

Protecting Filipino Overseas Performing Artists (OPAS) Against Trafficking and Prostitution

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Mary Joy dreams of becoming a teacher. Due to poverty and lack of economic opportunity she came to Japan to work as entertainer. She recalled that she was made to go out on afternoon dates with customers for the fear of losing her salary and discontinuation of her contract. She was also forced to wear sexy clothes to attract patrons.

Lydia came to Japan as a professional singer. Like many young Filipina women, she came to Japan in the hope of earning and sending money to her parents. She laments that the bar manager did not follow the specific provisions of her contract. Illegal practices like outside contract stipulations and cleaning the club were made part of their job as entertainers.

These accounts of two Filipinas are not very different from those of other young women from the Philippines and other countries who have been victimized by trafficking and prostitution in Japan. It is evident that if these women had viable employment in their countries, they would not have been victimized. On the other hand, significant measures to protect overseas workers are necessary to prevent exploitation of women. And these measures also demand cooperation and collaboration between sending and receiving countries.

The issue of human trafficking should be viewed in the context of gender inequality and the traditional female roles in the family and society. The emergence of the gendered labor market and a worldwide feminization of labor migration resulted in a migration pattern whereby women are trafficked for domestic labor/slavery and slavery-like practices, marriage, prostitution and other forms of sexual exploitation.

The adoption of the UN Convention Against Transnational Organized Crime, including its Optional Protocol, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, is a major milestone in the effort to promote the rights of trafficking victims. The Philippine government in October 2001 joined the ranks of those nations which ratified this Optional Protocol. In May 2003, Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003 was signed into law. The Philippine Anti-Trafficking law is considered to be one of the most comprehensive and progressive laws that protect women and children from trafficking.

Japan for its part has also taken serious steps to address the issue of trafficking in persons. In December 2004, the Japanese Diet enacted Law 73, amending the

Immigration Control and Refugee Recognition Act. The new Japanese immigration policy intends to stop illegal recruitment and human trafficking in the country. The new immigration policy amended the requirements for landing permission for persons with the status of “entertainer”. It means that the government of Japan will no longer only accept the Artists Accreditation Certificate (AAC) as a fulfillment for criteria for entertainers, which is being issued by the Philippine government testifying that the holder is an authentic artist. The new rule requires entertainers to possess two (2) years of relevant schooling or two (2) years experience as an entertainer outside Japan. The policy would have no influence on Filipinos who already have entered Japan and have been working lawfully. Presently there is no numerical limitation for entertainers.

Non-government organizations (NGOs) working on the issue of trafficking took these developments as an opportunity to point out various problems encountered by Filipino entertainers in Japan. Various research conducted by NGOs like the Development Action for Women's Network (DAWN) and the Coalition Against Trafficking in Women-Asia Pacific (CATW-AP) revealed that trafficking and prostitution happen despite the available legal channels for entry. The NGOs believe, however, that the new immigration policy of Japan will eventually result in the strengthening and professionalization of the entertainment industry and eventually weed out the undesirable and exploitative aspects of the business.

Last February 2, 2005 the NGO network working on trafficking and migration held a public dialogue on the new Japanese Immigration Policy and its effects on the OPAs. Invited as one of the guest speakers was *Minister Masaru Watanabe, General Affairs of the Japanese Embassy in the Philippines*. Mr. Watanabe presented the overview of the Japanese Action Plan of Measure to Combat Trafficking in Persons. “This Action Plan is a serious step on the part of the government of Japan to address the issue of trafficking,” Mr. Watanabe stated.

The Action Plan adopts the progressive definition of human trafficking as provided for in Article 3 of the UN Trafficking Protocol. It adheres to the following important point of actions: ‘(1) victims of human trafficking are eligible for protection and careful response are to made on the different conditions of victims; (2) criminal laws need to be amended to reflect the gravity of the crime; (3) step up preventive measures against trafficking in persons by coordinating with various systems and structures that may have played a part in making trafficking in Japan easier.’

In a more recent development to step-up national interventions to curb trafficking in persons, President Gloria Arroyo issued Executive Order No. 406 on February 8, 2005, creating a Special Task Force on Human Trafficking concerns. It is principally mandated to establish friendly and cordial relations through dialogues with Japanese authorities with respect to the status and welfare of Filipino entertainers in Japan affected by Japan's new immigration policy.

Given the mutually reinforcing measures between Japan and Philippines, it is expected that better safeguards will be accorded for the protection of the dignity of OPAs and for the improvement of the mutual cooperation between Philippines and Japan.

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