

A Critical Approach to Human Trafficking in Japan:
Rethinking Sex Trafficking Policy Through the Examples of
Filipino Migrant Entertainers

By
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Marlaena Gridley
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Chair: Akiko Takeyama

Ayako Mizumura

Elaine Gerbert

Date Defended: 03 May 2019

The thesis committee for Marlaena Gridley certifies that this is the approved version of the following thesis:

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Chair: Akiko Takeyama

Date Approved: 10 June 2019

Abstract

This thesis focuses on the problematic relationship between the carceral state and carceral feminism, which are U.S. centered, and its effects on human trafficking and sex work in Japan. I utilize academic research on the carceral state, government publications, and previous scholarly fieldwork involving Filipino migrants' experiences in Japan. Critical scholarship on anti-human trafficking policies and discourses has problematized the relationship between feminists and the carceral state leading to what Elizabeth Bernstein calls "carceral feminism". This relationship, which focuses on criminal justice and punitive policies, impacts both the U.S. Department of State's Trafficking in Persons (TIP) report and contemporary human trafficking activism across countries.

While critical scholarship on anti-human trafficking and carceral feminism problematized its negative impact on migrant workers, their discussions focus on theoretical levels. As a result, individual experiences and voices of migrant workers are not thoroughly integrated into the discussion. By employing the existing ethnographic research on Filipino migrant entertainers and their lived experiences, this thesis therefore sheds light on the lived experiences of individuals to rethink top-down carceral feminism while also filling the gap between the abstract critique and the lack of empirical studies of individual migrants' experiences. The goal of this study is threefold: 1) to understand the development of current sex trafficking policy and Japan's contemporary understanding of human trafficking, 2) to reveal how policies affect individuals in the sex work industry, and 3) to begin a discussion that promotes a dialogue that is led by migrants and provides a greater understanding of their complicated experiences.

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Chapter 1: Introduction

Industries around the world are experiencing globalization, and the sex industry is no exception. Human trafficking is a broad term used to describe a multitude of experiences,¹ that will be defined and discussed in the literature review. This paper will focus on human trafficking involving sex. As the sex industry becomes globalized, feminists are growing increasingly concerned, and in response, more feminists are looking to the carceral state as a solution to human trafficking. The carceral state is a U.S. based form of neoliberal social governance (Musto, 2016, p. 18), in which a state employs punitive measures (e.g. prison and threats of punishment) (Lamble, 2013, p. 232) as well as various forms of supervision and surveillance (Hinton, 2016) in order to gain power over the population. “‘Carceral feminism’ refers to a reliance on policing, prosecution, and imprisonment to resolve gendered or sexual violence” (Press, 2018). These feminists who are generally from global north democracies, have refocused the lens of human trafficking from domestic spheres to a lens that focuses on the expanding international stage and uses that stage to promote the carceral state and its “law and order agenda” (Musto, 2016, p. 18) on a global scale. The emergence of carceral feminism has changed the modern-day human trafficking discussion. Therefore, it is important to look at the effects of carceral feminism and carceral state policy on human trafficking.

The U.S. employs punitive measures in the criminal justice system as a way to control the population and believes that the threat of incarceration is a deterrent to obstructive behavior. America leads the way in human trafficking policy and continues to provide significant resources to combat human trafficking both domestically and globally, often calling for a serious global effort that mirrors its human trafficking policies in order to gain control over the human trafficking

¹ Such as child labour, forced labour, involuntary servitude, bonded labour, sex, etc.

problem. This effort and resulting policy on human trafficking affects other states and, by proxy, individuals within those states. Policies put forward by the U.S. affects foreign governments, and the focus of this paper is the Japanese government. For Japan's migrant entertainers, with the establishment of new anti-trafficking laws and entertainment business regulations, migrant sex workers have become more invisible, and these measures have caused harm to them. A point that will be illustrated in this paper. The focus of this paper is the Japanese government and the experiences of the Filipino migrants involved in sex work and exploitation in Japan. Noteworthy, is that the U.S. finds and classifies these migrants as victims of human trafficking, but other scholars (Aoyama, 2015; Parreñas, 2011) do not draw the same conclusion. This study provides material on how America's promotion of the carceral state focused criminal justice system affects Japan's legislative and immigration policies, and, as a result, those who are the most affected by those policies. The issue to be addressed is how does an outside ideology² and resulting policy affect individuals in another state, in the case of this paper, Japan?

This paper provides a clear understanding of the carceral state and how it has changed the contemporary human trafficking discussion. This research examines Japan's policy through an understanding of the carceral state and its resulting effects on sex trafficking policy and individual migrants. In order to accomplish this goal, this paper will examine the effects on both a macro and micro scale. The macro scale discussion presents research on Japan's current status on sex trafficking and examples of how America's carceral state bias interferes Japanese government policy. This research documents information about the U.S. Department of State's annual Trafficking in Persons (TIP) report including: Japan's current human trafficking legislation, Japan's relationship with the TIP report, and past and present-day statistics. The micro scale

² Ideology: defined as a system of ideas and ideals, especially one that forms the basis of political theory and policy

explores and compares documented experiences using Raymond and colleagues' comparative study (Raymond, et al., 2002), Parreñas ethnographic fieldwork on Japan's Filipina migrant entertainers (Parreñas, 2011), and Cameron and Newman's research on Filipino women (Cameron & Newman, 2013) and the effects of Japanese government policy on their experiences.

Fostered by the TIP report's global importance, a relationship has developed and grown between the U.S. and Japan. As the U.S. endeavors to address the challenges posed by human trafficking, it is argued that Japan and other countries are directly affected by Japan and its ranking on the annual TIP report. Japan has historically placed importance on its ranking in the report, as its international reputation is affected as evidenced in this paper. Moreover, the TIP report promotes and introduces a top-down controlled criminal justice policy that contains heavy emphasis on prosecutions and incarceration. It is through this discourse and the discussion provided in this paper, that I argue that the trickle-down effects complicates migrants lives by increasing immigration regulations and essentially driving sex worker migrants further underground. Therefore, I take the stance that a one-size-fits-all approach to human trafficking with the promotion of the TIP report is not truly addressing the problem of trafficking. Instead, the author believes it is necessary to understand how the policies impact the lives of these individuals in the countries where the policies are interpreted differently because of the difference in culture and history.

It is important to understand human trafficking and how the discussion around human trafficking evolved to obtain a clear picture of actors making the changes and individuals affected, and thereby, understand who is largely left out of the discussion. This is important, because we find that often those left out of the discussion are those who are most affected. Oftentimes, the individuals least affected by the policies are the individuals making policy and those who have the

largest voice promoting those policies. For example, throughout her fieldwork on carceral feminism and anti-trafficking activists, Bernstein describes the activists using words such as, ‘middle class’, ‘white’, ‘class-privileged’, ‘evangelical’, and ‘professional women’ (Bernstein, 2017, pp. 297, 305, 306). These women are the most influential with the resources and time to donate to the issue of human trafficking, but it is questionable if they will ever have to experience the effects of what they are promoting.

Carceral feminism and its push for a top-down criminal justice focused agenda changes and shapes the modern-day human trafficking and sex work discussion. This undeniably affects foreign governments and individuals. The purpose of this research is to examine this relationship and understand the effects on Japan and its migrant entertainers. This study provides insight into the experience of individuals affected by policy through the use of scholars’ (Cameron & Newman, 2013; Raymond, et al., 2002) interviews and scholar’s (Parreñas, 2011) ethnographic fieldwork; therefore, this paper is beneficial not only to governments, but also to non-governmental organizations (NGOs) and other organizations in social work seeking to help and better understand migrants. It is important not only for governments to understand migrants and the issues they face; NGOs also often play an important role in combating human trafficking and in communications with oppressed individuals.

There needs to be greater weight and attention paid to individuals and their experiences, especially those who do not have the time and resources to utilize their voices when affected by government-implemented sex work policy. This research began as an undergraduate anthropology ethnographic research project in strip clubs in the Midwestern U.S. My initial awareness on sex work deepened further when I spent three years conducting participant observation research in Midwestern U.S. strip clubs. I worked as a waitress in the club in order to explore the depth and

variety of experiences of workers and how legal policies and carceral state institutions affected their lives. While conducting this research, I also examined how the stigmatization of sex work affected workers' lives. These research experiences in the U.S. have shaped my opinion of sex work and has led me to take a sex workers' rights position in this thesis. My firsthand observations confirmed that carceral institutions leave workers vulnerable to violence and that the criminalization of their work often leads to a mistrust of protective institutions (e.g. police and the criminal justice system). Furthermore, evangelical organizations often come into strip clubs and hand out little gifts (e.g. socks, flowers, nail polish, individual eye shadows) with attached bible verses and telephone hotline numbers. While conducting this research on Filipina migrant entertainers, I was able to draw on similarities between my participant observations in the U.S. and the documentation of Filipino migrant entertainers' experiences to help understand the complexity of their lives. Based on my research experience and my positionality, this paper will take on the pro-sex workers' perspective seriously, and as such, this research may be biased in that I have never been in the position (i.e. systematically oppressed and vulnerable) that many of these migrant women workers have experienced.

The goal of this study is threefold: 1) to understand the development of current sex trafficking policy and Japan's contemporary understanding of human trafficking, 2) to reveal how policies affect individuals in the sex work industry, and 3) to begin a discussion that promotes a dialogue that is led by migrants and provides a greater understanding of their complicated experiences. To accomplish these goals, this research will answer the following four research questions:

- Q1) Through what medium(s) does the United States promote the carceral state to Japan?

- Q2) How does carceral state promotion contribute to Japan's policy on human trafficking laws and the resulting actions taken by the Japanese government?
- Q3) How does the United States promotion of the carceral state affect individual migrants in Japan?
- Q4) How effective are the laws in Japan at protecting migrants who are in vulnerable positions?

Japan is significant in the human trafficking discussion and Kamino (2007, p. 80) states that "Japan is one of the largest receiving countries of trafficking victims". Trafficking is an internationally recognized problem in Japan and the 2018 TIP report cites that Japan is a destination, source, and transition country for adult and child sex trafficking (U.S. Department of State, 2018, p. 247). It should be noted that Japan's efforts to combat human trafficking have faced harsh criticism from the U.S. and the international community and have been described as not being as tough and comprehensive as they should be (Cameron & Newman, 2013; Raymond, et al., 2002; Sasaki, 2012). Japan is constantly under pressure to change policies both from the U.S. and from the larger international community. This is most recently exhibited in America with the 2018 TIP report and exhibited in the broader international community in the special focus paid to *enjo-kosai* or the *joshi-kōsei* (JK) business. Both of these examples, along with more, will be explained and put into context later in the paper.

Chapter 2: Literature Review

This literature review will define term human trafficking, then it will cover two interrelated areas of the study: macro view of state policy and control and a micro perspective on migrant entertainers who are influenced by such state decisions. I will first establish a greater understanding of carceral feminism, the carceral state, and the relationship it has with the modern-day human

trafficking discourse. The work of Bernstein (2017), Bumiller (2008) Lamble (2013), Musto, (2016), Hinton (2016) is essential to provide the reader with information on the foundation of carceral state ideology and the effects of carceral state policy promotion on both the macro and micro scales. Moreover, this section will provide brief reviews of scholars' work (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) regarding to Filipino migrant experiences. The aim in reviewing the literature in this section is to provide an understanding of the limitations of current literature and to provide a base of knowledge for future discussion. These limitations will be discussed below.

There is lack of an agreed upon definition of human trafficking. However, the definition often cited by scholars in human trafficking literature comes from the UN Human Trafficking Protocol. The definition for human trafficking provided in this Protocol contains three elements: 1) an act (what is done), 2) the means (how it is done), and 3) the purpose (why it is done) (Gallagher, 2001, pp. 986-987). The Protocol's written definition of trafficking in persons is as follows:

An action consisting of the recruitment, transportation, transfer, harboring, or the receipt of persons; by the means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving payments or benefits to achieve consent of a person having control over another; 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 services, slavery or practices similar to slavery, servitude, or the removal or organs. (Aronowitz, 2001, p. 165)

This international definition differs slightly from the definition provided by the U.S. State Department. For example, the 2018 TIP report cites:

The Trafficking Victims Protection Act of 2000, as amended (TVPA), defines “severe forms of trafficking in persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person to perform such an act has not attained 18 year of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. A victim need not be physically transported from one location to another for the crime to fall within this definition. (U.S. Department of State, 2018, p. 5)

It is through this definition that the U.S. Department of State declared in a featured section of the 2004 TIP report that entertainer visas are mechanisms that traffickers exploit. Moreover, the 2004 TIP report stated “Japan issued 55,000 entertainer visas to women from the Philippines in 2003, many of whom are suspected of having become trafficking victims” (U.S. Department of State, 2004, p. 14). This special focus in the 2004 TIP labeled many as victims of trafficking, stating that once the person arrives to their destination, they are forced into sexual exploitation or bonded servitude.

However, Parreñas’ (2011) ethnographic fieldwork conducted in Japan hostess clubs in 2005 and 2006 in a club that was assumed to have forced prostitution (Parreñas, 2011, p. 14). She finds this assumption of forced sexual exploitation unsubstantiated, and that the people being counted as trafficking victims by the 2004 TIP report would themselves not identify as trafficked person (Parreñas, 2011, p. 268). Empirically grounded studies on Filipina hostesses in Japan disputed the 2004 TIP report’s claims, instead, those studies make “no mention of prostitution, forced or otherwise” (Parreñas, 2011, p. 4). The definition of human trafficking by the U.S. labeled these individuals as trafficking victims in what we assume is an effort to help them and call

attention to them; however, what followed the publication of the 2004 TIP report was a number of crackdowns and policy changes by the Japanese government which only created more problems for Filipino migrant entertainers. These crackdowns and policies changes will be explored later in the paper.

2.1 Macro Analysis – Carceral State and Feminism

The carceral state is a neoliberal form of governance which focuses on a broad agenda of criminalization and incarceration (Musto, 2016, p. 18), which employs a number of institutionalized branches of government used to police, discipline, and punish (Lamble, 2013, p. 231). These branches include the formal governance institutions of the criminal justice system including: law enforcements officers, lawyers, judges, prosecutors, probation and parole officers (Hinton, 2016). Since the 1970s, the U.S. has seen an increase in economic and political insecurities among the population that have popularized punitive criminal policies to manage inequalities, and mass incarceration has become “a strategy to deal with problems arising from discarded workers and marginalized populations” (Musto, 2016, p. 16).

There is a socially reinforced idea in carceral state ideology that sees the criminal justice system as a system that punishes only those who deserve punishment, and prisons, as a result, are a means to ensure safety, justice, and protection (Lamble, 2013, p. 236). At the core of carceral state ideology, there are two groups of citizens: the worthy and proper citizens versus the failed and dangerous citizens. This logic is that there are now proper citizens who are worthy of protection by the state from dangerous citizens who are the reason that the worthy citizens experience discomfort and fear. The worthy citizen believes that the dangerous citizen must be civilized, disciplined, or otherwise controlled (Lamble, 2013, p. 231). Rising social anxieties about crime and migration are used to stimulate carceral state practices of punishment, control,

surveillance (Musto, 2016, pp. 16, 19), incarceration and strict border controls (Agathanelou, Bassichis , & Spira, 2008, p. 122), thereby, protecting worthy citizens from dangerous citizens. Lamble (2013) finds an increasing division in the population between those deemed worthy of protection and those deemed unworthy – these unworthy individuals are dangerous and failed citizens of the state. Due to this, the social, economic, and political landscape of violence and insecurity is increasingly understood through the divide between the groups deemed worthy and failed.

The carceral state is steadily gaining new allies and support for its pro-criminalized agenda from individuals who historically have been oppressed by the carceral state (Bernstein, 2017; Lamble, 2013; Bumiller, 2008; Agathanelou, Bassichis , & Spira, 2008). For example, Lesbian, Gay, Bi, Transgender (LGBT+) activist and feminists have used their newly found acceptance in Western democracies to invest in a pro-criminalization agenda, which pushes the punishment of dangerous citizens, or in a broader sense the ‘others,’ as well as protection from them (Bernstein, 2017; Lamble, 2013; Hinton, 2016; Musto, 2016; Bumiller, 2008). We can understand these dangerous citizens as ‘others’ due to their classification from the worthy citizens. Race and class often drive the investments undertaken by the worthy citizens (Bernstein, 2017, p. 302; Musto, 2016, p 23 Bumiller, 2008, p 64). The investments include providing social, political, and economic resources in order to promote the neoliberal carceral state and support punitive practices in the face of what they consider social harm. In return, the state uses the punitive practices to manage the population outside what they consider normal, and to make sure they comply with the standards set and promoted by the worthy citizens with resources to invest (Lamble, 2013, p. 231).

It is through this base understanding of the U.S. carceral state that the carceral feminist emerges with regard to the contemporary human trafficking discussion. The feminists supporting

the carceral state are profiled by Bernstein (2017, p. 307) as professional upper-middle-class oriented activists, who often have strong positive feelings toward middle-class promoted institutions such as marriage and the role of the state in the protection of gendered and family issues (e.g. violence against women and neighborhood safety). These strong feelings of family protection are the contributing factors in the desire to make investments toward the carceral state and the associated punitive practices (Bumiller, 2008, p. 7). Additionally, the carceral feminist activist is able to be a transnational activist and often has strong feelings about abolishing prostitution to attain women's equality. Within this profile, we find that anti-trafficking organizations reflect these individuals' priorities and interests (Lamble, 2013, p. 248; Musto, 2016, p. 187).

At the base, carceral feminism believes that the criminal justice system is to protect the safety of women and children in the family (Musto, 2016, p. 19). Bernstein finds that the carceral state defines family through a typical middle-class family lens which views family as a privatized sphere (Bernstein, 2017, p. 305). Threats to the privatized family include extrafamilial forms of sexual temptations directed toward the males of the family and any other sexual relationship that is outside of the family. Therefore, as applied to this case, sex workers pose a threat to the privatized family and quickly become political targets of the current discourse. In order to use the criminal justice system to protect the family, the discourse promotes the use of the criminal justice system and punitive punishments as a deterrent (Bernstein, 2017, pp. 301, 307). In addition to using the criminal justice system, the family promotes the use of the state as a security measure, thus leading to the development of the "security mom", who is defined as "one who seeks to harness the power of a securitized state apparatus to protect herself and her children" (Bernstein,

2017, p. 305). This individual expects the carceral state to secure the sexual boundaries of her relationship by removing temptations outside of it.

Through this grows the idea that the sexually promiscuous (i.e. sex workers) are prone to being classified as ‘other’ by the state (Lamble, 2013, p. 248) due to the investments of the “security mom” to secure her relationship with her spouse and remove temptations (Bernstein, 2017, p. 305). To summarize, feminism’s embrace of the neoliberal carceral state created what is known as carceral feminism, and contemporary anti-trafficking activists support a gendered set of investments in the carceral state. The ideology of carceral feminism stems from feminist neoliberal family values, which seek the control of sex, and seek to expand criminal justice intervention in the sex industry among other social control campaigns (Bernstein, 2017, p. 302; Bumiller, 2008, p. 7).

It is through this base understanding of the carceral state ideology that the beginning of carceral feminism starts to shape the human trafficking discussion. Not only is this ideology gaining traction in Western democracies, but in other countries as well, including Japan. The U.S. Department of State’s TIP report promotes the carceral state and encourages other countries to follow America’s example and policy. This will be further explored in the context section of this paper. Furthermore, carceral feminists’ investments into transnational activism further promote the carceral state. While the current literature provides information on the carceral state, including actors, activists, language used, and policies promoted by the carceral state, it does not apply that information to Japan. The current literature does not provide an examination of how the carceral state is promoted, nor what the effects of that promotion on Japan are. Therefore, this research focuses on filling in this gap by addressing two macro scale research questions: 1) through what mediums(s) does the United States promote the carceral state in Japan, and 2) how does the United

States' promotion of the carceral state contribute to the development of human trafficking laws and resulting actions taken by the Japanese government? This paper seeks to provide answers to these questions, in order to provide a discussion on the effects of outside governments and policy on Japan.

2.2 Micro Analysis – Filipino Migrant Workers

In the next section, I will bridge the macro and perspectives of international policies and the local by introducing three fieldwork-based studies on Filipino migrant entertainers in Japan. The literature review continued below will provided the reader with an overview on the research conducted by scholars Parreñas (2011), Raymond and colleagues (2002), and Cameron and Newman (2013). These three scholars' examinations of the Filipino migrant entertainers will provide a dynamic range of experiences as well as a few solutions and recommendations on how to solve the human trafficking problem of Filipino migrant entertainers in Japan.

Parreñas's (2011) work *Illicit Flirtations Labor, Migration, and Sex Trafficking in Tokyo* argues that migrant entertainers are not trafficked persons. They are instead labour migrants who face harsh structural constraints that contribute to the vulnerability of forced labour that entertainers face. These constraints include: lack of work regulations, unfair penalty systems, middle-broker involvement in the migration process, not recognizing hostess work as labour, and not receiving proper pay or any pay at all. Her research features her ethnographic fieldwork of the experience of working in a hostess club; this fieldwork included working as a hostess herself. She examines an entertainer's autonomy during employment regarding sex work and questions the notion that Filipino migrant entertainers are sex trafficking victims. In addition to her own experience, Parreñas (2011) interviews 56 Filipino hostesses.

Parreñas (2011) finds that the invisibility of the entertainer due to her job and immigration status makes the relationship between employee and employer unbalanced and creates a dependency that is easily exploitable. Parreñas's (2011) interview questions regarding the prostitution part of an entertainer's experience was beneficial to clearing up some preconceived notions many outside the entertainer's life holds. For example, many think sex is a forced part of an entertainer's life. However, Parreñas finds that sex between an entertainer and a client is not forced and often the entertainer does it willingly out of the need for extra money or gifts. Parreñas does find that debt is used against the entertainers (e.g. the contract they signed includes a debt that can be used against them), but it is the unfair labour laws including allowing the debt to be used against the entertainer that are the biggest hindrances to migrant entertainers. Parreñas believes that the implementation of labour laws to regulate the structural constraints would be beneficial as it would give back to the entertainer more control over her employment and help balance the relationship between employer and employee. These labour laws include the ability to get correct pay on time, better work schedules, and the ability to pick the club they work at (Parreñas, 2011).

Parreñas's (2011) argument is a direct contrast with Raymond and colleagues' (2002) study's argument that sex work is inherently violent and bad. With the help of the Coalition Against Trafficking in Women (CATW), Raymond and colleagues (2002), in *A Comparative Study of Women Trafficked in the Migration Process*, were introduced to a few entertainers and then proceeded to use the snowball sampling method for the rest of the interviews. Raymond and colleagues' (2002) study features the interviews of 49 Filipina women who worked as entertainers in Japan but returned to and currently reside in the Philippines. The accounts given in the interviews are horrendous and document severe abuse experienced by the women at the hands of

their traffickers and during their time as entertainers. This abuse included physical and mental violence, sexual slavery, and illegal confinement. As a result, the interviewees have physical and emotional health problems. The results of this study do not advocate the promotion of prostitution due to its inevitable violent nature against women. The sexual nature of an entertainer's job has a long-lasting physical and mental impact on these women, and they continue to suffer.

Raymond and colleagues (2002) find that solutions such as legalization and decriminalization of prostitution will not solve the problem of sex trafficking and will instead normalize the violence done by pimps and traffickers. Therefore, the study supports source countries doing more to help the women who are under pressure by push factors such as poverty and violence, which lead them to seek migration as an option. Furthermore, source countries should provide better information about the dangers of trafficking and prostitution. The study believes the 'end-demand' model is a desirable solution for all countries to adopt. This model addresses the demand of sex and criminalizes the buyers and pimps instead of criminalizing the women selling sex. Unlike decriminalization or legalization models that normalize prostitution, the 'end-demand' model maintains that prostitution is non-desirable. Overall, this study calls for countries to take better care of trafficking victims including those at risk of being trafficked and those who have been trafficked (Raymond, et al., 2002).

Cameron and Newman's (2013) executive summary, *Trafficking of Filipino Women to Japan: Examining the Experiences and Perspective Victims and Government Experts* is the middle ground between Parreñas (2011), who argues for a labour focused policy, and Raymond and colleagues' (2002) who argue for stricter state prosecuting and punishment measures. Cameron and Newman's (2013) study features 19 interviews of Filipina migrant workers who have worked in Japan as entertainers and who currently live in Japan. They find that because of the migrant

woman's vulnerable status, she can quickly become a victim of human trafficking. During their time in Japan, these women experience, bullying, violence, withholding pay, threats of violence against family in the Philippines, and threats of deportation and arrest. Cameron and Newman (2013) also found that the Filipino women are forced to sell sex and drugs, 'fondle customers', and appear in pornographic videos.

Overall, Cameron and Newman's (2013) executive summary finds that many Filipina migrants have experienced trafficking, including the 19 women interviewed in the study. In response to the information Cameron and Newman (2013) gained from the interviews, they offer a number of recommendations for both Japan and the Philippines to follow. These recommendations include: Japan improving work-related visas that ensure human rights standards, those employed in the industry should know their rights, and non-Japanese citizens' complaints about labour should be taken seriously. The Philippines should increase the number of awareness campaigns for those at risk and heavily punish recruitment and employment agencies that participate in illegal recruitment practices (Cameron & Newman, 2013).

This literature review provided the reader with an overview on the research conducted by scholars Parreñas (2011), Raymond and colleagues (2002), and Cameron and Newman (2013). The limitation in the current literature in relation to Japan is the absence of an examination of the effect of the carceral state and the promotion of its policies at a micro scale. Therefore, this leads to two research questions focused on a micro scale: 1) how does the United States' promotion of the carceral state affect individual migrants, and 2) how effective are laws in Japan in protecting migrants who are in vulnerable positions? This paper seeks to answer these questions by examining the experiences of Filipino migrant entertainers through the scholars' fieldwork and interviews.

Chapter 3: Methodology

This paper will examine the effects of the carceral state and carceral feminism both at the macro and micro levels by using qualitative methods. These methods include archival and historical research, the U.S. Department of State's TIP reports, scholarly articles, and media reports. This researcher is hesitant to use statistics on contemporary human trafficking and sex work due to the difficulty of quantifying the problem because of the vast differences in experiences. For example, as this paper will show it would be difficult to produce statistics on an issue if the individuals you are studying do not agree with the label assigned to them. Furthermore, there is some concern when it comes to data published on human trafficking and funding given to NGOs. Sex workers criticize human trafficking NGOs and claim the system is corrupt, and often challenge the data published by human trafficking NGOs and law enforcement agencies. There is merit to these claims of corruption. In 2008, U.S. Department of State Justice Office of the Inspector General's Audit Division published a report on anti-trafficking programs and organizations, and many found the results very troubling (Nagle, 2017, p. 113). There was troubling information about the funding as well as the project goals and expenditures (Nagle, 2017, p. 114). For example, one provider who received over \$1.8 million during a three-year period only assisted an estimated 100 victims (Nagle, 2017, p. 113). Furthermore, sex workers claim some human trafficking NGOs hurt victims of trafficking. This is because they label consensual sex work as trafficking (Nagle, 2017, p. 112). Instead, this paper will use quantifiable statistics, for example, the number of arrests and number of entertainer visas given.

This section will provide sources used for archival research and other existing scholarly works and their contribution to the examination of the macro and micro effects. The organization of the TIP report is significant to the current research because of the report's impact on the

international community. Media reports contribute to the discussion of outside pressure put on Japan from actors other than formal governmental organizations. Finally, this section will cover the research limitations within this paper and its potential effects on the results. Overall, the research will demonstrate cause and effect patterns that document the influence of American policy on the Japanese government and the resulting effects on Filipino migrant entertainers.

3.1 Archival Research

Historical research is particularly useful to gain an understanding of sex work in Japan. This research utilizes historical documents including scholarly articles and books and will focus on the Tokugawa era. This era marks the beginning of the creation of boundaries and stigma surrounding sex work in Japan. The research includes the works of Stanley (2012), Lindsey (2007), Botsman (2011), and Garon (1993). These authors were selected due to their focus on the historical context of sex work and their documentation of the changes in the government's regulations and outside influence.

A contemporary understanding of human trafficking in Japan is valuable to grasp the difference between America and Japan in public perception. Sasaki's (2012) research explains this difference in public perception by offering an understanding of the cultural and historical contexts of human trafficking Japan. The disparity in the cultural and historical contexts has led to outside entities (e.g. governments and NGOs) becoming frustrated with Japan's current laws on sex work and entertainment. Aoyama (2015), Hongo (2008), and Rowley (2002) provide information that serves as the foundation for the discussion of the current policy on sex work, entertainment, immigration, and human trafficking in Japan. It is crucial to this paper to understand the historical context of the issue in order to recognize the influence of the outside institutions that support the carceral state.

Further research is provided on Japan's history with the TIP reports and resulting legislative policy changes for a better understanding of the effects of carceral state policy promotion on both the macro and micro levels. These TIP reports will include reports from various years including 2001, 2004, 2005, 2013, 2014, 2016, 2017, and 2018 (U.S. Department of State). These reports focus on Japan and provide in depth information on the issue. In 2001, the U.S. Department of State published the first TIP report, which featured Japan (U.S. Department of State, 2001). The 2004 (U.S. Department of State, 2004) and 2005 (U.S. Department of State, 2005) reports featured Japan and led to policy change in Japan. The 2013 (U.S. Department of State, 2013) through 2018 (U.S. Department of State, 2018) reports provide a reference regarding recent changes and statistics focusing on arrests and punishments for human trafficking. The TIP report is the best tool America has to promote the carceral state internationally. It is essential to understand the TIP report in order to recognize how America utilizes the report to promote change to policy framework that imitates the U.S. on an international scale.

The TIP report is a tool for carceral state ideology in two ways. First, the report ranks countries on standards set by the U.S. and those standards promote a carceral state. By doing this, the U.S. uses these standards to encourage other countries to set up a similar approach and to emphasize the same ideals in order to achieve the same subset of qualifications as determined by the U.S.'s Trafficking Victims and Protection Act (TVPA). Second, it is possible to enforce this ranking system through a set of government-imposed sanctions. Sanctions placed on a country due to their ranking on the TIP report is not an empty threat. For example, since 2014, Venezuela has had sanctions from the U.S. due to their ranking on the TIP report (Sullivan, 2019, p. 1). Understanding the framework of the TIP report allows readers to recognize how America uses this report as a tool to promote policy. Scholars (Desyllas, 2007; Sasaki, 2012) featured later in this

paper will provide a critique of the TIP report's relationship with countries. Furthermore, it is important to apply and understand this relationship through the lens of Japan.

3.2 Media Representation

The use of media reports, in particular, news articles and reports, contribute to a better understanding of how Japan creates its human trafficking policy and the pressure the country faces on the international level. This research includes United Nations (UN) reports and statements (Boer-Buquicchio, 2015) as well as news reports including newspaper publishing from both Japan and foreign-based networks (Fawcett, 2015; Fifield, 2017; Osaki, 2014; Yoshida, 2015; Szep & Spetalnick, 2015) to document the feelings of both the Japanese and the international community. These media reports were picked due to their critical perspective of Japan's government. This paper's research will document the cause and effect patterns of media reports on Japan and its policy.

3.3 Existing Scholarly Research

This paper utilizes research by scholars to analyze and better understand Japan's role in human trafficking and how it handles the human trafficking issue. These scholars include those focused on the carceral state and carceral feminism, such as Bernstein (2017), Lamble (2013), Musto (2016), and Bumiller (2008). Musto (2016) and Lamble (2013) provide a good entry point examination of the carceral state and complement Bernstein's (2017) article and fieldwork which focuses on carceral feminism. The work of these four scholars provides an understanding of the ideology which has shaped the contemporary human trafficking discussion. Additionally, scholars who focus on the Filipino migrants' experiences such as Parreñas (2011), Raymond and colleagues (2002), and Cameron and Newman (2013) provide interviews that inform their readers of the individual experiences of migrant entertainers. This research utilizes these three scholars because

they all featured fieldwork-based research, but their results are on varying degrees of the spectrum regarding labour and sex work.

There are two main limitations within this paper's research. As with other examinations of human trafficking in Japan, there is a limitation in the Japanese government's complete transparency. For example, there is a lack of government-published information regarding cases involving human trafficking that document prosecutions and victims. While the TIP report (U.S. Department of State, 2018) and scholarly authors (Cameron & Newman, 2013; Raymond, et al., 2002) provide some data on this topic, additional data (e.g. more interviews and data presented by migrants) would prove beneficial for understanding individual cases and the treatment of trafficking victims and migrant entertainers. The second limitation is that while there is significant data on Filipino migrant entertainers, this researcher believes that more research and documentation from an ethnographic perspective would be beneficial for supplementing the existing accounts of migrant experiences by scholars (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002).

Chapter 4: Legislative and Policy Context

The human trafficking and sex work discussion has developed and changed over the years. This change is brought on by a number of factors including outside influence, religion, media reports, and public perception, etc., but in order to understand how these changes have affected Japan, there needs to be an examination of these changes to trace how they have shaped the present-day debate and policy. Therefore, this section will provide supplemental information that will further develop the discussion that will occur in the following two chapters on the macro and micro effects of the carceral state. This context section will offer a brief overview of the historical and present-day Japanese legislative policies regarding sex work, an analysis of the present-day

Japanese understanding of the human trafficking issue, and how it differs from America's. This divergence in understanding between the two nations' populations showcases how historical context matters to the discussion of human trafficking.

This section will also provide further context for the carceral state and how it has shaped the contemporary human trafficking discussion. This includes information on how groups contributing to the human trafficking discussion have banded together to take their message to the international stage and influence domestic policy that seeks to influence other nations' policies. This discussion focuses on a policy that promotes America's approach to human trafficking to the international community, including Japan. Furthermore, this section will conclude with an examination of media reports, additional news reports and news items (Fawcett, 2015; Fifield, 2017; Osaki, 2014; Sahara, 2016; Yoshida, 2015) and UN reports (Boer-Buquicchio, 2015) on the human trafficking situation in Japan, and how it has affected contemporary human trafficking discussion and policy. The section's information is vital for the reader to understand the discussion in the following chapters. It is crucial to develop an understanding of the legislative and contemporary contexts regarding the human trafficking issue in Japan. The contemporary human trafficking discourse demonstrates a relationship between human trafficking and prostitution. Furthermore, external factors such as U.S. influence has pushed the Japanese government to develop new legislations as part of the country's national agenda, "catching up with the West," for its modernization.

4.1 Early Legislative Outside Influence

As Japan began moving into the Meiji era (1868-1912), it began to modernize and sought influence from the West that brought upon many changes, including the Japanese government's view on prostitution. It was in the early years of the Meiji government that the Tokugawa era

prostitution policy came under scrutiny from Western democracies. In 1872, the Meiji government put the “Emancipation Edict for Female Performers and Prostitutes” into place (Botsman, 2011, p. 1338). This Emancipation Edict eventually led the brothels and licensed pleasure quarters to close their doors (Botsman, 2011, p. 1342). Sex work did not end; however, after the enactment of the Emancipation Edict, a new debate in the government began on how to best handle sex work. In the end, the government decided it would still have control over and license sex work. Therefore, in 1873, the government agreed that local police would issue licenses to individual women to work in designated areas of the city as prostitutes. Women deciding on their own free will to perform sex work received these licenses. However, because licenses helped provide money to the government, the police often overlooked abuses in the new licensing system (Botsman, 2011, p. 1343).

Within the new licensing system, the liberties of sex workers continued to be very limited and policed. The Meiji government, taking cues from the West, enacted policies toward sex workers that imitated those of the Paris police. In 1900, the Japanese government issued the “Rules Regulating Licensed Prostitutes” (Garon, 1993, p. 712). For licensed sex workers these policies included: required health exams to check for venereal diseases and to operate within designated areas that bound sex workers to licensed houses and their owners. This policy included restricting sex workers from living or working outside those areas. Furthermore, unless otherwise stated in prefectural rules, this policy required sex workers to gain special permission from the police to leave the area (Garon, 1993, p. 712).

Similar to the Tokugawa era government, the Meiji era government increased the policing of sex work outside the licensed system. This included giving the police far-reaching power to detain unlicensed prostitutes and instruct them to have a health exam (Garon, 1993, pp. 712-713).

Despite all the constrained liberties sex workers faced under the new policy, the number of licensed prostitutes increased significantly. In 1884, there were 28,432 registered prostitutes, and by 1916, there were 54,049 registered prostitutes (Garon, 1993, p 713). During the 1920s and 1930s, the number of licensed prostitutes remained around 50,000 with 550 licensed brothels (Garon, 1993, p 714).

The Americans and the Japanese view prostitution from different religious perspectives. Historically, Americans view sex through an evangelical Christian lens, one that promotes sex as relational instead of recreational (Bernstein, 2017, pp. 303-304). This view of sex has not just affected sex in America but Japan, too. The Christian moral code on prostitution in Japan was documented as early as 1876, when William Griffis, a Congregational minister, wrote: “the Japanese maiden, as pure as the purest Christian virgin, will at the command of her father enter the brothel tomorrow, and prostitute herself for life” (Stanley, 2012, p. 3). The image he created of sex work and women in Japan was one of barbaric suppression of women. His depictions of Japan portrayed major differences between the cultures – one that portrayed America as enlightened and progressive and Japan as backward and outdated. Griffis went on to express that he believed the introduction of Christianity to Japan could help stop the subjugation of Japanese women (Stanley, 2012, p. 3).

Japan’s movement toward the abolition of prostitution started with religious groups. Garon (1993, p. 717) notes, “From the start, Japanese Christians formed the core of the abolitionist forces.” Notably, women’s Protestant groups led the fight to abolish prostitution in Japan. In 1886, the Tokyo branch of an American organization titled the Women’s Christian Temperance Union was established. This branch was made up mostly of Japanese middle-class women and was the first Japanese group to fight and lobby the government against licensed prostitution (Garon, 1993,

p. 719). This is noteworthy, because the actors involved were influenced by U.S. activists. These Japanese actors who are similar to today's carceral feminists (e.g. middle class and evangelical), were involved in controlling family values (e.g. sex and marriage) as early as the Meiji Era in Japan.

This group also campaigned for strict monogamy in Japan (Garon, 1993, p. 720); therefore, it isn't a far stretch to believe that their movement to abolish prostitution wasn't one to actually fix the system, but to change it to fit their religious beliefs that sexual relations should be confined within marriage (Garon, 1993, p. 719). In this sense, it seems the abolitionists wanted to regulate gender and sexuality to fit a global north model (Garon, 1993, p. 721). Despite their heavy influence early in the Meiji era, the abolitionists were unable to sway policy until after WWII. The Japanese government continued to license prostitution until it was abolished. During the Allied Occupation of Japan (1945-1952), the Supreme Command of Allied Forces ordered the abolition of prostitution (Aoyama, 2015, p. 282). Finally, in 1956, the Japanese government enacted the Anti-Prostitution Law (Garon, 1993, p. 711).

4.2 Current-Day Policy

The 1956 Anti-Prostitution Law and 1948 Entertainment Business Law are two laws contributing to the modern discourse on sex work in Japan. Together these laws seek to separate and define public morality into 'good' and 'bad' areas while creating a large amount of grey area, and a loophole that creates a viable and robust market for sex work. These laws create a duality that legally regulates sex under the Entertainment Business Law while placing a criminalized conceptualization on sex work. The following two subsections will explore these laws in further depth and explain the loopholes created within the laws.

The 1956 Anti-Prostitution Law offered a number of changes to Japan's sex work discourse. In 1949, the international community recognized human trafficking when the UN General Assembly approved the *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others*. This Convention is reflected in Japan's building and writing of its own Anti-Prostitution Law as abolitionists viewed this as an opportunity to showcase that Japan was leaving its feudal past behind (Rowley, 2002, p. 47). During the campaign for the Anti-Prostitution Law, prominent abolitionist and Socialist Diet representative, Kamichika Ichiko, believed that the enactment of the Anti-Prostitution Law would end human trafficking in Japan (Rowley, 2002, p. 47). In 1956, Japan joined the UN and "wasted no time demonstrating its official commitment to international efforts to stamp out trafficking in persons" (Rowley, 2002, p. 47).

Article 1 in the Act states that prostitution "harm[s] the dignity of the individual, to be against sexual virtue, and disrupt[s] the proper morals of society" (Aoyama, 2015, p. 282). Article 2 defines prostitution as "having sexual intercourse with non-specified partner(s) for compensation or the promise of such" (Aoyama, 2015, p. 282). Article 3 states "no person shall commit prostitution or become the client of a prostitute" (Rowley, 2002, p. 41); however, no punishment is determined in the law for prostitution itself (Rowley, 2002, p. 41).

The primary goal of the law is to regulate public morals and prevent third parties (i.e., brothels and pimps) from profiting from prostitution; therefore, there is a lack of direct punishment for prostitution (Aoyama, 2015, p. 282). As a result, the Act outlines punishments concerning its goal. The Act enforces regulating public morals through the policing and punishment of public solicitation³ (Rowley, 2002, p. 41). Additionally, the Act included penalties for those who "force

³ Public solicitation is punishable by a maximum sentence of six months in prison or a ¥10,000 fine (Hongo, 2008).

(or attempt to force) prostitution, offering or receiving compensation for another's prostitution,⁴ and the provision or management of a place for prostitution"⁵ (Rowley, 2002, p. 41).

However, the Act does allow for sizeable and exploitable loopholes. One loophole is in the law's definition of the individuals participating. As previously stated, the law defines prostitution as having sex with 'unspecified person(s)' but does not ban sex with an acquaintance or a 'specified person' (Hongo, 2008). The second loophole is in the law's definition of sex. The law exclusively defines sex as vaginal intercourse; therefore, other paid sexual acts are not illegal (Hongo, 2008).

In addition to the Anti-Prostitution Law, the 1948 Entertainment Business Law controls and regulates the present-day sex industry in Japan. The objective of this law is "to preserve good public morals and hygienic environment as well as preventing acts which hinder the healthy upbringing of youth" (Aoyama, 2015, pp. 282-283). This is similar reasoning and language that the Tokugawa era government used when creating laws on sex work (Garon, 1993, p. 711). In pursuit of controlling public morals, the government sought to regulate prostitution as well as gambling. However, this law does not outright prevent these activities and instead allows specific sex-related entertainment in specific venues registered with the municipal public safety commission (Aoyama, 2015, p. 283).

This law creates a loophole for soapland bathhouses with regard to sex work. This loophole allows for a bathhouse to register as a public bathhouse with private compartment. If a female employee has sex with a male customer at the bathhouse, it is often argued that they "fell in love on the spot and privately consented to intercourse" (Aoyama, 2015, p. 283); as a result this

⁴ Article 7 and 8 prohibit kinship from taking advantage of family members to encourage, cause, or profit from prostitution (Rowley, 2002, p. 47)

⁵ Parties who provide a place for prostitution could face a maximum sentence seven-years in prison or a ¥300,000 fine (Hongo, 2008).

argument allows them to bypass the Anti-Prostitution Law.⁶ The U.S. frowns upon these loopholes, because of the grey area that allows for loose interpenetration in the laws, which can limit arrests and prosecutions in human trafficking and sex work cases.

4.3 Public Perception of Slavery in U.S. vs. Japan

In a global context, human trafficking is considered modern day slavery, and the word ‘slavery’ elicits a difference in understanding and emotion in the Japanese culture in comparison to U.S. culture (Sasaki, 2012). Since the U.S.’s approach to human trafficking is based on past experiences as a nation Americans use vernacular that draws on emotion to help understand and create activism. Merry (2016, p. 110) says “venularization refers to a process by which global ideas...enter into local situations and are refashioned in local contexts. During this process, categories and conceptions may be “reinterpreted, redefined, and relocated into different contexts” (Merry, 2016, p. 111).

The connection between and discussion of the relationship between the terms ‘slavery’ and ‘prostitution’ in Japan link back to the Meiji era. In 1869, legal scholar and bureaucrat Tsuda Mamichi compared and linked the selling of women into prostitution to slavery, and argued that the government should follow the example of its Western neighbors and forbid the selling of girls by their families. In doing so, Tsuda believed this would guarantee that women he described as “lazy and dissolute” (Botsman, 2011, p. 1339) would be freely choosing to “descend into hell” (Botsman, 2011, p. 1339) as they autonomously chose prostitution. Moreover, abolitionists branded prostitution as a “system of slavery” (Garon, 1993, p. 719). While the “Emancipation Edict for Female Performers and Prostitutes” jump-started the discussion in Japan on liberation and freedom, (Botsman, 2011, p. 1344) there still seems to be some misconception in Japan about

⁶ The exact legal argument of this is not known, but “falling in love” with someone suggests that the individual is now a known person making them fit the legal description of a ‘specified person’ instead of an ‘unspecified person’.

those ideals when it comes to contemporary human trafficking discussions and public understanding. These ideals are based on Japan's historical and cultural features (Sasaki, 2012, p. 238).

Sasaki (2012) compares Japan's current anti-trafficking efforts with those of the U.S. In this, she argues that Japan and the U.S. view human trafficking differently. The U.S. views human trafficking as slavery, and this works very well for the U.S. The U.S. established an identity for itself in freeing slaves. Historically, slavery had been a call to action for Americans as something to combat and defeat. Slavery goes against the U.S. principles of freedom and liberty, and the fight against slavery has been a call to action for many Americans and lawmakers. It is due to this call to action that U.S. lawmakers have passed a considerable number of laws to fight human trafficking under the goal of freeing slaves (Sasaki, 2012, pp. 245-246).

Foreign NGOs and affiliated organizations that combat human trafficking in Japan use the vernacular of 'modern-day slavery' when they discuss human trafficking. However, the Japanese do not have the same feeling about the word 'slavery,' as compared to many Americans (Sasaki, 2012, p. 241). The Japanese are not as familiar with their history of slavery as they are with their history of colonization. (Sasaki, 2012, p. 251). Previous translators have reinterpreted the term 'slavery' to mean 'colony' and 'colonization' (Sasaki, 2012, p. 241). For example, the 1979 book title *Female Sexual Slavery* was translated to *Sei no Shokuminchi* or "Sex Colony" in English (Sasaki, 2012, p. 241). Because of the use of the term 'modern-day slavery,' the Japanese do not experience the same call to action when human trafficking is conceptualized as slavery (Sasaki, 2012, p. 246). Overall, the term 'slavery' in Japan does nothing to promote the creation of anti-trafficking policies or push policy makers to act (Sasaki, 2012, p. 243).

Sasaki (2012) finds a lack of common understanding of trafficking as defined in the UN Human Trafficking Protocol as contributing to Japan's lack of motivation to combat trafficking head on (Sasaki, 2012, p. 250). She notes that the biggest motivator for Japan lawmakers to enact human trafficking legislation is shame and national dishonor over Japan's human trafficking situation (Sasaki, 2012, pp. 254-255).⁷

4.4 International and Media Context

Historically, Japan's focus on human trafficking has correlated with its relations internationally, in particular the West. Going as far back as the Meiji era, there is documentation of the Japanese government responding to international scrutiny and backlash. The Japanese government enacted the "Emancipation Edict for Female Performers and Prostitutes" out of embarrassment and not out of authentic feelings about liberating sex workers (Botsman, 2011, p. 1339). What happened after the "Emancipation Edict for Female Performers and Prostitutes" was significant, because it did put an end to the labour contract. This was due to the resulting embarrassment Japan suffered due to reactions to its policy in comparison with Western democracies. There was a reorganization of policy due to the reaction of the international community (Botsman, 2011, p. 1344).

In a contemporary context, Japan has faced scrutiny by the international community and heavy media reporting on the issue of human trafficking. More specifically, the focus is on Japan's domestic human trafficking problem, *enjo-kosai*. Through an explanation of the *enjo-kosai*, the readers can gain understanding of how international pressure and media reports work to promote change in Japanese policy, because although this has been a documented phenomenon since the

⁷ A good comparison between the U.S. and Japan's difference in motivations on human trafficking is Western cultures can be classified as having the motivation from 'guilt culture' while Japan's motivation comes from 'shame culture' (Sasaki, 2012, p. 255).

1970s, the past five years have seen an increase in action targeting *enjo-kosai*. *Enjo-kosai* is translated as “a relationship with (mainly financial) support” (Ueno, 2003, p. 317). Simply stated, *enjo-kosai* are underage girls engaging with older men for sex in exchange for money or expensive gifts (Ueno, 2003, p. 317). The underage aspect of this relationship led to it becoming a major issue in the TIP report, UN reports, and news reports. *Enjo-kosai* was highlighted in the 2014 TIP report as a recent trend (U.S. Department of State, 2014, p. 220).

This *enjo-kosai* phenomena was picked up by domestic and foreign news outlets, for example: the *South China Morning Post* (Sahara, 2016), *The Japan Times* (Osaki, 2014), *The Washington Post* (Fifield, 2017), *Al Jazeera* (Fawcett, 2015), and others. All of these news outlets ran stories and highlighted the underage aspect of the relationship and the horrible experiences of the girls who participate. These articles feature quotes such as, “if there are people who are thinking of entering the business, I would want them to stop immediately” (Sahara, 2016), and accounts of depression (Osaki, 2014) and loneliness (Fifield, 2017) the girls feel when participating in *enjo-kosai*. Fawcett (2015) reporting for *Al Jazeera* refers to *enjo-kosai* as “infantilized sex culture”.

Enjo-kosai has gained international attention for Japan; the UN has put out a report on *enjo-kosai* and its underage participants. It’s hard to find specific statistics relating to *enjo-kosai*. However, in 2015, the UN reported that an estimated 13% of minors were involved in compensated dating (Fawcett, 2015).⁸ The number of minors involved in compensated dating was mistranslated in the original report as 30% of minors, but the UN later went back and apologized for the mistranslation and corrected it to 13% (Boer-Buquicchio, 2015). The correctly translated 13% estimate is in dispute by the Japanese government, as later the UN said the number was not official

⁸ Estimates are shaky at best, and further research needs to be done on the issue. Research on the issue is hard due to the legality of the situation. A situation most of the sex industry faces, further complicated in this case due to the underage component.

(Fawcett, 2015). It is very important to note, that when asked to explain where the 13% figure came from, Boer-Buquicchio said there was no “public or recent data” (Yoshida, 2015) to support the 13% figure. It is an ambiguous number with no real backing, and it is for these reasons that this statistic is not used in official reports. Foreign and domestic critics both in the media (Fawcett, 2015) and at the UN (Boer-Buquicchio, 2015) question how the Japanese government does not have more information, especially statistics, on the issue of *enjo-kosai*. Regardless of the debate around the data on the issue, there is no question that the issue has gained international and media attention.

The international community paints Japan in a bad light due to the limited action taken by authorities. Japan has asked for the UN to retract its statement regarding underage girl’s sex in Japan due to the negative connotations given in its report (Yoshida, 2015). Overall, this suggests that the international shame motivation worked, and it worked very quickly, too. Beyond the pressure from the UN and the media, Japan received heavy pressure from the U.S. in its TIP report. *Enjo-kosai* was mentioned in 2014 (U.S. Department of State, 2014, p. 220) through 2018 TIP (U.S. Department of State, 2018, p. 244) reports. Following all this attention, the Japanese government has taken steps to crack down on *enjo-kosai*.⁹ In the 2018 TIP report, it was noted that Japan had made key achievements, including the development of an interagency taskforce to combat child sex trafficking in *enjo-kosai* (U.S. Department of State, 2018, p. 244). It is through this example of *enjo-kosai* and government that readers can witness the working of international pressure and media reports in an extremely fast-paced and modern-day context.¹⁰

4.5 Contemporary Human Trafficking and the Carceral State

⁹ Important to note that *enjo-kosai* has been a phenomenon since the 1970s (Ueno, 2003, p. 317)

¹⁰ Face paced because the issue was brought to attention by the U.N. in 2015 (Boer-Buquicchio, 2015) and we have seen the Japanese government move to create policy in 2018 (U.S. Department of State, 2018, p. 244).

It is through the pressure of international actors that the relevance of the carceral state to the contemporary human trafficking discussion in Japan comes into focus. The actors involved in carceral state ideology are critical to note as they further the understanding of the carceral state ideology and the significance of the state's reach, power, and influence. The lobbying power supporting the carceral state is vast. It is noteworthy that under the banner of combating human trafficking an interesting but significant alliance is made in the U.S. – the uniting of both the left and right political agendas. This alliance creates a far reaching and effective cooperation between the feminists and the evangelical Christians (Bernstein, 2017, p. 302), as well as and state and nonstate actors (Musto, 2016, p. 4). This relationship developed with the goal of stopping human trafficking and shaping discussion.

The relationship between carceral feminists and evangelical Christians came after both groups pivoted the focus of their attention in the U.S. First, feminists have shifted their focus from bad men who are located inside individual homes, (e.g. sexually abusive fathers, husbands, fiancés) to instead bad men who can be found outside the home (e.g. pimps and clients) (Bernstein, 2017, p. 302). Second, the evangelical Christians shifted to have a friendlier attitude toward feminists and changed their focus to sexually improper men instead of sexually improper women. Due to these shifting attitudes toward men, these two groups began to view the problem of the sex industry as a problem of individuals rather than as a problem of institutions (Bernstein, 2017, p. 302). Moreover, rather than blame 'masculine institutions' (e.g. big business, the state, the police, the criminal justice system), carceral feminists and evangelical Christians have turned to these institutions to help solve the problem in not only their own country, but other countries as well. In other words, these groups began to view predominantly masculine institutions as saviors and allies of migrant sex workers (Bernstein, 2017, p. 302).

Within the carceral feminism contemporary anti-trafficking discourse, there has been a push in support of the “End-Demand” model. This is the same model supported by Raymond and colleagues (2002, p. 222). While this model decriminalizes the selling of sex, it criminalizes the purchase of sex (Mathieson, Branam, & Noble, 2015, p. 10). Carceral feminism would describe this model as victim-centered, it seeks to protect women by ending the demand for sex work by using punitive practices as a deterrence measure for the buyers. The End-Demand model focuses on using punitive measures to deter two groups of male individuals¹¹: the first group consists of husbands inside the privatized family who are attracted to females outside their established relationship. Carceral feminism classifies the second group as men outside the privatized family; these are often depicted as non-white or foreign individuals who persuade the females of the family institution to leave it and seek work in the sex industry (Bernstein, 2017, p. 307). This focuses on the idea that a prison sentence will rid the state of this unacceptable behavior (Lamble, 2013, p. 238). This allows the state to assume a position in line with the feminists in order to arrest those who are classified as ‘other’ (Bernstein, 2017, p. 308). Furthermore, sexually promiscuous men and women are classified as ‘other’, due to their encroachment on carceral feminists and evangelical Christians investments into middle-class family values¹² (Lamble, 2013, p. 248).

The contemporary human trafficking victim-centered approach has created what Musto (2016) calls ‘carceral protectionism,’ which is thought to be victim-centered. Musto defines carceral protectionism as a network of anti-trafficking efforts that blends together punitive measures with those intended to help victims of trafficking (Musto, 2016, p. 4). This allows state actors and nonstate actors (e.g. NGOs and outreach programs) to come together in interventions of individuals

¹¹ Deterrence factors a key part of the carceral state. As Bernstein notes a panelist at an “End-Demand” sex trafficking panel said “The only thing that prevents recurrence is fear of arrest” (Bernstein, 2017, p. 307).

¹² See Literature Review 2.1.1 and 2.1.2 for further understanding

deemed as ‘at risk’ for sex trafficking. Carceral protectionism provides a “conceptual blueprint to account for collaborative state and nonstate initiatives where the lines between protection and punishment are less than clear” (Musto, 2016, p. 4). For example, individuals deemed ‘at risk’ are often arrested and detained in effort of what is called the “arrest to assist” model. This model is seen as a method of protection even though the ‘at risk’ individual is ultimately detained by law enforcement. Hence the term, carceral protectionism. The ‘arrest to assist’ model does not view the arrest as punishment though and instead a detention tool to keep the individual safe. This detention makes the ‘at risk’ individual unable to return to the person(s) or situations that are presumed to be exploiting in nature (Musto, 2016, p. 4). It is this through this same idea of protection that many individuals are ‘rescued’ during police raids and stings. Even though they might not self-identify as victims, they are still detained. Depending on the location of the detainment and circumstances, the rescued detainee could end up facing prostitution charges if they are found to be selling sex work.

4.6 U.S. Approach – “Three Rs” and “Three Ps”

The U.S. shapes its response to human trafficking around two lists: the ‘three Ps’ and ‘three Rs’ (Kamino, 2007, p. 81). America’s Trafficking Victims Protection Act (TVPA) legislation outlines a three-pronged approach to fight human trafficking both domestically and worldwide (U.S. Department of State, 2018). The ‘three Ps’ stand for prosecution, protection, and prevention, while the ‘three Rs’ stand for rescue, rehabilitation, and reintegration (Parreñas, 2011, p. 6). The three Ps framework is demonstrated clearly in the organization of the TIP report with each country’s narrative featuring a section titled “prosecution, protection, and prevention” (U.S. Department of State, 2018).

Prosecution includes law enforcement as well as prosecution of traffickers. In this section, the U.S. government investigates a country to see if its government criminalizes all forms of human trafficking as well as ‘vigorously’ investigates and prosecutes traffickers. Furthermore, the U.S. analyzes the existing legislation within a country to determine if the punishment (e.g. prison sentence and fine) for human trafficking is sufficient enough to deter the crime and accurately reflect a proper punishment (U.S. Department of State, 2018). Ways to improve this area include awareness campaigns, development of police task forces, and more education for law enforcement and government officials (e.g. those who review visa paperwork) in order to recognize cases of human trafficking (Aronowitz, 2001, p. 188).

Protection is there to assist trafficked victims. This ‘P’ has multiple parts, and the three ‘Rs’ fall into this category. Rescue, rehabilitation, and reintegration all require resources and the ability of multiple organizations including NGOs, governments, and law enforcement to work together. The U.S. provides a number of recommendations for this category including: victim identifying services through community and law enforcement efforts, providing help to access services victims might need, putting them in contact with NGOs, and making sure the victim’s rights are protected during any court proceedings (U.S. Department of State, 2018). Governments can strengthen this area by making sure relationships between NGOs and law enforcement are strong and provide funding for resources (Aronowitz, 2001, p. 187).

Prevention is to prevent and decrease the number of victims of human trafficking. Programs under prevention include: awareness and sensitization campaigns that target the population at risk of being trafficked, making the public more aware and educated about trafficking, and providing economic alternatives to promote education, training, and more job opportunities (Aronowitz, 2001, p. 186).

4.7 Conclusion

The section showcased the theme of a long history of outside influence on Japan and international pressure to change policy and morals to better fit a Western democracy ideal. In Chapter 5, I argue that this is demonstrated in TIP reports and Japanese legislative policy regarding sex work and immigration. The unique historical context of Japan and sex work starting in the Meiji era provides further information on how Japan developed its current day legislative policy and how the Japanese understand the human trafficking problem. The Japanese understand human trafficking and sex work in a different context than the West, primary the U.S. This theme will continue into the next two sections, with further examination of the effects of the carceral state on Japan at both the macro and micro levels and analysis of the effect of an outside ideology on Japan in the modern day.

Chapter 5: Macro Effects

Japan's effort to combat human trafficking has faced harsh criticism and has been described as not being as tough and comprehensive as it should be (Cameron & Newman, 2013; Kamino, 2007; Raymond, et al., 2002; Sasaki, 2012; U.S. Department of State, 2018). This criticism often comes with a number of suggestions about how to improve Japan's efforts to combat human trafficking. These suggestions include: (1) developing a more specific anti-trafficking law with the definition of human trafficking established in international protocol (Raymond, et al., 2002); (2) securing more funding for victims' assistance programs (Tzvetkova, 2002); and (3) increasing penalties for those convicted of human trafficking (U.S. Department of State, 2018).

As discussed in the context section, historically, there have been a number of documented changes in Japan's policy regarding sex work. The contemporary human trafficking discussion has shifted to promote the carceral state policies. But, through what medium(s) does the United States

promote the carceral state to Japan? How does the carceral state contribute to Japan's policy on human trafficking laws and resulting actions taken by the Japanese government? By examining the TIP report in the next section, I argue that the TIP report is a tool used to promote the carceral state's criminal justice model in Japan. This is proven in the way the TIP report is used by the U.S., the language used within the report, and resulting actions taken by the Japanese government in response to the TIP reports' publications.

5.1 TIP Report as a Carceral Tool

The U.S. Department of State believes the TIP report is a way to “engage foreign governments on human trafficking” and “to advance anti-trafficking reforms and combat trafficking and target resources on prevention, protection, and prosecution programs” (2018 Trafficking in Persons Report, 2018). It is the most comprehensive report on human trafficking produced and used by governments, non-governmental organizations (NGOs), and international organizations. The TIP report places individual countries into one of three tiers. These tiers are based on standards set by the TVPA (U.S. Department of State, 2018, pp. 40-41). These standards set by TVPA include minimum standards for the elimination of trafficking, including a country's efforts to acknowledge and eliminate trafficking. With the annual publication, the report is thought to encourage countries to maintain and continue to improve their anti-human trafficking efforts. If those countries do not follow the standards, the Tier system is designed with certain punishments (e.g. sanctions and reduced foreign aid). It is due to this, that the very TIP report itself is a punitive measure utilized by the U.S. against other nations.

Countries that rank as Tier 1 are countries that meet the minimum standards in full: they acknowledge the extent of human trafficking within their country and make significant efforts to

combat and eliminate it.¹³ The second tier is broken up into two profiles: Tier 2 and Tier 2 Watch List.¹⁴ Tier 2 countries do not meet the minimum standards but are making significant efforts to meet them. The Tier 2 Watch List is the same as Tier 2, but the number of victims and trafficking activity is increasing, and there is a failure to provide evidence of the country's increasing efforts to combat human trafficking (U.S. Department of State, 2018, pp. 40-41).¹⁵

Tier 3 is for countries that do not comply with minimum standards set forth by the TVPA, and are not making significant efforts to do so.¹⁶ Countries that are ranked as Tier 3 have the potential for the U.S. President to limit funding on assistance to non-humanitarian and non-trade related programs. The President may also make efforts to persuade the International Monetary Fund and other multilateral development banks to deny loans to Tier 3 countries for most purposes, with the exception of trade-related programs, some developmental-related assistance, and humanitarian purposes (U.S. Department of State, 2018, pp. 40-41). Countries featured in the TIP report will aggressively lobby U.S. embassies to avoid being ranked as a Tier 3 country (Szep & Spetalnick, 2015).

The origin of U.S. human trafficking policy was created and lobbied for by religious leaders, abolitionist feminists, conservatives, and NGOs (Desyllas, 2007, p. 64). The contemporary human trafficking discourse has altered over time and is now driven by carceral feminists, whom

¹³ According to the 2018 TIP report these Tier 1 countries include, Canada, Denmark, Netherlands, New Zealand, and others (U.S. Department of State, 2018, p. 54). See Appendix A for entire table of countries placements.

¹⁴ According to the 2018 TIP report the Tier 2 countries include: Afghanistan, Brazil, India, Mexico, and others (U.S. Department of State, 2018, p. 54). According to the 2018 TIP report the Tier 2 Watch List countries include: Iraq, Malaysia, Sudan, Zimbabwe and others (U.S. Department of State, 2018, p. 54). See Appendix A for entire table of country placements.

¹⁵ This activity includes prosecutions, investigations, assisting victims, and evidence of decreased trafficking by government officials. This Tier 2 Watch List contains countries that plan to take additional steps over the next year to bring themselves into compliance with the minimum standards (U.S. Department of State, 2018, pp. 40-41).

¹⁶ According to the 2018 TIP report the Tier 3 countries include: Bolivia, China, Iran, Russia, and others (U.S. Department of State, 2018, p. 54). See Appendix A for entire table of country placements. Countries that are ranked as Tier 2 Watch List for two consecutive years will be ranked as Tier 3 on the third year. However, a country can avoid this downgrade and be granted a waiver if their government has a written plan that documents significant efforts are going to be made to meet the TVPA's minimum standards (U.S. Department of State, 2018, pp. 40-41).

Bernstein profiled as professional upper-middle class oriented activists (Bernstein, 2017, p. 306), along with the same abolitionists, religious leaders, and powerful lawmakers (Desyllas, 2007, p. 76). It is vital to understand the policy they create and the language they use, because it affects not only the U.S. but international actors as well.

The U.S. leads the discussion on human trafficking while imperialistically enforcing its punitive practices on other nations. To call attention to this, one can look historically at the carceral state and find its roots in colonialism (Lamble, 2013, p. 233). When examined within this context, one can find parallels between the TIP report and its agenda in relationship with other countries. The suggested model for countries to follow is that of the U.S., and those policies are representative of other repressive and discriminatory agendas in the U.S. such as immigration and border control, ending organized crime, and maintaining women's morality and controlling women's sexuality (Desyllas, 2007, p. 72). This is on par with carceral thought, which is concerned with immigration (Bernstein, 2017, p. 312), women's morality and sexuality (Bernstein, 2017, p. 303), and overall, protections against 'others' (Bernstein, 2017, p. 305; Lamble, 2013).

Through the TIP report and other U.S. international policies, the U.S. government has created the opportunity to support the carceral state and threaten countries and organizations that support sex work. The U.S. government can promote the carceral agenda in a few ways. First is through the use of the TIP report. The TIP report uses language comparable to abolitionist and carceral state activists. For example, in item number 12 on the list of "serious and sustained efforts by country", the 2018 TIP report takes into account "whether the government of the country has made serious and sustained efforts to reduce the demand for (a) commercial sex acts; and (b) participation in the international sex tourism by nationals of the country" (U.S. Department of State, 2018, p. 45) to help determine a country's Tier rank. Moreover, the 2004 TIP claims in a

featured section on sex work that prostitution fuels trafficking (U.S. Department of State, 2004, p. 14). Therefore, in the 2004 TIP report the U.S. takes a firm stance against legalizing prostitution (U.S. Department of State, 2004, p. 22).

Kamino (2007, p. 78) says of the TIP report, "...it is reasonable to suppose that the report shows an objective outline of the Japanese situation in human trafficking." However, some scholars would disagree. Desyllas (2007), disputes the overall objectivity of the TIP report. In her critique of the TIP report, Desyllas (2007, p. 67) argues that countries that appear as Tier 3 on the TIP report often do so because they have poor relations with the U.S. rather than because of their lack of effort to eliminate trafficking. The Tier 3 countries' rank may be more attributed to the countries' refusal to acknowledge the agenda the U.S. sets. Despite this, it is arguable that the TIP report has been successful at getting other countries to follow the agenda it sets. As previously documented, there has been an increase in measures taken by the Japanese government that meet TVPA standards; however, there are some questions surrounding human trafficking statistics and the Japanese government. In response to the TVPA standards, the Japanese government increases legislative policies that result in more traffickers arrested and more victims protected, but these numbers are nowhere near those of other countries ranked as Tier 1 in the TIP report (Sasaki, 2012, p. 238).

The carceral state believes strongly in deterrent measures and punitive practices and systems of control, and those ideas are expressed in the TIP report with threats of sanctions as both a deterrent and a punitive measure. Simply stated, this TIP report allows for the U.S. to serve as a model to copy while at the same time allowing the U.S. to be the global policeman (Desyllas, 2007, p. 67). Another feature of the relationship between the TIP report and the carceral state is the heavy emphasis on punitive measures and human trafficking within the report. For example, the

prevention portion of the TVPA places heavy weight on a country's punitive practices, and there has been a worldwide increase in the number of prosecutions of human trafficking cases as well as convictions. For example, in 2007, the U.S. Department of State reported an estimate of 5,682 prosecutions worldwide with around 3,427 convictions. By 2014, the number of prosecutions worldwide had jumped to approximately 10,051 with an estimated 4,443 convictions. Then, one year later, in 2015, the number of prosecutions worldwide was approximately 18,930 prosecutions with an estimated 6,609 convictions (Nagle, 2017, p. 53). The 2003 Trafficking Victims Protection Reauthorization Act (TVPRA) required foreign governments to provide the U.S. State Department with data regarding its trafficking investigations, prosecutions, convictions, and sentences (U.S. Department of State, 2018, p. 43).

The U.S. also has a policy that actively prevents funding to NGOs that do not support its agenda of criminalizing prostitution. The 2003 TVPRA allocated \$200 million in funds that could be used to fund public awareness in foreign countries and complete research on foreign and domestic human trafficking. However, that same Act refused to grant funding to any organization that promotes or advocates for the legalization of prostitution (Desyllas, 2007, p. 70). Additionally, the U.S. government has a policy named the "Anti-Prostitution Pledge" which allows for the U.S. government to take away a NGO's capacity to receive government funding if that NGO does not explicitly take a position that condemns prostitution (Bernstein, 2017, p. 310). To further the point, the government funding that NGOs are exempt from through this pledge is HIV/AIDS allocated funding (Barnes, 2013) that sex workers would benefit from.

It is through these practices that the U.S. government not only promotes its own policy agenda, but also affects other countries' legislation and citizens. In this way, America is not only hurting its own citizens who are sex workers and classified as 'dangerous' and 'other,' but affecting

other nations' citizens too. An article from the *Japan Times* states that the TIP report's "real power is the ability to embarrass countries into action" (Szep & Spetalnick, 2015). The TIP report allows the U.S. to set the pace on human trafficking policy and punitive measures in other countries, and countries follow not only to deter sanctions, but in the case of Japan, to deter from promoting policy that would place them in Tier 2 and cause embarrassment.

5.2 The 2004 TIP Report and Japan's 2 Tier Watch List Status

Kamino states that "Japan is one of the largest receiving countries of trafficking victims" (Kamino, 2007, p. 80); therefore, trafficking is an internationally recognized problem in Japan. Japan has a history with the TIP report, as it appeared in the first ever 2001 publication of the TIP report and was ranked as Tier 2 (U.S. Department of State, 2001, p. 52). In 2004, Japan was removed from its Tier 2 placement and placed on the Tier 2 Watch List¹⁷ (U.S. Department of State, 2004, p. 96). Japan's drop in rank was in large part due to pressure that a TIP report Ambassador placed on the U.S. State Department. Ambassador Miller believed in order to motivate the Japanese government to act a demotion was critical (Kelley, 2017, p. 49). In addition, in Japan's individual country report, the 2004 TIP report featured a personal account of a trafficking victim who at the age of 15 was trafficked to Japan from Thailand and experienced rape, abuse, and drugs while in Japan (U.S. Department of State, 2004, pp. 13-14).

During this time when Japan was looking to improve its international relations, human trafficking was a concern for the Japanese government (Sasaki, 2012, p. 252), and the new Tier 2 Watch List placement and special focus on the Thailand trafficking victim did not paint a positive picture. It did not look good for Japan internationally, and the government worried about the drop

¹⁷ The 2004 TIP report included the new inclusion of the Tier 2 Watch List (U.S. Department of State, 2004, p. 39). Additionally, other than Greece, Japan was the only developed nation in the 2004 TIP report Tier 2 Watch List (Kelley, 2017, p. 48).

in Tier ranking (Kelley, 2017, p. 48). International attention was further called to the issue when media outlets (e.g. *Japan Times*, *The Daily Yomiuri*, *The New York Times*) published articles on the issue. The articles singled out the Japanese government and offered criticism with a headline reading “Trafficking Blots Nation’s Repute” (Kelley, 2017, p. 48). Due to this, Japan associated great shame with the placement (Kelley, 2017, p. 46).

It was reported in a Japanese newspaper article that the U.S. was considering placing Japan in the lowest tier in the 2004 TIP report. Following the publication of this newspaper article, the Japanese government established the “Liaison Committee of Relevant Ministries of Developing Measures against Human Trafficking” task force in April 2004 (Sasaki, 2012, p. 254). This taskforce forced the creation of the December 2004 plan of action on human trafficking titled “Japan’s Action Plan of Measures to Combat Trafficking in Persons” (Sasaki, 2012, p. 238).

5.3 Resulting Actions of the Japanese Government and Policy from the 2004 TIP Report

After the 2004 threat of Tier 3 placement, the Japanese government responded by amending policy and seeking to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in the Persons as a way to improve its standing in the TIP report (Kamino, 2007, p. 84). The 2004 “Liaison Committee of Relevant Ministries of Developing Measures against Human Trafficking” task force was at the head of these policy changes (Sasaki, 2012, p. 254). These policies included strengthening the U.S. approach using the 3 Ps of prosecution, prevention, and protection (Kamino, 2007, p. 81) by focusing on modification of criminal laws, strengthening crackdown measures in law enforcement, changing the immigration system by amending the “Immigration Control and Refugee Recognition Act”, and providing more assistance to victims (Kamino, 2007, p. 85).

5.3.1 Prosecution Policy Changes

First, Japan moved to strengthen its prosecution policy. Previously, Japanese criminal law did nothing to prohibit the trafficking of foreign persons into Japan and only prohibited the trafficking of Japanese nationals outside of Japan. Additionally, there was no legislation that protected victims of trafficking who experienced sexual exploitation. Instead, victims were punished as criminals under Japan's previously established Anti-Prostitution Act because they prostituted themselves illegally, or they were punished as criminals due to their illegal status of overstayed visas (Kamino, 2007, p. 82). Therefore, in July 2005 Japan moved to make a number of changes to their human trafficking laws. One major policy was the criminalization of human trafficking specifically mentioning acts of abduction, kidnapping, or buying and selling of persons. Moreover, another major change within the policy was the inclusion of all victims regardless of nationality or location (Kamino, 2007, pp. 85-86).

Japan does not have a comprehensive anti-trafficking statute that includes definitions consistent with international standards. Instead, it has a multitude of laws that target individual aspects of the human trafficking industry. For example, the Anti-Prostitution Law criminalizes the act of persuading others to engage in prostitution while child prostitution is criminalized through government Acts such as, "Act on Regulation and Punishment of Activities Relating to Child Prostitution and Pornography and the Protection of Children" and the "Child Welfare Act" (U.S. Department of State, 2018, p. 245).

5.3.2 Protection Policy Changes

Second, Japan increased its protection of victims. In 2005, the Japanese government amended its Immigration Control and Refugee Recognition Act in order to provide better protection to victims of human trafficking. In this amendment, it excluded the victims of human trafficking from the list of deportable individuals. In addition, special permission from the Minister

of Justice can now be given to allow trafficking victims to stay in Japan. This special permission was used 74 times between 2005 and 2006 (Kamino, 2007, pp. 87-88).

Independent of a pure policy, the Japanese government began to involve NGOs in discussions on human trafficking (Kelley, 2017, p. 48). Other programs to protect victims, such as Women's Consulting Offices (WCO), who often work with private NGOs, work to provide assistance to victims. These WCOs have received funding assistance from the Japanese government. Services provided by these WCOs include food, coverage of a victim's medical expenses, psychological care, and other basic needs (U.S. Department of State, 2018, p. 247). However, these offices only received 10 million yen in government assistance in 2005 (about \$88,000). This lack of financial assistance left these offices unable to provide adequate assistance and facilities (Kamino, 2007, p. 89).

According to Japan's Secretary of Cabinet, the "Progress of Japan's Action Plan of Measures to Combat Trafficking in Persons" between the fiscal year of April 2005 and March 2006, the consulting offices were able to protect 112 victims of trafficking. This is a significant improvement over the previous fiscal year of April 2004 and March 2005 that documented only 24 protected victims of trafficking, and protected only six protected victims of trafficking the previous fiscal year (Kamino, 2007, pp. 89, 94).

5.3.3 Prevention Policy Changes

Third, Japan increased preventative measures following the 2004 TIP report. Japan introduced a number of preventative measures including amending laws that businesses have to follow. This amendment includes forcing employers to confirm name, date of birth, nationality, resident status, and duration of stay of their employees. Additionally, if a person has previously

been imprisoned or fined on charges of human trafficking, then that person is prohibited from engaging in the sexual entertainment business (Kamino, 2007, p. 90).

The 2004 TIP report features a special section that focuses the abuse of entertainers' visas and their role in human trafficking. These visas are considered an easy way for traffickers to facilitate the movement of individuals across state borders. The 2004 TIP report calls for action regarding entertainers' visas; the report suggests that countries review their screening process of entertainers and look out for individuals who repeatedly sponsor individuals (U.S. Department of State, 2004, p. 14). It can be argued that Japan's reform of its entertainers' visas is due to the heavy scrutiny of entertainers' visas by the TIP report and international pressure.

In May 2006, the criteria for what classified as an entertainer changed. The entertainers' visa is now limited to an individual who has over two years of educational or work experience in the field of entertainment. In June 2007, the government sought to further explicitly limit contract entertainers and human trafficking by stating that employers and those who contract entertainers are limited in their contractual choices to those who have not forced, incited, or aided human trafficking (Kamino, 2007, p. 90). Japan's belief is that a crackdown on the entertainers' visas will lead to a decrease in the number of trafficking victims who enter Japan using these visas.

5.4 The Subsequent TIP Reports

In addition, to the Tier 2 rank, Japan is labeled as a source, destination, and transit country by the TIP report (U.S. Department of State, 2018, p. 247). The 2015 TIP report cites a number of examples of human trafficking in Japan with both foreign and national victims. Foreign victims include women who find themselves trafficked into Japan through fraudulent marriages. Once these women are in Japan, they are forced into prostitution in one of Japan's many bars, clubs, brothels, or massage parlors. The TIP reports also include reference to Japan's Technical Intern

Training Program (TITP) (U.S. Department of State, 2014, p. 220), a government-run program that the U.S. government believes is comparable to forced labour (Kelley, 2017, p. 46).

Prior to 2013, TIP reports focused on migrant entertainers (Kelley, 2017, p. 46); however, after 2013, international interest in *enjo-kosai* increased. For example, the 2013 TIP report included a single sentence regarding *enjo-kosai* (U.S. Department of State, 2013, p. 212); whereas, from 2014 onward TIP reports began to place heavy emphasis on *enjo-kosai* (or the *joshi-kōsei* or JK business¹⁸). The U.S. identified *enjo-kosai* as a major problem and found issue with the Japanese government's lack of effort to solve the problem (U.S. Department of State, 2014, p. 220). *Enjo-kosai* and TITP as well as more traditional classifications of human trafficking (e.g. fraudulent marriages, forced prostitution, etc.) were also cited in the 2016 (U.S. Department of State, 2016, pp. 217-220) and 2017 TIP reports (U.S. Department of State, 2017, pp. 225-227). In July 2017, Japan became a party to the UN Convention Against Transnational Organized Crime (UNTOC) and subsequent protocols including the UN Human Trafficking Protocol (United Nations Office on Drugs and Crime, 2017).

5.5 The 2018 TIP Report

In the 2018 TIP report, Japan achieves Tier 1 status for the first time since the publication of the TIP report¹⁹ (U.S. Department of State, 2018, p 54). Japan is cited by the TIP report to fully meet minimum requirements set by the United States' TVPA for the elimination of trafficking (U.S. Department of State, 2018, pp. 244-247). This newly achieved status is accredited in the 2018 TIP report to three things: (a) the development of a task force to combat *enjo-kosai*, (b) the

¹⁸ The JK business is just an umbrella term that *enjo-kosai* falls under

¹⁹ The 2018 TIP report Tier 1 placement includes 39 countries total. Including: South Korea, Denmark, Australia, the U.S. New Zealand, Canada, and others (U.S. Department of State, 2018, p. 54)

implementation of a new oversight mechanism for its Technical Intern Training Program (TITP), and (c) Japan's acquiescence to the UNTOC (U.S. Department of State, 2018, p. 244).

After multiple media publications, international scrutiny, and repeated publications of the TIP report, the Japanese government developed an interagency task force to specifically target the JK business.²⁰ This has allowed for increased law enforcement action against those in the JK business and more regulation. Moreover, in July 2017, the Tokyo Metropolitan Assembly passed a new business regulation that prohibited girls under the age of 18 to work at compensated dating services provided through JK businesses. This new regulation also requires JK business owners to register employees with the city's public safety commission (U.S. Department of State, 2018, p. 245). Since the development of an interagency task force, the Japanese authorities have identified 114 JK business operations across Japan, 14 of which violated the new regulation (U.S. Department of State, 2018, p. 245). This advancement by the Japanese government is seen as pivotal in combating human trafficking within Japan.

In response to criticism Japan gained from its TITP, Japanese authorities began to implement the "2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees" (U.S. Department of State, 2018, p. 246). This Act increased Japan's prosecutorial abilities by establishing criminal penalties for select labour abuses. The creation of the oversight mechanism of the TITP was one of the ways Japan stepped up its prevention programs. This mechanism allows for the on-site inspections of TITP organizations. So far, the regional immigration authorities and Labor Standards Office have recorded 34 cases of severe labour abuses, which were sent to prosecutors for follow-up investigations. However, the outcome of

²⁰ See Context Section 4.4 International and Media Context

these investigations is unknown as the Japanese government did not report whether the cases resulted in prosecutions or not (U.S. Department of State, 2018, p. 245).

Japan has increased its protection programs – mostly through the use of funding. This included: the funding of two hotlines for foreign workers, one of which was run by an NGO and the other through the immigration bureau, and the funding of an international organization to help trafficking victims (U.S. Department of State, 2018, p. 246). Moreover, Japan participated in information campaigns about human trafficking both within Japan and abroad in order to increase its prevention efforts. These information campaigns include providing education for the domestic police force and immigration offices on human trafficking (U.S. Department of State, 2018, p. 247).

Due to these changes, Japan has moved from being ranked as a Tier 2 Watch List country on the 2004 TIP report (U.S. Department of State, 2004, p. 96) to a Tier 1 country on the 2018 TIP report (U.S. Department of State, 2018, p. 244), but Japan's rank has been called into question. On one hand, Japan has long disputed its ranking as a Tier 2. While on the other hand, based on the 2018 TIP report data it is debatable that there has been much of a significant change.

Even after Japan's return to the Tier 2 rank in the 2005 TIP report (U.S. Department of State, 2005, p. 132), some Japanese officials still considered the rank as an embarrassment and had feelings of disappointment (Kelley, 2017, p. 48). However, some Japanese officials feel that Japan is held to a higher standard than other countries. For example, countries like Colombia and Malawi have been able to hold onto their Tier 1 ratings even after the TIP report raised the issue of those countries suspending sentences in 31% of their trafficking convictions (Kelley, 2017, p. 48). Other officials felt they had made progress in all the areas identified and were very cooperative with the standards set in the TVPA while others were not (Kelley, 2017, p. 49).

However, after examining the 2018 TIP report it is unclear if Japan, despite not being wholly cooperative, has gained the Tier 1 rank. While Japan has increased its ability to take different prosecution measures, it does not appear it has made much progress in protecting victims. In the case of some TITP interns, it appears that instead of referring their cases to inspection and protective services the interns were instead arrested, charged, and in a few cases deported (U.S. Department of State, 2018, p. 244). Additionally, law enforcement in some cases treated potential child sex trafficking victims as exhibiting delinquent behavior that police would counsel instead of further investigating their cases or directing them to specialized services (U.S. Department of State, 2018, p. 246). It is reported in other cases of human trafficking that poor screening of vulnerable individuals led to the arrest and deportation of those immigrant victims. This result was in part due to violations of visas or other crimes they committed as a result of being trafficked (U.S. Department of State, 2018, p. 246). While Japan's punitive legislation has increased, it is unclear if the legislation has been effective (U.S. Department of State, 2018, p. 245).

5.6 The 2018 TIP Report Suggestions and Carceral Language

Despite how the Japanese government now meets the minimum standards set by the TVPA and obtained Tier 1 status, the 2018 TIP report has some suggestions for Japan. These suggestions are significant to note, due to the language they use and the heavy emphasis they place on punitive practices and the criminal justice system. The TIP report makes suggestions for all three aspects of the 3 Ps. The 2018 TIP report makes suggestions to the Japanese government in both the protection of victims and the prevention of human trafficking. These suggestions include implementing better screening services for vulnerable populations and providing more language interpretation services for foreign victims (U.S. Department of State, 2018, pp. 244-245).

The carceral language comes across strongly in the TIP reports' discussion of prosecution. For example, while the 2018 TIP report ranks Japan as Tier 1, it continues to criticize the Japanese authorities' practice of prosecuting traffickers under lesser punishments, citing "administrative policies or loss of business licenses rather than through criminal investigations" (U.S. Department of State, 2018, p. 244). Current punishments vary, depending on the circumstances, anywhere from a fine to a five-year imprisonment sentence (U.S. Department of State, 2018, p. 245). It seems that the TIP report believes a strong punishment is the only fit action. This criticism is mentioned not only once in the 2018 TIP report, but multiple times in respect to TITP and the new sex policy regulations too.

Under the "Recommendations for Japan" section of the 2018 TIP report, it is recommended that Japan needs to 'vigorously' investigate human trafficking cases and strongly prosecute those individuals charged with human trafficking offences. Additionally, the report suggests to "hold convicted traffickers accountable by imposing strong sentences" (U.S. Department of State, 2018, p. 244). The report goes so far as to recommend the *removal* of sentences that allow for the authorities to give out fines instead of imprisonment. The suggested removal of any sentencing option for judges is very concerning.

Furthermore, the report calls for criminal justice policy to be amended to allow for an increase in the strength of punishments for human trafficking cases. The concerning part of this is the blatant promotion of punishments similar to the U.S. criminal justice system. The TIP report offers the suggestion to "increase the penalties prescribed for trafficking crimes to include a maximum of no less than four years imprisonment" (U.S. Department of State, 2018, pp. 244-245). This language and structure are very similar to the U.S.'s mandatory minimum sentencing policy. This policy is heavily criticized by the public in the U.S. for it takes away the judge's ability

to account for any extenuating circumstances around the crime and the character of the defendant when deciding a sentence. Instead, the judge of the case must hand down a minimum prison sentence if the defendant is convicted (Criminal Justice Policy Foundation, 2018). This is especially concerning when you take into account that cases can be very complex involving people with varying backgrounds. It is clear that the report believes individuals in Japan convicted of human trafficking should receive stronger punishment. (U.S. Department of State, 2018, pp. 244-245). The 2018 TIP report describes that the Japanese government has issued stricter sentencing guidelines for prosecutors that directed them to pursue imprisonment sentences rather than fines, and finds that these new government-issued guidelines have resulted in harsher punishments (U.S. Department of State, 2018, p. 245). However, it is unclear if the statistics in the TIP report reflect this.

The 2017 TIP report did not disclose the number of cases investigated for human trafficking in Japan, yet it is clear by examining prosecutions and convictions that individuals brought up on charges of human trafficking are often found guilty by the courts. For example, in 2017, the Japanese courts prosecuted 26 individuals with crimes relating to human trafficking and secured 23 convictions. In 2016, the Japanese courts prosecuted 43 cases and secured 37 convictions. The sentences given out in the 23 convictions in 2017 are lenient by the U.S.'s recommendations. Of the 23, six received only fines while the other 17 received imprisonment sentences varying from two to four years. However, only five of those 17 actually served prison time and the other 12 received suspended sentences that allowed them to avoid serving actual time in a prison (U.S. Department of State, 2018, p. 245). Due to the newly government-issued guidelines, the statistics on sentencing for human trafficking crimes will be something to monitor in the coming years. If these statistics increase, it suggests that the Japanese government is using

more carceral state tactics as a population control measure. On the other hand, if statistics decrease it may suggest that the government is finding a way to circumvent harsh penalties. However, it is important to remember that even government statistics can be interpreted in many ways depending on the argument the researcher is trying to make.

5.7 Arrests for the Crime of Human Trafficking and the Number of Victims Identified in Japan

Over the years, Japan has seen a rise and fall of arrests. Further evidence of the policy changes brought about by the TIP report affecting the criminal justice system in Japan is the number of arrests for the crime of human trafficking. In 2006, the Japanese National Police Agency reported that there were 923 arrests made in violation of the Anti-Prostitution Law (Hongo, 2008). In 2005 following the Tier 2 Watch List placement, the number of victims identified and arrests of suspected traffickers increased dramatically (Council for the Promotion of Measures to Combat Trafficking in Persons, 2017, pp. 8-9).

The following two figures are taken from Japan's 2017 Measures to Combat Trafficking Persons Annual Report and showcase the numbers of victims identified and arrests made from 2001 to 2016. Figure 1 shows a dramatic increase in the number of victims after Japan was placed on the Tier 2 Watch List in 2004, in an effort to show the Japanese convictions as satisfying the TVPA standards. However, this number declined again after Japan returned to the Tier 2 ranking and these numbers continue to remain low. Furthermore, Figure 1 illustrates the increase in the number of Japanese persons who are victims of human trafficking. The recent increase in this number is possibly due to the number of victims identified by the new *enjo-kosai* taskforces because international focus is particularly concerned with this kind of sex trafficking. Simply put, it seems that the TIP reports focus seems to produce a greater number of victims identified, whether

it be the Filipino migrants using entertainers' visas or underaged individuals participating in *enjo-kosai*.

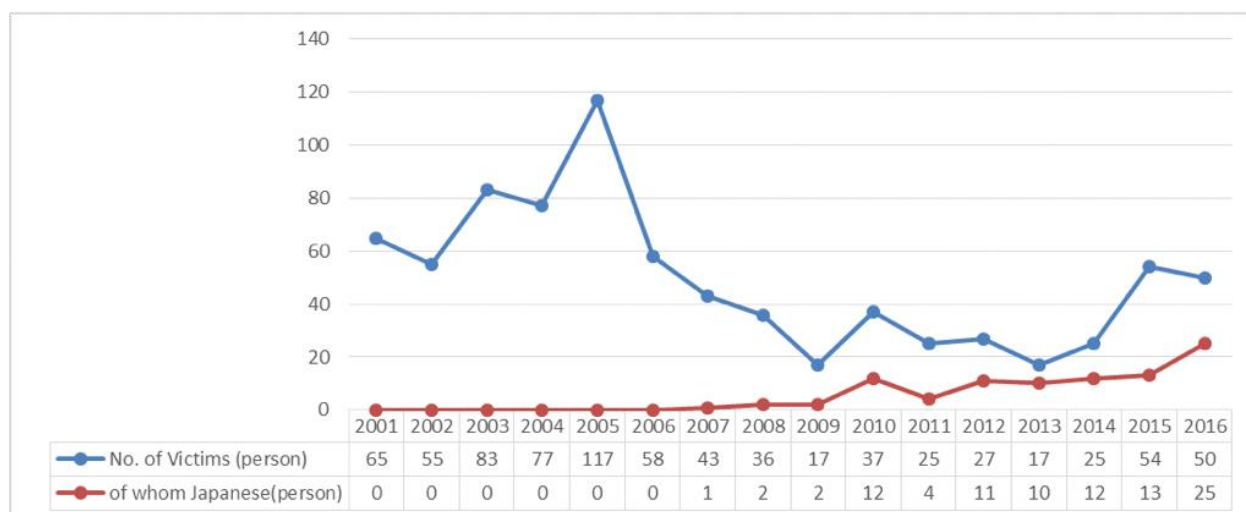


Figure 1. Number of Victims of Trafficking Persons 2001-2016 (Council for the Promotion of Measures to Combat Trafficking in Persons, 2017, p. 8)

Figure 2 shows a similar pattern to Figure 1. In 2004 and 2005, when Japan experienced an increase in the number of arrests along with the number of suspects following the 2004 Tier 2 Watch List placement. While subsequent numbers have never reached the same level as 2004 and 2005, 2014 through 2016 statistics show an overall increase in both the number of arrests and number of suspects. Additionally, an overall trend demonstrates that suspects are often arrested, which is perhaps a little suspicious. From the 2018 TIP report, statistics show that the courts tried and found 43 of the 44 people guilty (U.S. Department of State, 2018, p. 245). At first glance, this might suggest good work within law enforcement, but for law enforcement agencies to be so accurate in recent years suggests that once someone is a suspect, they become a target of law enforcement.

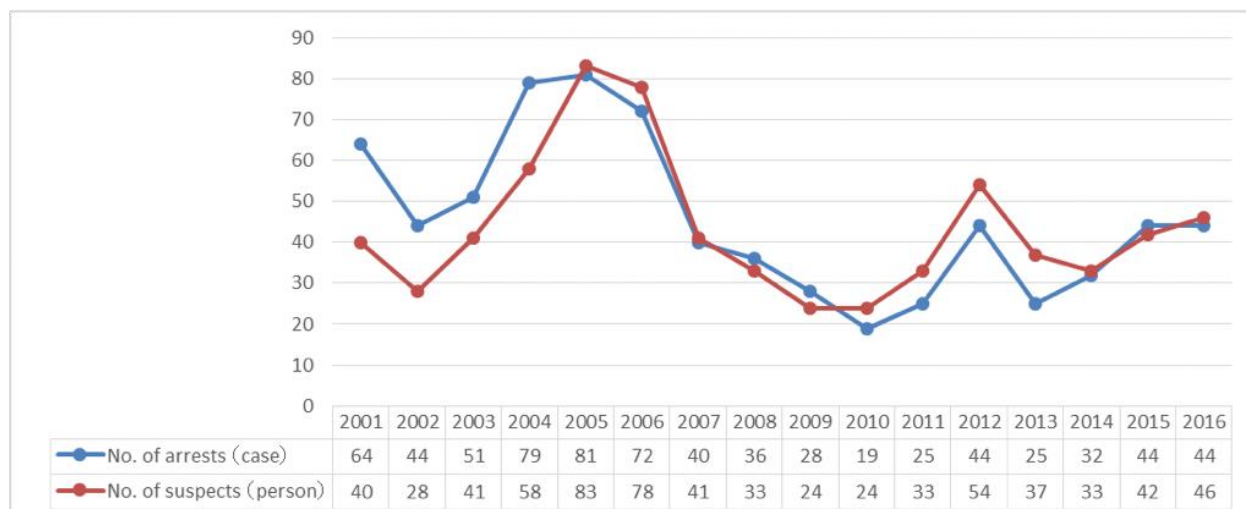


Figure 2. Number of Arrests of Suspects for the Crime of Trafficking in Persons 2001-2016 (Council for the Promotion of Measures to Combat Trafficking in Persons, 2017, p. 9)

5.8 Conclusion

Carceral ideology has affected the world in both institutions and among individuals. In order to engage foreign governments on the issue of human trafficking, the U.S. government uses the TIP report and promotes an agenda that targets resources towards prevention, protection, and prosecution programs. Because of the TIP report, countries outside the U.S. strive to meet the standards set up by TVPA; however, it is debatable if these standards have a net positive or net negative impact. Scholar Kelley (2017, p. 51) judges that Japan's accomplishments in human trafficking are due to the ability of the TIP report to criticize Japan and Japan's concern with its international reputation (Kelley, 2017, p. 51). It is arguable that the TIP report is a tool of the carceral state and has affected the human trafficking discussion globally. Therefore, the macro section of this paper documents the changes in Japanese legislation by examining the resulting actions Japan took in response to the TIP report.

It is clear from this history that the TIP report has changed policy in Japan. As documented above, there have been multiple changes to Japan's human trafficking policy. The carceral state affects the Japanese government by using the TIP report to push an agenda and policy that closely

emulate the U.S. criminal justice policy. That agenda contributes to the Japanese government by making major changes to its legislation. These changes have not only had an effect on Japanese human trafficking legislation, but have also influenced Japan's immigration policies, law enforcement agencies and regulations, and criminal justice policies. These policies must have affected individuals within Japan, including migrants, who are the focus on the micro effect section of this paper. Nonetheless, these reports and statistical data do not provide a nuanced picture of lived experience among affected individuals. Therefore, the next section will examine the micro effects of the U.S. influenced policy on Filipino migrants in Japan and examine the harm that has come to them as a result.

Chapter 6: Micro Effects

The number of Filipino women issued entertainers' visas is reflected in TIP reports. The Japanese government's crackdown on the criteria for an entertainer's visa, including making it illegal for someone who holds an entertainer visa to work as a hostess has not prevented these visas from being granted. However, Japanese government data provided in TIP reports indicates a sharp decline in Filipina hostesses. Cameron and Newman find that a number of women who hold entertainers' visas continue to work as hostesses (2013, p. 6).

As documented in the macro section, there have been a number of policy changes in Japan due to pressure from the U.S., but beyond simple data and statistics. For example, The 2001 TIP report cites that an estimated 40,000 women from the Philippines enter Japan each year using entertainer visas, and most of these 40,000 women are trafficking victims (Cameron & Newman, 2013, p. 6). The number of Filipinos holding entertainer visas has fluctuated over time with a documented 8,509 in 1980, 42,867 in 1990, and 81,282 in 2003 (Aoyama, 2015, p. 286). The TIP report identifies Filipino hostesses as human trafficking victims due to the sexual exploitation they

face. As a result, The number of Filipino hostesses who were employed in Japan dropped from 82,741 hostesses in 2004 to 8,607 hostesses in 2006 (Parreñas, 2011, p. 4). These facts raise questions: How does the United States' promotion of the carceral state affect individual migrants in Japan? How effective are the laws in Japan at protecting migrants who are in vulnerable positions?

Exploring literature on the Filipino migrants' experiences (Cameron & Newman, 2013; Raymond, et al., 2002; Parreñas, 2011) with additional information supplemented by Aoyama's (2015) work on migrants in Japan, this section will show that the establishment of new anti-sex trafficking policy laws and the increased regulations on all part of their lives (e.g. pre-migration, post-migration, and work), have made migrant entertainers become more invisible and caused harm to them. This section will document this by covering the similarities and differences in the migrants' experiences. The ability to look at individual experiences and examine how Filipina entertainers understand their trafficking/migration experience and how they understand institutions, both in origin and destination countries, will provide further discussion in connection with the carceral state and its effects on individuals.

6.1 Understanding the Migrant Entertainers' Experience

Japan is considered a key destination country for women from the Philippines who seek to gain upward economic and social mobility for themselves and their families. Scholars (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) discuss the same subject of Filipina migrant entertainers who enter Japan looking to improve their lives economically. However, the conclusions, accounts, and interviews provided in each author's literature while at some points contradict each other, while at other times, are similar. More specifically, Cameron and Newman's (2013) and Raymond and colleagues' (2002) findings through interviews with Filipina migrants'

entertainers provide a sharp contrast to Parreñas's (2011) own fieldwork within a Filipina hostess club that had a reputation for sex trafficking. An examination of the aspects of Filipina migrants' lives as well as the documented similarities and differences in scholars' literature (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) allows for a better understanding of the complexity of the Filipina migrants' experience.

6.1.1 Globalization and Poverty

Globalization has played a large part in drawing foreign women to Japan. These migrant women often look for work in informal sectors of the labour economy (e.g. care work and sex work). In 2001, 132,000 of the 157,000 Filipina women who migrated to Japan worked as entertainers (Aoyama, 2015, p. 285). Poverty affects women and their families; therefore, poverty is a big player for women who choose to find work abroad. Jobs with cash income become particularly desirable in developing countries where the gap between the rich and poor is large (Aoyama, 2015, p. 285).

Interviewees with a poverty-stricken background are a common theme in scholars' (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) work on Filipino migrants' experiences. Overall, migrants seek the ability to make a better life for themselves and their families. This idea of a better life includes both push and pull factors. One of the biggest push factors for individuals within the origin country is poverty. Origin countries often lack good institutions and infrastructures that would provide a migrant with education and a job. Interviewees in Parreñas's (2011, p. 18) work had not obtained an education past high school; whereas, most interviewees in Raymond and colleagues (2002) work had never finished high school.

The Filipino economy is dependent on cross-border finance including foreign investment and aid and foreign currency remittances by workers aboard (Aoyama, 2015, p. 286). In the

scholars' (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) works, they find that many interviewees remitted currency back to their families in the Philippines (Raymond, et al., 2002, pp. 98, 101; Parreñas, 2011, p. 18). Pull factors include Japan's strong economy in comparison to the origin country's, and the image of success that others who have succeeded in Japan exhibit when migrants come back to the Philippines. Additionally, Japan has a large entertainment economy that features a number of employment positions for women (Cameron & Newman, 2013, pp. 2-3).

6.1.2 Deception and Prostitution

However, the escape from poverty with lure of higher wages and a better life (Cameron & Newman, 2013, p. 3), as well as low education attainment and lack of access to quality information (Raymond, et al., 2002, p. 99) make migrants vulnerable to deception. The migrant Filipino entertainers are often deceived by the description of the job they will be performing in Japan. Accounts of the deception the migrants faced, as well as the knowledge they held before leaving for Japan varied between scholars. Parreñas (2011, p. 18) documents that Filipina migrant entertainers knew the stories about entertainers being forced into prostitution while working in Japan due to media circulation back in the Philippines, but they knew that most stories were generally untrue. But no one lied to them and said they would only be singing and dancing as entertainers (Parreñas, 2011, p. 5). These migrants understood their job would involve some sex, but didn't know how far that would go (Parreñas, 2011, p. 18). Raymond and colleagues (2002, p. 97) and Cameron and Newman (2013, p. 8) highlighted that most women either had no idea of the nature of their work, or they had been told half-truths by the recruiters. This is particularly interesting due to Raymond and colleagues' (2002, p. 97) documentation of soon-to-be migrant entertainers' previous history with prostitution within their home country, whereas, Parreñas

(Parreñas, 2011) found the opposite with her interviewees not participating in prostitution before entering Japan.

There was a drastic difference in the way sex was discussed in the interviews. Raymond and colleagues (2002, pp. 108-116) focused heavily on the physical and emotional impact that trafficking has left on their interviewees. In their study, they discussed how the women were forced into prostitution and experienced horrific violence because of it. Some women interviewed were unwilling or unable to talk about the details around their forced prostitution. Cameron and Newman also documented that most of their interviewees were forced to engage in sexual practices for their job (Cameron & Newman, 2013, pp. 9-10). Parreñas's (2011, pp. 143, 153-154, 177) discussion of sex with her interviewees was a very different conversation, and the experience of forced prostitution was the exception rather than the norm. She states that most entertainers felt safe and never experienced sexual assault. A few interviewees had examples where they felt unsafe while on dates but still never experienced sexual assault. Parreñas's (2011) interviewees did not believe they really engaged in prostitution, because they chose to have sex with a client, and it was solely their individual decision. Furthermore, Parreñas (2011, p. 4) finds that "empirical grounded studies on Filipina hostesses in Japan consistently make no mention of prostitution, forced or otherwise."

6.1.3 The Immigration Process

Migrants who face limited opportunities due to their background often seek unofficial channels of immigration, as they do not have a way of applying for a formal job in the destination country (Aoyama, 2015, p. 286; Raymond, et al., 2002, p. 105). Moreover, in Japan there is a lack of alternative legal routes that allow for employment. For example, domestic help is not a tradition in Japan nor are employment visas granted for casual work (Cameron & Newman, 2013, p. 3).

Because of this, there are a number of ways Filipino migrants enter Japan, but generally it involves the migrant owing some sort of debt once there. This debt must then be paid off through cuts in their paycheck. As many migrants do not have the means of getting to Japan, the debt they owe starts building before they even leave for Japan.

Entertainer migrants' journey to Japan generally occurs when they are young, between the ages of 15 and their early 20s (Cameron & Newman, 2013 p. 4; Parreñas, 2011 p. 18; Raymond, et al., 2002 p. 99). The process to obtain an entertainer visa involves multiple middle-men who essentially work as an entertainer's brokers (Parreñas, 2011, p. 31). These middle-men include (a) a talent manager who is basically a job coach who instructs the entertainer on how to dress and apply make-up to increase marketability (Parreñas, 2011, p. 27), (b) a promotion agency located in the Philippines that makes sure employment contracts follow labour guidelines (Parreñas, 2011, p. 30), and a promoter in Japan who places an entertainer in a club (Parreñas, 2011, p. 30). Elizabeth, an interviewee from Parreñas fieldwork in Tokyo, described the extreme distribution of her salary from the club among the middle-men from the Philippines as being:

Just the way it is. See our *papa* [club owner] cannot pay us directly. He really has to give our salary to our promoter. Then the promoter would give the money to the promotion agency. So everyone gets our money. To be honest with you, we really did not know what happened to our salary. Our monthly salary before was \$1500, but we know only \$500 of that would go to us. We knew that \$1000 would go to the promoter and promotion. (Parreñas, 2011, p. 40)

Scholars (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) discuss how recruiters, middle-brokers, and employers prey on personal and structural vulnerabilities. Parreñas (2011, p. 238) finds that these individuals prey on these vulnerabilities to bully entertainers and

abuse their rights (e.g. withholding passports or salary and threatening or practicing violence) knowing that the workers are unable to do anything due to the illegal nature of their entry (e.g. forged paperwork, or smuggled) into Japan or the illegal nature of their job.

Due to Japan's imposed restrictions, an entertainer must take and pass an exam in front of a panel of judges before she can obtain an entertainer visa. In order to do this, the prospective entertainer must take classes from her promotion agency, which are not free. In addition, an entertainer must pay for her passport and any other government requirements, as well as a police clearance and a health check. None of these services are cheap. Therefore, many entertainers choose a "fly now, pay later" plan (Parreñas, 2011, p. 18; Raymond, et al., 2002, p 100). In this plan, the middle-men pay for the training and travel expenses, and the entertainer owes them a debt. Sometimes the migrants do not even know they have incurred a debt, Parreñas (2011, p. 50) documents this in her interview with Marie,

Marie, who was shocked to learn during her first day as a first-time contract worker in Japan that she was going to be paid only \$100 for six months of work in Tokyo by the promoter because of the debt she supposedly acquired prior to migration. Marie could not explain to me the source of her debt, but I assume that it must have originated from the cost of her training and housing as she resided at the promotion agency for over a year while preparing to go to Japan. Not wanting to return to the Philippines empty handed, Marie decided to escape the club during her last night of work. She had since been living in Japan as a visa overstayer for nearly two decades. (Parreñas, 2011, p. 50)

There are other ways to obtain a visa. Parreñas (2011, p. 33) describes how those who do not pass the exam can possibly buy an entertainer visa. Cameron and Newman's (2013, p. 5) interviewees had a mixture of spouse, tourist, student, and entertainer visas. However, their study

highlights the use of fraudulent documents to obtain both entertainer and tourist visas (Cameron & Newman, 2013, p. 6). Obtaining these fraudulent documents can range in costs from \$300 to \$2000 (Cameron & Newman, 2013, p. 7); therefore, securing these documents increases the cost of entry for migrants.

6.1.4 An Entertainer's Life in Japan

While providing some similarities in the experience of an entertainer's life in Japan, the scholars also offer some differences. Raymond and colleagues' (2002) interviewees describe a dismal life in Japan. They describe experiencing practices similar to slavery and servitude which includes: illegal confinement, verbal abuse, forced use of drugs, physical violence, sexual abuse, debt bondage, long hours, deprivation of a normal social life, forced labour, passport confiscation, and withholding of money and food (Raymond, et al., 2002, pp. 97, 108-116). While in Japan, respondents reported they experienced extreme forms of violence and punishments. They experienced being hit, kicked, threatened with weapons, having their hands tied with barbed wire, and being burned with cigarettes. Ten respondents recounted one punishment, which included being locked in a cold room naked with no ability to communicate for one week (Raymond, et al., 2002, p. 109).

Similar to Raymond and colleagues' (2002) study, Cameron and Newman's (2013, p. 10) respondents describe experiencing the highest level of physical violence from employers while in Japan. Respondents also experienced forced labour, forced criminal activity (e.g. selling and administering drugs), threats of violence, verbal abuse, confiscated passport, and withholding of money (Cameron & Newman, 2013, pp. 9-10). Cameron and Newman's (2013) study did also document some level of confinement with some respondents citing not having freedom of

movement or unrestricted communication, while others could only go out with an escort (Cameron & Newman, 2013, p. 10).

Parreñas (2011) describes a much cleaner image of an entertainer's time in Japan, with none of the harsh and extreme physical and verbal abuse that was reported in Cameron and Newman's (2013) and Raymond and colleagues' (2002) works. However, Parreñas does describe a culture in club management that gives out penalties in the form of wage deductions or verbal scolding. Penalties can be given out for multiple offences. Some clubs give out penalties for not making after-work curfew or tardiness to work, while others give out penalties for chewing gum or smoking cigarettes (Parreñas, 2011, p. 77). Mellissa, Parreñas's co-worker during her fieldwork, complained of her experience with one of her previously contracted clubs. Mellissa states:

We were supposed to wake up at the same time, at noon. If we did not, we received a penalty. That place was filled with penalty. By 4:00 p.m. we had to be at the club. If you were late by one minute, then you would receive another penalty of 1,000 yen (US \$10). Then, at 4:00 p.m., you practiced the dance performance...And if you made any kind of mistake during show time, you were imposed with another penalty. And if you made any kind of mistake, the mama-san would try to scare you threaten to send you back to the Philippines. (Parreñas, 2011, pp. 77-78)

Parreñas (2011, p. 78) does document that some clubs monitor the entertainer's body weight and enforce wage penalties if they gain too much weight. This can lead entertainers to become very self-conscious of their bodies.

An interesting parallel between interviews in the Cameron and Newman (2013) and Parreñas (2011) studies is that even though most of entertainers face abuse in Japan, they want to continue to work in Japan. When Cameron and Newman (2013), ask respondents their opinion on

whether to return early to the Philippines or stay in Japan most responses include that they “imagine themselves escaping their controlled/indebted situation and being able to take advantage of better choices” (Cameron & Newman, 2013, p. 12). Parreñas finds that those entertainers who do leave their club before the contract is up plan to stay in Japan indefinitely, because of the income they can get as entertainers (Parreñas, 2011, p. 222).

Additionally, scholars (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) all discuss the segregation and isolation entertainers face due to the language barrier and the nature of their job. This language barrier also makes the migrants more vulnerable, as it decreases their ability to communicate with citizens or authorities. Raymond and colleagues’ (2002, pp. 102, 109) study focuses on how the women do not talk about their job due to fear of judgment or too much emotional trauma. Parreñas (2011, p. 238) similarly found that the stigma of being judged for sex work makes women less likely to talk to others about their experiences or ask for appropriate labour rights, and they essentially become ‘others’ in society.

6.2 Carceral Institutions

The trust of individuals in Western democracies of the carceral state and its institutions is in sharp contrast to the feelings of distrust that minorities classified as ‘other’ in the global south experience. Where Western democracies view government institutions as a protector and have positive experiences, migrants often see a different side of these institutions and, as a result, have a very different experience. This is a fundamental difference in experience and understanding of institutions between middle-class families in Western democracies, and individuals affected by poverty in the global south. As evidenced by scholars, (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) the interviewees had a deep mistrust of government institutions and officials. Instead of being viewed as sources of protection, they contributed to their hardships and

fear. This mistrust of carceral state institutions and the criminal justice system by migrants is dangerous for them, as it makes them likely to be exposed to danger. In the contemporary human trafficking discussion, there is significant focus placed on organized crime as being a contributor to human trafficking and a danger to trafficking victims. However, as I will show in the following section, the UN Crime Commission issued a report finding limited evidence that human trafficking is linked to large-scale organized crime (Desyllas, 2007, p. 68).

6.2.1 Organized Crime and Corrupt Governments

Scholars (Aronowitz, 2001; Gallagher, 2001; Hwang, Parreñas, & Lee, 2012; Kamino, 2007; Nagle, 2017) suggest that organized crime contributes to human trafficking. The development of the UN Human Trafficking Protocol highlights the relationship between organized crime and human trafficking. The development of the Trafficking Protocol was a supplemental protocol to the UN ad-hoc committee that was created to fight transnational organized crime (Gallagher, 2001, p. 975). Europol, Interpol, the U.S. State Department, the Global Survival Network, and the International Organization of Migration and others documented a relationship between organized crime and human trafficking (Aronowitz, 2001, p. 176). However, a report produced later by the UN Crime Commission disputed this finding (Desyllas, 2007, p. 68).

Even though organized crime is often cited as a contributing factor to human trafficking, and is central focus of the contemporary human trafficking discussion (Aronowitz, 2001, p. 176), research finds this is not true. Bale's (2004) multiple regression model of the relationship between human trafficking and push factors finds that government corruption was the most statistically significant, followed by a country's infant mortality rate, and the percent of the population below the age of 14 (Bales, 2004, pp. 347-349). If what Bales found about push factors is true and the report produced by the UN Crime Commission is true, then more focus should be placed on the

relationship between government corruption and contemporary human trafficking rather than on organized crime. Both Japanese and Filipino government corruption is cited in scholars' (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) literature.

6.2.2 Corrupt Governments and Migrants

Cameron and Newman (2013) document that 12 of the interviewees talked about their experience with corrupt government officials in the Philippines. Furthermore, three interviewees mention Japanese police corruption that would warn clubs in advance of being raided by police. One individual even believed that the Philippines Embassy staff was in collusion with her club owner. This belief is supported when Cameron and Newman (2013) report that four interviewees reported their situation to the Philippines Embassy, but it was unsupportive of the women. Of the 15 other women interviewed, seven of the women responded that they did not report their situation, because they did not trust the government authorities (Cameron & Newman, 2013, p. 11). Raymond and colleagues (2002) document similar experiences with their interviewees. Respondents witnessed that police in the Philippines were on good terms with club owners, and police were often club patrons. In addition, the number of illegal documents and shortcuts in the obtainment of visas point to corruption by Philippines government officials in this process (Raymond, et al., 2002, p. 104).

6.2.3 Migrant Sex Workers and Their Relationship with a Criminalized Existence, Stigma, and Invisibility

The implementation of anti-trafficking measures allows for governments worldwide to justify the criminalization, stigmatization, and isolation of sex workers and migrants (Desyllas, 2007, p. 69). The combination of Japan's current laws on prostitution, entertainment, and immigration make it difficult for sex workers, especially migrant sex workers, to not be at the

mercy of the whims of the law enforcement (Aoyama, 2015, p. 283). In order to prevent foreign women from becoming victims of human trafficking, Japan has experienced an increase in policing with a higher frequency of police raids (Aoyama, 2015, p. 287). Additionally, new restrictions on visas have specifically targeted immigrants in order to protect them from human trafficking. These restrictions made it so employers can now face penalties if one of their workers doesn't have proper visa status (Aoyama, 2015, p. 287). This makes employment of a migrant without proper paperwork dangerous for employers as they face police raids and punishment. Moreover, it is less likely that accredited and safe employers will hire those individuals. Parreñas (2011, p. 230) finds those with illegitimate visa paperwork are more likely to find themselves in coerced labour and face greater labour abuses. Due to this, undocumented migrants find themselves in a position of high risk high reward when it comes to finding employment (Aoyama, 2015, p. 288).

Due to the criminalized nature of both an undocumented migrant sex worker's resident status and job, they are put into more dangerous situations. Migrant sex workers in Japan are more likely than their Japanese counterparts to take more risky actions, because they are often in greater need of money (Aoyama, 2015, p. 288). The Japanese sex worker advocacy network, "Sex Workers and Sexual Health" (SWASH) (Aoyama, 2015, p. 287), found that sex workers say customers will knowingly target migrant workers because migrants will not seek legal action if the encounter gets too physical or violent (Aoyama, 2015, p. 288). Because of the migrant's illegal status or illegal job description, they are less likely to be in control of negotiations with customers (Aoyama, 2015, p. 288). Moreover, due to the fear of stepping out of the legal grey area of Japan's laws on sex, a migrant sex worker is both physiologically insecure and vulnerable (Aoyama, 2015,

p. 289). As customers know the undocumented migrant's illegal status, they can use that against the migrant in negotiations to manipulate them and make feel vulnerable.

Filipina migrants, who either came over with illegitimate paperwork or overstayed their visas, often have to be careful of their movements in public for fear of being caught, imprisoned, and deported. This fear only serves to further isolate the individual (Parreñas, 2011, p. 236). The increase in deportation immigration policies that promote punitive measures for individuals who break the ever-increasingly strict immigration law in Japan constrain the migrants' movements and puts them at an increased risk of violence and discrimination (Aoyama, 2015, p. 288). For example, in Japan, the illegal status of an individual limits their job options and makes them worry about their movements in public spaces for fear of having their status questioned by government authorities.

Japan's police and immigration authorities can approach an individual and without reasonable cause can demand proof of legal residency (Parreñas, 2011, p. 236). Due to this, Parreñas (2011, pp. 236-237) finds that undocumented migrants often choose to stay indoors and try to blend into Japanese society as much as possible – making them invisible in society. Parreñas's interviewee Maki chose to limit her interactions in the public in fear of authorities. Maki states in reference to Japanese law enforcement:

Sometimes they will just nudge you. We have a co-worker who got caught. She went to the train station, the police nudge her and asked for her passport. She could not show any, so they brought her to the station and sent her back to the Philippines. Then now I have this gay friend who also got caught in the train station. That is where everyone is getting caught. Then everywhere, really, 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 a criminal. They treat you like a criminal. They are terrible here.
(Parreñas, 2011, p. 236)

Filipina migrants choose to minimize their ethnic and racial differences and avoid Filipino crowds and businesses. One interviewee felt trapped in Tokyo because all she did was hide from authorities; she did not even feel like she could walk to the supermarket close to her house (Parreñas, 2011, p. 236). Therefore, Parreñas (2011, p. 238) finds that the criminalized nature of undocumented migrants and their fear of authorities is the primary reason for their constrained social lives and movements.

Additionally, sex worker migrants are further driven from public view due to their job description and the stigma surrounding their work. This stigma is dangerous and puts sex workers at risk because they feel that they cannot express their concerns to any consultation centers (Aoyama, 2015, p. 288). The stigma surrounding sex workers makes them less likely to report rape as they could potentially be accused of breaking the Anti-Prostitution Law (Aoyama, 2015, p. 289).

Moreover, the criminalization of undocumented migrants makes them increasingly vulnerable to labour abuses by their employers, because the migrants' options to retaliate or get help are limited. Migrants are often dependent on employers for housing and transportation, and that can tip the balance in their relationship to make the migrants vulnerable (Parreñas, 2011, p. 218). Because the relationship is uneven, the employer is able to overcharge for the housing they provide without consequence (Parreñas, 2011, p. 241). An undocumented migrant's illegal status can make it incredibly difficult to obtain housing elsewhere, gain access to public services (e.g. banking and healthcare), and find a job with proper labour practices (Parreñas, 2011, pp. 238 - 241).

6.2.4 Carceral Institutions vs. Migrant Sex Workers

The idea of heavily policing “others” and the focus on individuals instead of institutions has allowed for carceral feminist ideology and neoliberalism to increase the policing of poor, racialized, and migrant communities (Lamble, 2013, p. 240). The carceral state provides models for how individual citizens should act and places personal responsibility on those individuals to follow the laws. This centers any given issue within the carceral state on individuals and their choices rather than on the institutions that influence those choices (Bernstein, 2017, p. 308). These institutions include the education system, the economy, health care, and child care systems. Therefore, the carceral state frames sex work as a problem that resides within individuals. This perspective leaves out important facets, such as social institutions and norms (Lamble, 2013, p. 238).

Within the carceral state framework, individuals are labeled and categorized based on worthiness and innocence. The sexually promiscuous, chronically unemployed, and homeless are a few examples of individuals who do not fit the ideal victim image and are often vulnerable to social abandonment by the state. This feeds the narrative that categorizes sex workers in Western democracies who chose to engage in sex work as failed citizens (Lamble, 2013, p. 248). This separates sex workers from the ‘good’ and ‘worthy’ public through the notion that they are doing something that shouldn’t exist, and draws a line of separation between housewife and prostitute (Aoyama, 2015, p. 290). This is contrasted with the image of women in the global south who are categorized as individuals worthy of protection by the state (Lamble, 2013, p. 248; Desyllas, 2007, p. 65).

6.2.5 Increased Institutional Regulations’ Effect on Migrant Sex Workers

Globally, the dominant anti-trafficking framework has increased regulations over migrants and sex workers. These two already marginalized groups of people have become the focus and due to this have suffered the most harm, as the anti-trafficking framework is used to control and criminalize them (Aoyama, 2015, p. 288). For Japan, because of the establishment of new anti-trafficking laws and increased regulations, sex worker migrants have become more invisible and these measures have caused harm to them (Aoyama, 2015, p. 287). In 2005, Japan created the “Halving Illegal Overstayers in Five Years” campaign. This government campaign policy creates a two-tier system – one that separates ‘good’ foreigners from ‘bad’ foreigners.²¹ The ‘good’ foreigner is an individual who is a sex worker who can be identified as a trafficking victim, and the state provides them with assistance. The ‘bad’ foreigner is a sex worker who is labeled as a criminal and is deported (Aoyama, 2015, p. 288). For example, the ‘good’ foreigner is an individual who has the correct paperwork for their visa and works in the formal sector of the economy. The ‘bad’ foreigner is an individual who does not have the correct paperwork and works in the informal sector of the economy. For human trafficking, this image can change slightly. For example, a ‘good’ human trafficking victim is someone who is obviously exploited by their employer, as they are rescued during a raid and identify as a victim and have the evidence to prove it. This is in contrast to the image of a ‘bad’ victim, or an individual whose exploitation is not easily seen, and they voluntarily choose to participate in sex work.

However, the “Halving Illegal Overstayers in Five Years” campaign faces some criticism. The policy is said to encourage the Japanese government to not be sympathetic to individual migrants who do not identify as trafficking victims nor prioritize the rights of individuals who are being tried for human trafficking (Aoyama, 2015, p. 288). This is further evidenced in Cameron

²¹ This is very similar to the carceral state labeling citizens as worthy and innocent versus dangerous and ‘other’.

and Newman's (2013) study, when they ran into difficulties when they tried to access Japan's human trafficking case files. The case files Cameron and Newman (2013, p. 4) were allowed to review did not identify individual Filipina women as trafficking victims, but instead viewed them as offenders due to their participation in prostitution and their illegal migrant status.

The increase in government regulations has been successful in making sex work more dangerous for sex workers (Aoyama, 2015, p. 290). For example, in 2004, under the Anti-Prostitution Law and the Entertainment Business Law,²² the Japanese government started a sex industry cleansing campaign (Aoyama, 2015, p. 289). These campaign regulations affected crackdowns on solicitation and advertisement, as well as multiple types of sex work including 'delivery health'. Delivery health is the traveling of a sex worker to a hotel or residence and is considered dangerous due to the vulnerability of a private unknown location, instead of working in the soapland with other workers nearby. Because of the 2004 Japanese government's crackdown on different types of sex work during this campaign, soaplands found it difficult to run legal sex businesses or advertise them; which drove more types of sex work into hiding. Therefore, while sex workers acknowledge that delivery health is dangerous, it is the primary type of sex work in contemporary Japan, because it is easily hidden (Aoyama, 2015, p. 289).

Furthermore, the increased regulations on sex work have led to some sex workers not using condoms (Aoyama, 2015, p. 288), because condoms are easy evidence for the authorities to show intent to sell sex, thus breaking the Anti-Prostitution Law (Aoyama, 2015, p. 289). The creation and amendments to the Japanese anti-trafficking laws, Anti-Prostitution Law, Entertainment Business Law, and the 2004 sex work cleansing campaign undoubtedly affects both domestic Japanese sex workers and migrant sex workers. However, the vulnerability of sex migrants is two-

²² See Context Section 4.2 Current Day Policy

fold, because they have to fear the authorities not only because of their job description but because of their immigration status, too.

The Philippines government has also tightened regulations in pursuit of protecting entertainers from deceitful employers. These regulations include making it more difficult for entertainers to work as independent agents to secure employment in Japan and requiring that they use middleman brokers (Parreñas, 2011, p. 35). This regulation is built from the idea that a single individual is at a risk to be taken advantage of by employers. However, removing an entertainer's ability to act as an independent contractor and forcing her to use the services of middle-men brokers, not only increases both the expense a migrant entertainer incurs but also cuts into her salary. Middle-men take part of an entertainer's wage for arranging employment in Japan. The middle-men brokers are legally obligated to give entertainers only 60% of their salary (Parreñas, 2011, p. 38). This leaves entertainers not receiving a significant amount of their wages.

One entertainer interviewed by Parreñas (2011, p. 43) believes that she would have been able to escape from her life of poverty, if it were not for the involvement of a middle-man broker. However, even with the increasing difficulty surrounding securing a job as an entertainer in Japan, many still choose to work as entertainers (Parreñas, 2011, p. 35). In addition, even though entertainers' visas are harder to obtain, they are still used by migrant entertainers as documented by Cameron and Newman (2013). These regulations only make an individual's debt larger and puts them at risk longer for exploitation by employers.

Feminists anti-trafficking activists acknowledge that their agenda focuses on sexual violation, rather than the structural conditions that lead to exploited labour (Bernstein, 2017, p. 299). However, this leads to misunderstanding a variety of migrant experiences and the complexity of those experiences. What carceral feminists do not question is what makes debt bondage and

contract labour a viable choice of survival for so many women? The lack of understanding of this aspect of a migrant's experience is due to refusal to look at large institutions that contribute to push factors like poverty and unemployment. These institutions can be cultural, political, and economic (Hwang, Parreñas, & Lee, 2012, p. 1024). For example, the Filipino government encourages workers to go abroad as their economy is supported by the remittance of money from workers abroad because they are economically weak. In addition, culturally, having a family member abroad boosts the image of the family in the community.

6.3 Carceral Feminism's Impact

Industries around the world have experienced globalization, and the sex industry is no exception. As the sex industry has become more globalized, feminists have been growing increasingly concerned, and in response more feminists have looked to the carceral state as a solution to the human trafficking problem. This has allowed the carceral feminists to re-circuit attention from a lens that focuses on domestic spheres to a lens that focuses on the expanding international stage and to use that stage to promote the carceral state on a global scale. The emergence of carceral feminism has changed the discussion about human trafficking.

The carceral state's belief that human trafficking can be solved with the global implementation of "the U.S. one-size-fits-all template of the 3Rs (rescue, rehabilitation, reintegration) and the 3Ps (prosecution, protection, and prevention" (Parreñas, 2011, p. 6) seems to dismiss the individual's experience and ignore the many voices of migrant sex workers. The irony in the one-size-fits-all template is that it increases the power state institutions hold, and the policy the institution implements only harms the individual it tries to protect. For example, the implementation of stricter requirements on entertainers' visas has only made them harder and more expensive to obtain. This has only increased the dependence of migrant entertainers on middle-

men brokers (Parreñas, 2011, p. 35). The lack of acknowledgement of institutional problems that contribute to human trafficking by carceral feminism and the carceral state is an issue. As examined above, there is a lot of evidence that points to corrupt government institutions contributing to human trafficking. The carceral state belief that institutions are the solution seems to be naïve in the face of other evidence and the documented experience of migrants.

Parreñas (2011) puts forward the idea that the contemporary human trafficking discourse seems to flatten the experience of victims in human trafficking by providing a very narrow and specific account of an individual's experience. This is seen in today's carceral feminism anti-trafficking discussions, where specific and individual cases become representative of a collective experience. For example, Bernstein (2017, p. 306) cites that in the course of her fieldwork on anti-trafficking conferences, she experienced the presentation of a nearly identical narrative at different conferences – this narrative became the symbolic experience. The use of one representative case over and over again only narrows and flattens the imagination of people on the complex experience of many individuals.

By framing an individual's experience into solely sex trafficking narrative the discourse becomes one that focuses on their victim status, and this dismisses significant parts of their life, journey, and agency. This discourse leaves out essential aspects of woman's experiences and oversimplifies their experiences, which according to Parreñas' (2011) ethnographic fieldwork includes labour issues, romantic relationships, family relationships and financial stability. Focusing solely on the women's sexual experiences, makes the healing process harder and the label of victim harder to remove. The label 'trafficked' is not useful when discussing the experience these individuals face due to the complexity of the circumstances they face.

Parreñas argues that the individuals she interviews are not trafficked, and are instead labour migrants who face a number of limiting social, political, and economic factors (2011, p. 4). There is no doubt that these migrants *do* face constrained choices, which leave them vulnerable to labour abuses and human rights violations; however, vulnerability does not immediately constitute a trafficked person. Parreñas believes “we cannot reduce their experiences to the structures that shape them” (2011, p. 6). When splitting the current discourse into a sex trafficked person or a migrant, or in similar terms, an either/or discourse, progress that would actually help these individuals is hindered. Additionally, it can discount and cause confusion when their experience does not fit the representative experience. In the case of these individuals, the help they need is not one where their stories are sensationalized or to when they are labeled one way or another, but where they need help with the labour issues they face with employers.

6.4 Sensationalism, Media, and NGOs

As global awareness of sex work and human trafficking has increased, so has the sensationalizing of a trafficking victim’s experiences by the media and anti-trafficking organizations (Bumiller, 2008, p. 8). Not only is the victim’s experience sensationalized in the media, but the media also plays a part in promoting anti-trafficking policy and NGOs. For example, Hollywood actors such as Meryl Streep, Kate Winslet, Anne Hathaway, and Mira Sorvino often use their presence in media to promote human trafficking awareness and legislation with emphasis on a prohibition approach to sex work (Magnanti, 2017, p. 75). The sensationalism surrounding human trafficking gives carceral feminism activists a platform to use to support the carceral state and further campaign for their ideals while being nonstate actors.

The promotion of nonstate actors (e.g. NGOs and outreach projects), leads these nonstate actors to cooperate with carceral institutions in identifying and managing victims or ‘at risk’

individuals (Musto, 2016, p. 8). This alliance allows the scope of surveillance of sex work to greatly widen as both can employ resources to monitor and report suspicious activity. Filipino migrant's paranoia about being reported to the police should not be understated; especially, when it is not only individuals in law enforcement uniforms that can call in a tip or file a report. This is especially significant with today's ease of access to the internet which increases not only the surveillance (Musto, 2016, p. 9), but the ease of access to file a report or call in a tip to the authorities.

In comparison to other types of human trafficking, sex trafficking is the one that draws the most concern from activists, the state, and the media, even though sex trafficking is the less common type (Bernstein, 2017, p. 299). During her ethnographic fieldwork, Bernstein (2017) attended multiple anti-trafficking conferences hosted by carceral feminists who presented nearly identical accounts of a trafficking victim's experience. This account, told from a woman's perspective, describes a disgusting, and degrading, and traumatic experience with forced prostitution that left her infertile (Bernstein, 2017, p. 306). Bernstein (2017, p. 307) notes that the "sheer generality" of this account "suggest that it is at least partially fictionalized and at best a strategically constructed composite case" (Bernstein, 2017, p. 307). The only main difference between the different accounts was the name of the victim. Even though elements described in this representative case given at the conference do happen, it is far from being the most empirically prevalent case (Bernstein, 2017, p. 307).

Representative cases like those described by Bernstein (2017) and Sasaki (2012) have made it to a very large audience. For example, the description of a typical representative case has even made it to the floor of the U.S. Congress. The testimony was given by Laura Lederer, the founder of Protection Project at Harvard University's John F. Kennedy School of Government,

during the 106th Congress. During her time on the floor, Lederer told the story of 16-year-old Lydia, who was fictional, and her friends. In the story, Lydia and her friends are tricked into a vulnerable situation after they expressed interest in a part-time modeling job. In the end, Lydia's ends up drugged and trafficked to an unknown country to be sexually exploited (Sasaki, 2012, p. 244).

Additionally, the media has been a tool to promote carceral state policy. For example, the media has promoted the TVPA to U.S. citizens as a policy that combats sex trafficking. The word 'combat' in the description of this policy is important because it "perpetuates a language of violence and war, bringing in the necessity of masculinity to 'save' the innocent, female, childlike victims from the 'barbaric crime of trafficking'" (Desyllas, 2007, p. 65). The use of the word 'barbaric' is used to illustrate the idea of foreign uncivilized dark-skinned traffickers who trick innocent women into sex trafficking (Desyllas, 2007, p. 65). Overall, the depiction of women from the global south is one that portrays them as victims who are weak and need to be rescued and cared for, which leads to an increase in carceral protectionism in those countries.

6.4.1 NGOs

The U.S. sets the tone on international immigration and has swayed public opinion on the issue. NGOs from the U.S. often promote the notion that sex workers are helpless women who need to be saved and it is a notion that continues today in the contemporary human trafficking discourse. This notion translates to America's goal of going out and saving these helpless women in the global south (Desyllas, 2007, p. 65), and the U.S. provides a massive amount of funding for anti-human trafficking NGOs. For example, in 2010, the National Human Trafficking Resource Center's telephone hotline, which is a project overseen by NGO Polaris Project, received \$3.2 million in funding (Magnanti, 2017, p. 68). In that same year, the hotline only received 471 calls

regarding potential human trafficking cases, with few leading to human trafficking convictions. An independent study on anti-human trafficking NGOs found that as of 2015, fifty of the largest anti-human trafficking NGOs in the U.S. have an estimated annual income of around \$686 million (Magnanti, 2017, p. 71; Moore, 2015). Furthermore, if one would factor in the top 40 groups funded by the U.S. Department of State not already included in the original top 50, the combined budget for anti-human trafficking NGOs would be around \$1.2 billion (Magnanti, 2017, p. 71).

There is a real concern for funding when it comes to NGOs and how that funding is used. This is because the money is used mostly on awareness campaigns instead of victims' services (Magnanti, 2017, p. 72). Furthermore, some sex workers claim some human trafficking NGOs hurt victims of trafficking. This is because they label consensual sex work as trafficking. This labels all sex workers as victims; therefore, this hurts real victims (Nagle, 2017, p. 112). To further this point, an "NGO that forcibly removed women from prostitution in order to 'save' them, has been among those given funding preferences" (Desyllas, 2007, p. 70) from the U.S. government.

Some anti-trafficking NGOs promote the narrative of global south women who need to be saved while leading the carceral state agenda. However, it is interesting to note the different types of groups that are brought together under this carceral state narrative. For example, we often witness abolitionist feminists, carceral feminists, neoconservatives, and religious leaders all working together for the same goal to create human trafficking NGOs with the same viewpoints of abolishing sex work (Desyllas, 2007, p. 64). It is due to the nature of these groups that main anti-trafficking discourse takes on a very anti-sex work lens; thereby, using their voice and resources to influence laws, policy makers, and public opinion in order to push their groups' morals onto people (Nagle, 2017, p. 111).

NGOs often benefit from the idea that organized crime plays a large part in human trafficking. If the problem is stated as one of organized crime, then donations for NGOs are easier to solicit due to the trust of citizens in the organizations involved, as these same citizens lack complete comprehension of the problem. It is important to note, that a 2015 study found that 50 of the most prominent anti-human trafficking NGOs in the U.S. identified as faith-based, but only some stated an actual church affiliation (Moore, 2015). Some conservative faith-based anti-trafficking institutions will create a false narrative by misrepresenting and falsifying statistics in order to stir human emotion and get big donations (Nagle, 2017, p. 112; Moore, 2015). For example, in 2006, the United States Conference of Catholic Bishops (USCCB) was given a multi-year multi-million-dollar contract to distribute funds to subcontracting organizations through the TVPA to assist human trafficking victims. However, due to USCCB religious beliefs, they prohibited the use of those funds to be used for reproductive health care, including emergency abortions, condoms, birth control, and referrals. Ultimately, due to their religious beliefs, the USCCB was given massive amounts of tax payer dollars while refusing to provide services to human trafficking victims. Moreover, in the course of the five and half year contract that awarded \$15.9 million dollars, USCCB kept over \$5.3 million of the funds for “administrative services and expenses” (Nagle, 2017, pp. 116-118). Other examples of conservative faith-based, anti-trafficking organizations include: Bishop Outreach (Nagle, 2017, p. 244), Zoe (Zoe Japan, 2018), Agape International Missions, Christian Organizations Against Trafficking in Human Beings, Faith Alliance Against Slavery and Trafficking, Compassion 2 One, and the Christian Broadcasting Network (Ridder, 2015).

By keeping up the facade of organized crime involvement, human trafficking NGOs can continue to promote the idea of a global south woman at the mercy of some shadowy organized

crime syndicate who needs to be saved. The belief in organized crime involvement allows states and NGOs to lobby for a strong international response to trafficking (Gallagher, 2001, p. 977). It creates a need to keep these NGOs going out and saving women, allowing them to become indispensable to fighting human trafficking; therefore, continuing to need donations and funds.

Some of the pro-abolitionist anti-trafficking NGOs have created the perfect stage for them to express moral outrage while collecting money from their audience (Nagle, 2017, p. 112). These NGOs include the Polaris Project, the Somaly Mam Foundation, the California-based group Not For Sale, Defender Foundation, among many others (Moore, 2015). In 2014, the Somaly Mam Foundation, an NGO from Cambodia, that was once a very successful and high-profile human trafficking NGO (Nagle, 2017, p. 227), was found to be falsifying victims' accounts, as well as, statistics (Nagle, 2017, p. 228; Moore, 2015). While the Somaly Mam Foundation had previously reported that most of the 674 girls the NGO had assisted in 2014 were trafficking victims, an independent study found that at best it was only 49% of the 674 girls. That same independent study also found that most of victims in the Somaly Mam Foundation's care were consensual adult sex workers, while others were labeled as 'at risk' for trafficking (Moore, 2015). With their heavy influence, these human trafficking NGOs contribute to the myth and seek to serve a political function in order to provide a vision of the group's version of their ideal society. Furthermore, this society idealized by these NGOs is often judged by global north standards, due to the background of the NGOs.

Over the years, global north NGOs have extended their reach and help into Japan and influenced other Japanese NGOs. A prominent international anti-trafficking NGO, the Polaris Project, has been working in Japan to help victims of sex trafficking since 2004 (Polaris Project Japan, 2018). Polaris Project, originally founded in 2002, was named after the North Star, which

is historically known in the U.S. to guide people to freedom during their attempts to escape slavery (Polaris Project, 2018). Polaris Project Japan was originally developed by Japanese staff at Polaris Project Washington D.C. and now works with networks to fight human trafficking. These networks include victim outreach, law enforcement, public awareness campaigns, as well as running a multi-lingual hotline that provides victim support (Polaris Project Japan, 2018). Former Polaris Project employee, Shihoko Fujiwara, went on to form the Lighthouse: Center for Human Trafficking Victims, a non-profit organization based in Tokyo. Like Polaris Project, Lighthouse offers a hotline to call as well as working with “parents, social workers, lawyers, politicians, and bureaucrats from local government and the Ministry of Health, Labor, and Welfare” (Fujiwara, 2018). They cite that their case load has doubled in recent years and that they have received many cases involving *enjo-kosai*.

Zoe, another international NGO, also has a branch in Japan. However, this NGO has an evangelical Christian background, and cites that one of the goals of Zoe Japan is “to share the Good News about Christ to those who have never heard about Jesus” (Zoe Japan, 2018). This NGO is particularly worried about the trafficking of children and focuses on prevention, rescuing, and restoration. Zoe Japan’s educational awareness prevention is done in churches, schools, local law enforcement, and communities. This NGO cites that Japan has a human trafficking problem and a large portion of it is *enjo-kosai* sex trafficking. Therefore, similar to Lighthouse, Zoe Japan is concerned with the trend of *enjo-kosai* and the targeting of Japanese women and girls online and in public spaces (e.g. subways, malls, schools, youth hangouts). Both featured members on Zoe Japan’s website have strong Christian backgrounds. Hiromi Hataji’s featured profile says “She started praying for God to show her His way and open the next door. When she heard about Zoe’s

vision of establishing Zoe Japan, rescuing children from human trafficking, she was very excited...” (Zoe Japan, 2018).

6.5 Carceral Feminism and Migrants

The U.S. has called human trafficking one of the “two greatest perceived threats to democracy” (Parreñas, 2011, p. 51). The initial passage of the TVPA in 2000 placed heavy emphasis on sex trafficking and ‘the aspirational morality’ of the anti-prostitution movement and the quest to insure the feminine respectability of migrant women had been strong motivations in the passage of this law” (Parreñas, 2011, p. 52). These motivations continue into today’s carceral feminism. Carceral feminists with the social and political resources dominate the contemporary human trafficking discourse and are able to promote carceral state policies at the international level. However, rather than recognizing structural factors (e.g. poverty, unemployment, etc.) and masculinist institutions (e.g. big business, the state, police, and criminal justice system) as being responsible for trafficking, carceral feminists shift the blame to “individual (often racially coded) men” (Bernstein, 2017, p. 302).

Carceral feminism creates an image of the stereotypical individual involved in the global south sex industry. This image is one in which the women are from an impoverished global south country and are victims of male violence. In the global north’s imagination, individuals in the global south’s sex industry are oppressed, coerced, abducted, enslaved, damaged, and in need of saving, and are physically “young, brown, Asian, or black” (Desyllas, 2007, pp. 64, 71-72). Additionally, these women are infantilized, and often portrayed as having no agency or power; therefore, the global north must intervene and rescue them (Desyllas, 2007, p. 72).

Carceral feminism’s anti-prostitution stance is seen in their depiction of sex workers in the global south versus their depiction of sex workers in the global north who freely enter the sex

trade. The individuals in the global north are symbolized by their privilege and immorality (Desyllas, 2007, p. 64). They are sexually promiscuous; therefore, the carceral state classifies them as dangerous and failed citizens (Lamble, 2013, p. 248). These depictions and stereotypes create a system of guilty versus innocent – a dichotomizing of good versus bad. The good are the innocent global south women who lack agency and deserve protection, and the bad are the guilty women in the global north who are targets of the carceral state.

Bernstein (2017, pp. 297, 305-306) describes carceral feminists as white, middle class, evangelical, and professional women, who have teamed up with powerful state institutions “in order to save brown women from brown men” (Bernstein, 2017, p. 302). Moreover, NGOs in the global north are often run by individuals of privilege (i.e. white and middle-class) who are more likely to have similar opinions as carceral feminists. These two groups from the global north believe institutions are allies and saviors of migrants (Bernstein, 2017; Musto, 2016), and view the legal system as a source of protection (Lamble, 2013; Musto, 2016). However, scholars (Cameron & Newman, 2013; Parreñas, 2011; Raymond, et al., 2002) found that the Filipino migrants they interviewed had a very different opinion of the legal system and institutions from individuals in the global north.

6.6 Conclusion

There is a fundamental difference in understanding between the global north citizens and global south citizens when it comes to the carceral state and its institutions. It is not uncommon for a migrant and those considered sexually promiscuous to experience an increase in policing under the carceral state where they are often easily labeled as criminals. When an individual's existence is criminalized due to either their job or residency status, they fear those institutions that can punish them instead of looking to them for protection. The criminalized individual who is at

higher risk of violence by others due to their status is *also* at risk of violence by the very institutions that are supposed to protect them. This is a contrast with the belief of middle-class individuals in Western democracies who believe that government institutions are used to protect them and provide security.

These fundamental differences create a number of problems for Filipino migrant entertainers as this section documents. Japan's policy is influenced by the U.S.'s promotion of the carceral state and this directly affects Filipino migrant entertainers' lives. By looking at the migrants' experience a complex situation emerges, but what is clear is that policy on immigration, sex work, and human trafficking affects them. These effects, although intended to protect migrant entertainers, has made the situation more dangerous as they are criminalized and made invisible. Individuals and NGOs in the global north continue to have the most political power and reach, with the loudest voice in the contemporary human trafficking discourse. Through this discourse, the Filipino migrants' complex situations are flattened, and their voices are minimalized. This is unfair to them, as they are the experts in the area because they live it.

Chapter 7: Conclusion

Examining Japan's human trafficking policy through the critical lens of the carceral state and its effects on sex trafficking policy toward Filipino migrant entertainers, this thesis has demonstrated the importance of fully understanding the historical development of current sex trafficking policy and public perception of it. It has also called for more nuanced understanding of how the carceral state has impacted on individual lives. I have first traced how the U.S. uses the TIP report as a medium to promote carceral state ideology to other countries including Japan. The TIP report is particularly effective with Japan due to Japan's desire to avoid shame from the international community. I have also discussed the ways that the U.S.-centered carceral state

ideology contributes to Japan's policy making and human trafficking laws that results in regulating immigration and legitimizing Japanese law enforcement. My thesis has integrated these macro frameworks into the analysis of These larger framework led to better understanding of micro level impacts on individual lives in the sex industry. My research has found that the US promotion of the carceral state has affected Filipino migrant entertainers greatly. Furthermore, this thesis has illuminated the ways that the current laws in Japan are not only ineffective at protecting migrants but also making their lives more vulnerable. For example, multiple experiences documented in this thesis have showcased increased criminalization of individuals, fear and mistrust of carceral institutions, and increased risk of exploitation. Thus, laws that are meant to protect vulnerable populations go against the end as a result from the lack of the voices of migrants themselves. Their lived experiences often remain unheard in the discussions even though they are the ones who are most affected.

Currently, the U.S. is setting the trafficking agenda for the rest of the world. This is evident on multiple fronts, including carceral feminists who shape global contemporary human trafficking activism, the global influence of the TIP reports, and U.S. based NGOs. This paper documented the change in Japan's laws as a result of the U.S.'s promotion of the carceral state policies through the TIP report. This influence has led to the establishment of new anti-trafficking laws and regulations in Japan that are dangerous for sex worker entertainers. This paper documented the dangers sex worker migrants face in the wake of these new policies and regulations. Furthermore, showing that a criminalized existence has further isolated and caused harm to them. There needs be a greater understanding of just how important it is to let marginalized groups speak for themselves and set their own agendas based on their own experiences. This paper has shown that

the experience of migrant sex workers in Japan is complex, but they continue to be vulnerable to labour abuses under the current policies.

Maybe there isn't a clearly defined line between consensual sex work and trafficking, and instead it is all a very grey area. Asking for a defined line makes it so people in the sex industry must define their experience as one or the other before being allowed to ask for anything or even speak about their lives. However, their experience does not fit inside a box. Instead of making sex workers categorize experiences as "coerced" or "consensual," create a public discussion that focuses on factors that make the sex industry and sex workers' experiences better or worse and more safe or less safe. Sex worker advocate, Lee, suggests to ask questions such as: what was the difference between experiences of violence, experiences of coercion, and experiences where personal boundaries were respected? What do those experiences look like when talking about sexual labour rather than about sexuality or personal desire? This is knowledge already gained and discussed by migrants and sex workers and would be useful to making policy that would benefit all regardless of circumstance (Lee, 2019).

It was my hope that this thesis provides a critical lens for the contemporary human trafficking discourse and promotes a dialogue that allows sex workers to talk about the complexity of their situations and identities. Understanding the complexity of their situations should allow countries to promote and create policy that keeps sex workers *and* victims safe from both the abusers who seek to harm them and the institutions that seek to exploit them. Thus, my ultimate goal lies in spurring future research regarding the effects of carceral state ideology on other countries.

I recommend that Japan focus on labour laws and let sex workers and migrants lead the discussion and work towards the decriminalization of sex work. The research on the documented

experiences of Filipino migrant entertainers shows that criminalization makes migrant sex workers less safe and more isolated. In addition, Japan should make entertainer visas easier to obtain and write policy with sex workers' voices in mind. Japan should insure that entertainers are covered under existing labour laws to reduce the risk of exploitation and insure that the Japanese governmental provide ways for migrants, including those in the sex industry, to document and register the complaints about labour and working conditions.

While I think decriminalization of sex work is a good step forward for countries to take. I think there also needs to be an emphasis placed on the gender gap. It is important to remember that minorities and women make less money than white cis-males; however, the living expenses remain the same across all groups. This gap in income and living expenses must be accounted for somewhere and minorities and women tend to make up their income in the cash-based informal sector of the economy. As a society, we need to work to close the gender gap to ensure that extra financial burden is not placed unfairly on groups of individuals.

7.1 Suggestions for Future Research

Further research data is needed particularly from empirical studies that include interviews of women from both the global south and the global north who have experienced trafficking and sex work. For example, these interviews should include women who are helped by rescue NGOs, women who have been more than smuggled but less than trafficked (Elliott, 2015), those currently working in difficult labour conditions, those under contract, and those who crafted their way in the sex industry individually. By drawing on multiple different experiences, a more detailed and clearer picture of the relationship between human trafficking and sex work can emerge. The inclusion of multiple experiences has the ability to have a diverse sample and future research should strive for this. Research should investigate the individual experiences of such individuals

and draw correlations between experiences while giving these individuals a voice. Additionally, more ethnographic research would be beneficial to completely encompass the complexity of the situations of migrant sex workers. Scholars like Parreñas (2011), as well as Yea (2015), whose ethnographic work was based in Korea, have done extensive ethnographic fieldwork on Filipino entertainers, and both provided a very different perspective on Filipino migrant entertainers. This perspective is very different from the contemporary discourse put forward in the human trafficking discussion.

Further studies that document violence committed by police are needed. Migrants and sex workers alike have a deep mistrust of government and law enforcement. Overall, this mistrust comes from the government's discriminatory policy that criminalizes their existence and their experience with corrupt officials. Additionally, for sex workers there is severe mistrust of law enforcement. A 2012 study conducted on the sex trade in Chicago found that 30 percent of the violence perpetrated against young sex workers was by police officers (Nagle, 2017, p. 96). Studies like this are critical to understanding the relationship and mistrust between law enforcement, sex works and migrants, and more studies are needed that explore these relationships. Studies on these relationships would also contribute to literature on the relationship between government corruption and human trafficking.

It is also important to examine violence against sex workers more in-depth from the sex workers' perspective. It is undeniable that violence is committed against women in the sex industry, and there needs to be more research in this area to understand how to protect women from violence. Such a research needs to include both the physical and emotional violence committed by customers, law enforcement officers, as well as both state and nonstate institutions

and policy. Understanding the way violence is committed against sex workers is the first step to implementing actions to stop it.

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Appendix A: 2018 TIP Report Rankings

TIER 1

ARGENTINA	CHILE	GEORGIA	LUXEMBOURG	SLOVENIA
ARUBA	COLOMBIA	GERMANY	NETHERLANDS	SPAIN
AUSTRALIA	CYPRUS	GUYANA	NEW ZEALAND	SWEDEN
AUSTRIA	CZECH REPUBLIC	ISRAEL	NORWAY	SWITZERLAND
THE BAHAMAS	DENMARK	ITALY	PHILIPPINES	TAIWAN
BAHRAIN	ESTONIA	JAPAN	POLAND	UNITED KINGDOM
BELGIUM	FINLAND	KOREA, SOUTH	PORTUGAL	UNITED STATES OF AMERICA
CANADA	FRANCE	LITHUANIA	SLOVAKIA	

TIER 2

AFGHANISTAN	CROATIA	KAZAKHSTAN	NEPAL	TANZANIA
ALBANIA	CURAÇAO	KENYA	OMAN	THAILAND
ANTIGUA & BARBUDA	DJIBOUTI	KOSOVO	PAKISTAN	TIMOR-LESTE
ARMENIA	DOMINICAN REPUBLIC	LATVIA	PALAU	TONGA
AZERBAIJAN	ECUADOR	LEBANON	PANAMA	TRINIDAD & TOBAGO
BARBADOS	EGYPT	LESOTHO	PARAGUAY	TUNISIA
BENIN	EL SALVADOR	MACEDONIA	PERU	TURKEY
BOTSWANA	ETHIOPIA	MALAWI	QATAR	UGANDA
BRAZIL	GHANA	MALTA	ROMANIA	UKRAINE
BRUNEI	GREECE	MARSHALL ISLANDS	RWANDA	UNITED ARAB EMIRATES
BULGARIA	HONDURAS	MAURITIUS	ST. LUCIA	URUGUAY
BURKINA FASO	ICELAND	MEXICO	ST. VINCENT & THE GRENADINES	VIETNAM
CABO VERDE	INDIA	MICRONESIA	SERBIA	ZAMBIA
CAMBODIA	INDONESIA	MOLDOVA	SINGAPORE	
CAMEROON	IRELAND	MOROCCO	SOLOMON ISLANDS	
COSTA RICA	JAMAICA	MOZAMBIQUE	SRI LANKA	
COTE D'IVOIRE	JORDAN	NAMIBIA		

TIER 2 WATCH LIST

ALGERIA	ESWATINI	IRAQ	MONGOLIA	SOUTH AFRICA
ANGOLA	FIJI	KUWAIT	MONTENEGRO	SUDAN
BANGLADESH	THE GAMBIA	KYRGYZ REPUBLIC	NICARAGUA	SURINAME
BHUTAN	GUATEMALA	LIBERIA	NIGER	TAJIKISTAN
BOSNIA & HERZEGOVINA	GUINEA	MACAU	NIGERIA	TOGO
CENTRAL AFRICAN REPUBLIC	GUINEA-BISSAU	MADAGASCAR	SAUDI ARABIA	UZBEKISTAN
CHAD	HAITI	MALAYSIA	SENEGAL	ZIMBABWE
CUBA	HONG KONG	MALDIVES	SEYCHELLES	
	HUNGARY	MALI	SIERRA LEONE	

TIER 3

BELARUS	CHINA (PRC)	EQUATORIAL GUINEA	LAOS	SYRIA
BELIZE	COMOROS	ERITREA	MAURITANIA	TURKMENISTAN
BOLIVIA	CONGO, DEMOCRATIC REP. OF	GABON	PAPUA NEW GUINEA	VENEZUELA
BURMA	CONGO, REPUBLIC OF	IRAN	RUSSIA	
BURUNDI		KOREA, NORTH	SOUTH SUDAN	

SPECIAL CASE

LIBYA	ST. MAARTEN	SOMALIA	YEMEN
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(U.S. Department of State, 2018, p. 54)

Appendix B: List of Abbreviations

- TIP report – Trafficking in Persons Report
- NGOs – Non-governmental Organizations
- LGBT+ - Lesbian, Gay, Bi, Transgender, Questioning, and Intersex
- CATW – Coalition Against Trafficking in Women
- UN – United Nation
- TVPA – Trafficking Victims Protection Act
- TVPRA – Trafficking Victims Protection Reauthorization Act
- WCO – Women’s Consulting Offices
- TITP – Technical Intern Training Program
- UNTOC – United Nations Convention against Transnational Organized Crime
- JK – *joshi-kōsei*
- SWASH – Sex Workers and Sexual Health
- FOSTA - Fight Online Sex Trafficking Act
- USCCB - United States Conference of Catholic Bishops