape from public view

through military comfort stations. These essentially all boil down to various forms of state violence against disempowered, marginalized, exploited individuals trafficked into the sex trade.

Chapter 4 - The Japanese State and Non-State Actors

Introduction

Non-state actors play a key part in the development of anti-trafficking policies in Japan. International influence has long been significant in shaping the efforts of domestic anti-trafficking NGOs, as well as those of the state to enact policy changes. While NGOs and the international community can bring pressure to bear on the Japanese government to tackle trafficking, the first chapter already identified the limits of the latter's influence and effectiveness.¹ Beyond issues of implementation at the domestic level, however, problems are inherent in the international community's approach to anti-trafficking that deserve consideration in the Japanese context. For one, the international community's stance is a prohibitionist one which has typically shown greater concern for the elimination of sex work than for the improvement of sex workers' living and working conditions. Relatedly, the international community's shift from tackling trafficking as a human rights concern to a crime issue has had negative consequences. Furthermore, NGOs are lacking in authority and IOs in willingness to sanction the Japanese state for its failures to adequately implement anti-trafficking reforms, such that the state faces very little in the way of consequences for its passivity in the face of human rights violations.

This chapter is divided into two broad sections, which consider the interplay between the Japanese state and, in turn, domestic NGOs then IOs.² The first section begins by considering

¹ Namely, chapter 1 demonstrated the cosmetic nature of anti-trafficking reforms in Japan.

² It is worth noting that NGOs and IOs themselves have a long-standing alliance in the realm of anti-trafficking, as their work mutually benefits each other's missions. For instance, the League of Nations, as early as 1927 (pp. 5, 9), mentions that the "work of voluntary societies who were pioneers in the movement for the suppression of the traffic

how anti-trafficking NGOs in Japan have historically framed and tackled the problem, analyzing the continuities and ruptures between these initial anti-trafficking organizations and modern, mainstream NGOs with the same (or similar) mission. It emphasizes the influence of Western capitalism and Christian ideals upon the anti-trafficking movement, and the at-times problematic alliance of NGOs with the state.³ The second section then explores the impact of various international legal instruments, namely international treaties, League of Nations conventions, and United Nations protocols. It investigates some of the harms inherent in the international community's staunch anti-prostitution approaches; the vagueness and paternalism of protectionist clauses; the dangerously thin line between legitimate concerns over migration practices and racially-motivated anti-migration policies; as well as the regrettable turn from human-rights to crime-focused approaches in the present century.⁴ The chapter looks to sex-workers' and migrants' rights-based organizations and strategies as alternative approaches that might hold greater promise for effective anti-trafficking responses that strongly entrench human rights.

Non-Governmental Organizations & Anti-Trafficking

Anti-sex trafficking movements have long been dominated by abolitionist zeal. This is not the only model, but it is the most prevalent among anti-trafficking NGOs globally. Western, Christian ideals have proven an enduring influence upon anti-trafficking efforts, including

has proved of the greatest value," and recommends strengthening the "contact between official and voluntary effort."

³ Attesting to the long history of state-NGO cooperation in Japan, a 1938 Report states, "The representative of the Salvation Army also pointed out that he had found the co-operation between the voluntary organisations and the Japanese Government particularly satisfactory; the latter asked the voluntary organisations almost every year for an account of their programme of work" (LON, 1938, p. 59).

⁴ The limits of IOs' influence upon Japanese policymaking and implementation are covered in the first chapter.

Japan's since the Meiji era—or perhaps more adequately, its anti-prostitution crusades. Japan's Prostitution Abolition Movement began in 1880, “advocating Christian civil rights,” and in 1890, the National Prostitution Abolition League was formed (Fujime, 1997, p. 149). The abolitionist movement, however, has really been a social purification movement, long “fettered by class and ethnic limitations” (Fujime, 1997, p. 137). It has typically shown greater concern for control and regulation rather than liberation and empowerment. Unsurprisingly, then, their efforts have not resulted in freedom and autonomy for women in the sex trade.

Western influence during the Meiji Restoration brought with it restrictive Christian-based norms surrounding marriage and family which middle-class Japanese wives capitalized upon to strengthen their position in society relative to men of similar status. However, they did so at the expense of lower-class women—and to the benefit of the Meiji state. Partly, this is explained by the counterproductive but prevalent tendency among privileged, middle-class women activists to conceive narrowly of their struggles, pitting them against othered women rather than against the patriarchy. Women throughout the world and across time have been dehumanized, or at the very least undervalued in patriarchal societies. Instead of targeting this system (a daunting task, to be sure), some women have instead sought to reaffirm their humanity and value by stripping these attributes from “others.” This fails to undermine the harmful beliefs underlying patriarchy, instead creating or entrenching new hierarchies among femininities, and serves to perpetuate exploitative practices for all women. In advancing their moralistic campaigns and seeking to regulate sexual relations, abolitionist organizations gave the Japanese state license to expand its control into hitherto private domains of life. Middle class activists' desire to help disempowered women is often marred by a desire to control and resocialize them into the dominant form of acceptable femininity. Crucially, anti-trafficking and anti-prostitution NGOs of the past and

present have shown a great willingness to work *with* the state, despite its complicity in systems of exploitation.

Then as now, abolition of prostitution does not engender solutions to the underlying factors pushing or forcing women into the sex trade: namely, abolitionists neither tackle the root causes of trafficking, nor do they offer replacement work—with no alternative source of steady or sufficient income, women often return(ed) to prostitution. Central to the disconnect between discourse and impact is the classism and moralistic claims-making underlying much of the abolitionist cause. Then as now, abolitionists seem rather unconcerned with the well-being of the women they purport to help as they force them out of their jobs,⁵ more interested in satisfying themselves with supposed moral victories. Today's carceral feminism and rescue industry are reminiscent of earlier abolitionists' arguments that "emphasized above all the criminality of women who engage in prostitution" (Fujime, 1997, p. 154). The importation of Western Christian values was adopted by middle class reformers, largely to the detriment of sex workers and trafficked victims. Already touched upon in Chapter 2, the following case study provides a more in-depth exploration of the problematic roots and fundamental issues that underlie anti-trafficking NGOs in Japan.

Historical Case Study: The JWCTU and the State

There are obvious continuities in the ways the abolitionist agenda plays out in today's anti-trafficking activism compared with its roots in NGOs like the Japanese Woman's Christian Temperance Union (JWCTU/*Kyofūkai*), one of the first and most influential abolitionist organizations in Japan formed in 1886. Delving into the JWCTU's history reveals the moralistic

⁵ As addressed in Chapter 2, there is also a tendency among abolitionists to ignore the plurality of victims' and survivors' voices.

and discriminatory overtones which have historically defined and continue to shape much abolitionist discourse. It also highlights the longstanding, if at times uneasy, cooperation between the state and anti-trafficking NGOs.⁶ Though its abolitionism was couched in anti-slavery terms and the rhetoric of gender equality, the JWCTU promoted a fundamentally unequal agenda based in classism and racism. The progress achieved for middle class women through the activities of the organization came at the expense of those they identified and excluded as “others”. The movement shunned structural change, instead identifying prostitutes themselves as the “root of the problem” (Fujime, 1997, p. 158). The JWCTU’s campaigns were not those of an inclusive movement seeking an egalitarian future—quite the contrary.

Claiming to espouse the ideals of freedom and equality for men and women alike,⁷ the organization restricted access to these based on class, race, work, and marital status, attaching moral preconditions to the rights they sought for themselves. Middle-class wives seized the opportunity to strengthen their position *at the expense* of women from lower classes by importing Western values that “saw sexual relations outside of marriage as vice” (Fujime, 1997, p. 154). Since 1887, the JWCTU set the elimination of “all forms of socially condoned extramarital sex,” notably concubinage and prostitution, as its primary mission (Mihalopoulos, 2009, p. 24). Abolitionists were notably successful in their campaigns to strip concubines of legal privileges with the passage of the 1898 Civil Code which “removed the concubine’s legal status and disqualified children born to concubines from inheriting property ahead of children

⁶ Existing scholarship (e.g., Garon, 1993; Fujime, 1997; Davis, 2009; Mihalopoulos, 2009; Lu, 2016) explores the Japanese Woman’s Christian Temperance Union (JWCTU) in greater depth.

⁷ In 1887, the leader of the JWCTU’s Tokyo branch, Kajiko Yajima, wrote that “the Japanese people, men and women inclusively, enjoy the gifts of freedom and equality benevolently bestowed on them by imperial edict” (Mihalopoulos, 2009, p. 24).

born in matrimony” (Mihalopoulos, 2009, p. 29).⁸ They also argued for the separation of “the education of children of upstanding citizens from that of children of prostitutes” (Fujime, 1997, p. 155) which indicates disinterest in equalizing relations, and rather entrenches class differences. In fact, the organization’s members reinforced extremely harmful beliefs and discourse about the sub-humanity of women engaged in sexual labor, even while decrying the slave-like conditions these women were forced to endure.

Abolitionists frequently stigmatized women in prostitution as dirty, impure, disloyal, and criminal.⁹ In one notable example, in the October 1915 issue of the *Kakusei* (Purity) magazine, geisha—performers often associated with prostitution—were depicted as “filthy,” “impure and unclean people,” whose very profession was a “criminal trade that leads to the ruin of the nation” (quoted in Fujime, 1997, p. 157). The anti-prostitution movement was therefore not so much rooted in contempt for exploitative practices akin to slavery nor in the poverty that drove some women to undertake sex work, but rather in abolitionists’ sense of superiority. In the end, the JWCTU continued to responsibilize individuals over the system, deflecting “the problem of Japanese prostitution abroad [and at home] to the field of personal conduct and morality” (Mihalopoulos, 2009, p. 28). The movement reinforced harmful beliefs and divisions that benefited the patriarchal state—shifting blame away from men, pitting different groups of women against each other, and arguing in favor of greater interventionism to better regulate sexual relations among the citizenry.

⁸ The organization’s website indeed lists, among the “Laws that Kyofukai Committed to Enact,” the 1898 Civil Code’s “Prohibition of Bigamy” (Kyofukai, 2013).

⁹ Rather than presenting a nuanced account of the organization’s history and acknowledging the use of such harmful rhetoric, the organization’s website paints a rather rosy picture, noting that the JWCTU’s magazine was published to address the growing “discrimination and oppression against prostitutes” (Kyofukai, 2013).

Examining the JWCTU sheds light upon the continuing alliance of the state with NGOs, mutually enforcing and reinforcing regimes of patriarchal control. As the many petitions they sent the government illustrate, the JWCTU was more than willing to vest greater power in the state to implement legislation adhering with Christian moral imperatives (e.g., monogamy and chastity). The Japanese state, in turn, was willing to help impose this “new social and moral code...which had different repercussions for the upper middle class and the poor” (Mihalopoulos, 2009, p. 34). Laws represent a form of control and, by vesting greater power in the fundamentally patriarchal, exploitative state to establish new laws, the JWCTU helped strip power and freedom *away* from individuals rather than expand their rights. Indeed, the changes they sought to implement were fundamentally coercive, not protective. The state and NGOs were united in the broader aim of restricting bodily autonomy and in regulating “the behaviour of the poor” (Mihalopoulos, 2009, p. 21). Thus, the state, which had not shown much interest in abolishing licensed prostitution, did have a vested interest in cracking down on prostitution when it moved beyond their realm of control, where it was harder to regulate (e.g., into cafés or abroad).

The idea of women who were financially independent, who were not tied down to the household, and who did not adhere to regimes of shame was undesirable at best; at worst, the state’s inability to exert control over those women who did not prescribe to and behave in line with the idealized nationalistic concept of Japanese womanhood grew to be threatening. As 20th century Japan adopted capitalist practices, industrialization led to further devaluing of unlicensed prostitutes’ worth—capitalist discourse ascribes social value and utility based on productivity, which is framed as essential to the state. Reformers failed to recognize sex work as work, while the state refused to recognize unsupervised work as such. Unlicensed prostitutes, rejecting

integration into and existing outside state-controlled capitalist industries, were thus framed as a threat to the nation's financial health and an impediment to its imperialist pursuits.

The JWCTU framed its fight against prostitution in classist, racist, and nationalist terms—terms which resonated with the state's pursuits of racial purity, international parity, and imperial influence. Historically, the JWCTU repeatedly and consistently linked its values and goals with that of the nation's well-being and the state's expansionist aims. The organization openly supported the invasion of Korea as an “effort to assist their civilization by lending them military power,” and the empire's expansionist war with Russia, defending the war “for the purposes of peace and self-defense in the Orient,” emphasizing the need for women to “stand with great resolve in the forefront of the nation at war” (*Fujin shinpō*, referenced in Fujime, 1997, pp. 158-59).¹⁰ Prostitutes were described as parasites, and their existence framed as dangerous to the empire's existence and racial superiority.¹¹ Beyond the danger posed to national purity, the JWCTU, as part of a broader international Protestant movement, was concerned with Japan's image abroad, and viewed the licensed prostitution system as a stain on the country's reputation which prevented it from joining the group of ‘civilized’¹² nations they aspired to join.¹³ The living and working conditions of poor women and prostitutes were denounced principally because of the taint these represented for “honest, good countrywomen” and because

¹⁰ It is interesting to note that the organization's website asserts that the JWCTU was “active in the peace movement” and laments that “it could not stop the Pacific War,” as its members have “been working towards a society that is peaceful” (Kyōfūkai, 2024).

¹¹ As “the prostitute was a contagion sapping the vitality necessary for life and, by logical extension, the accumulated vitality of the Japanese race on which the strength of the nation rested” (Mihalopoulos, 2009, p. 26).

¹² See, e.g., Asai Saku's petitions to the government, mentioned later in this chapter, and analyzed in greater depth in Mihalopoulos 2009.

¹³ The JWCTU also identified the *karayuki-san* trade as “an injury to the Japanese as a collective social body because it gave the impression to the international community that Japan was a nation of prostitutes” (Mihalopoulos, 2009, p. 26). This is reminiscent of the Japanese government's continued tendency to address trafficking because of negative international attention (see Chapter 1).

of the harm caused to Japan's reputation abroad, impeding the state's access to "advanced" nation status (Mihalopoulos, 2009, p. 32).

Likewise, the state became especially concerned with prostitutes' presence abroad when it became clear that it damaged the country's image among the majority-Christian great powers of the time. The Japanese government and JWCTU elected to blame (disempowered) prostitutes for the United States' racist anti-Asian immigration laws from the late 19th century rather than the West's deeply entrenched racist practices and moralistic law-making. Though the appalling living conditions of *karayuki-san*¹⁴ were cited in the JWCTU's petition to the government to halt the trafficking of women abroad, the organization directly appealed to the consequences this had on Japan's goal to "be a supreme power in the East" (Asai Saku 1890, cited in Mihalopoulos, 2009, p. 27). Evidence points to empire being the primary goal of "Japanese prostitution abolitionists [who] felt blessed by the fact that the Russo-Japanese War 'brought victory to our honorable Empire'," and moral reform secondary given they "did not criticize regulated prostitution in the new colonies" (Fujime, 1997, p. 159). The hypocrisy of the abolitionist movement is further evidenced by their "close association with the authorities who controlled [...] the licensed prostitution system" (Fujime, 1997, p. 159). The JWCTU's nationalist goals thus aligned neatly with the government's imperialistic aims. The licensed prostitution system was continually viewed not as an infringement upon the rights of women in sexual labor but as an obstacle to "promoting the prestige of the Greater Japanese Empire" (Fujime, 1997, p. 160).

Tensions between NGOs and the state do exist—today and in the past—but practical and material necessities on the one hand, combined with a mutual desire for greater control, has led

¹⁴ Recall from previous chapters that *karayuki-san*, meaning 'Miss Gone to China,' were Japanese women who were trafficked abroad for sexual exploitation during the Japanese empire's expansionist conquests of the late 19th and early 20th centuries.

to frequent cooperation. In part, the JWCTU's attempts to align and ally with the state can be understood as necessary, as power is vested in the state, and power is needed to affect change. While NGOs rely on state power to actualize their goals, the government also benefits from the social work and community presence of NGOs, such as the JWCTU, to exert more influence on society. However, to see it as merely a tactical alliance would be to underestimate the ideological alignment and complementarity of the two institutions' goals. They worked together because each was useful to the other—and because both were fundamentally concerned with exerting social control, augmenting their power and authority, and with the pursuit of empire.

Modern Anti-Trafficking NGOs of Japan: JNATIP Case Study

As trafficking persists today, anti-trafficking NGOs continue to work against sexual exploitation in Japan. Their work serves to highlight some of the advances made and persistent hurdles faced by anti-trafficking NGOs in modern-day Japan. In particular, power imbalances in the uneasy state-NGO alliance persist, with their interactions highlighting some of the government's surface-level only anti-trafficking efforts and the limitations of NGOs' effectiveness. The most prominent anti-trafficking organization in Japan today is the Japan Network Against Trafficking in Persons. JNATIP is a nationwide "network of solidarity among NGOs, researchers, [and] lawyers" which seeks to "address issues such as human trafficking, violence and exploitation (especially against women), and human rights violations of foreign nationals in Japan" (JNATIP, 2023).

Hurdles and Advances

JNATIP's steering committee meets annually with government officials from the Ministry of Justice, the Ministry of Labor and Welfare, the Cabinet Office Secretariat, the Ministry of Foreign Affairs, and the National Police Agency. However, as the steering

committee member I interviewed pointed out, these various ministries “don’t tend to send high ranking officials” to this annual meeting (JNATIP Interview, 2022). Furthermore, the structure of the Japanese government itself presents a barrier to effective policymaking, as officials are frequently “transferred to different departments,” such that “the lack of continuity and concurrent difficulty in building any significant degree of expertise makes the task of tackling TIP very difficult” (JNATIP Interview, 2022). No “official position that exclusively deals with TIP” exists,¹⁵ and the JNATIP steering committee member I spoke with noted that officials who attend these meetings are neither experts nor specialists in TIP, explaining that “it doesn’t feel as though [attending officials] are serious about the issue... Officials who are supposed to deal with TIP are not eager to solve the problem—they just do whatever they are assigned to” (JNATIP Interview, 2022). Since “every two to three years, there is a new person in charge,” JNATIP is forced to “repeat the same procedures year after year,” leading to palpable frustration with the repetitive, cyclical nature of these meetings (JNATIP Interview, 2022).

My interviewee did note some improvements, “as it used to feel like NGOs were fighting with the government,” but the latter recognized a more constructive approach was needed as the “purpose of the conversation is to improve policy, not fight” (JNATIP Interview, 2022). A more consultative process has been implemented whereby JNATIP submits questions beforehand so the government has time to prepare its answers. Nonetheless, “if they are questioned further,” in other words, if committee members pose follow-up questions at their in-person meeting beyond those submitted beforehand, government representatives “don’t want to answer” (JNATIP Interview, 2022). One other issue identified as a potential contributing factor to the government’s

¹⁵ The absence of a specific office to deal with TIP also means there is no dedicated budget allocated for anti-trafficking. For instance, while the Gender Equality Bureau is responsible for awareness-raising and spends money on the creation and distribution of posters and pamphlets, the budget is for the agency as a whole, there is no part specifically designated for TIP awareness (JNATIP Interview, 2022).

lack of sincere efforts to address trafficking in persons, a highly gendered issue, is its own inherent gender imbalance. Indeed, Japan ranked 125th out of 146 countries in the World Economic Forum’s 2023 *Global Gender Gap Report*, meaning “Japan’s parity decline[d] slightly for the second consecutive year since the 2021 edition,” while its “parity in Political Empowerment at 5.7% is one of the lowest in the world (ranking 138th). Ten percent of its parliamentary positions and 8.3% of ministerial positions are held by women, while there has not been any female head of state.” Improving the gender balance in government and law enforcement could help draw more attention to the issue of TIP and might lead to improvements in policy and implementation.¹⁶

NGOs often point to legal shortcomings of anti-trafficking policies and procedures as a persistent area of concern and frustration. The Japanese language lacks a precise term to describe trafficking, which is narrowly defined as buying and selling. The JNATIP staff I spoke with found fault with the official Japanese translation of the Palermo Protocol definition for instance, which incorrectly translated “recruitment” to “obtainment” (JNATIP Interview, 2022).¹⁷ She wondered whether this might be intentional, noting that “the Japanese government fails to consider recruitment part of trafficking in persons. Although JNATIP demanded a change be made in the definition, the Cabinet approved it as it was without reference to recruitment, and has no intention to change it” (JNATIP Interview, 2022). The U.S. State Department recommends that Japan “Enact an anti-trafficking law that clearly defines trafficking in persons

¹⁶ My interviewee further noted that the National Diet holds more weight than individual ministries and highlighted her belief that, if the Diet made “a law to address TIP, the ministries would follow” (JNATIP Interview, 2022).

¹⁷ Though the difference may be subtle, “‘Trafficking in persons’ shall mean the **recruitment [obtainment]**, transportation, transfer, harbouring or receipt of persons[...]for the purpose of exploitation” (Palermo Protocol, 2000), it is significant, especially given that many cases of trafficking involve deceitful recruiting tactics to lure victims into exploitative labor conditions, and recruiters play an important role in trafficking networks.

in line with international law,” which would include the recruitment component (*TIP Report*, 2023).

Additionally, JNATIP has repeatedly highlighted the fact there is no *comprehensive* law that addresses protection and prevention, another issue covered in the State Department’s *TIP Reports* as they point out that trafficking-related crimes are criminalized “through disparate penal code laws” (*TIP Report*, 2023).¹⁸ Although the government claims various laws (e.g., prostitution, immigration, occupational safety, and child pornography laws) deal with all aspects of trafficking in persons, cases which NGOs would describe as such are not always covered (JNATIP Interview, 2022). Cases that should be handled as trafficking crimes are often inadequately identified, partly due to “an acute lack of awareness of trafficking among key law enforcement and judicial stakeholders” (*TIP Report*, 2023).¹⁹ When cases *are* brought against traffickers, they “are often dropped altogether.”²⁰ When they are not, punishments tend to be light, [and] if a punishment is given at all, [traffickers are] usually simply fined” (JNATIP Interview, 2022). This echoes the State Department’s (*TIP Report*, 2023) critiques that Japanese “courts issued either fully suspended sentences of imprisonment or fines to most convicted traffickers,” fines which “were not commensurate with penalties prescribed for other serious crimes, such as rape.” Such trends offer further evidence of Japan’s low level of concern with trafficking crimes.

The lack of awareness among officials, entailed by their disinterest, bleeds out into Japanese society which is broadly uninformed and unaware of the very existence of human

¹⁸ Refer to Chapter 3 for a more detailed list of these laws.

¹⁹ My interviewee suspects “tens or hundreds of thousands of police officers are not educated properly, especially local police officers who don’t take victims as such but rather treat them instead as perpetrators, criminals, violators of immigration laws” (JNATIP Interview, 2022).

²⁰ Possibly indicative of this gap between identified trafficking cases and prosecutions of offenders is the discrepancy between the NPA’s identifying 390 cases of kidnapping and human trafficking in 2022 (NPA, 2022, p. 5), compared with only 37 arrests for trafficking in persons in 2022 (Council to Combat TIP, 2023, p. 10).

trafficking as a problem in their country.²¹ As my interviewee bluntly put it, “Japanese people don’t care,” about the issue, and “more awareness raising efforts by NGOs are needed;” cases are rarely adequately labeled as such,²² “so there is little public awareness” (JNATIP Interview, 2022). They also critiqued the media’s way of reporting on social phenomena, which she described as “surface level” reporting or simply parroting back “what the police and government say without going deeper” (JNATIP Interview, 2022). While Japanese authorities have made some efforts “to raise awareness of trafficking by disseminating information online...and through radio programs, posters, and brochures, as well as through leaflets” (*TIP Report*, 2023), the government is “not doing enough outreach,” and ought to do more as its annual distribution of pamphlets and posters “has not proven effective enough” (JNATIP Interview, 2022). One of the prominent lacunae is that the “Ministry of Education is not [significantly] involved in anti-trafficking,” but needs to be since lack of education is a major hindrance to Japan’s anti-trafficking efforts (JNATIP Interview, 2022).²³ Education and training would also prove crucial in deterring some of the root causes of trafficking in Japan, namely gender and racial discrimination.

NGOs strive to identify problems in the government’s anti-trafficking response, or lack thereof, and to bring greater awareness about these issues. Despite their best efforts, however, and confronted with tokenistic action or outright inaction in the government, awareness of

²¹ One piece of anecdotal evidence comes from my own experiences in Japan. When I would tell people I was conducting research on human trafficking, I was generally met with surprise and confusion, first as to the location TIP was taking place (“Human trafficking in Japan? Really?”), then as to its temporal condition (“In the past, right? Today?!”).

²² Recall from Chapter 3 that the word ‘trafficking’ did not come up at all in the official “offenses” of those suspected of human trafficking, and the various Acts they were penalized for violating do not directly refer to trafficking either (Council to Combat TIP, 2023).

²³ The interviewee, for instance, noted that “human rights education should be taught in school” (JNATIP Interview, 2022).

trafficking in persons as an existing problem in Japan remains very low. As my interviewee admitted, “NGOs aren’t strong enough” in Japan, where “government officials don’t take NGOs seriously” (JNATIP Interview, 2022). Aside from these external impediments, some of the limitations of NGOs may come from within, as some problematic historical trends do persist.

The Past and Present: Connected and Ruptured

NGOs have been actively involved in awareness-raising and pressuring the government to address the issue of trafficking, but some of the problematic tendencies identified earlier nonetheless persist. Modern anti-trafficking NGOs operating in Japan may be accused, for instance, of elevating the voices of moralistic, religiously-driven middle-class reformers while silencing those of women in prostitution or ‘imperfect’ victims. In doing so, they mirror the practices of the broader global abolitionist movement, of which they are a part, which promotes “the image of the helpless and witless, therefore pure and deserving, victim awaiting salvation” (Cojocaru, 2015, p. 184).²⁴ Modern NGOs, like their predecessors, are often concerned with streamlining and molding the narrative into a persuasive political tool with which to impose social control. As Miller (2011, p. 486) warns, “those individuals whose experiences do not readily fit the mold of passive, innocent slaves can find themselves blamed for their own experiences, and consequently, the often exploitative conditions under which they labor remain

²⁴ Jodi Miller (2011, p. 497) provides insightful comments on this type of practice, noting that, in the case of Sri Lanka, young men and boys involved in the sex industry “found themselves caught between two seemingly competing narratives [...] that of the ‘abused child’ (in need of rescue and rehabilitation or, perhaps, beyond salvation) and that of the ‘beach boy’ (troublemaker, con artist, delinquent). This contrast was tied both to age—with adolescents traversing the boundary between ‘victim’ and ‘offender’—as well as individuals’ modes of operation and levels of autonomy and perceived agency,” with **those displaying greater perceptible autonomy and agency being largely denied victimhood**. Miller (2011, p. 497) further indicates how these situations of abuse are used to justify neocolonial interventionism, for “without intervention,” or so goes the argument, “today’s abused child invariably became tomorrow’s beach boy: the damage caused by victimization in the sex industry was depicted by campaigners as the ruinous causal link for a continued path toward deviant behavior and crime.”

unaddressed.”²⁵ Much as the JWCTU’s privileged, religious members sought to elevate their status as married women, vilifying prostitutes for ‘tempting’ their husbands, moralistic, religious, and classist privilege remain influential in an anti-trafficking movement that is populated mainly by “upper middle class women who...benefit from carceral politics designed to protect their marriage advantages through ‘end demand policies’” (Cojocar, 2015, pp. 192-93). Anti-trafficking campaigns thus frequently remain akin to anti-prostitution campaigns.

Much as the JWCTU was inspired and spurred on by Western Christian organizations, many Japanese NGOs continue to be influenced and impacted by a Christian-dominated global abolitionist movement (Cojocar, 2015, p. 183). The JNATIP steering committee member I spoke with noted that JNATIP is made up of many religious organizations and highlighted her (personal) belief that a lack of Christian values serves as a base cause for trafficking in Japan (JNATIP Interview, 2022).²⁶ Committee members include attorneys, researchers, as well as members from the Citizen Collaborative Law Office, the Salvation Army, PAPS – Organization for Pornography and Sexual Exploitation Survivors; Solidarity Network with Migrants Japan; Zoë Japan; Not for Sale Japan; ECPAT²⁷/STOP Japan; the Japan Christian Women’s Organization (JWCTU/*Kyofūkai*); NPO Rescue Hub; World Council of Religions for Peace (WCRP) Japan Committee; and ChildFund Japan (JNATIP 2023). When one looks to the

²⁵ Many other scholars critical of the mainstream anti-trafficking discourse, such as Rhacel Parreñas, Elizabeth Bernstein, Elena Shih, and Claudia Cojocar, have made similar arguments. **Individuals whose stories diverge from the politicized, usable tool crafted by anti-trafficking campaigners are denied victimhood (in a corollary to the way victims are denied agency)**, allowing the movement to ignore the exploitative labor and economic conditions underlying sexual exploitation—to acknowledge these would mean to recognize the underlying capitalistic, patriarchal, and imperialist systems are at fault and thus require substantial and substantive reform.

²⁶ This interviewee believes that the nominally “Christian value of regarding others’ lives as your own is not strong in Japan” which she views as impeding human rights progress in the country (JNATIP Interview, 2022).

²⁷ ECPAT stands for End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes.

organizations making up the steering committee, some of their members' anti-sex and religious biases become apparent.

Not For Sale Japan (NFSJ, 2017) aims “to abolish modern-day slavery and human trafficking.” While NFSJ does not explicitly link its existence or purpose to Christianity, the first entry under its “Who We Are: We Are Not For Sale Japan” section is a staff member’s essay entitled “God and Human Trafficking” in which the author takes a clear anti-prostitution line, writing, “I’d thought most prostitutes were immoral women in it for the money. But in fact, many are coerced” (Jinmon, 2017). In a sense, coercion seems a precondition to be worthy of help—protecting women engaged in prostitution by choice seems to be an inexistent goal, unless one counts convincing “immoral women” to quit sex work. The condemnation of women in prostitution as immoral resonates loudly with that of the JWCTU’s members from over a century ago. In fact, the JWCTU, or *Kyofūkai*, itself remains active in anti-trafficking campaigns and participates in JNATIP’s annual steering committee meetings. The organization’s webpage notes that, “Since its founding in 1886, *Kyofūkai* has strived to protect the human rights of women and children and to contribute to their welfare based on the spirit of Christianity,” and further boasts its role in getting the 1956 anti-prostitution law enacted (Kyofūkai, 2013). The Salvation Army, for its part, is a “military-style,” “religious (Protestant) organization...engaged in evangelism work” (The Salvation Army Japan, 2023). Zoë Japan (2021, emphasis added) too is founded “on Christian values,” and hopes “that every person in Japan will be reached with the gospel of Jesus Christ and that we can truly be a *voice for the voiceless*.” This depiction of victims as voiceless feeds into narratives that homogenize and silence victims by stripping them of agency.²⁸ As

²⁸ It is important to note that Zoë Japan focuses its efforts on child victims of commercial sexual exploitation, however even depicting children as voiceless is problematic. As Jodi Miller (2011, p. 505) warns in her case study

Claudia Cojocaru warns, victims’ “stories of suffering and exploitation are trimmed and distorted to fit a narrow pattern of victimhood, which ignores the complexities of the human being behind the mask of sex trafficking victim” (Cojocaru, 2015, p. 193). The military-style organization of the Salvation Army and the missionary zeal of Zoë Japan are worryingly reminiscent of neocolonial imperialism. It is important to note that not all members constituting JNATIP’s steering committee carry these biases though.

Unlike the aforementioned organizations, Religions for Peace is not an exclusively Christian group but rather a multi-religious initiative. Among Religions for Peace Japan’s (2023) missions is to prevent trafficking in persons “focusing on awareness-raising and advocacy,” as “there is little consciousness and awareness [of TIP] in Japan because it is rarely covered by Japanese media.” Formerly known as the Christian Child Welfare Association – CCWA, ChildFund Japan has moved away from its religious roots and become a secular organization which seeks to address “emerging and increasing threats to children’s safety,” including trafficking (ChildFund Alliance, 2023). ECPAT/STOP Japan also focuses on child victims of sexual exploitation, including trafficking. Formed in 1992, “ECPAT promotes and encourages mechanisms for ensuring that trafficked victims are protected as victims in legislation, by law-enforcement operatives and in legal proceedings” (ECPAT/STOP Japan, 2023a). ECPAT has “no political or religious affiliation and will cooperate with any organisation or individual sharing” its mission (ECPAT/STOP Japan, 2023b). The rest of the JNATIP Steering Committee members do not have religious affiliations either.

of Sri Lanka’s beach boys, “the insistence that child victims be utterly innocent and devoid of any decision-making capacity meant that the vast majority of youths who participated in transactional sex were not recognized as victims of CSEC [commercial sexual exploitation of children],” despite “the fact that they *were* being sexually exploited.”

NPO Rescue Hub (2023) aims to help “women engaged in adult entertainment and prostitution;” it is a grass-roots campaign through which those women who want “to start afresh are referred to local government welfare counters or medical institutes, depending on their situation” (Fujiwara, 2023). Rather than an exclusive focus on trafficking, Rescue Hub aims to also help sex workers in need of assistance. The organization notes the importance of obtaining “the consent of the parties involved” when confronting “the issues that the parties are facing by connecting them as quickly as possible to resources that can resolve the issue” (NPO Rescue Hub, 2023). This is a crucial aspect of their work. Not all individuals seeking to leave the sex industry wish to involve law enforcement, for instance, and their consent—which has been stripped away in cases of trafficking—should be prioritized so they are not re-victimized by the very same organizations aiming to assist them. For its part, PAPS Japan rightfully points out many of the abuses surrounding the porn industry. The organization seems to condemn pornography broadly, however, rather than promoting reform, as it likens pornography to a prevalent “form of sexual harassment” (PAPS Japan, 2023). The PAPS website does focus on violence and abuses surrounding the porn industry, but it is important for such organizations to tackle issues in ways that do not invalidate or threaten the livelihood of sex workers, including porn actors. Also secular, the Citizen Collaborative Law Office (2023) is “a law firm that works collaboratively with citizens in a wide range of areas of civic life,” though they do not offer consultation for criminal cases. Finally, the Solidarity Network with Migrants Japan (SMJ, 2019) “is an NGO advocating for the rights and dignity of migrants and people with multi-cultural backgrounds living in Japan [which] lobbies for the reform of policies and systems at a national level of politics.” It focuses more on labor trafficking, but as has been indicated previously,

improved migration policies will prove critical to successfully tackling both labor *and* sex trafficking of migrants in Japan.

Overall, JNATIP's makeup is indicative of the increasing attention paid to trafficking by various types of activists and groups. This contrasts with the singular dominance of morality-driven religious organizations in the past. Religious influences have not disappeared, and evangelical NGOs continue to dominate the global anti-trafficking discourse, leading to a persistent anti-prostitution bias. The absence of organizations that advocate for the rights of sex workers *within* the industry is regrettable,²⁹ but the variety of interests represented by the organizations that make up Japan's leading anti-trafficking organization indubitably indicates progress has been achieved. Diversifying the field of trafficking-related NGOs is a move in the right direction that might prove instrumental in elevating different voices and complicating the narrative by including more nuanced interpretations of trafficking-related issues, and possibly offering creative solutions.

Cautionary Tales and Alternative Ways

One of JNATIP's strengths is the diverse interests represented by its members, and the variety of related organizations it partners with, including SWASH (Sex Work and Sexual Health) and Amnesty International which both advocate for the rights of sex workers (JNATIP, 2023). By including organizations which may at times have competing views and narratives, JNATIP seems to be united in its primary goal to fight against trafficking. Unfortunately, JNATIP itself, whose steering committee notably includes the openly anti-sex workers' rights JWCTU, does not advocate for sex workers' rights. Although NGOs such as SMJ put a heavy

²⁹ While NPO Rescue Hub does not exhibit any anti-sex worker bias, and in fact seemingly supports sex workers without adopting morally sanctimonious stances, the organization seeks to help those who wish to *leave* the sex industry. There is no NGO in JNATIP that focuses on reforming the industry itself.

emphasis on migrants' rights, limiting legal migration and promoting forms of carceral feminism remain common trends in the global anti-trafficking movement. JNATIP and related NGOs could prove particularly well-suited to the state whose officials favor strict immigration laws and whose police not infrequently arrest trafficking victims "for their protection" (JNATIP Interview, 2022). For their part, "NGOs are not very strong in protecting human trafficking victims" (JNATIP Interview, 2022), especially as they lack enforcement capabilities which may partly explain their uneasy reliance upon the state. Of course, anti-trafficking NGOs are responsible neither for the government's actions nor inactions, but their alliance remains somewhat perplexing given the Japanese state's continued role in sustaining trafficking networks.³⁰ NGOs should, however, be aware of the potential pitfalls of current anti-trafficking approaches and of the ways in which their alliance with the state might work to the latter's benefit rather than that of trafficking victims and survivors.

There have been undeniable improvements in the way NGOs approach their struggle against trafficking. Echoes of the past nonetheless remain which should serve as cautionary tales as NGOs strive to improve their current tactics and as they look to the future. For one, then as now, Japan's status within the international community has served as motivation for NGOs' anti-trafficking efforts. On the one hand, this can detract from prioritizing the needs of trafficking victims, instead leading to cosmetic changes, as explored in depth in Chapter 1. NGOs should strive to serve as a counterweight to the government's politically motivated, surface-level efforts. On the other hand, emphasizing the country's relative status risks shifting the discussion into nationalistic terrain. In the late 1880s, Asai Saku, "a founder of the JWCTU, maintained" that "prostitution disqualified Japan as a civilized nation even in name" (Lu, 2016, p. 851). This

³⁰ Refer to Chapter 3 for a more detailed discussion of the state's complicity in trafficking.

racialized nationalist rhetoric emphasized the importance of activists' anti-prostitution mission, but in the 1930s and 1940s, it helped support the deadly Pacific War and its corollary system of institutionalized sexual abuse. During that period, the Japanese state was able to coopt organizations such as the JWCTU into supporting its imperialist mission. There is not so much talk of Japan attaining the vague imperialist construct of "civilized nation" today, but emphasis on the negative impact which trafficking in persons has for Japan's image abroad and its position in the international community persists. While skillfully employing such discourse may be a viable political tactic, it is a risky one. As unlikely a scenario as a militarily violent, nationalistic Japan may seem, the 2020s have, much as the 1920s, grown increasingly unstable, witnessing a proliferation of conflicts globally, with renewed historical animosities leading to outright war on multiple continents. Imagining that Japan is somehow immune would be misguided, at best.

Relatedly, although Japan's main anti-trafficking NGOs are currently focused on improving migration policies and upholding migrants' rights, it is not implausible that anti-immigration sentiments of the past might rear their head, especially given the government and international community's emphasis on immigration barriers as anti-trafficking tactics.³¹ In an 1890 petition to the government to stop the *karayuki-san* trade, Asai Saku identified poor Japanese women's freedom of movement as the source of the threat posed to the nation's health and strength, advocating for punitive regimes against these women as the solution (Mihalopoulos, 2009, p. 27). Emphasis was placed on restricting the movement of prostitutes and limiting their ability to migrate. Anti-immigration discourse has shifted from blood purity and nationalist expansionism to talks of national safety. NGOs in particular may be susceptible to the

³¹ Not to mention the rise of anti-migrant sentiments globally.

argument that stricter migration controls can serve to protect prospective migrants from potential exploitation.

A notable modern-day example is that of Filipina hostesses, whose presumed susceptibility to sexual exploitation led to their identification by the State Department and their contacts in Japan as “trafficked victims,” which resulted in the implementation of migration restrictions (Parreñas, 2011). Hailed as a victory by some, restrictive immigration laws have generally failed to prevent TIP *and* ignore the needs and input of actual trafficking victims and sex workers. As Parreñas (2011) argues, laws that prevent migration might instead pose “a setback to the emancipation of women,” for instance by stripping “migrant women of their livelihood.” In the case of Filipina hostesses in particular, there is little evidence of widespread “prostitution, forced or otherwise,” with most of these individuals migrating “of their own volition” (Parreñas, 2011).³² NGOs can thus unwittingly or purposefully serve to stoke moral panics and to promote counterproductive ‘solutions’,³³ especially when they turn to assumptions and presumptions rather than empirical evidence and dialogue with the concerned category of individuals. Such “moralist social change agents must adjust their agendas to include the interests of the people whose rights they advocate for,” notes Claudia Cojocar (2015, pp. 192-93), “through policies that address [the] social exclusion, stigma, and structural violence to which these individuals are vulnerable.” A presumed victim might in reality be a vulnerable laborer who would benefit from improved labor protections for migrants rather than from

³² The concern with entertainers is nothing new—in a 1927 report, experts on trafficking encouraged “the Governments of countries where foreign girls are employed as entertainers” to ensure “that the conditions of cabarets and other places of amusement are brought under adequate regulations” as they argued that such establishments were prone to using “facilities for prostitution” to increase their profits (LON, 1927, p. 8).

³³ As in the case of entertainer visas for Filipinas seeking work in Japan; for an in-depth study, see: Parreñas, R. (2011). *Illicit Flirtations: Labor, Migration, and Sex Trafficking in Tokyo*. Stanford University Press.

increased difficulties in securing legal work, for instance. Cojocaru (2015, p. 185) warns that the abolitionist movement in particular may “misinterpret the intersection of sex work and migration and may produce policy discourses and institutions that harm, rather than benefit those who have survived the horrible ordeals that have, since the 1990s, come to be called human sex trafficking.” It is important for Japan’s modern anti-trafficking NGOs to avoid falling into moral panics and to be wary of the more subtle ways in which anti-migration sentiment might manifest, especially when couched in protectionist terms.

Myths of perfect, innocent victims—which NGOs can serve to promote—are compelling and useful for the state as it casts trafficked individuals into the role of “puppet-like targets of patriarchy,” seeking “the exchange of freedom for protection,” with the state as the “legitimate owner of the women, in the form of the rescuer” (Cojocaru, 2015, p. 185). Countering narrow conceptualizations of victimhood and the “one-size-fits-all template of the 3Rs (rescue, rehabilitation, and reintegration),” which vests carceral ‘protectionist’ power in the state, is thus crucial (Parreñas, 2011). Contrary to what historical and modern abolitionists may claim, women in prostitution are not a monolith of passive victimhood awaiting external rescue, rehabilitation (or reform, as it was typically called in the past), and reintegration. Indeed, there is a long history of resistance by women in prostitution in Japan against state-imposed controls and violence. When the state established compulsory venereal disease examinations for prostitutes in the late 1800s, for instance, “Unity among prostitutes strengthened and some showed their resistance with strikes” (Fujime, 1997, p. 140). During the prostitution abolition debates of the 1950s, in which “better-off women” relegated prostitutes’ “problems to the realm of morality,” women in prostitution themselves used their union newspaper to attempt “to reformulate the debate in terms of poverty and an absence of alternatives” (Rowley, 2002, p. 44). Union members also

gathered for emergency meetings “to decide how best to counter the threat of criminalization” (Rowley, 2002, p. 40). Sex workers continue to face problems linked to this criminalization, and to fight against misidentification of their status as workers vs. victims, and as they may navigate the sometimes porous border between the two. Today, SWASH, “a group aiming to improve the health and safety of sex workers,” is fighting against growing “pressure on sex workers” due to the government’s implementation of “legal reforms as a measure to combat trafficking in persons,” resulting in “the undergroundization of the local sex industry” (2015). SWASH (2015) itself strives to fight trafficking and to protect foreign sex workers who are susceptible to exploitation but emphasizes multifaceted solutions “which respect the human rights and safety of sex workers,” as well as the provision of services and support available to all “irrespective of...nationality,” concurrently striving to “eliminate the risks resulting from the undergroundization of the sex industry.”³⁴ SWASH’s “members give lectures at universities and symposiums, write publications and educate the general public about the human rights of sex workers” (NSWP, 2021). They also provide various services directly to sex workers, including a website that provides information for “sex workers to work safely and securely,” a hotline, and educational materials (NSWP, 2021). SWASH has also engaged in political work, and they have notably campaigned for the provision of social welfare for sex workers, which has met with partial success as the government has changed part of the benefit policy for sex workers (NSWP, 2021). Making sure the multiplicity of victims and survivors’ voices are heard and considered in policy debates should feature among anti-trafficking NGOs’ mission. A concerted effort should

³⁴ It is also worth noting that SWASH openly and actively supports the transgender community, which faces higher risks of exploitation, including sex trafficking.

be made to overcome the historical tendency to ignore narratives that contradict the narrow, anti-prostitution understanding of anti-trafficking.

The Influence of International Organizations on Japan's Anti-Trafficking Efforts

International pressure has deeply affected Japan's trajectory since the Meiji era. Beyond the abolitionist movement which emulated and was, from its inception, inspired by European and American models, other systems of control and violence have been affected by Western practices and norms.³⁵ The League of Nations and United Nations have, in turn, affected Japan's policymaking as these great power-dominated organizations have set the standards which nations aspiring to international influence and status should adhere to. The limitations of this foreign pressure have already been explored in Chapter 1, but insofar as international standards *do* (with varying degrees of success) impact policymaking and discourse, it is important to explore their contents. In doing so, it becomes apparent that the negative impact of the import of moralistic Western values promoting anti-sex rhetoric is not limited to abolitionist NGOs, but that international organizations can themselves serve to promote harmful ideas. Additionally, barriers to migration, especially in the form of restricting women's freedom of movement, have been touted as solutions to sex trafficking by the international community for about a century, despite such tactics' persistent failures. Examining League Conventions and UN Protocols reveals that the tendency to homogenize and dehumanize victims of sexual exploitation persists across time, as does the moralistic, privileged desire to exercise "proper" forms of state-sanctioned control.

³⁵ E.g., "Japan introduced the prostitution system to its colonies, fashioning it after European imperialism" (Fujime, 1997, p. 149).

International Agreements, League Conventions, and UN Protocols

In May 1904, the *International Agreement for the Suppression of the 'White Slave Traffic'* was signed in Paris, which addressed the “procuring of women or girls for immoral purposes abroad.” The multilateral treaty set the tone for future anti-trafficking conventions and practices. The 1904 Agreement already emphasized migration controls, as it exhorted governments “to have a watch kept, especially in railways stations, ports of embarkation, and *en route*, for persons in charge of women and girls destined for an immoral life” (Art. 2), and strongly promoted the repatriation of foreign prostitutes (Art. 3 & 4). It also encouraged governments to “exercise supervision, as far as possible, over the offices or agencies engaged in finding employment for women or girls abroad” (International Agreement for the Suppression of the “White Slave Traffic”, 1904). Insufficient oversight of recruiting and employment agencies remains a weakness exploited by traffickers. The 1904 Agreement did importantly provide protectionist clauses as well, requiring governments to entrust destitute trafficking victims “to public or private charitable institutions, or to private individuals offering the necessary security.” The key elements found herein which reappear and are reaffirmed in subsequent anti-trafficking treaties include the emphasis on migration routes, the proposed implementation of stronger state controls, the role of recruiting agents and the need for oversight of employment agencies, the provision of protection for victims, the distinct preference for strong repatriation policies, the depiction of prostitution as immoral, and the lumping together of women and girls. Also noteworthy was the distinctive racialized nature of this initial Agreement which concerned itself narrowly with white victims of trafficking. Though subsequent anti-trafficking conventions no

longer limited themselves to white women and girls, it is important to remain conscious of the racial dimensions of the issue.³⁶

The 1910 *International Convention for the Suppression of the White Slave Traffic* emphasized the cross-border nature of the crime, prescribing punishments for any “person who has hired, abducted or enticed a woman or girl...for immoral purposes, even when the various acts which together constitute the offence were committed in different countries” (Art.1 & 2). The transnational dimension of trafficking, though it has expanded and evolved in tandem with globalization, transportation, and communication technologies, continues to be central both to the crime itself and to strategies devised to deal with it. Interestingly, “immoral purposes” are not specifically defined, though they clearly refer primarily to prostitution.³⁷ Additionally, Article 1 of the 1910 Convention outright disregards the potential consent of women or girls identified as victims of the white slave traffic, as it designates for punishment persons who hire or entice, “even with her consent,” women or girls for “immoral purposes.” Annex A further notes that governments “naturally remain absolutely free to punish other similar offences such as the hiring of persons of full age even where there is no deceit or constraint” (International Convention for the Suppression of the White Slave Traffic, 1910). The Convention thus has, without even using the term as such, a strong anti-prostitution bias, coupled with a paternalistic protectionist approach. These remain important tendencies in the international community’s approaches to

³⁶ Recall, for instance, that Asian victims of the comfort stations were not viewed as needing or deserving justice in the same way which white victims were; contrary to the perpetrators whose victims were European, those who were guilty of using and abusing women of color were not adequately tried for their crimes against humanity.

³⁷ It is interesting to note that the English and German translations both used this phrasing of “immoral acts” rather than directly translating from the French *débauche*, or debauchery, which relates more directly to overindulgence in sexual pleasures. The only mention of prostitution explicitly is in Annex D which deplores the fact that “The case of the retention, against her will, of a woman or girl in a house of prostitution could not, in spite of its gravity, be included in the present Convention, because it is exclusively a question of internal legislation” (International Convention for the Suppression of the White Slave Traffic, 1910).

trafficking. By contrast, in the first half of the twentieth century, Japanese officials did not yet favor banning prostitution, though their own approach to prostitution was highly paternalistic and largely disregarded the will of licensed prostitutes. In fact, while “A law passed in 1900 enables any inmate of a brothel to have her name struck off the list of licensed prostitutes immediately on application to the police of the district, irrespective of any debt she may owe to the keeper,” the police and brothel-keepers, occasionally with the assistance of parents or relatives, sometimes worked together to influence applicants to reconsider, often resulting “in her return to the brothel under some compromise or other with regard to repayment of the debt” (LON 1933, 73). In short, although “girls cannot by law be held in brothels for debt[, in] actual fact and by custom[,] they are so held” (Association for Moral and Social Hygiene, 1933, p. 13). Despite Japan and the international community holding opposite views on licensed prostitution, however, attitudes towards prostitutes themselves overlapped in their paternalism and disregard for the women’s consent.

In the aftermath of the First World War, the League of Nations’ members, including Japan,³⁸ undertook as one of their tasks, to “secure more completely the suppression of the Traffic in Women and Children described in the preambles to the” 1904 Agreement and 1910 Convention by supplementing them with the 1921 *International Convention for the Suppression of the Traffic in Women and Children*, itself later bolstered by the 1933 *International Convention for the Suppression of the Traffic in Women of Full Age*. Instead of singling out girls, Article 2 of the 1921 Convention improved on the previous two documents by calling on its signatories to “prosecute persons who are engaged in the traffic in children of both sexes,” though it made no

³⁸ Recall from Chapter 1, however, that Japan specifically excluded its colonies from its adherence to the Convention, in line with the latter’s Article 14.

mention of adult men. It further improved upon the 1904 and 1910 treaties by no longer singling out white individuals as the sole victims of trafficking. The 1921 Convention also included a provision for the extradition of traffickers (Art. 4),³⁹ increased women's age of maturity in the context of trafficking from twenty to twenty-one years (Art. 5), and reiterated the need to regulate "employment agencies and offices" in order "to ensure the protection of women and children seeking employment in another country" (Art. 6). The concern over protectionist migration policies persisted, as evidenced by Article 7 which advocated for "regulations as are required for the protection of women and children travelling on emigrant ships;" the long-standing practice of awareness-raising in transportation hubs⁴⁰ also began as the Convention called on governments to "arrange for the exhibition, in railway stations and in ports, of notices warning women and children of the danger of the traffic and indicating the places where they can obtain accommodation and assistance" (International Convention for the Suppression of the Traffic in Women and Children, 1921). This resonates with modern practices in Japan of putting up posters and distributing pamphlets in train stations, at the airport, and in migration offices, warning of the risks of trafficking and advertising resources and services available to victims. Striving to raise awareness and ensuring that potential victims know where to obtain assistance are important aspects of combatting trafficking, which should continue. The singular targeting of *victims* through awareness-raising, however, is flawed and may result in their responsabilization rather than the perpetrators'.⁴¹

³⁹ The 1950 UN *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* reiterated and expanded upon extradition standards and practices in cases of trafficking offenses.

⁴⁰ As these are often trafficking hubs.

⁴¹ In Japan's case, it was only in 2022 that, "for the first time, the Agency of Gender Equality prepared two flyers: one addressing victims," as was customary, and innovatively, "one for perpetrators and buyers" (JNATIP Interview, 2022).

Beyond the conventions themselves, expert assessments were conducted and submitted to the League. The 1927 *Full Summary of the Report of the Special Body of Experts on Traffic in Women and Children* (LON, 1927, p. 6) reveals “that there is no single or simple means of suppressing the traffic,” and suggested treating it “as an epidemic.” Due to the transnational nature of trafficking, in the previous century as in the twenty-first, international cooperation is paramount, and can be traced as far back as 1902. Indeed, human trafficking “requires concerted international action,” especially since strict “measures of supervision and protection” in one country “are rendered fruitless if a neighboring country fails to exercise the same supervision: traffickers immediately transfer to that country the scene of their operations” (LON, 1927, p. 7). The ability of transnational crime organizations to shift their operations to countries with looser security and fewer sanctions still holds true. The experts further emphasize, in their 1927 assessment, the importance of improving the “protection afforded to women immigrants,” and the “dissemination of accurate information” as to the “conditions of life and work in countries which receive” young immigrants of both sexes (LON, 1927, pp. 7-8). The authors rightly identify profit as driving this sordid business, and caution that anti-trafficking measures are “not likely to be successful while the incentive of money-making remains,” which has not changed either (LON, 1927, p. 9). In Japan, the risk of being caught remains low, and in the unlikely event that traffickers are found out, the consequences of their crimes are not severe enough to serve as deterrents. This latter flaw has a long history which can be traced back to the previous century.

One useful tool in assessing Japan’s interwar efforts is the 1933 *Commission of Enquiry into Traffic in Women and Children in the East*. After Japan became a party to the *International Convention of the Suppression of the Traffic in Women and Children* in 1925, the state passed

laws against trafficking-related offenses. However, while Japanese laws existed “against procuring, abduction and detention for immoral purposes, kidnapping, buying and selling or receiving and concealing of” geishas and prostitutes, their effectiveness as a deterrent was questionable (LON, 1933a, p. 102). For one, the Penal Code considered these crimes “only when complaint has been lodged, unless they have been prompted by the desire for money-making;” moreover and highlighting the dehumanization of women, Article 229 of the Penal Code deemed complaints “invalid” in cases where “a person has contracted marriage with one kidnapped or purchased...unless judgment for the invalidity or cancellation of the marriage has become final” (LON, 1933, p. 103). In simpler terms, if a kidnapper or trafficker married their victim, the latter’s complaint would not be considered valid by the authorities. Cancellation of the marriage, a prerequisite for the justice system to consider complaints of trafficking-related crimes, seems unlikely to have been obtained easily either—while divorce laws in the Meiji Restoration era were not as restrictive as during the Tokugawa era,⁴² wives’ subordinate position remained firmly established and divorce rates low. Modern practice still primarily consists of using disparate laws to tackle trafficking-adjacent crimes, and their effectiveness still leaves much to be desired given the lack of appropriate sanctions and punishments.⁴³

More globally, the 1927 League of Nations Experts’ Report highlights some of the long-standing practices of traffickers, all of which are still in effect, for instance “travelling by indirect routes” to avoid detection, as well as using false documentation, the “pretence of marriage [as] a frequent subterfuge,” “bogus offers of employment abroad,” misleading contracts to lure in

⁴² During the Tokugawa era, wives had “no legal recourse in case of maltreatment, and in desperation could only run away to a convent at Kamakura where men were not admitted” (Hendry, 1983, p. 21).

⁴³ In 2023, Japanese authorities “continued to prosecute and convict traffickers principally under laws prescribing insufficiently stringent penalties, and for at least the sixth consecutive year, courts issued either fully suspended sentences of imprisonment or fines to most convicted traffickers” (*TIP Report*, 2023).

victims, and subsequently controlling them through debt and restricting their freedom of movement (LON, 1927, pp. 3-4). The tactics advocated by the international community to prevent the traffic in human beings has changed little in the past hundred years: the experts reporting to the League (LON, 1927, p. 5) stressed (1) the importance of countries' central authorities "co-ordinating information relative to the traffic and of corresponding with one another;" in the post-Cold War era, the lack of smooth transnational cooperation between law enforcement forces remains a hurdle, particularly in tackling the organized crime aspect of the trade in human beings;⁴⁴ (2) "the watching of ports and railway stations," which has today been extended to airports; (3) "the repatriation of prostitutes," though the phrasing today has changed to repatriating trafficking victims;⁴⁵ (4) "the supervision of employment agencies," which, as mentioned above, remains an area of concern that has been inadequately addressed as a persistent lack of oversight continues to serve traffickers, whose reliance on false visas, misleading contracts, and hidden debts has not been noticeably hindered; and finally, (5) "the protection of women and children travelling on emigrant ships," though today this strategy is not limited to ships, the lumping together of "women and children" persists, as does the vagueness of what this protection entails. The authors of the report admit that the "international traffic in women is still an ugly reality and that it continues to defy the efforts to suppress it made both by Governments and voluntary agencies," which, unfortunately, could just as easily have been written in 2024 as in 1927 (LON, 1927, p. 6). However, while it is somewhat the case that trafficking "assumes new forms as restrictions are increased" (LON, 1927, p. 6), the fact that

⁴⁴ The critique that "opportunities for the exchange of information as to the movements of suspected traffickers and their victims are not taken as promptly and as often as they might be," could be applied word-for-word a century later (LON, 1927, p. 7).

⁴⁵ Though provided for in theory, problematically, victims' consent to repatriation is often overlooked in practice. Notably, the Palermo Protocol upholds the historical concern with repatriation, which it states "shall *preferably* be voluntary" (2000, Art. 8, emphasis added), indicative of continued problems with consensual repatriation.

traffickers employ essentially the same tactics in the 2020s as they did in the 1920s, with some technological upgrades, should serve as a strong critique of the major, mainstream anti-trafficking strategies employed in that same time span. Much like traffickers' methods, these strategies have remained fairly constant, evolving little beyond adapting to modern technology, which criminal groups have capitalized upon with greater success than their counterparts in law enforcement. That the various systemic factors identified as causes for trafficking in the 1920s, such as "Economic depression, poverty, the danger of enforced migration, and low wages," remain some of the most potent push factors for trafficking in the twenty-first century, serves as a strong indictment of the past century's anti-trafficking policies.

Other noticeable continuities exist between historical reports and today's TIP assessments. Notably, a lack of empirical evidence coupled with unclear data provenance are common features across time. When discussing the extent of the traffic in 1927, the special body of experts admitted that "No complete figures are available," but reported "reliable information has been obtained from certain countries which justifies the belief that a traffic of considerable dimensions is being carried on" (LON, 1927, p. 1). Critiquing today's main assessment tool, the U.S. State Department's *TIP Reports*, Sally Engle Merry (2016, p. 125) points out that trafficking estimates "vary greatly, and the documentation for them is quite minimal," with figures ranging from the hundreds of thousands to several million victims.⁴⁶ IO reports tend to attribute successes to certain favored policies despite insufficient evidence. In the 1927 League of Nations report (pp. 1-2), the authors first admit that it is difficult to determine whether the volume of trafficked women has decreased, but nonetheless confidently assert that "on the whole

⁴⁶ "The absence of citations linking these numbers to a report, methodology, author, or sponsoring department further mystifies the estimates and the differences among them," but despite the absence of an explicit methodology, these estimates "circulate widely and gain credibility" (Merry, 2016, p. 125).

we are disposed to think that the stricter measures taken by Governments, especially in regard to immigration, have produced a marked effect both in the extent and character of the traffic.” Yet human trafficking, then as now, “is virtually impossible to measure” (Merry, 2016, p. 112).

Rather than serving as an accurate reflection of reality, the way trafficking is measured serves as a political tool—one that has been particularly useful in serving the dual goals of prostitution criminalization and restrictive immigration. For at least a hundred years, then, the international community has touted immigration control as a way of reducing sex trafficking. The continued growth of the problem despite stricter immigration laws has not seemingly deterred proponents of this approach, which remains the most prevalent one.

The 1927 *Full Summary of the Report of the Special Body of Experts on Traffic in Women and Children* explicitly defined international trafficking primarily as “the direct or indirect procurement and transportation for gain to a foreign country of women and girls for the sexual gratification of one or more persons,” and noted that, “for the purposes of this study it was found impossible entirely to isolate international traffic from the national aspect of commercialised prostitution” (LON, 1927, p. 1). This undeniable connection between transnational trafficking and internal practices has led to sustained efforts by the international community to encourage states to criminalize prostitution at the domestic level. Indeed, the authors argued the “ultimate success in the fight against this evil” of trafficking depended on changing public attitudes “towards the problem of commercialised prostitution” (LON, 1927, p. 5). The moralistic overtones of the anti-trafficking movement are easily discernible in this document which argues that some girls “take to a *wrong* life to supplement the low wages gained in their ordinary employment,” and the rhetoric of the perfect victim is already hinted as the “innocent girl” who falls prey to trafficking due to ignorance is framed as “the worst case of all”

(LON, 1927, p. 3, emphasis added). There are hints that prostitution is at times conflated with trafficking, including in the description of all licensed prostitutes as “inmates,” leading to the homogenization of women involved in the sex trade, a persistent problem (LON, 1927, p. 10).

The disregard for consent, which had been a persistent feature of anti-trafficking conventions since 1910 was reiterated in subsequent international agreements and other documents commissioned by the League. For instance, in a 1931 Memorandum regarding the *Repatriation of Prostitutes*, the International Bureau for the Suppression of Traffic in Women and Children (1931, pp. 10, 20), a proponent of compulsory repatriation, contributed to the infantilization of adult women when it argued that the “word ‘victim’ must indeed be taken to include the foolish prostitute who is traded in with her own consent,” disregarding these women’s agency despite knowing full well that “in the majority of cases these women prefer to be left alone; their ultimate desire is free trade in their particular ‘profession’.” This attitude is not surprising given the Bureau’s opposition to prostitution which it did “not recognise as a rightful means of livelihood,” but it is problematic and indicative of the strong influence wielded by abolitionists and moralists over international policymaking (International Bureau for the Suppression of Traffic in Women and Children, 1931, p. 18). After the Second World War, the United Nations upheld the idea that consent was of no consequence when the Parties to the 1950 *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* agreed (Art. 1, emphasis added) to “punish any person who, to gratify the passions of another: 1. Procures, entices or leads away, for purposes of prostitution, another person, *even with the consent of that person*; 2. Exploits the prostitution of another person, even with the consent of that person.” Significantly, victims were no longer assumed to be only women, the term having been officially replaced with “persons.” The 1950 Convention also

improved upon the racial dimension of the issue as Article 5 provided that, in cases relating to the trafficking offences as set forth in the Convention, “aliens shall be so entitled upon the same terms as nationals.” In many ways, this UN Convention updated but largely upheld pre-war provisions.

The role of migration was, expectedly and sensibly, reaffirmed. Article 17 of the 1950 Convention specifically called on Parties to the Convention to “check the traffic in persons of either sex for the purpose of prostitution,” specifically entreating them to “make regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children.” Article 20 further exhorted them to “take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution” (Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1950). This shift to acknowledging that even men could be victims while “particularly” isolating “women and children” as likely victims is still standard practice in the UN.⁴⁷ It also reiterated the importance of awareness-raising, calling on members to “arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic,” reminded them to “take appropriate measures to ensure supervision of railway stations, airports, seaports, and *en route*, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution” (1950, Art. 17). This shows very little variation from prior Conventions except that “prostitution” has explicitly replaced “immoral purposes,” and airports are now included. Repatriation of foreign prostitutes and trafficking victims persisted as an explicit goal (Art. 18 & 19).

⁴⁷ Acknowledging the gendered bias of trafficking is important, with a caveat as to *how* this is accomplished. As discussed in Chapter 2, the way in which trafficking has been cast as a “womenandchildren” issue has had harmful repercussions.

Unfortunately, some changes may have entrenched more harmful attitudes, especially as concerns prostitution. The UN 1950 Convention no longer prevaricated on the issue of licensed prostitution as it attempted to criminalize brothels altogether (Art. 2),⁴⁸ and according to Article 6, its Parties agreed to “repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.” The Convention further entreated its Parties to take “measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution⁴⁹ and of the offences referred to in the present Convention,” thereby designating trafficking and prostitution as equivalent offences (1950, Art. 16). Japan acceded to the Convention in 1958, two years after passing its anti-prostitution law.

Adopted at the turn of the century, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, more frequently and concisely known as the Palermo Protocol, is the primary international legal instrument with which TIP has been addressed in the 21st century.⁵⁰ Through the Palermo Protocol, TIP has been reframed as, primarily, a matter of national and international security, distinguishing it from historical approaches.⁵¹ For some, this shift has been seen as positive. Since security is a “masculinized”

⁴⁸ Article 2 (1950): “The Parties to the present Convention further agree to punish any person who: 1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel; 2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.”

⁴⁹ This serves as somewhat of a preview to the modern “3Rs”: Rescue, Rehabilitation/Reform, Reintegration/Social Adjustment. Note also that the Convention does not qualify prostitution as forced or coerced but nonetheless designates all women who partake in the sex trade as victims.

⁵⁰ As mentioned in the first chapter, though Japan became a signatory to the Protocol in 2002, full accession only came in 2017.

⁵¹ This reconceptualization of TIP as a crime-based problem began in the 1990s but its success culminated with the Palermo Protocol’s official enshrinement of this view in 2000. The security angle was rather novel compared to the

issue, which patriarchal states prioritize over the pursuit of human rights which are more readily feminized, the framing of TIP as a security matter has increased states' willingness to address the problem. On the other hand, narrowly conceptualizing TIP as a matter of transnational security stemming from the existence of transnational organized crime groups has led to criminalization tactics being employed rather than seeking rights-expansion. Though the Palermo Protocol does call for the protection of trafficking victims' "internationally recognized human rights," TIP has been framed as a *subset* of transnational crime problems, a Protocol that *supplements* the UN's *Convention against Transnational Organized Crime*, rather than being considered as an issue in its own right. TIP is not only *framed* as a secondary concern, but consequently acted upon as such. Illustrative of this is the fact that, whereas 192 states are Parties to the *United Nations Convention against Transnational Organized Crime*, 147 of which are full Signatories, by contrast, 11 fewer states are Parties to the Palermo Protocol, only 117 of which are Signatories.⁵²

For the past hundred years, international legal instruments dealing with trafficking have been interpreted in a way that encourages the use of strict immigration laws—such policies can, in fact, fuel the problem of trafficking as they reduce prospective migrants' legal and safe(r) travel options. As evidenced above, while migration has long been acknowledged as indubitably and intricately linked to trafficking patterns, official recommendations for addressing this connection have been vague, suggesting that transportation centers be carefully "watched," and that migrants be "protected," without specifying what this protection should look like. But the way in which migration is addressed can have deleterious effects on the scope of trafficking. The Palermo Protocol has continued to promote strict immigration as a solution to trafficking. In

historical focus on exploitation, abuse, and protection. Chapter 3 touched on how the Palermo Protocol solidified the turn from constructing trafficking as primarily a socio-economic issue to a crime-oriented one, but it is worth discussing a bit further.

⁵² Numbers as of January 2024.

Japan too, the “Ministry of Justice and Immigration are really obstinate and very focused on immigration” (JNATIP Interview, 2022). While encouraging transportation officials “to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State” (Palermo Protocol, 2000, Art. 11) is indeed an important security matter that can prove helpful in identifying potential trafficking victims, for instance, it is also important to ensure that aspiring labor migrants have the ability to reasonably obtain legal travel documents in the first place—erecting too many barriers to migration can lead vulnerable individuals feeling desperate enough to resort to risky migration tactics that might result in traffickers offering them phony papers as enticement into situations of exploitation.

The Palermo Protocol improves upon past treaties by including more specific provisions for what victims’ protection should entail, but these are mostly reactive—e.g., ensuring that trafficking victims, once identified, are entitled to confidential proceedings, housing, and counseling (Palermo Protocol, 2000, Art. 6)—but there is little to promote human rights that are useful in *preventing* trafficking in the first place (a livable wage, freedom of movement, labor protections); Article 9 simply mentions that states should strive to “alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.”⁵³ There is also a continued reliance upon “cooperation with non-governmental organizations, other relevant organizations and other elements of civil society” in providing trafficking victims with assistance and protection, shifting responsibility away from the state (Palermo Protocol, 2000, Art. 7).

⁵³ This is one of the areas in which reiterating “especially women and children” feels unnecessary, especially since this article does not pertain specifically to sex rather than labor trafficking—poverty, underdevelopment, and lack of equal opportunity are risk factors that affect men as well and render them vulnerable to trafficking.

Historically, prostitution has been cast as a problem solely affecting women and girls, and sex trafficking has often been conflated with prostitution. Although the language has shifted from exclusively addressing women and girls, by-and-large, men continue to be cast aside, a trend continued by the Palermo Protocol which is concerned “especially” with “women and children.” It is worth reiterating that, first, framing particular phenomena as “women’s issues” often relegates them “to a special, limited category...these matters can be consigned to a separate sphere and tend to be ignored” (Charlesworth, Chinkin, & Wright, 1991, p. 625). Second, lumping “womenandchildren” together is problematic (Enloe, 2014). Yet TIP frameworks, both in the past and present, have adopted this language, denying women and children’s “capacity for autonomy and agency” which often results in oppressive interventions (Miller, 2011, p. 486). The success of the abolitionist discourse in framing TIP has served to reinforce harmful dichotomies and stereotypes, particularly in its emphasis on victimization. Indeed, in “the fierce debates over prostitution” which plagued the drafting of the Protocol, “the human rights perspective, concerned with the circumstances of the trafficking victims and the structural conditions that produce trafficking, fell by the wayside” (Merry, 2016, p. 120, referencing Chuang, 2010, p. 1703). The issue of consent, a longstanding problem, has persisted in the 21st century. As Merry (2016, pp. 120-21) writes, there are cases in which the Palermo Protocol deems “the consent of the victim of trafficking [to be] irrelevant,” and the “ambiguity of the UN’s definition” can be seen to shrink “the number of individuals who can be seen to have consented to sex work.”⁵⁴ “Rather than empowering women,” the rhetoric of victimization “ends up fostering a protectionist rather than a liberating agenda...States are encouraged to use the

⁵⁴ This ambiguity serves to shrink the number of people who can be deemed to have consented to sex work since, even if someone has chosen to engage in sex work because it was their best option, having done so under conditions of poverty, discrimination, or gender-based violence can be deemed to “constitute a position of vulnerability.”

instrument of criminal law to repress and punish violence against women, rather than using policies of social reform to improve the status and treatment of women within societies” (Bianchi, 2016, pp. 194-95). Moreover, states end up punishing trafficking victims as well, particularly in their practices of “rescue and rehabilitation” which foster carceral protectionism, and in their criminalization of sex workers. Rather than liberating and empowering trafficking victims, this simply shifts their incarceration and exploitation to the “legitimate” sphere of the patriarchal state and capitalist institutions.

While identifying problems with prostitution practices is important, and attempting to remedy those in a way that protects sex workers is paramount, unfortunately, puritanical moralistic ideals instead have pushed the view that prostitution “should be regarded as a public evil” (LON, 1927, p. 11). It has further been argued that “Safeguards of all kinds against international traffic are difficult to enforce when the lowering of the standard of morality serves to create an insistent demand” (LON, 1927, p. 11). That the demand side of trafficking should be addressed is not so much the crux of the debate as *how* it should be handled. There are many reasons why prostitution is known, across cultures and in various languages, as the oldest profession. A demand for it has existed at least as long as record-keeping has, and trying to eliminate it altogether seems a Sisyphean task. Though the experts consulted by the League of Nations regarded licensed prostitution as “an incentive to traffic both national and international,” the abolition of Japan’s system of licensed prostitution did not so much diminish the prevalence of trafficking so much as invisibilize the crime, or as SWASH referred to it, caused the “undergroundization” of the sex trade which has heightened risks for sex workers and made it more difficult for victims of sex trafficking to come forward about their exploitation.

Conclusion

Japan may not be the poster child of adherence to international standards, and in fact it is “an outlier among the G7 on many issues,” including on trafficking and women’s issues (State Dept Interview, 2022), yet in its bid for international influence and status, the state nonetheless makes efforts, however superficial, to adhere to these standards. Unfortunately, the changes Japan *has* made to align with the Palermo Protocol may be largely counterproductive in stopping trafficking. For one, officials are primarily predisposed to rely “on strict border control and strict immigration laws” for prevention (JNATIP Interview, 2022), which reduces safe pathways to migration and may lead more individuals to undertake risky migration, to fall prey to traffickers’ century-old tactics of fake yet tantalizing contracts and visas. Relatedly, the reframing of TIP as a crime problem by the Palermo Protocol has fed into states’ patriarchal projects of control and protectionism. This has been the case in Japan where, in their response to trafficking—however modest it might be—state officials have come to “treat TIP more as a crime than human rights issue;” one manifestation of this is the practice by which police “arrest trafficking victims,” claiming to do so “as a way of protecting them, to move them away from the trafficking situation” (JNATIP Interview, 2022).

The way the international community’s anti-sex bias has played out in Japan’s case is particularly interesting, though the result has proven unhelpful. Prostitution is generally deemed socially accepted in Japan, which in practice continues to tolerate and even actively sustains a vast sex-industry; the nominal criminalization of prostitution still negatively impacts sex workers as well as trafficking victims, however. Rather than protecting those laboring in the sex industry, the demand side of the issue is left largely alone, with awareness-raising heavily focused on warning off potential victims rather than informing buyers of sex about trafficked labor. The net

result is that, 1) access to sex is protected for buyers who remain either unaware of uncaring about the problem of trafficking, 2) sex workers are denied labor protections and face greater risks due to the “undergroundization” of their trade, and 3) sex trafficking victims are invisibilized and face greater hurdles in reporting their trafficking. Both sex workers and sex trafficking victims suffer from the criminalization of prostitution and the ensuing difficulties entailed in reporting any abuse they might encounter.

Systemic change is needed. Indeed, for anti-trafficking measures to be successful, they would need to address the underlying causes pushing people into trafficking: namely, political instability, conflict, poverty, globalization, and exploitative capitalist practices. Moving forward, a critical, intersectional reframing of TIP as a gendered, human rights issue, is paramount. Paying attention to the plurality of voices that contextualize and complicate the TIP debate could help ensure that international legal instruments foster greater equality rather than contributing to the steady erosion of human rights while reinforcing harmful stereotypes. Japan so far has gotten away with its generally unconcerned, unserious, cosmetic-only approach to TIP, and as the U.S. State Department staff I interviewed (2022) lamented, “there just haven’t been any consequences to [Japan] being an outlier.” If anything, Japan’s prevarication on trafficking matters indicates that, while it is relevant to some extent, international pressure is insufficient. Of course, this might be a reflection of the lackluster response to TIP by the international community more broadly.

Conclusion

Where Do We Go from Here?

Identifying existing problems underlying the failures of Japan's anti-trafficking policies and strategies illuminates potential pathways towards developing effective policy reforms at the local and global levels. There is no easy, all-encompassing solution to ending trafficking, but an array of multifaceted, multi-level reforms holds promise. This dissertation shows that explaining the disconnect between discourse and action—understanding *why* practice is so disjointed relative to official stances and paper promises—is key to narrowing, and hopefully eliminating that gap.

Brief Summary

Analyzing the discrepancy between legislative promises and actions from 1872 to 2023, the research shows that Japan uses sex-related legislation as a soft power tool rather than engaging in genuine attempts to curb exploitative sex trade practices. This lack of political will rests, in part, on various forms of othering, such as racism, sexism, and classism. Disempowered and marginalized groups are most affected by trafficking, but the Japanese state cares less about these individuals' well-being than its ability to exercise patriarchal forms of control. This desire for and exercise of control is noticeable when considering the role of various state institutions in sustaining rather than combatting Japanese systems of sexual exploitation. Although institutional complicity may be less overt today than in the past, insufficient awareness and prejudiced attitudinal tendencies persist, such that anti-trafficking undertakings are considered low priority or sometimes outright subverted by the very institutions tasked with curbing the issue. Finally,

the research addressed the counterproductive and harmful nature of prominent anti-trafficking strategies promoted by the international community and adopted by Japan—however modestly or superficially. While this research puts strong emphasis on the importance of domestic factors, it also brings attention to some of the problematic aspects of international anti-trafficking strategies. Notably, anti-immigration and anti-prostitution biases, combined with an emphasis on crime frames, have contributed to carceral protectionism and heightened patriarchal state control. This conclusion aims to provide pathways to address and rectify this situation, especially by promoting expanded human-rights based policies that advance gender, racial, and migration justice, and which should contribute to fostering a more just and equitable world.

Prioritizing & Reframing TIP at the International Level

The international community plays a critical role in framing debates and devising policy, such that its active participation in anti-trafficking efforts will be integral to their success. The international legal framework for trafficking in persons currently designates it as a subset of the broader problem of transnational organized crime¹ and labels it a “women’s issue.”² This has relegated TIP as a secondary concern³ for the international community, resulting in ineffective anti-trafficking measures. As such, this research advocates for a critical analysis and reframing of international anti-trafficking in persons legislation. It has been twenty years since the passing of the Palermo Protocol and little progress has been achieved globally to meaningfully curb trafficking. Various UN bodies, such as the United Nations Human Rights Council, UN Women,

¹ The TIP Protocol *supplements* the UN *Convention against Transnational Organized Crime*.

² The Palermo Protocol is ‘especially’ concerned with ‘women and children.’

³ Recall that “Women’s issues” are “relegated to a special, limited category...these matters can be consigned to a separate sphere and tend to be ignored” or sidelined (Charlesworth, Chinkin, & Wright, 1991, p. 625).

and the United Nations Office on Drugs and Crime (UNODC), in conjunction with independent researchers, international lawyers, concerned NGOs, experts from member states, and other stakeholders, should review and reflect on the successes and failures of the Protocol, devise recommendations based on their findings, and subsequently revise the international framework through which trafficking is interpreted and dealt with.

This research suggests a reframing of trafficking as an issue that is *related* to, but not a subset of, organized crime. Indeed, trafficking in persons exists outside of organized crime networks and is perpetuated by agents other than career criminals. Undermining the power of transnational criminal organizations is undoubtedly important, but eliminating the danger posed by transnational organized crime groups will not, on its own, end trafficking. This harmful insufficiency could be remedied through the reconceptualization of trafficking in persons as primarily a human rights issue, with a crime component, which could encourage a turn to systemic change and solutions instead of erecting barriers to migration and sex work.

The research also advocates for a reframing of trafficking as a gendered issue rather than a women's issue. While trafficking for sexual exploitation disproportionately, but not exclusively, affects women and girls, it is crucial to consider how gender more broadly conceived affects the trade in human beings. Describing violence as *gendered* makes the workings of masculinities and the politics of misogyny visible in international politics (Enloe, 2014). This would help counter the tendency to exclude men from the conversation despite the *interrelation* between genders—rather than the mere existence of women—being at the root of most TIP practices and situations. The narrow framing of TIP as a “womenandchildren’s issue” further tends to absolve patriarchal structures from their responsibility in sustaining and

perpetuating gendered violence, removing them from the conversation, thereby masking the exercise of misogyny and masculinist forms of discrimination and power.

The institutionalization of trafficking as a problem that affects “especially women and children” perpetuates the misconception that TIP almost exclusively affects them, encouraging a narrow focus on trafficking for sexual exploitation, even though other forms of forced labor are, according to some estimates, more prevalent globally.⁴ Men are thus forgotten as potential victims. This is especially important considering that, according to some estimates, “the number of men in forced labour exploitation (11.3 million) is nearly twice that of women (6.0 million)” (ILO, 2022, p. 34). Trafficking-related international law should provide workable solutions that address male victims’ and survivors’ vulnerability and needs too. Using more inclusive terminology could help bring men back into the folds of trafficking in persons legislation and conversations: as integral parts of the problem, the solution, and as potential victims. Such a shift might improve the chances of TIP being deemed a *human* concern in contrast to the uniqueness ascribed to women’s issues.

The Importance of Systemic Change

Critical scholarship emphasizes the importance of systemic change in the fight to eradicate exploitation, including trafficking. Indeed, for anti-trafficking measures to be successful, they will need to address the underlying causes pushing people into trafficking: namely, political instability, conflict, poverty, and gender inequality, which are inextricably tied to such patriarchal structures as globalization, (neo)colonialism, (neoliberal) capitalism, nationalism, and militarism. Of course, reforming, to say nothing of dismantling, any of these

⁴ See, e.g., ILO, Walk Free, & IOM (2022), Table 1. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ippec/documents/publication/wcms_854733.pdf.

structures is a rather tall order. These persistent, age-old concerns are difficult to tackle—so much so that to say eliminating war or poverty is ‘difficult’ qualifies as rather euphemistic. But the improbability of attaining these ideals should not prevent us from striving for them, and at a minimum promoting a reduction of harm.

A practical, if partial, step on the path to harm reduction would involve redirecting the international TIP debate towards rights expansion. Mainstream anti-trafficking approaches currently favor criminalization and carceral tactics, heavily based on anti-prostitution and anti-immigration biases. Counterproductively, these reinforce the position and power of the state and other institutions that impede the struggle against TIP by strengthening rather than undermining the systems which underlie trafficking. Rights-based reforms focusing on migrants and sex workers’ labor and human rights hold greater promise for improved anti-trafficking outcomes at both the international and domestic levels.⁵ Organizations such as the International Labour Organization (ILO, 2022, p. 89) and the UN more broadly, have been emphasizing the provision of decent work and the facilitation of labor mobility as key aspects of reducing irregular migration and therefore curbing the risk of trafficking. Future anti-trafficking international legislation should follow the ILO’s lead and center the discussion of rights provision and protection.

Giving Voice to Alternative Approaches

The Palermo Protocol also lends itself to stereotyping, perpetuating the “womenandchildren” discourse which infantilizes adult women and feeds into narratives of

⁵ The ILO (2022, p. 36) found, for instance, that “Migrant workers who are not protected by law or are unable to exercise their rights face a higher risk of forced labour than other workers.” The ILO also designates commercial sexual exploitation as a form of forced labour, which is indicative of a recognition that sex can be a form of work—indeed, the 2022 *Global Estimates* report identifies sex workers as a marginalized group (ILO, 2022, p. 55).

victims as inherently passive and lacking agency. This is largely the result of abolitionist radical feminism being the dominant lens through which TIP has been conceptualized in international law, and its corollary lack of intersectionality.⁶ Indeed, the success of the abolitionist discourse in framing TIP has served to reinforce harmful dichotomies and stereotypes, particularly in its emphasis on victimization. The stereotyping that results from the ‘womenandchildren’ discourse can be partially countered by diversifying the narrative so that the abolitionist story does not crowd out access to the world stage.

TIP international law currently suffers from the tendency to make and implement decisions which impact women’s lives without consulting the women whose lives these policies will impact. To remedy this situation, the expertise of critical scholars, human rights and migration lawyers, ‘imperfect’ victims and survivors, along with that of sex workers’ organizations should be integrated into international lawmaking and future anti-trafficking approaches. Acknowledging that agency and victimhood are not dichotomous, and listening to the multiplicity of voices affected by trafficking in persons is crucial: not every victim and survivor has the same story, the same problems, the same ideas, nor the same solutions to offer.

International Assessments of TIP

Globally, the U.S. State Department’s *TIP Reports* are the “dominant system of measurement, crystallizing the problem as being one of organized crime that requires a criminal justice response” (Merry, 2016). The way problems are measured is instrumental in generating solutions, so the global relevance of these *TIP Reports* cannot be overlooked. In part, the *TIP*

⁶ Women in international law are often taken as a monolith, which ignores how factors such as class, race, ethnicity, and sexuality (to name a few) intersect with gender to create unique experiences, challenges, and forms of discrimination—as well as unique perspectives which can result in a variety of solutions to a given problem. This disregard for contesting voices reflects the persistent “exclusion of (some) women’s needs, interests, aspirations, or attributes from the design or application of the law” (Charlesworth, 2011, p. 24).

Reports' dominance is problematic due to the aspects emphasized above: the U.S. has strong anti-immigration and anti-prostitution biases which have been influential in shaping the international discourse. Moreover, producing the *TIP Reports'* tiered rankings “is a deeply interpretive process with clear political dimensions[...]this system is not a product of international collaboration but is a unilateral mechanism developed by one country” (Merry, 2016, pp. 113-14). So while the State Department’s *TIP Reports* offer a rare form of ‘verbal sanctioning,’ the unilateral, political nature of their assessment makes the latter subject to national biases and interests, and thus somewhat problematic.⁷

A system of country-level indicators that is “a product of international collaboration” should be developed. Multilateral, independent assessments should prove less polarizing and could be viewed as more credible, especially by countries with which the U.S. is politically at odds. Current international reports, such as UNODC’s *Global Report on Trafficking in Persons*, and the ILO’s *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, focus more on global and regional trends. These are important, but it would be helpful for these international organizations to compile country-level assessments as well. Such evaluations would be attuned to local challenges and could provide insight as to how domestic factors might warp policy implementation, offering country-specific recommendations to counter these.

⁷ For instance, the State Department has made it clear it has no intention of further downgrading Japan to Tier 2 Watchlist as it views it as unnecessary and potentially risky, since the U.S. does “need them as a partner to work with us” (State Dept Interview, 2022).

Integrating International Reforms with Japan's Anti-TIP Efforts

Cosmetic Adherence

Japan's anti-trafficking policies fall short due to their cosmetic nature. The problem, in part, resides with the international community's permissive stance towards Japan. Cosmetic adherence to anti-trafficking standards has proven sufficient for the Japanese state to earn what it is really after in declaring its commitment to the anti-trafficking cause: status, influence, and power. The reason Japan gets away with paper promises is because the international community, by and large, allows it to.⁸ Far from being a problem unique to Japan, international institutions also tend to practice cosmetic conformity, as they have adopted the language of feminism without following through on many of the goals and promises that have been set and made. In practice, the patriarchal structures and mechanisms of international law have used feminist vocabulary to mask the exercise of masculinist power rather than striving to eliminate it. Even though TIP has indubitably garnered global attention and traction as a significant security concern, it has been given lower priority relative to other security matters. It is therefore not too surprising that, despite repeated failures to put into practice paper promises, Japan has faced neither consequences nor even meaningful critique. The success of cosmetic adherence rests not only on the patriarchal and hierarchical nature of Japan's institutions, but that of international organizations and international law too.

Security, Trafficking, and Japan's Allies

Illustrative of the precedence attached to non-trafficking security issues, the State Department staff I interviewed lamented the lack of consequences to Japan being "an outlier

⁸ Part of the problem may reside in the UN's lack of sanctioning mechanism when signatories to the Protocol fail to deliver on their obligations, since an absence of consequence may encourage inaction.

among the G7 on many issues,” including trafficking, women’s issues, same-sex marriage, and equality—she indicated that the proliferation of “‘bad actors’ in the world, and especially in the region,” contributed to the reticence to sow potential discord “among allies, because you don’t want the ‘bad actors’ to be able to exploit differences” (State Dept Interview, 2022). She opined that “a little more international pressure[...]to really push [Japan] to at least align with the G7[...]could be helpful;” rather than a lack of existing mechanisms with which to apply such pressure, she identified political concerns tied to this increasingly volatile and polarized global political situation as underlying its absence (State Dept Interview, 2022). Instead of framing combatting TIP as an endeavor that might take attention or resources *away* from other security issues, highlighting the ways trafficking is tied up with other security concerns may promote greater efforts to address it.

As important as it is to consider and address trafficking for its own sake, in a world of self-interested states preoccupied primarily with hard power considerations, material security concerns, and economic prosperity, emphasizing the security dimensions of TIP might help improve anti-trafficking outcomes. Trafficking in Persons “can fuel conflict by enabling armed and extremist groups to raise revenue and expand their power and military capabilities[,] drive displacement and destabilize communities, thereby exacerbating conflict and undermining development,” while forced labor is “one of the world’s most profitable crimes [serving as] a funding mechanism for violent extremist organizations,” such as ISIS and Boko Haram which have “generated revenue from sex trafficking” (Bigio & Vogelstein, 2019, p. 1). Japan and its allies have made counterterrorism a security priority (MOFA, 2022, p. 16), and measures to combat TIP would directly and indirectly contribute to combatting terrorism.

Trafficking also contributes to the spread of infectious diseases which poses serious health threats domestically and globally. “Ending AIDS by 2030 is an integral part of the Sustainable Development Goals (SDGs), which were unanimously adopted by United Nations Member States in 2015,” particularly SDG 3 which promotes good health and well-being (UN, 2024). Furthermore, G7 countries have “provided 75% of the total funding for the Global Fund” to Fight AIDS, Tuberculosis, and Malaria, with Japan contributing USD 2.42 billion between 2001 and 2022 (Focus2030, 2022). Emphasizing the security and health dimension of trafficking could encourage Japan’s allies, particularly the G7, to put greater pressure on the country to implement adequate anti-trafficking measures. Japan has shown itself to be receptive to international pressure (*gaiatsu*), and though there are limits to what it can accomplish, its allies *could* feasibly bring more pressure to bear upon the country. Leveraging this sensitivity to *gaiatsu* could help ensure that actions – rather than mere promises – are met with the sought-after rewards.

Since states pay more attention to *masculinized security issues* than more easily *feminized human rights concerns*, they may be more inclined to address TIP if emphasis is put on these corollary health and security risks. This type of strategy may prove a double-edged sword, however, and should be wielded cautiously. States have increasingly been depicting migration matters as “crises” that threaten national security to justify stricter migration laws, which, as demonstrated throughout the research, often heightens the risk of trafficking as more individuals are pushed to undertake irregular risky migration. This type of strategy would also rely heavily on state interventions which could backfire and bolster the power of the patriarchal state rather than contribute to progressive, feminist aims. Finally, putting stress on trafficking-adjacent national and international security concerns would, much like its framing as a subset of

transnational organized crime, take attention away from trafficking as inherently problematic, as its own issue. In the short term, emphasizing associated security risks could help draw more attention to TIP, but we should be extremely cautious engaging in this type of rhetoric as it may prove damaging in the mid- and long-term.

The Limits of International Pressure

These suggested changes—reframing international anti-trafficking in persons legislation to be a rights-oriented, gendered issue, and developing impartial, multilateral national-level TIP indicators—would contribute to improved anti-trafficking outcomes both in and out of Japan. They offer partial solutions to transnational-level hurdles. However, it is important to recognize that using international pressure as a motivator is insufficient in obtaining lasting, meaningful change. Beyond external pressure, internal change is paramount. Even if the international community were to find more effective ways to sanction Japan into compliance with international standards, on its own, this would not change the underlying motivation for action being a power-driven seeking after influence. Altering deeply entrenched practices of cosmetic adherence does not happen overnight, but there are ways to work towards paradigm shifts, to instill an intrinsic, domestic desire to tackle trafficking in its own right.

Changing Domestic Dynamics

International pressure has been insufficient to mobilize Japanese officials to action. Motivated by the Japanese state's desire to earn its place among the most influential powers of the world, true political will to tackle trafficking for its own sake is in short supply. Although legal changes have technically been made, they have not been implemented effectively. As has been indicated in the previous chapters, even the ratification of the Palermo Protocol has not

entailed meaningful changes on the ground. In some ways, legal changes can provide a veneer of fairness without actually changing the situation on the ground (Chisholm, 2016). This has typically been the case in Japan, where officials have largely failed to enforce anti-trafficking laws.

Enduring Shortcomings

After her mission to Japan in July 2009, then UN Special Rapporteur on Trafficking in Persons, Joy Ngozi Ezeilo, commented on the “challenges that Japan must address in order to effectively combat trafficking in human beings” (UN OHCHR, 2009). The principal problems identified by Ngozi Ezeilo have since been either unsatisfactorily addressed or remain outright unaddressed. Over the past twenty-three years, the State Department’s *TIP Reports* have frequently identified the same or similar problems, such that many recommendations make yearly reappearances with nary a tweak. For instance, although there have been some improvements in the “services provided to victims of trafficking” (UN OHCHR, 2009), the 2023 *TIP Report* still mentioned that “Not all prefectures offered adequate services for trafficking victims, no government shelters could accommodate male victims, and women and child trafficking victims often had to quit work or school to receive shelter services.” While partnerships between government agencies and NGOs have improved, the JNATIP interview revealed that tensions persist. Unclear identification procedures leading to misidentification of trafficking victims remain a significant problem, leading the State Department to recommend enhancing “screening to ensure victims[...]are identified and referred to services and not inappropriately detained or forcibly deported solely for unlawful acts committed as a direct result of being trafficked” (UN OHCHR, 2009; *TIP Report* 2023). The “lack of appropriate training of and coordination among relevant law enforcement officials,” which was also highlighted after

Ngozi Ezeilo’s visit to Japan in 2009, was still identified as a problem by the JNATIP committee member I interviewed in 2022, and the 2023 *TIP Report* similarly critiqued a “lack of adequate standardized guidelines,” “poor coordination among ministries,” and “an acute lack of awareness of trafficking among key law enforcement and judicial stakeholders.” Addressing these shortcomings of Japanese anti-trafficking policies will necessitate a multipronged approach involving a range of domestic actors, including educators, activists, lawyers, politicians, NGOs, and government Ministries.

Establishing a Trafficking in Persons Office

It is important that trafficking be recognized as an issue deserving of its own office and specialists. As the JNATIP interviewee pointed out, the frequent rotations of individuals in government posts dealing with TIP leads to a dearth of expertise. Additionally, since employees assigned to work on TIP do not necessarily have any personal interest in the matter, disinterest characterizes policymaking and implementation. Establishing a national rapporteur office on trafficking, as recommended by Ngozi Ezeilo (UN OHCHR, 2009), or a similar dedicated office on trafficking in persons, could go a long way to ensuring that those working on the issue genuinely care and are invested in the mission. Instead of TIP being handled by disparate, sub-sections of other related offices as is currently the case, the Japanese government should establish a dedicated, centralized TIP office or bureau. While establishing a TIP Office operating at the same level as Japan’s various ministries seems implausible at this time, creating a TIP Bureau, in the same style as the Ministry of Justice’s Human Rights Bureau, or the Cabinet Office’s Gender Equality Bureau may be more attainable. Such an organization would work in tandem with relevant branches of the government as an equal partner. Various ministries are already engaged in anti-trafficking work, but having a dedicated bureau to centralize, streamline,

and coordinate their efforts would make for more effective policymaking and implementation, and could possibly ensure a more impartial assessment of various government organizations' efforts, progress, and flaws.

An Anti-Trafficking Bureau or National Rapporteur Office on Trafficking would help ensure there is a designated budget earmarked for anti-trafficking undertakings and would centralize coordination for TIP-related matters. A TIP-specialized office might: (1) offer more frequent revisions to National Action Plans, (2) communicate with IOs to coordinate policy recommendations and reforms, and (3) collaborate consistently with concerned individuals and groups, namely NGOs, sex workers' organizations, scholars, and lawyers, partly in an effort to (4) produce impartial annual assessments of domestic anti-trafficking policy efforts and outcomes. It could also send dedicated staff to conduct local investigations and assessments of shelters, police training, immigration detention centers, sex industry venues, etc. In developing this expertise and staying in touch with both global and local experts, a TIP office could help streamline and establish more stringent legal standards and operating procedures, in line with up-to-date best practices. Trafficking victims and survivors who are willing to share their stories and input should also be consulted, but by trauma-informed social workers or psychologists, rather than police and immigration officials.

Taking over responsibility for the production of annual reports assessing measures to combat trafficking, a TIP Bureau would present yearly progress evaluations to the Diet, Ministries, and the public at large, helping raise awareness of the issue at all levels of society. In coordinating awareness-raising campaigns across key stakeholders and among the public, such an organization would also shift away from primarily targeting (and thereby responsabilizing) potential victims. On this note, it is important to recall that, while awareness may be a crucial

aspect of anti-trafficking endeavors, mere knowledge of the existence of a problem does not make it go away. A concerted effort to generate political will to address the problem is also needed.

Education Initiatives

To counter the dearth of political will hindering anti-trafficking policy success in Japan will require, among other strategies, taking concrete steps to tackle the underlying sociocultural problems related to TIP. Centering respect for human rights is no quick, easy task, but it is essential to the anti-trafficking fight, as well as integral to countering entrenched forms of othering. Education is an important tool which can help foster a greater sense of what human rights are, why they are important, and how they can be protected. Ideally, a designated anti-trafficking bureau would work closely with the Ministry of Education, Culture, Sports, Science and Technology (MEXT), the Human Rights Bureau, and the Gender Equality Bureau to combat racial and gender prejudice. These organizations should develop and launch educational campaigns at (elementary-high) schools geared toward fighting discrimination⁹ and trafficking-specific education campaigns at the university level.

A few options towards deconstructing entrenched inequality include: (1) sex education incorporating age-appropriate discussions of (a) gender inequality, (b) consent, and (c) sexual violence and crimes in elementary, middle, and high school; (2) a required introductory gender theory course at the university level; and (3) mandatory diversity, equity, and inclusion seminars for government, public, and private sector officials and employees. The Japanese education

⁹ Reforming the Japanese education system is overdue, for multiple reasons, including the problematic way history is generally taught, as there is a tendency to eclipse critical discussions of racism and the harms of Japanese imperialism. Even at the professional level, there is a tendency among some Japanese historians toward revisionism, particularly in seeking to refute the coercive nature of the comfort women system.

system would also benefit from promoting debate as an educational tool, and from putting greater emphasis on teaching critical and analytical thinking skills, in contrast to the prevalent focus on memorization. The development of critical thinking skills is paramount to the pursuit of critical research agendas such as this; questioning the system is a prerequisite to changing it.¹⁰

Promoting Cultural Exposure and Understanding

A TIP bureau would also work in tandem with Japan's Ministry of Foreign Affairs, Immigration Services Agency of Japan, and the Japan Tourism Agency. Encouraging students to participate in exchange programs and fostering international travel are useful ways of expanding exposure to foreign cultures and peoples, possibly fostering multiculturalism. In addition, opening more opportunities for migrants to safely and legally live and work in Japan, while encouraging the integration rather than seclusion of immigrant communities into Japanese life and culture would be a welcome move.¹¹ Currently, many Japanese view irregular migrants as underserving of rights, which is obviously a significant hurdle in ensuring that the rights of migrants are protected and upheld. Understanding why people employ irregular migration and fostering empathy for the plight of disempowered and marginalized communities through education and cultural exposure could prove instrumental in the fight against exploitation, including against labor and sex trafficking.

¹⁰ Internet literacy is also an important aspect of modern-day education. While the Internet offers access to seemingly limitless amounts of information and can expose students to cultures, ideas, and concepts not covered in official educational settings, the risks of misinformation are high, especially if students are not conscious of the dangers of confirmation bias, nor taught how to critically analyze the validity of online sources. Teaching students at least as early as high school how to conduct good research, how to identify bias in sources, what counts as authoritative scholarly work, etc., contributes, even if indirectly, to fighting against such injustices as trafficking. Internet literacy is more directly relevant to anti-trafficking endeavors as awareness about the harms of online sexual violence and risks of online exploitation are important in an age of growing cybercrime.

¹¹ E.g., free or low-cost Japanese language classes for new migrants; multilingual seminars on Japanese customs and culture; community events fostering interactions between Japanese residents and migrants who are new to their communities, etc.

Breathing New Life into Japanese Politics

Along with shifts in sociocultural attitudes, political change is overdue. Dominated by the Liberal Democratic Party, the Japanese political system broadly remains the legacy of deeply patriarchal and violent actors. Moreover, official policy is rarely reflective of public opinion which is generally more progressive than the political establishment and its representatives. For instance, “the Japanese public generally supports same-sex marriage even though Japan is the only country among the G7 nations that does not legally recognize same-sex unions” (Shorenstein, 2023).¹² Government representation is characterized by a significant gender imbalance, though survey data indicates “a notable portion of the Japanese population sincerely backs women leaders” (Akiyama & Asahi Shimbun, 2024). More women should be encouraged to run for political office, and a dedicated effort should be made to appoint women to political posts.

Voter turnout is relatively low in Japan which does not have a compulsory voting system. In 2021, only 55.97% of registered voters voted in Japan’s parliamentary elections. Youth political participation is particularly low with “just 34% of 18- and 19-year-olds heading to the ballot box” in the July 2022 Upper House elections; this “was a far cry from the 64% of Japanese in their 60s who hit the booths in 2019” (Glass, 2022).¹³ According to the Youth Development Index, while Japan ranks highly on most of its youth development indices, it ranks dramatically poorly on youth political and civic participation.¹⁴ In the 2021 House of Representatives general

¹² For a rather egregious example of how out of tune some political leaders are with the public, see Yeung & Ogura’s July 28, 2023 article “[Japanese city apologizes after advising pregnant women to cook, clean and give husbands massages.](#)” *CNN*. See also the *Asahi Shimbun* article “LDP’s Sugita quoted as saying women ‘lie’ about sexual violence,” <https://www.asahi.com/ajw/articles/13765698>.

¹³ “Data for that age group in the Upper House election is not available” (Glass, 2022; <https://www.japantimes.co.jp/news/2022/07/30/national/politics-diplomacy/voter-turnout-youth/>).

¹⁴ Japan ranks 23rd out of 181 countries overall, yet 139th on political and civic participation (The Commonwealth, 2020).

elections, 169 of the 289 (58.5%) elected candidates were older than 55, with only 11 (3.8%) representatives younger than 40, and none between the ages of 25 and 29 (Ministry of Internal Affairs and Communications, 2021). Low voter turnout among youth and their underrepresentation in political posts, as well as that of women, may contribute to political stagnation and the persistence of what might be viewed as outdated sociopolitical stances. A shift in the makeup of Japan's political landscape may be a necessary component in the struggle to prioritize curbing gender violence and protecting the human and labor rights of migrants.

The Sex Industry and Prostitution Legislation

Reforming the Sex Industry to Protect Workers

Japan has a thriving, highly profitable sex industry, and generally more favorable public attitudes towards prostitution as an institution. However, attitudes towards sex workers remain critical and problematic. As mentioned in Chapter 2, the decriminalization of prostitution would help protect sex workers and contribute to remedying trafficked women's inability to seek assistance. As it currently stands, women in prostitution are largely treated as criminals by officials and heavily stigmatized by society. Such attitudes have negatively impacted the fight against trafficking, especially in conjunction with the emphasis on 'innocence' as a prerequisite of victimhood associated with abolitionism. No credible source disputes the connection between the sex industry and sex trafficking, however, it is important to remember that "not all migrant workers employed within the entertainment and sex industry are trafficked" (ILO & UN Women, 2020, p. 38). As noted by the UN Working Group on Migration in Thailand (2019, p. xiii), "Decriminalization and expanding recognition of sex work as a form of work is an essential first

step to better protecting the labour rights of migrant workers employed within the sector.”

Legalization is only a first step, however.¹⁵

Women in prostitution,¹⁶ whether in the industry by choice, coercion, or a mix, *must* all be treated respectfully. Society must ensure that individuals who wish to come forward about their exploitation or to report violence faced in the sex industry are believed and protected, rather than criticized and incarcerated. Upholding the human rights and dignity of sex workers will prove a critical aspect of successful anti-trafficking activism, and it is especially important to distinguish between the protection of sex workers from that of the sex industry. The sex industry itself is currently highly exploitative, contributes to the commodification of women, and is often characterized by violence and misogyny. If anything should be criminalized, it is violent behavior from buyers of sex services.¹⁷ The often violent, dehumanizing nature of sex work—not sex work itself—should be abolished. To this end, policies should be implemented such that the sex industry prioritizes the protection of its workers.

Japan’s Gender Equality Bureau and the Ministry of Health Labour and Welfare (MHLW), along with sex workers’ rights organizations such as SWASH, ought to work in tandem to devise adequate protective labor standards. These should ensure sex workers’ access to fair contracts, health care, insurance, pension, livable wages, paid time off, sick leave, and

¹⁵ Capitalism is integral to the sex industry as it currently exists, and it is instrumental in pushing women to undertake sex work “in order [to] survive or improve their standard of living” (Smith & Mac, 2018, p. 4), yet anti-trafficking and anti-prostitution legislation currently do not provide those who wish to leave the sex industry with the provision of viable alternatives to sex work. For those actors who are most concerned with reducing sex work, then, efforts should incorporate economic relief, offering alternative employment opportunities, or at a minimum assistance in finding and applying for work outside the sex industry.

¹⁶ Again, the gendered term ‘women’ is not here meant to imply that only women work in prostitution, nor that only women face exploitation and violence in the industry. Rather it is meant to highlight the heavily gendered nature of the work, and it reflects the focus of this particular research endeavor on adult women as victims of sexual exploitation.

¹⁷ This work does not recommend criminalizing the purchase of sex. The so-called Nordic Model, which favors criminalizing prostitutions’ clients but not sex workers, has been shown to have negative repercussions on sex workers.

reasonable work hours. In addition, the right to unionize, and workplace protection and security should be provided for.¹⁸ These measures align with the ILO’s decent work agenda and the UN’s 2030 Agenda for Sustainable Development’s Goal 8 on the promotion of decent work for all. Contributing to these goals is in keeping with Japan’s established international commitments, especially given the ILO and Japan’s long-standing partnership, with the Organization describing Japan as “a valued partner in promoting the Decent Work Agenda” (ILO, 2024).

Japanese officials and activists could look outside their borders for inspiration in existing legislation, then tailor measures to fit their own legislative system and other domestic considerations. For example, as recently as February 2024, the Washington state legislature passed the “strippers’ bill of rights,” the “culmination of six years of advocacy by Strippers Are Workers,” which provides examples of possible workplace protections; the bill requires “a security guard at each club, keypad codes to enter dressing rooms, training for employees on preventing sexual harassment, and procedures if a customer is violent. They would also require training on how to de-escalate conflict between dancers, employees and customers, and signs stating that dancers are not required to hand over tips” (Golden, 2024). Legal protections should also apply to documented and undocumented migrants who work in Japan’s sex industry. To this end, the Ministry of Justice, particularly the Immigration Bureau, and the Ministry of Foreign Affairs should, along with NGOs such as the Solidarity Network with Migrants Japan (SMJ), ensure legal standards apply to foreigners so they are adequately protected. It is important that efforts be made to regulate Japan’s sex industry in a way that protects workers’ safety, rights, and dignity. Crucially, those individuals who would be affected by the law *must* be part of the

¹⁸ Sex industry reforms should establish ways for sex workers to ensure their own safety—for example, it should be safe for sex workers to refuse service if clients refuse to wear condoms, or if they cross any other boundaries.

conversation. Migrants and sex workers' voices and expertise should be integrated into anti-trafficking debates, efforts, and policymaking.

Concluding Remarks

Throughout the research, the importance of policy approaches that consider sex trafficking as intricately tied with other problems facing marginalized communities is highlighted. The research also reaffirms existing contentions that trafficking in persons is inextricably intertwined with the globalized patriarchal and capitalist system we currently operate in. The insights derived from this work are applicable outside the case of Japan, both in the sense that it recommends changes to international anti-TIP strategies, but also in suggesting ways to investigate how domestic sociocultural, historical, and political factors interact and interfere with anti-trafficking solutions, and encouraging scholars and policymakers to use this knowledge to strengthen strategies to combat trafficking in ways that are compatible with local and regional factors.

Trafficking in persons is a multifaceted problem that should be approached with multifaceted solutions; local, national, regional, and international level strategies must work in tandem. Emphasis should shift from narrowly focusing on crime groups to encouraging human rights education, critical scholarship, and intersectional feminist research as inherent to the development of successful anti-trafficking strategies. Radical revisions to the dominant anti-trafficking paradigms are necessary if we wish to meaningfully reduce harm. Indubitably, effective anti-trafficking policies will require both the development of an intrinsic national-level desire to tackle trafficking in its own right, as well as the adoption of systemic and rights-based strategies and solutions. One thing is clear: anti-trafficking strategies must encourage the

expansion and protection of human rights rather than serve as an excuse to weaken migration, labor, and individual rights.

A major debate within the feminist and other social justice movements centers around the question of whether we should work within or without the existing system. Some point to the necessity of working with the state, others might emphasize the limits of such an approach, especially in light of the inherent harms caused by and through the state system. Scholars and activists are asking: Can the system be reformed and fixed, or should it be replaced and reinvented?

These questions and debates will persist for the foreseeable future, and they have no easy, straightforward answer. No matter how difficult the road ahead may be, no matter how disheartening the pace of change, these causes are worth fighting for. Curiosity, imagination, creativity, solidarity, inclusivity, and intersectionality: these are key words to keep in mind and close at heart in the fight against trafficking and other forms of exploitation. So is hope. The road ahead *is* long and arduous, but it is not impassable.

Bibliography

Secondary Sources

- Aas, K. F. (2007). *Globalization & Crime*. SAGE Pub.
- Albrecht, H-J. (2011). Transnational Organized Crime: The German Response. In S. Okubo and L. Shelley (Eds.), *Human Security, Transnational Crime and Human Trafficking: Asian and Western Perspectives* (pp.59-80). Routledge Transnational Crime and Corruption.
- Arfini, S., & Magnani, L. (2021). Embodied Irrationality? Knowledge Avoidance, Willful Ignorance, and the Paradox of Autonomy. *Frontiers in Psychology*, 12, 1-11.
<https://doi.org/10.3389/fpsyg.2021.769591>.
- Aronowitz, A. (2001). Smuggling and Trafficking in Human Beings: The Phenomenon, The Markets That Drive It and the Organisations That Promote It. *European Journal on Criminal Policy and Research*, 9(2), 163-95.
- Bales, K. (2012). *Disposable People: New Slavery in the Global Economy*. University of California Press.
- Benería, L., Berik, G. & Floro, M. (2016). *Gender, Development and Globalization: Economics as if All People Mattered* (2nd ed.). Routledge.
- Berg, H. (2014). Working for Love, Loving for Work: Discourses of Labor in Feminist Sex-Work Activism. *Feminist Studies*, 40(3), 693-721.
- Berman J. (2003). Unpopular Strangers and crises unbounded: Discourses of sex-trafficking, the European political community and the panicked state of the modern state. *European Journal of International Relations*, 9(1), 37–86.
- Bernstein, E. (2018). *Brokered Subjects: Sex, Trafficking, and the Politics of Freedom*. University of Chicago Press.
- Berridge, G. (2002). *Diplomacy: Theory and Practice*. Palgrave.
- Bhattacharyya, G. (2005). *Traffick: The Illicit Movement of People and Things*. Pluto Press.
- Bianchi, A. (2016). Feminism. *International Law Theories: An Inquiry into Different Ways of Thinking* (pp.183-204). Oxford University Press.
<https://doi.org/10.1093/acprof:oso/9780198725114.003.0009>.
- Bigio, J., & Vogelstein, R. (2019). *The Security Implications of Human Trafficking* (Discussion Paper). Council on Foreign Relations. <https://www.cfr.org/report/security-implications-human-trafficking>.

- Burkman, T. W. (2008). *Japan and the League of Nations: Empire and World Order, 1914–1938*. University of Hawai'i Press. <http://www.jstor.org/stable/j.ctt6wqrcq>.
- Chang, I. (2009). *Rape Of Nanking : The Forgotten Holocaust Of World War II*. Basic Books.
- Chapkis, W. (2003). Trafficking, migration, and the law: protecting innocents, punishing immigrants. *Gender and Society*, 17, 923–937. <https://www.jstor.org/stable/3594677>.
- Charlesworth, H. (2011). Talking to Ourselves? Feminist Scholarship in International Law. In S. Kouva & Z. Pearson (eds.), *Feminist Perspectives on International Law: Between Resistance and Compliance?* (pp. 17-32). Bloomsbury.
- Charlesworth, H., Chinkin, C., & Wright, S. (1991). Feminist Approaches to International Law. *The American Journal of International Law*, 85(4), 613–645. <https://doi.org/10.2307/2203269>
- Chong, N. G. (2014). Human Trafficking and Sex Industry: Does Ethnicity and Race Matter? *Journal of Intercultural Studies*, 35(2), 196-213. <https://doi.org/10.1080/07256868.2014.885413>.
- Chuang, J. (2006). Beyond a Snapshot: Preventing Human Trafficking in the Global Economy. *Indiana Journal of Global Legal Studies*, 13(1), 137-163. DOI:10.1353/gls.2006.0002.
- Chuang, J. (2010). Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy. *University of Pennsylvania Law Review*, 158, 1656-1728. <https://digitalcommons.wcl.american.edu/facsch Lawrev/1055>.
- Cojocaru, C. (2015). Sex trafficking, captivity, and narrative: Constructing victimhood with the goal of salvation. *Dialectical Anthropology*, 39(2), 183-194. <https://doi.org/10.1007/s10624-015-9366-5>.
- Craven, W. F., & Cate, J. L. (Eds.). (1983). *The Pacific: Guadalcanal to Saipan (August 1942 to July 1944)*. *The Army Air Forces in World War II* (Vol. 4). Office of Air Force History.
- Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6): 1241-1299. <https://doi.org/10.2307/1229039>.
- Davidson O'Connell, J. (2015). *Modern Slavery: The Margins of Freedom*. Springer.
- Davis, A. M. L. (2009). *Bodies, numbers, and empires: Representing 'the prostitute' in modern Japan (1850–1912)*. [Doctoral dissertation, University of California, Los Angeles]. ProQuest Dissertations Publishing.
- Dean, L. A. (2020). *Diffusing Human Trafficking Policy in Eurasia* (1st ed.). Bristol University Press. <https://doi.org/10.2307/j.ctv11g95bc>.

- Dunn, C. D. (1999). Public and Private Voices: Japanese Style Shifting and the Display of Affective Intensity. In G. B. Palmer and D. J. Occhi (Eds.), *Languages of Sentiment: Cultural Constructions of Emotional Substrates* (pp. 107-127). John Benjamins Publishing Company.
- Enloe, C. (2014). *Bananas, Beaches and Bases: Making Feminist Sense of International Politics* (2nd ed.). University of California Press.
<http://www.jstor.org/stable/10.1525/j.ctt6wqbn6>.
- Enloe, C. (2016). *Globalization and Militarism: Feminists Make the Link* (2nd ed). Rowman & Littlefield.
- Fairclough, N. (2010). *Critical Discourse Analysis: The Critical Study of Language* (2nd ed.). Routledge. <https://doi.org/10.4324/9781315834368>.
- Friedrichs, J. (2016). An intercultural theory of international relations: how self-worth underlies politics among nations. *International Theory*, 8(1), 63–96.
doi:10.1017/S1752971915000202.
- Fujime, Y. (1997). The Licensed Prostitution System and the Prostitution Abolition Movement in Modern Japan. *Positions: East Asia Cultures Critique*, 5(1), 135-171.
<https://doi.org/10.1215/10679847-5-1-135>.
- Gallagher, A. T. (2009). Human Rights and Human Trafficking: Quagmire or Firm Ground? A Response to James Hathaway. *Virginia Journal of International Law*, 49(4), 789-848.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1409816.
- Garon, S. (1993). The World's Oldest Debate? Prostitution and the State in Imperial Japan, 1900-1945. *The American Historical Review*, 98(3), 710–732.
<https://doi.org/10.2307/2167547>.
- Garon, S. (1997). *Molding Japanese Minds: The State In Everyday Life*. Princeton University Press.
- Gerassi, L. B., & Nichols, A. J. (2018). *Sex Trafficking and Commercial Sexual Exploitation: Prevention, Advocacy, and Trauma-Informed Practice*. Springer Publishing Company.
- Gerring, J. (2004). What Is a Case Study and What Is It Good for? *The American Political Science Review*, 98(2), 341–354. <http://www.jstor.org/stable/4145316>.
- Goto-Shibata, H. (2020). *The League of Nations and the East Asian Imperial Order, 1920-1946*. Palgrave Macmillan.
- Hanasuma, L. C. (2015). Gender Gaiatsu: An Institutional Perspective on Womenomics. *U.S.-Japan Women's Journal*, 48(2015), 79-114. <https://www.jstor.org/stable/26401830>.

- Hayden, C. (2011). *The Rhetoric of Soft Power : Public Diplomacy in Global Contexts*. Rowman & Littlefield.
- Hendry, Joy. 2011. *Marriage in Changing Japan. Community and Society* (Vol. 74). Routledge.
- Higonnet, M. R., & Higonnet, P. L.-R. (1987). The Double Helix. In M. R. Higonnet, J. Jenson, S. Michel, & M. Collins Weitz (Eds.), *Behind the Lines: Gender and the Two World Wars* (pp. 31-47). Yale University Press. <https://www.jstor.org/stable/j.ctt1cc2m97>.
- Hodges, B. D., Kuper, A., & Reeves, S. (2008). Qualitative Research: Discourse Analysis. *BMJ: British Medical Journal*, 337(7669), 570-72.
- Howland, D. (2013). The *Maria Luz* Incident: Personal Rights and International Justice for Chinese Coolies and Japanese Prostitutes. In S. L. Burns, & B. J. Brooks (Eds.), *Gender and Law in the Japanese Imperium* (pp. 21-47). University of Hawaii Press.
- Johnson, C. (1980). Omote (Explicit) and Ura (Implicit): Translating Japanese Political Terms. *The Journal of Japanese Studies*, 6(1), 89-115.
- Johnson, D. T. (2024). "Is Rape a Crime in Japan?" *International Journal of Asian Studies*. Online first. <https://doi.org/10.1017/S1479591423000554>.
- Jones, A. (2010). [Human Trafficking, the Japanese Commercial Sex Industry, and the Yakuza: Recommendations for the Japanese Government](https://journals.library.cornell.edu/tmpfiles/CIAR_3_2_3.pdf). *Cornell International Affairs Review* 3(2), 49-57. https://journals.library.cornell.edu/tmpfiles/CIAR_3_2_3.pdf.
- Kaplan, D. E., & Dubro, A. (2012). *Yakuza : Japan's Criminal Underworld*. University of California Press.
- Kattoulas, V. (2000). Bright Lights, Brutal Life. *Far Eastern Economic Review*, 163(31), 50-55.
- Kovner, S. (2009). Base Cultures: Sex Workers and Servicemen in Occupied Japan. *The Journal of Asian Studies*, 68(3), 777-804. <https://www.jstor.org/stable/20619795>.
- Kovner, S. (2012). *Occupying Power: Sex Workers and Servicemen in Postwar Japan*. Stanford University Press. <https://ebookcentral-proquest-com.er.lib.k-state.edu/lib/ksu/detail.action?docID=815777>.
- Lerum, K., & Brents, B. G. (2016). Sociological Perspectives on Sex Work and Human Trafficking. *Sociological Perspectives*, 59(1), 17-26. <https://doi.org/10.1177/0731121416628550>.
- Limoncelli, S. A. 2017. The global development of contemporary anti-human trafficking advocacy. *International Sociology*, 32(6), 814-834.
- Locke, T. (2004). *Critical Discourse Analysis*. Bloomsbury Publishing.

- López i Vidal, L. (2022). Beyond the *Gaiatsu* Model: Japan's Asia-Pacific Policy and Neoclassical Realism. *Journal of Asian Security and International Affairs*, 9(1), 26-49. <https://doi.org/10.1177/23477970221076641>.
- Lu, S. X. (2016). The Shame of Empire: Japanese Overseas Prostitutes and Prostitution Abolition in Modern Japan, 1880s – 1927. *Positions: Asia Critique*, 24(4), 839-873. <https://doi.org/10.1215/10679847-3666065>.
- Merry, S. E. (2016). *The Seductions of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking*. The University of Chicago Press.
- Mihalopoulos, B. (2009). Mediating the Good Life: Prostitution and the Japanese Woman's Christian Temperance Union, 1880s-1920s. *Gender & History*, 21(1), 19-38. <https://doi.org/10.1111/j.1468-0424.2009.01533.x>.
- Miller, J. (2011). Beach boys or sexually exploited children? Competing narratives of sex tourism and their impact on young men in Sri Lanka's informal tourist economy. *Crime Law Soc Change*, 56, 485-508. <https://doi.org/10.1007/s10611-011-9330-5>.
- Mittleman, J. H. (2004). What Is Critical Globalization Studies? *Visions in International Studies*, 5(3), 219-230. <https://www.jstor.org/stable/44218323>.
- Nagel, J. (1998). Masculinity and Nationalism: Gender and Sexuality in the Making of Nations. *Ethnic and Racial Studies*, 21(2), 242-269. <https://doi.org/10.1080/014198798330007>.
- Nair, D. (2019). Saving face in diplomacy: A political sociology of face-to-face interactions in the Association of Southeast Asian Nations. *European Journal of International Relations*, 25(3), 672-697. <https://doi.org/10.1177/1354066118822117>.
- Nakane, C. (1970). *Japanese Society*. University of California Press.
- Nash, J. (2019). A Love Letter from a Critic, or Notes on the Intersectionality Wars. In *Black Feminism Reimagined: After Intersectionality* (pp 33-58). Duke University Press.
- Norma, C. (2016). *The Japanese Comfort Women and Sexual Slavery During the China and Pacific Wars*. Bloomsbury Academic.
- Nye, J. S., Jr. (2008). Public Diplomacy and Soft Power. *The Annals of the American Academy of Political and Social Science*, 616(March), 94-109. <https://www.jstor.org/stable/25097996>.
- Otsuki, N., & Hatano, K. (2009). 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), pp. 45-70. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1408453.

- Parreñas, R. S. (2011). *Illicit Flirtations: Labor, Migration, and Sex Trafficking in Tokyo*. Stanford University Press.
- Police Policy Research Center National Police Academy of Japan. (2000). [Present Situation of Organized Crime in Japan and Countermeasures Against It](#) (NCJ Number 197906). U.S. Department of Justice: Office of Justice Programs: NCJRS Virtual Library.
- Prazan, M. (2007). *Le Massacre de Nankin 1937: Entre Mémoire, Oubli et Négation*. DeNoël.
- Rowley, G. G. (2002). Prostitutes Against the Prostitution Prevention Act of 1956. *U.S.-Japan Women's Journal. English Supplement*, 23, 39-56.
<https://www.jstor.org/stable/42772190>.
- Sanders, H. (2006). *Indentured Servitude and the Abolition of Prostitution in Postwar Japan* (USJP Occasional Paper 06-11). Harvard University. https://s3.eu-west-3.amazonaws.com/observatoirebdd/2006_Indentured_servitude_and_abolition_prost_poswar_Japan_SANDERS_ENG.pdf.
- Sanders, H. (2012). Panpan: Streetwalking in Occupied Japan. *Pacific Historical Review*, 81(3), 404-431. <https://www.jstor.org/stable/10.1525/phr.2012.81.3.404>.
- Shelley, L. I. (1995). Transnational Organized Crime: An Imminent Threat to the Nation-State? *Journal of International Affairs*, 48(2), 463–489. <http://www.jstor.org/stable/24357599>.
- Shelley, L. I. (2010). *Human Trafficking: A Global Perspective*. Cambridge University Press.
- Shih, E. (2016). Not in My 'Backyard Abolitionism': Vigilante Rescue against American Sex Trafficking. *Sociological Perspectives*, 59(1), 66-90. DOI: 10.1177/0731121416628551.
- Simmons, B. A., Lloyd, P., & Stewart, B. M. (2018). The Global Diffusion of Law: Transnational Crime and the Case of Human Trafficking. *International Organization*, 72(2), 249–281. doi:10.1017/S0020818318000036.
- Siniawer, E. M. (2012). Befitting Bedfellows: Yakuza and the State in Modern Japan. *Journal of Social History*, 45(3), 623–641. <http://www.jstor.org/stable/41678902>.
- Sloss, C. M., & Harper, G. W. (2010). Legal Service Needs and Utilization of Women Who Trade Sex. *Sex Research and Social Policy*, 7(3), 229-41. <https://doi.org/10.1007/s13178-010-0025-y>.
- Smith, M., & Mac, J. (2018). *Revolting Prostitutes: The Fight for Sex Workers' Rights*. Verso.
- Suzuki T. (1978). *Japanese and the Japanese*. Kodansha.
- Tanaka, Y. (2001). *Japan's Comfort Women: The Military and Involuntary Prostitution During War and Occupation*. Routledge.

- Tanaka, Y. (2019). War, Rape and Patriarchy: The Japanese experience. *The Asia-Pacific Journal*, 18(1), 1-14. <https://apjif.org/wp-content/uploads/2023/11/article-400.pdf>.
- Taran, P. A. (2002). Human Rights of Migrants: Challenges of the New Decade. *International Migration*, 38(6), 7-51. <https://doi.org/10.1111/1468-2435.00141>.
- Ueno, C. (2004). *Nationalism and Gender* (B. Yamamoto, Trans.). Trans Pacific Press.
- Volkov, V. (2002). *Violent Entrepreneurs : The Use of Force in the Making of Russian Capitalism*. Cornell University Press.
- Walsh, B. (2021). “This Degrading Slavery”: MacArthur’s General Headquarters and Prostitution Policy during the Occupation of Japan. *The Journal of Military History*, 85(3), 678-712.
- Walter, F. P. (1960). *A History of the League of Nations*. Oxford University Press.
- Warren, J. F. (2003). *Ah ku and Karayuki-san: Prostitution in Singapore 1870-1940*. Singapore University Press.
- Weinberg, D. (2014). *Contemporary Social Constructionism: Key Themes*. Temple University Press.
- Wilkins, D. (2020). Understanding Historical Slavery, Its Legacies, and Its Lessons for Combating Modern-Day Slavery and Human Trafficking. In J. Winterdyk, & J. Jones (Eds.), *The Palgrave International Handbook of Human Trafficking* (pp. 3-18). Palgrave MacMillan Cham. <https://doi.org/10.1007/978-3-319-63058-8>.
- Williams, P. (2008). Trafficking in Women: The Role of transnational Organized Crime. In S. Cameron, & E. Newman (Eds.), *Trafficking in Humans. Social, Cultural, and Political Dimensions* (pp.126-157). United Nations University Press.
- Williamson, S. H. (2017). Globalization as a Racial Project: Implications for Human Trafficking. *Journal of International Women’s Studies*, 18(2), 74-88. <https://vc.bridgew.edu/jiws/vol18/iss2/5/>.
- Yokota, Y. (1975). Japan’s Participation in International Organizations. *Proceedings of the ASIL Annual Meeting*, 69, 69–74. doi:10.1017/S027250370009323X.
- Yuki, S.-F., & Findlay-Kaneko, B. L. (1993). The Prostitutes’ Union and the Impact of the 1956 Anti-Prostitution Law in Japan. *U.S.-Japan Women’s Journal. English Supplement*, 5, 3–27. <http://www.jstor.org/stable/42772058>.
- Zheng, T. (Ed.). (2010). *Sex Trafficking, Human Rights and Social Justice*. Routledge.

Primary Sources

GOJ Reports & Laws

- Anti-Prostitution Act (売春防止法, *Baishun bōshi hō*), Law No. 118. (May 24, 1956).
<https://elaws.e-gov.go.jp/document?lawid=331AC0000000118&keyword=%E5%A3%B2%E6%98%A5%E9%98%B2%E6%AD%A2%E6%B3%95>.
- Council for the Promotion of Measures to Combat Trafficking in Persons. (2020, May 25). *Measures to Combat Trafficking in Persons (Annual Report)*.
- Council for the Promotion of Measures to Combat Trafficking in Persons. (2021, June 7). *Measures to Combat Trafficking in Persons (Annual Report)*.
https://www.kantei.go.jp/jp/singi/jinsintorihiki/dai7/eigoban_honbun.pdf.
- Council for the Promotion of Measures to Combat Trafficking in Persons. (2023, June 30). *Measures to Combat Trafficking in Persons (Annual Report)*.
https://www.kantei.go.jp/jp/singi/jinsintorihiki/dai9/eigoban_honbun.pdf.
- Ministry of Foreign Affairs of Japan (MOFA). (2004, December). *National Action Plan of Measures to Combat Trafficking in Persons*.
https://www.mofa.go.jp/policy/i_crime/people/action.pdf.
- Ministry of Foreign Affairs of Japan (MOFA). (2007, December 7). *Japan's Actions to Combat Trafficking in Persons: A Prompt and Appropriate Response from a Humanitarian Perspective*. https://www.mofa.go.jp/policy/i_crime/people/pamphlet.pdf
- Ministry of Foreign Affairs, Japan (MOFA). (2009, December). *Japan's 2009 Action Plan to Combat Trafficking in Persons*. Ministerial Meeting Concerning Measures Against Crimes. https://www.mofa.go.jp/j_info/visit/visa/topics/pdfs/actionplan0912.pdf.
- Ministry of Foreign Affairs, Japan (MOFA). (2014, December 16). *Japan's 2014 Action Plan to Combat Trafficking in Persons*. Ministerial Meeting Concerning Measures Against Crime. <https://www.kantei.go.jp/jp/singi/jinsintorihiki/pdf/english-ver.pdf>.
- Ministry of Foreign Affairs, Japan (MOFA). (2019). *Diplomatic Bluebook 2019: Japanese Diplomacy and International Situation in 2018*.
<https://www.mofa.go.jp/files/000527162.pdf>.
- Ministry of Foreign Affairs, Japan (MOFA). (2020, December 20). *Japan's 2022 Action Plan to Combat Trafficking in Persons*. Ministerial Meeting Concerning Measures Against Crime.
https://www.kantei.go.jp/jp/singi/jinsintorihiki/dai9/20221220_eigoban_honbun.pdf.

Ministry of Foreign Affairs, Japan (MOFA). (2022, December 16). *National Security Strategy*. Japan's Security Policy. <https://www.cas.go.jp/jp/siryuu/221216anzenhoshou/nss-e.pdf>.

Ministry of Internal Affairs and Communications. (2021, November 22). *National Results Report* (衆議院議員総選挙・最高裁判所 裁判官国民審査結果調). https://www.soumu.go.jp/main_content/000776531.pdf

National Police Agency (NPA). (2020). *Fight against Organized Crime*. https://www.npa.go.jp/english/Police_of_Japan/2020/poj2020_p28-30.pdf.

National Police Agency (NPA). (2021). *Fight against Organized Crime*. https://www.npa.go.jp/english/Police_of_Japan/police-of-japan2021/005/005/005-2.pdf.

National Police Agency (NPA). (2022). *Crime Situation in 2022*. Statistics. https://www.npa.go.jp/english/crime_situation_in_2022_en.pdf.

Prime Minister of Japan and His Cabinet. (1947). *The Constitution of Japan*. https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

Prime Minister of Japan and His Cabinet. (2014, October 22). *Press Conference by the Chief Cabinet Secretary*. https://japan.kantei.go.jp/tyoukanpress/201410/22_p.html.

Prime Minister's Office of Japan. (2024, January 30). *Policy Speech by Prime Minister Kishida to the 213th Session of the Diet*. Speeches and Statements by the Prime Minister. https://japan.kantei.go.jp/101_kishida/statement/202401/30shiseihoshin.html.

Other Government Reports

U.S. Army I Corps. (1944). *History of the Hollandia Operation*. <https://apps.dtic.mil/sti/pdfs/ADA550762.pdf/>.

U.S. Mission Japan. (2023, January 14). *Joint Statement of the United States and Japan*. U.S. Embassy & Consulates in Japan: Global Cooperation. <https://jp.usembassy.gov/joint-statement-us-and-japan/>.

United States Department of State. (2001-2023, annual). *Trafficking in Persons Reports*. <https://2009-2017.state.gov/j/tip/rls/tiprpt/2004/33191.htm>; <https://www.state.gov/trafficking-in-persons-report/>.

Van Poelgeest, B. (1994, January 24). *Report of a Study of Dutch Government Documents on the Forced Prostitution of Dutch Women in the Dutch East Indies during the Japanese Occupation*. Unofficial Translation. <https://www.awf.or.jp/pdf/0205.pdf>.

International Treaties, Agreements, Conventions, and Protocols

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, March 21, 1950.

https://treaties.un.org/doc/Treaties/1951/07/19510725%2010-42%20PM/Ch_VII_11_b_bp.pdf.

International Agreement for the suppression of the “White Slave Traffic”, May 18, 1904.

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-8&chapter=7&clang=en.

International Convention for the suppression of the Circulation of and Traffic in Obscene Publications, September 12, 1923.

International Convention for the Suppression of the Traffic in Women and Children, September 30, 1921. https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-3&chapter=7&clang=en.

International Convention for the Suppression of the Traffic in Women of Full Age, October 11, 1933. https://treaties.un.org/doc/Treaties/1933/10/19331011%2006-00%20AM/Ch_VII_5p.pdf.

International Convention for the Suppression of the White Slave Traffic, May 4, 1910.

https://treaties.un.org/doc/Treaties/1951/08/19510814%2010-35%20PM/Ch_VII_9p.pdf.

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. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

International Organizations Reports

Harkins, B. (Ed.). (2019). *Thailand Migration Report 2019*. United Nations Thematic Working Group on Migration in Thailand. <https://thailand.un.org/sites/default/files/2020-06/Thailand-Migration-Report-2019.pdf>.

International Bureau for the Suppression of Traffic in Women and Children. (1931). *Repatriation of Prostitutes: A Memorandum on the Proposals of the International Bureau* (2nd ed). Thermal House.

International Labour Office (ILO). (2005). *Human Trafficking for Sexual Exploitation in Japan*. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_143044.pdf.

- International Labour Organization (ILO), & UN Women. (2020). *Public attitudes towards migrant workers in Japan, Malaysia, Singapore, and Thailand*. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_732443.pdf.
- International Labour Organization (ILO), & Walk Free Foundation. (2017). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf.
- International Labour Organization (ILO), Walk Free, & International Organization for Migration (IOM). (2022). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ippec/documents/publication/wcms_854733.pdf.
- International Labour Organization (ILO). (2024). *Japan – ILO Cooperation*. <https://www.ilo.org/pardev/donors/japan/lang--en/index.htm>.
- Ito, Nobufumi. (1930, January 8). *Traffic in Women and Children. Extension of the Enquiry on Traffic in Women and Children to the East. Reply from the Japanese Government*. <https://archives.ungeneva.org/traffic-in-women-and-children-extension-of-the-enquiry-on-traffic-in-women-and-children-to-the-east-reply-from-the-japanese-government>.
- League of Nations (LON). (1933b). *Withdrawal of Japan from the league - Telegram of 25th March 1933. Announcing the intention of the Japanese Government to withdraw from the League*. <https://archives.ungeneva.org/traffic-in-women-and-children-extension-of-the-enquiry-on-traffic-in-women-and-children-to-the-east-reply-from-the-japanese-government>.
- League of Nations (LON). (1927). *Full Summary of the Report of the Special Body of Experts on Traffic in Women and Children*. <https://bitly.ws/3hNtZ>.
- League of Nations (LON). (1933a). *Commission of Enquiry into Traffic in Women and Children in the East*. <https://nla.gov.au/nla.obj-52876475/view?partId=nla.obj-126174977#page/n21/mode/1up/search/japan>.
- League of Nations (LON). (1938). *Traffic in Women and Children: The Work of the Bandoeng Conference*. https://lse-atom.arkivum.net/uploads/r/the-womens-library/3/e/b/3ebd8bafc02553793898806501659167c28d6ae704d30536ad9363a9c25a9cca/9c047829-6f9b-482a-b824-2db2b8fdf5f7-UKLSE_DL1_IF01_003_001_0688_0001.pdf.
- The Commonwealth. (2020). *Global Youth Development Report*. Commonwealth Secretariat. [https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2023-05/global-youth-development-report-2020%20\(1\).pdf?VersionId=NPqn9ixg6YR11762eRVdBGG5AQ3feSeL](https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2023-05/global-youth-development-report-2020%20(1).pdf?VersionId=NPqn9ixg6YR11762eRVdBGG5AQ3feSeL).

- United Nations Office of the High Commissioner on Human Rights (UN OHCHR). (2009, July 17). *Japan: 'Human trafficking affects every country,' warns UN expert*. <https://www.ohchr.org/en/press-releases/2009/10/japan-human-trafficking-affects-every-country-warns-un-expert>
- United Nations Office on Drugs and Crime (UNODC), & the Government of Japan (GOJ). (2021). *Strategic Cooperation between Japan and UNODC: The Joint Plan of Action*. https://www.unodc.org/documents/Advocacy-Section/Joint_Action_Plan.pdf.
- United Nations Office on Drugs and Crime (UNODC), International Organization for Migration (IOM), & UNICEF. (2017). *Hear their voices. Act to protect*. GloAct: Global Action against Trafficking in Persons and Smuggling of Migrants (2015-2019). https://www.unodc.org/documents/human-trafficking/GLO-ACT/GLOACT_Victim-Testimonies_October_2017.pdf.
- United Nations Office on Drugs and Crime (UNODC). (2022). *Global Report on Trafficking in Persons*. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf.
- United Nations, Department of Economic and Social Affairs, Population Division. (2018). *World Contraceptive Use 2018*. ([POP/DB/CP/Rev2018](https://www.un.org/en/development/desa/pop/publications/world-contraceptive-use-2018)).
- United Nations. (2024). *Global Issues: AIDS*. <https://www.un.org/en/global-issues/aids>.

Non-Governmental Organizations Reports

- Association for Moral and Social Hygiene. (1933). *Traffic in Women and Children in the East: A Summary of the 1933 Report to the Council of the League of Nations*. <https://lse-atom.arkivum.net/uklse-dl1if010020010054>.
- ECPAT. (2013). *And Boys, Too: An ECPAT-USA discussion paper about the lack of recognition of the commercial sexual exploitation of boys in the United States*. <https://d1qkyo3pi1c9bx.cloudfront.net/00028B1B-B0DB-4FCD-A991-219527535DAB/1b1293ef-1524-4f2c-b148-91db11379d11.pdf>.
- Human Rights Watch. (2000). *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan*. <https://www.hrw.org/reports/2000/japan/1-summary.htm>.
- World Economic Forum. (2023, June 20). *Global Gender Gap Report 2023*. <https://www.weforum.org/publications/global-gender-gap-report-2023/full/benchmarking-gender-gaps-2023/#country-coverage>.

Non-Governmental Organizations Webpages

- ChildFund Alliance. (2023). *Strategic Priorities*. <https://childfundalliance.org/our-work/strategic-priorities/>.
- Citizen Collaborative Law Office. (2023). *About the Office*. <https://www.shimin.biz/office.html#office2>.
- ECPAT/STOP Japan. (2023a). *ECPAT Policy Guidelines*. <https://ecpatstop.org/about-us/ecpat-policy-guidelines/>.
- ECPAT/STOP Japan. (2023b). *Who We Are*. <https://ecpatstop.org/about-us/>.
- Japan Network Against Trafficking in Persons (JNATIP). (2023). *JNATIP*. [JNATIPとは | JNATIP | 人身売買禁止ネットワーク](https://www.jnatip.org/jnatipとはJNATIP人身売買禁止ネットワーク).
- Jinmon, B. (2017). Staff's Essay (6) God and Human Trafficking. *Not For Sale Japan*. <https://notforsalejapan.org/en/category/wearensfj>.
- Kyofūkai (JWCTU) – Japan Christian Women's Organization. (2013). *About Kyofūkai*. Accessed 12 December, 2023. <https://kyofukai.jp/aboutus>.
- Kyofūkai (JWCTU) – Japan Christian Women's Organization. (2024). *Frequently Asked Questions*. <https://en.kyofukai.jp/qanda/>.
- Not For Sale Japan (NFSJ). (2017). *Not For Sale Japan*. <https://notforsalejapan.org/en/>.
- NPO Rescue Hub. (2023). *Rescue Hub Activities*. <https://www.rescuehub.jp/index.html>.
- NSWP: Global Network of Sex Work Projects: Promoting Health and Human Rights. (2021). *SWASH – Sex Worker and Sexual Health*. <https://nswp.org/featured/swash-sex-worker-and-sexual-health>.
- PAPS Japan. (2023). *Porn Harms: Harms of Existence*. <https://www.paps.jp/existing>.
- Religions for Peace Japan. (2023). *Activity*. <https://www.wcrp.or.jp/en/activity.html#spb-bookmark-28>.
- Solidarity Network with Migrants Japan (SMJ). (2019). *Who We Are*. <https://migrants.jp/english.html>.
- SWASH (Sex Work and Sexual Health). (2015, March 11). *About Us*. <https://swashweb.net/2015/03/11/about-us/>.

The Salvation Army Japan – 救世軍. (2023). *About Us*.
<https://www.salvationarmy.or.jp/english-home/aboutus>.

Zoë Japan. (2021). *About Us*. <https://www.eng.gozoe.jp/about-us>.

News Articles

Abe, S. (2015, September 25). Shinzo Abe: Lessons learned for a better world. *CNN*.
<https://www.cnn.com/2015/09/25/opinions/abe-development-lessons/index.html>.

Abend, H. (1938, February 8). Japanese Troops Scolded in China; Gen. Matsui Orders an End of Indiscipline That Has Hurt the Name of the Army. *The New York Times*.
<https://www.nytimes.com/1938/02/08/archives/japanese-troops-scolded-in-china-gen-matsui-orders-an-end-of.htm>

Asahi Shimbun. (2020, September 27). LDP's Sugita quoted as saying women 'lie' about sexual violence. *Asahi Shimbun*. <https://www.asahi.com/ajw/articles/13765698>.

Asahi Shimbun. (2022, October 25). Rape victims outraged over legal proposals for sex crimes. *Asahi Shimbun*. <https://www.asahi.com/ajw/articles/14751681>.

Durbin, F. T. (1938, January 9). [Japanese Atrocities Marked Fall of Nanking After Chinese Command Fled; NANKING INVADERS EXECUTED 20,000; Mass Killings by the Japanese Embraced Civilians--Total of Chinese Dead Was 33,000 THE CONQUERORS RAN WILD Deep-Rooted Hatred Instilled by Barbarities--Burning by Chinese Caused Vast Loss](https://bitly.ws/3hMFf). *The New York Times*. <https://bitly.ws/3hMFf>.

Fujiwara, N. (2023, November 22). Coming to the rescue of streetwalkers in Kabukicho. *The Asahi Shimbun*. <https://www.asahi.com/ajw/articles/15047845>.

Glass, M. (2022, July 30). Japan's youth shun politics, leaving power with the elderly. *The Japan Times*. <https://www.japantimes.co.jp/news/2022/07/30/national/politics-diplomacy/voter-turnout-youth/>.

Golden, H. (2024, February 7). Adult dancers in Washington state want a strippers' bill of rights. Here's how it could help them. *Associated Press*. <https://apnews.com/article/washington-strippers-worker-rights-bill-c7b1ade1da1a0c42a19f73b6dbc731af>.

Hellmann, M. (2014, June 18). Japan Finally Bans Child Pornography. *The Times*.
<https://time.com/2892728/japan-finally-bans-child-pornography/>.

Kuhn, A. (2023, December 12). Japanese soldier's court win shines light on sexual assault in military. *NPR*. <https://www.wkyufm.org/2023-12-12/japanese-soldiers-court-win-shines-light-on-sexual-assault-in-military>.

- McCurry, J. (2020). Making a slow getaway: Japan's anti-yakuza laws result in cohort of ageing gangsters. *The Guardian*, September 5. Accessed 16 March, 2024.
<https://www.theguardian.com/world/2020/sep/05/making-a-slow-getaway-ageing-population-japans-yakuza>.
- The Japan Times. (2021, June 23). Japan's top court says forcing couples to share surname is constitutional. *The Japan Times*.
<https://www.japantimes.co.jp/news/2021/06/23/national/crime-legal/top-court-surname-ruling/>.
- United Nations: UN News. (2023, December 7). Global cooperation critical to combat transnational organized crime. *UN News: Global perspective Human stories*.
<https://news.un.org/en/story/2023/12/1144507>.
- Yamaguchi, M. (2023, December 12). A court in Japan convicts three former soldiers in groundbreaking sexual assault case. *Associated Press*. <https://apnews.com/article/japan-army-sexual-assault-ruling-85ee0c59e22cd1b6e285c3bbec704e33>.
- Yamaguchi, M. (2024, March 14). Denying same-sex marriage is unconstitutional, a Japanese high court says. *Associated Press*. <https://apnews.com/article/japan-lgbtq-samesex-marriage-ruling-court-f869fa7d2b22bfc1eafcd5d6a7c9d5a2>.
- Yeung, J., & Ogura, J. (2023, July 28). Japanese city apologizes after advising pregnant women to cook, clean and give husbands massages. *CNN*, July 28.
<https://edition.cnn.com/2023/07/28/asia/japan-onomichi-pregnant-women-apology-intl-hnk/index.html#:~:text=The%20city's%20mayor%2C%20Yukihiro%20Hiratani,unpleasant%20feelings%20for%20many%20people.%E2%80%9D>.
- Yoshida, S. (2023, March 23). NPA Data Shows 18th Straight Year of Gang Member Numbers Falling. *The Asahi Shimbun*. <https://www.asahi.com/ajw/articles/14868213>.

Interviews

- JNATIP Interview with Steering Committee Member. (2022, August 9).
- United States Department of State Interview with Staff. (2022, July 22).

Memoirs

- Adelstein, J. (2009). *Tokyo Vice: An American Reporter on the Police Beat in Japan*. Random House, Inc.

Henson, M.R. (1999). *Comfort Woman: A Filipina's Story of Prostitution and Slavery under the Japanese Military*. Rowman & Littlefields Publishers.

Masuda, S. (2003). *Autobiography of a Geisha* (G. G. Rowley, Trans.). Columbia University Press.

Surveys

Akiyama, K., & Asahi Shimbun. (2024, March 3). *Decoding Japan's Pulse: Insights from the Stanford Japan Barometer*. Stanford University: Freeman Spogli Institute for International Studies. <https://fsi.stanford.edu/news/decoding-japans-pulse-insights-stanford-japan-barometer>.

Nihon Seikyouiku Kyoukai (Ed.). (2018). *Seishounen no sei koudou dai-hachi kai chousa houkoku* [Sexual behavior of youth, report of the 8th survey]. Nihon Seikyouiku Kyoukai.

Shorenstein Asia-Pacific Research Center. (2023, February 14). *Most Japanese Support Same-Sex Marriage, New Public Opinion Survey Finds*. Stanford University. <https://aparc.fsi.stanford.edu/news/most-japanese-support-same-sex-marriage-new-public-opinion-survey-finds>.

Databases

Focus2030. (2022, June 28). How Much Do G7 Countries Give to the Global Fund to Fight AIDS, Tuberculosis, and Malaria? *Focus2030: Facts and Figures*. <https://focus2030.org/How-much-do-G7-countries-give-to-the-Global-Fund-to-fight-Aids-Tuberculosis-and>.

International Organization for Migration (IOM). (2021a). Exploitation of Victims: Trends. *Counter-Trafficking Data Collaborative* [Data set]. <https://www.ctdatacollaborative.org/story/exploitation-victims-trends>.

International Organization for Migration (IOM). (2021b). Human Trafficking and Gender: Differences, Similarities and Trends. *Counter-Trafficking Data Collaborative* [Data set]. <https://www.ctdatacollaborative.org/story/human-trafficking-and-gender-differences-similarities-and-trends>.

International Organization for Migration (IOM). (2024). Global Map: Global Dataset: Japan. *Counter-Trafficking Data Collaborative* [Data set]. <https://www.ctdatacollaborative.org/map>.

Documentaries

Chisholm, Kami. (2016). *Pride Denied: Homonationalism and the Future of Queer Politics* [Film]. <https://www.imdb.com/title/tt5441580/>

Other Sources

Kawamura, Y. (2020, January 24). *Japan's Leadership in the Liberal International Order*. Speech Given at the University of British Columbia, Vancouver. https://sppga.ubc.ca/wp-content/uploads/sites/5/2020/07/Ambassador_speech-at-UBC-Workshop-on-Japans-leadership63701.pdf.

Murphy, U. G. (1908). *The Social Evil in Japan and Allied Subjects* (3rd ed). Tokyo.

Saku, A. (1890). Keihō oyobi minpō narabi ni bai-infu torishimarihō seitei ni kansuru seigan. In Maruoka and Yamaguchi (Eds.), *Nihon fujin mondai shiryō shūsei* (Vol. 1) (p. 230).

The Asian Women's Fund. (2024). *Testimonies of the Victims*. <https://www.awf.or.jp/e3/oralhistory-00.html>.

The Asian Women's Fund. (2024b). *Who were the Comfort Women?-The Establishment of Comfort Stations*. <https://www.awf.or.jp/e1/facts-01.html>.