

JAPAN (2017-2019)
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017-2019 ARs: Yes, the Government conducted consultations with the Japan Business Federation (KEIDANREN) and the Japanese Trade Union Confederation (JTUC-RENGO) in writing.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	2017-2019 ARs: Observations by JTUC-RENGO.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Japan has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017-2019 ARs: Further study is needed concerning the consistency between the provisions of the Protocol and national laws and regulations.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2016-2019 ARs: The Government of Japan drew up the "Japan's 2014 Action Plan to Combat Trafficking in Persons", including measures against trafficking in persons for the purpose of exploitation (including forced labour), and has made efforts towards the current situation assessment and prevention of trafficking in persons, promotion of identification of trafficking victims, eradication of trafficking in persons, protection and support of trafficking victims, and establishment of foundations for promotion of measures against trafficking in persons. The relevant government agencies involved are the Cabinet Secretariat, the Cabinet Office, the National Police Agency, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Japan Coast Guard.	
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent forms of forced labour	<p>2019 AR: The measures taken include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers; b) Strengthening and broadening of the coverage of legislation, particularly labour law; c) Regulation and supervision of the labour recruitment and placement process; d) Supporting due diligence by the public and private sectors; e) Addressing the root causes that perpetuate forced labour; f) Education/vocational training; and g) Capacity building for the competent authorities.</p> <p>2017-2018 ARs: The Japan Legal Support Center provides legal support to victims for trafficking persons and popularizes the legal support. In September 2015, the Immigration Bureau of Japan listed on its website the contact points for consultation and providing information relating to trafficking in persons in eight languages, and in January 2016, posted information about victim protection policies and procedures etc. in eight languages in order to increase awareness of victim protection measures. The Immigration Bureau of Japan has designated June of every year as</p>	

		<p>the month for Illegal Work Prevention Campaign. During the campaign, it distributes leaflets at reception counters for the residence examinations, air and seaports, and in front of main stations, calling for cooperation, particularly among business operators, to prevent illegal employment. At the same time, it also requests the cooperation of the relevant ministries and agencies, local public organizations, and employer associations, etc., and carries out activities such as publication on websites and issuance of press releases in order to raise awareness for the prevention of illegal employment. The Labour Standards Inspection Offices across Japan have organized briefing sessions aimed at disseminating information and educating supervisory organizations and technical training institutions on the labour standards related laws. Once a year since 2004, the National Police Agency has held contact point meetings for trafficking in persons, and exchanging views and information with embassies in Tokyo, the relevant ministries and agencies, municipalities, NGOs, and the International Organization for Migration (IOM). The Government has made efforts to prevent and eradicate trafficking in persons through the thoroughly strict immigration control and residence management, awareness-raising activities and outreach to the demand side and active crackdown for vicious employers and brokers. The Government has made efforts to promote education in order to develop respect for human rights through both school education and social education. The police, the Immigration Bureau, the Labour Standards Offices and other relevant administrative agencies have strengthened their cooperation. Also, technical and practical trainings on methods of identifying, protecting and supporting trafficking victims have been provided to relevant officers so that they can acquire the knowledge and skills necessary to promote measures for trafficking in persons.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2019 AR: The measures taken include: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Material assistance for victims; d) Measures for the rehabilitation and social and professional reintegration of victims; e) Protection of privacy and identity; f) Appropriate accommodation; g) Specific measures for children and migrants.</p> <p>2017-2018 ARs: Based on the “Japan’s 2014 Action Plan to Combat Trafficking in Persons”, technical and practical trainings on methods of identifying, protecting, and supporting trafficking victims have been provided to relevant officers so that they can acquire the knowledge and skills necessary to promote measures for trafficking in persons. The Labour Standards Law prescribes “Employers shall not force Workers to work against their will through the use of physical violence, intimidation, confinement, or any other means which unfairly restrict the mental or physical freedom of said Workers”, and it protects for workers. The Penal Code prescribes “A person who kidnaps another by force or enticement for the purpose of profit, indecency, marriage or threat to the life or body shall be punished by imprisonment with work for not less than 1 year but not more than 10 years” and “A person who delivers, receives, transports or hides a person who has been kidnapped by force or enticement or has been bought or sold, for profit, indecency, or threat to the life or body, shall be punished by imprisonment with work for not less than 6 months but not more than 7 years”. The Immigration Control and Refugee Recognition Act prescribes “Minister of Justice may grant special permission for landing to the foreign national concerned if he/she has entered Japan under the control of another due to trafficking in persons”. These law are conducive to legal protection of victims. Additionally, the Technical Training Act establishes regulations prohibiting acts that infringe the human rights of technical intern trainees etc. and the required penalties for violations, and puts in place measures relating to the protection etc. of technical intern trainees including appropriate response to issues raised and reported by technical interns trainees, and liaison and coordination relating to transfers/relocations of technical intern trainees. Women’s Consultation Offices promote cooperation with the relevant administrative agencies, foreign embassies in Tokyo, IOM, and NGOs to supply clothing, food and residence to female victims, establish a night guard system, and improve support for the protected victims according to their conditions. If the victim is a child, the Women’s Consultation Offices cooperate with Child Guidance</p>

		<p>Centers to take appropriate protective measures, if needed. In addition, if a private shelter is likely to give more appropriate protection, the Women’s Consultation Offices temporarily entrust the protection to the private shelter. The Government of Japan improves further the voluntary repatriation and social reintegration program for the foreign victims of trafficking in persons (conducted by IOM). In cooperation with the embassies of their home countries in Tokyo, their governments and NGOs, the most suitable supports will be provided for the victims’ smooth return to their countries, their social reintegration after returning home, and the prevention of their revictimization. The Government of Japan makes efforts to take a proper care of the situation of victims, such as giving attention to victim’s requests for consultation, interviews with the victims, and other criminal procedures. Women’s Consultation Offices promote cooperation with the relevant administrative agencies, foreign embassies in Tokyo, IOM, and NGOs to supply clothing, food and residence to female victims, establish a night guard system, and improve support for the protected victims according to their conditions. If the victim is a child, the Women’s Consultation Offices cooperate with Child Guidance Centers to take appropriate protective measures, if needed. In addition, if a private shelter is likely to give more appropriate protection, the Women’s Consultation Offices temporarily entrust the protection to the private shelter. Child Guidance Centers provide the victims with mental care and treatment. For example, if needed, the Centers have child psychologists interview with the victims and have doctors diagnose the victims. The Government of Japan permits a renewal of the period of stay or a change in the status of residence for the victims, and gives special permission to stay in Japan to stabilize the legal status of the victims.</p> <p>2016 AR: The Labour Standards Law provides that “Employers shall not force workers to work against their will through the use of physical violence, intimidation, confinement, or any other means which unfairly restrict the mental or physical freedom of said workers.” The Penal Code provides that “A person who kidnaps another by force or enticement for the purpose of profit, indecency, marriage or threat to the life or body shall be punished by imprisonment with work for not less than 1 year” and “A person who delivers, receives, transports or hides a person who has been kidnapped by force or enticement or has been bought or sold, for profit, indecency, or threat to the life or body, shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.” The Immigration Control and Refugee Recognition Act provides that “Minister of Justice may grant special permission for landing to the foreign national concerned if he/she has entered Japan under the control of another due to trafficking in persons.” These laws provide legal protection to the victims. Women Consultation Offices (WCOs) promote cooperation with the relevant administrative agencies, foreign embassies in Tokyo, IOM and NGOs supplying clothing, food and residence to female victims, establish a night guard system, and improve support for the protected victims according to their conditions. If the victim is a child, the WCOs cooperate with Child Guidance Centers to take appropriate protective measures if needed. In addition, if a private shelter is likely to give more appropriate protection, WCOs temporarily entrust the protection of the private shelter. The Government also implements counselling and medical care. The Government of Japan further improves the voluntary repatriation and social reintegration program for the foreign victims of trafficking in persons (conducted by IOM). In cooperation with the embassies of their home countries in Tokyo, their governments and NGOs, the most suitable supports will be provided for the victims’ smooth return to their countries, their social reintegration after returning home and the prevention of their re-victimization.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2019 AR: The measures taken include: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Access to remedies and compensation; and d) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges.</p> <p>2017-2018 ARs: The Japan Legal Support Center provides free</p>

		<p>information on legal systems and appropriate authorities or organizations. For victims who are not financially capable, the Japan Legal Support Center provides free legal consultations (Legal Consultation Aid), as Civil Legal Aid. When victims who meet a certain set of requirements, the Japan Legal Support Center makes an advance payment of fees for attorney's services (Representation Aid and Documentation Aid), as Civil Legal Aid. The relevant administrative agencies established "Law Enforcement Task Force against Trafficking in Persons", and have shared information on human trafficking-related cases for the purpose of exploitation (including forced labour); awareness-raising. Every year since 2005, the National Police Agency has produced leaflets in multiple languages calling for people to report to the police on victimization, with the aim of finding victims of trafficking in persons. These leaflets are distributed to the relevant ministries and agencies, embassies in Tokyo and NGOs, and also placed in places that can easily catch the eyes of victims. In November 2016, 292,450 sets of leaflets in nine languages were produced and distributed.</p> <p>2016 AR: The Japan Legal Support Center (JLSC) provides legal support to victims of trafficking in persons and popularizes the legal support. The Immigration Bureau of Japan listed on its website the contact points for consultation and providing information relating the trafficking in persons in nine languages, and in January 2016 posted information about victim protection measures. The Immigration Bureau of Japan has designated June every year as the month for Illegal Work Prevention Campaign. During the campaign, it distributed leaflets at reception counters for the residence examinations, air and seaports, and in front of main stations, calling for cooperation, particularly among business operators, to prevent illegal employment. At the same time, the Bureau also requests the cooperation of the relevant ministries and agencies, local public organizations, and employer associations etc. and carries out activities such as publication on websites and issuance of press releases in order to raise awareness for the prevention of illegal employment. The Labour Standards Inspection Offices across Japan have organized briefing sessions aimed disseminating information and educating supervisory organizations and technical training in institutions on the labour standards related laws. For the victims who are not financially capable, the Japan Legal Support Center provides free legal consultations (Legal Consultation Aid) as Civil Legal Aid. When the victims meet certain set of requirements, JLSC makes an advance payment of fees for attorney's services (Representation Aid and Documentation Aid). Regarding a foreign victim, if a victim is lawfully staying in Japan, taking the victim's position into full consideration, and based on the victims wishes, the Immigration Bureau should permit a renewal of the period of stay or a change in the status of residence. If the victim is unlawfully staying in Japan due to a violation of the Immigration Control Act, the Immigration Bureau should give special permission to stay in Japan to stabilize the legal status of the victim.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2019 AR: Relevant organizations such as the Cabinet Secretariat, the National Police Agency, the Immigration Services Agency, and the Japan Coast Guard, make effort to strengthen cooperation by exchanging their viewpoints and information and providing training programs with NGOs, the International Organization for Migration (IOM), and other entities through the Contact Point Meeting on Trafficking in their daily works. The National Police Agency also distributes leaflets to NGOs, IOM, and other entities and calls for cooperation.</p> <p>2017-2018 ARs: The Government is further strengthening cooperation with Southeast Asian countries, in order to educate about trafficking in persons, and exchange of opinions between relevant government agencies and NGOs will continue.</p>

	Promotional activities	<p>2016 AR: Once a year since 2004, the National Police Agency has been holding contact point meetings for trafficking in persons, and exchanging views and information with embassies in Tokyo, the relevant ministries and agencies, municipalities, NGOs, and the International Organization for Migration. The Government has made efforts to prevent and eradicate trafficking in persons through the thoroughly strict immigration control and residence management, awareness-raising activities and outreach to the amend side and active crackdown for vicious employers and brokers. The Government has made efforts to promote education in order to develop respect for human rights through both school education and social education. The police, the Immigration Bureau, the Labour Standards Offices and other relevant administrative agencies have strengthened their cooperation. Also, technical and practical trainings on methods of identifying, protecting and supporting trafficking victims have been provided to relevant officers so that they can acquire the knowledge and skills necessary to promote measures for trafficking in persons. Every year since 2005, the National Police Agency has produced leaflets in multiply languages calling for people to report to the police on victimization, with the aim of finding victims of trafficking in persons. These leaflets are distributed to the relevant ministries and agencies, embassies in Tokyo and NGOs, and also placed in places that can easily catch the eyes of victims. In November 2015, 286,450 sets of leaflets in nine languages were produced and distributed.</p>	
	Special initiatives/Progress	<p>2019 AR: In May 2019, based upon "Japan's 2014 Action Plan to Combat Trafficking in Persons", the Government convened the ministerial-level meeting concerning measures against trafficking in persons, for the purpose of exploitation (including forced labour) and the annual report was prepared and published to show Japan's measure to combat trafficking in persons.</p>	
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government		
TECHNICAL COOPERATION NEEDS	Request	<p>2017-2019 ARs: The Government indicated the need for technical cooperation with the ILO in the areas of exchange of experiences between countries or regions and international cooperation.</p>	
		<p>2016 AR: No.</p>	
	Offer		