

MATRIX 2: SUGGESTED LEGISLATIVE REQUIREMENTS NECESSARY FOR SUCCESSFUL PROSECUTION, PROTECTION OF VICTIMS AND EXTRA-TERRITORIAL COOPERATION IN RELATION TO PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

KEY

Interception strategies (column 4) includes listening devices or other special investigation techniques

JAPAN

CRIMINALISATION OF PS AND PT		EXTRADITION and MUTUAL ASSISTANCE LEGISLATION		INTERCEPTION STRATEGIES	CRIMINALISATION OF PROCEEDS OF CRIME AND MONEY LAUNDERING		CRIMINALISATION OF THE PROCUREMENT AND/OR PRODUCTION OF FRAUDULENT DOCUMENTS
PS	PT	Extradition legislation	Mutual Assistance legislation	Special investigation techniques including listening devices	POC	ML	
Conspiracy	Conspiracy						
Attempting	Attempting						
Aiding/Abetting	Aiding/Abetting						
Organised crime	Organised crime						
Commercial carrier responsibility	Commercial carrier responsibility						
Extra-territoriality	Extra-territoriality	Treaty required	Treaty required				
PENALTY	PENALTY	Nationals	Dual Criminality	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling
		Any bars to PS and/or PT	Any bars to PS and/or PT				
C	C	The Law of Extradition	Law for International Assistance in Investigation	The Law concerning Interception of Electronic Communications in Criminal Investigation	The Law Concerning Punishment of Organised Crime, Control of Crime Proceeds and Other Matters	The Law Concerning Punishment of Organised Crime, Control of Crime Proceeds and Other Matters	Trafficking and Smuggling: Immigration Control Act (Art 74-6) – a person who has made illegal entry easier by offering a passport or a crew man’s pocket ledger which is invalid to the holder or fraudulent documents
Y	Y						
Y	Y						
Y	Y						
Y	Y	NT	NT				

<p>Headquarters to Counter International Organised Crime</p> <p>Ministry of Foreign Affairs (Consular and Migration Affairs Department) and Ministry of Justice (Immigration Bureau) exchange information on passports etc.</p> <p>National Police Agency work closely with the Immigration Bureau of the Justice Ministry and the Japan Coast Guard</p> <p>Strengthening cooperation among related agencies</p>	<p>No formal provision however exchanges of information on human smuggling in the Northeast Asia region have been promoted through the ICPO working level meeting between China, Korea and Japan.</p> <p>Japan also exchanges information with countries of origin in instances of people trafficking.</p> <p>Success: In 2002, a person involved in trafficking in persons was arrested due to information provided by the Colombian Embassy</p> <p>The Japan Coast Guard is currently seeking to establish a mechanism for information exchange with its counterparts in ROK, Russia, China, Canada and USA (high Level Meetings of Coast Guard Agencies in the Northwestern Pacific Region).</p> <p>The Immigration Bureau extends international cooperation on travel document fraud</p>	<p>N</p>	<p>N TPV but the Immigration Control Act does provide that a person who is liable for deportation may be given special permission to stay by Minister of Justice if there are special circumstances:</p> <ul style="list-style-type: none"> - A person detained under a detention order or deportation order may be accorded provisional release under certain conditions but are not allowed to stay temporarily merely because they are smuggled or trafficked persons. <p>Note: There is currently a bill before the House of Representatives Judicial</p>	<p>Charges still apply unless prosecutor decides prosecution unnecessary because situation of offender, gravity of the offence, or circumstances under which the offence was committed</p>	<p>N</p>	<p>Basic Plan for Immigration Control provides that:</p> <ul style="list-style-type: none"> - Management and utilisation of the immigration information of foreigners, the improvement of the examination technology of forged documents, the reinforcement of apprehension of pernicious cases in which brokerage organisations are involved, the execution of education activities toward employers, the reinforcement of the connection with National Police Agency and other organisations concerned and the construction of cooperation framework with international organisations concerned shall be executed as measures against illegal steers 	<p>Held several large scale symposiums on trafficking in children</p>	<p>Basic Plan for Immigration Control</p> <p>Major increase in the number of immigration officers and inspectors that has been approved for 2002</p>	<p>Stringent entry-departure examinations whereby can acquire entry-departure records from an integrated database within one day</p>
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	<p>No formal arrangement for law enforcement cooperation however the Immigration Bureau and the National Police Agency have been working on establishing a system of regional cooperation and sharing of information.</p> <ul style="list-style-type: none"> - Japan's Immigration Bureau is extending international cooperation to build a system to respond to direct enquiries on the confirmation of travel documents from Japan's seaports and airports through the channel of foreign embassies in Tokyo and the Hong Kong Immigration Office - National Police Agency of Japan has undertaken joint searching operations 5 times with the Chinese investigation authorities and twice in 2001 with the Korean investigation authorities. 	N	<p>Committee to amend the Immigration Control And Refugee Act in order to alter the laws regarding the processing of refugee and asylum seekers to enable applicants to stay in Japan until a decision is reached on their status</p>						
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