



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

JAPAN (2017)

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

AND

JAPAN (2000-2017)¹

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPUSORY LABOUR

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

JAPAN (2016-2017)
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 AR: 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 AR: Observation 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 AR: The Government indicated 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	<p>2017 AR: The Government reported that it 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 of trafficking in persons, 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.</p> <p>2016 AR: 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.</p>	
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent all forms of forced labour	2017 AR: According to the Government, 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	

		<p>every year as 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>2017 AR: According to the Government: 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</p>

		<p>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. 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 re-victimization. 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.</p> <p>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.</p> <p>The Government also implements counselling and medical care.</p> <p>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>
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	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2017 AR: According to the Government: the Japan Legal Support Center provides free 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).</p> <p>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>2017 AR: The Government indicated that it is further strengthening of 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>
	<p>Promotional activities</p>	<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</p>

		<p>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.</p> <p>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		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	NIL.	
TECHNICAL COOPERATION NEEDS	Request	<p>2017 AR: 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	NIL.	

JAPAN (2000-2017)¹
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000, but “no change” reports under the 2010-2011, and 2014.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' (KEIDANREN - former NIKKEIREN) and the workers' (the Japanese Trade Union Confederation - JTUC-RENGO) organisations through consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2001 AR: Observations by the NIKKEIREN.	
	Workers' organizations	<p>2015 AR: Observations by the JTUC-RENGO.</p> <p>2014 AR: Observations by the JTUC-RENGO.</p> <p>2013 AR: Observations by the JTUC-RENGO.</p> <p>2012 AR: Observations by the JTUC-RENGO.</p> <p>2008 AR: Observations by the JTUC-RENGO.</p> <p>Observations by the International Trade Union Confederation (ITUC).</p> <p>2007 AR: Observations by the JTUC-RENGO.</p> <p>2006 AR: Observations by the JTUC-RENGO and by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2005 AR: Observations by the JTUC-RENGO.</p> <p>2004 AR: Observations by the JTUC-RENGO.</p> <p>2003 AR: Observations by the JTUC-RENGO and by the ICFTU.</p> <p>2002 AR: Observations by the JTUC-RENGO.</p> <p>2001 AR: Observations by the JTUC-RENGO and by the ICFTU.</p> <p>2000 AR: Observations by the JTUC-RENGO.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Japan ratified in 1932 of the Forced Labour Convention, 1930 (No. 29) (C.29). However, it has not yet ratified the Abolition of Forced Labour Convention, 1957 (No. 105) (C.105).
		Ratification intention	<p>Under consideration since 2000 for C.105.</p> <p>2015 – 2017 AR: According to the Government: Although discussions were held with the social partners requesting ratification of C.105, further study is needed at the moment concerning the consistency between C.105 and national laws and regulations.</p> <p>JTUC-RENGO regrets the grave situation where no positive progress for ratification of C.105 has been made over the years. Tripartite consultation on this matter did take place in April 2015 at the "ILO Roundtable" set up based on C.144, but it considers the consultations be far from effective. The Government, referring to a cabinet decision in 1953, stipulates that no convention could be ratified unless all the potentially conflicting domestic laws are amended and argues that for this reason, Japan is unable to ratify C.105. Concern is raised that there is little or no intention for ratification of the</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

			<p>Government.</p> <p>2014 AR: JTUC-RENGO expressed disappointment that no progress was made towards ratification of C.105 and urged the government to take positive and concrete actions to ratify it, and to collect information about how countries that have ratified this Convention ensure consistency between their domestic laws and the Convention. It also called for information, research and studies among the ministries and agencies concerned.</p> <p>JTUC-RENGO stated that tripartite consultation is taking place, including about ratification of C.105. While the government disclosed all the list of domestic legal provisions which might conflict with the Convention, JTUC-RENGO urges the government to take necessary measures to ratify it.</p> <p>2013 AR: The JTUC-RENGO expressed its disappointment that no progress was made towards ratification of C.105 and strongly urged the Government to ratify this instrument as soon as possible.</p> <p>2012 AR: The JTUC-RENGO indicated its support for the ratification of C.105 by Japan and reiterated the comments it made under the 2009 AR.</p> <p>2010 AR: The JTUC-RENGO reiterated its statement under the 2009 AR.</p> <p>2009 AR: According to the Government: No change. Further study is needed in view of, for instance, reviewing the relations between C.105 and national laws and regulations.</p> <p>According to the JTUC-RENGO: The Government should ratify C.105. The JTUC-RENGO believes it is necessary for the Government to strengthen its efforts to promote Diet Members' understanding of the importance of ratification of this fundamental Convention so as to activate discussion at the Diet toward ratification of this Convention (for instance, the Government can make thorough explanation about the purport and background of the convention, and importance of ratifying the fundamental Conventions, etc.).</p> <p>2008 AR: According to the JTUC-RENGO: The Government should ratify C.105.</p> <p>2000-2004 and 2006 ARs: The Government indicated that further study was needed on, for instance, the compliance between C.105 and national laws and regulations, as regards the ratification of C.105.</p> <p>2001 AR: NIKKEIREN encouraged Japan in examining the issue with a view to ratifying C.105.</p> <p>2000-2005 ARs: The JTUC-RENGO supported ratification of C.105 by Japan.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, main legal provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>The Constitution of Japan provides in Article 18: that "No person shall be held in bondage of any kind. Involuntary servitude, except punishment for crime, is prohibited".</p>
		<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2017 AR: According to the Government: In May 2017, based upon "Japan's 2014 Action Plan to Combat Trafficking in Persons", the government of Japan 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> <p>2004 AR: According to the Government: The Labour Policies Commission is responsible for important matters relevant to labour</p>

			<p>policy and collaborates with the Minister of Health, Labour and Welfare or administration authorities concerned. This Commission is composed by representatives of employers', workers' and public interest organizations.</p> <ul style="list-style-type: none"> • Legislation: 2015 AR: According to the Government: The Action Plan to Combat Trafficking in Persons 2009 was revised into the Action Plan to Combat Trafficking in Persons 2014. This plan provides the following political measures: prevention of human trafficking for the purpose of labour exploitation; enhancement of cooperation of relevant administrative organs by the Task Force for the Enforcement of Human Trafficking Related Laws; strengthening of protection functions for human trafficking victims. Through these measures, the Government of Japan is making efforts to prevent and eliminate human trafficking and to protect and support human trafficking victims. <p>According to the JTUC-RENGO: No progress has been seen in amending domestic laws towards ratification of C.105 as of August 2015.</p> <ul style="list-style-type: none"> • Regulations: 2000-2006 ARs: According to the Government: The Labour Standards Bureau in the Ministry of Health, Labour and Welfare, Prefectural Labour Standards Offices and Labour Standards Inspection Offices as the local branches are established. The appropriate number of personnel is allocated at these agencies with a view to enforcing the Labour Standards Law. In addition, the Maritime Bureau in the Ministry of Land, Infrastructure, Transport and Tourism and the District Transport Bureau have established local branches in order to enforce the Mariners Law, etc., and the number of necessary personnel is allocated at these agencies.
		<p>Basic legal provisions</p>	<p>2007 AR: According to the Government:</p> <ul style="list-style-type: none"> (i) The Constitution of Japan, articles 14, 18-21, 28, 31, 32, 34 and 36; (ii) The Penal Code (Law No. 45 of 1907), sections 193-196; (iii) The Labour Standards Law (Law No. 49 of 1947) sections 5 and 117; (iv) The Mariners Law (Law No. 100 of 1947), section 6; (v) The National Public Service Law (Law No. 120 of 1947), sections 98,102 and 110; (vi) The Rule of National Personnel Authority 14-7 (1949), sections 1-8; (vii) The Mail Law (Law No. 165 of 1947), section 79; (viii) The Trade Union Law (Law No. 174 of 1949), section 1; (ix) The Local Public Service Law (Law No. 261 of 1950), sections 36, 37 and 61; (x) The Gas Undertakings Law (Law No. 51 of 1954), section 53; (xi) The Electric Undertakings Law (Law No. 170 of 1964), section 115; and (xii) The Telecommunications Business Law (Law No. 86 of 1984), section 180.
		<p>Definition of forced or compulsory labour</p>	<p>NIL.</p>

		Judicial decisions	NIL.
Exercise of the principle and right		Special attention to particular situations and human trafficking	2015 AR: According to the Government: The 2014 Action Plan to Combat Trafficking in Persons states that consideration should be given to specific groups of people paid by relevant administrative agencies. For example, it says if a foreigner seeks consultation, a response should be made in the foreigner’s mother tongue; if a woman seeks consultation, a female employee should respond.
		Information/ Data collection and dissemination	2013 AR: The Government indicated that the number of foreign nationals entering as “Entertainer[s]” continuously decreased to 26,100 in 2011. 2012 AR: The Government indicated that the number of foreign nationals entering as “Entertainer[s]” continuously decreased to 28,600 in 2010. 2008 AR: The ITUC observed that according to statistics from public institutes, 106 persons were confirmed as victims of trafficking from January to October 2006. 2004-2006 ARs: According to the Government: Statistics and information relevant to violations related to the elimination of all forms of forced or compulsory labour are registered during a periodical inspection. Information is available at the Labour Standards Bureau of the Ministry of Health, Labour and Welfare, and at the Maritime Bureau in the Ministry of Land, Infrastructure, Transport and Tourism.
Prevention/ Monitoring, enforcement and sanctions mechanisms		2004 AR: According to the Government: In case of violation of the principle and right (PR) of the elimination of all forms of forced or compulsory labour, the Penal Code is enforced. Under the Labour Standards Law, forced labour is prohibited with regard to employers of private undertakings, and penal sanctions are provided in case of violation of this law (sections 5 and 117). Moreover, inspection/monitoring mechanisms and penal sanctions have been implemented in Japan to facilitate the realization of the PR. 2000-2004 ARs: According to the Government: Instructions are made to establishments deemed to have problems in relation to the implementation of the Labour Standards Law. In case of violations of legal provisions, “correction” is provided by the Ministry of Health, Labour and Welfare.	
Involvement of the social partners		2013 AR: The JTUC-RENGO urged the Government to enhance effectiveness of tripartite consultations to push forward ratification of C.105. 2004-2005 ARs: According to the Government: Employers’ and workers’ organizations and other stakeholders have been involved in the Labour Policies Commission.	
		Promotional activities	
		2017 AR: According to the Government: Since 2005, the Cabinet Office has produced a poster and leaflet for raising awareness of the measures against trafficking in persons every year. In FY 2016, the Cabinet Office produced about 90,000 posters and leaflets titled “Could it be? Be aware! Human trafficking is occurring in Japan!” and distributed them to about 5,000 places including local governments, airports and marine ports, universities and technical colleges, the Japan Association of Travel Agents, the International Organization for Migrants(IOM), and other relevant organizations. In addition to these places, the posters were also placed for the first time on railway station notice boards and social media (Facebook). The posters and leaflets show the definition of trafficking in persons, appeal that trafficking in persons is a serious crime, give examples of possible victims of trafficking in persons and call on people to contact their local police stations or Immigration Bureau of Japan if they see anyone who appears to be a victim of trafficking in persons or if a victim asks for help. 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, worker’s organizations, employer’s organizations and NGOs, and also placed in places that can easily catch the eyes of victims. In November	

		<p>2016, 292,450 sets of leaflets were produced and distributed in nine languages. In September 2015, the Ministry of Justice listed on the Immigration Bureau of Japan's 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. In addition, efforts have been made to make the leaflets produced by National Police Agency available to trafficking victims by, for example, placing them in Regional Immigration Bureaus and by examination counters and airport immigration counters. The Labor Standards Inspection Offices across Japan have organized briefing sessions aimed at disseminating information and educating supervisory organizations and technical training institutions on labor standards laws.</p> <p>2015 AR: According to the Government: In light of the fact that trafficking in persons (TIP) for sexual exploitation or forced labour continues to occur in the world, the Human Rights Organs of the Ministry of Justice have carried out various promotion activities, such as distributing leaflets about TIP, a serious crime and a grave violation of fundamental human rights, under the slogan "Stop Trafficking in Persons" as one of its annual priority matters of promotion activities.</p> <p>2004 AR: According to the JTUC-RENGO: A tripartite consultation was held on 10th April 2007 and the ratification of C.105 was argued.</p>	
	Special initiatives/ Progress	<p>2017 AR: According to the Government: Based upon "Japan's 2014 Action Plan to Combat Trafficking in Persons", the relevant administrative agencies established "Law Enforcement Task Force against Trafficking in Persons", and shared information about human trafficking-related cases. Each of the organizations is taking thorough steps to crackdown on trafficking in persons such as use of the Handbook on Measures against Trafficking in Persons, and other activities.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2001 AR: According to NIKKEIREN: Tripartite consultations should be established to assess the difficulties and obstacles as regards the ratification of C.105 and the appropriate measures to address them.</p>
		Workers' organizations	<p>2013 AR: The JTUC called upon the Government to take immediate steps to list the laws and practices that must be amended and collect good examples from other countries on how to ensure consistency with C.105.</p> <p>2010 and 2012 ARs: The JTUC-RENGO reiterated its appeal to the Government to ratify C.105, and regretted that no progress was made in this regard. It believed that it would be necessary for the Government to promote Diet Members' understanding of the importance of a core Convention such as C.105 so as to activate discussion at the Diet toward ratification of this instrument (for instance, the Government could make thorough explanation of purport and background of the Convention, the importance of ratifying core Conventions, etc.).</p> <p>2009 AR: According to the JTUC-RENGO: The Bill Stipulating Civil Service Reform was enacted on 6 June 2008. This Bill provides, "the Government should show the people the whole picture of the reform, including the costs and benefits in such a case that the range of public service employees who have the rights to conclude collective agreements were expanded, and with the people's understanding, the Government should provide the transparent autonomous labour-management relations system (section 12)", and "the Government should take necessary legislative measures within three years after this Bill be enforced (section)". However, this law does not refer to the issue of penal servitude of public employees who engaged in political acts, or participated in/conspired/incited/instigated strike actions. Also, it seems this issue has not been raised as a point to be resolved. Therefore, there have been no progress on this issue and no solution of the issue yet in sight.</p>

			<p>2008 AR: The JTUC-RENGO indicated that during the tripartite consultation of April 2007, the Ministry of Labour and Welfare listed the following points where further study was needed as regards to compliance between C.105 and national laws: (i) sections 102.1 and 110.19 of the National Public Service Law (NPSL) prescribes penal servitude to public workers engaged in political acts; (ii) section 53.3 of the Gas Business Act, section 115.3 of the Electricity Business Act and article 79 of the Postal Act, which provide that workers who have not performed without justifiable grounds be punished by imprisonment with labour; and (iii) sections 98.2 and 110.17 of the National Public Service law (NPSL) and sections 37.1 and 61.4 of the Local Public Service Law (LPSL) provide that public workers who attempt, conspire, instigate or incite strike action be punished by imprisonment with labour.</p>
			<p>During the WTO Trade Policy review in Japan in January-February 2007, the ITUC observed that there trafficking of people into Japan for the purpose of forced prostitution and forced work is still a problem. Women and girls, primary from Asian countries are trafficked into the country for sexual exploitation. Women sometimes enter legally under entertainer visas and many of those are exploited by criminal groups. According to statistics from public institutes, 106 persons were confirmed as victims of trafficking from January to October 2006. According to the ITUC, the Government of Japan revised the Immigration Control Law and Criminal Law in order to prevent and prohibit trafficking of persons in the country.</p> <p>2007 AR: According to JTUC-RENGO: A major barrier to the ratification of C.105 is that the National Public Service Law (NPSL) and the Local Public Service Law (LPSL) provide as follows: (i) <i>“Personnel shall not strike or engage in delaying tactics or other acts of dispute against the public represented by National Government as employer, or resort to delaying tactics which reduce the efficiency of government operations, nor shall personnel or other persons attempt, conspire to effect, instigate or incite such illegal actions.”</i>; and (ii) <i>“A person who conspires to effect, instigates or incites the illegal action defined in the first part of paragraph 2 of</i></p>

			<p><i>section 98 (NPSL) and the in the first part of paragraph 1 of section 37 (LPSL) or attempts such action shall be sentenced to penal servitude not to exceed three years or fined not to exceed one million yen (section 110, NSPL) and one hundred thousand yen (section 61, LSPL)”.</i></p> <p>2006 AR: According to JTUC-RENGO: During consultations in May 2005 between the Prime Minister and JTUC-RENGO, the JTUC-RENGO raised the issue of fundamental trade unions rights in the public sector, in particular for civil service workers. The Government assured JTUC-RENGO that it would continue to secure the framework of Government-trade union consultations to address reforms of the public service system. However, since May consultations, there have been no Government-trade union consultations, and reforms of the public service system have completely stalled.</p> <p>The ICFTU raised the following challenges: Although forced labour is prohibited by law and does not generally occur in Japan, the National Public Service Law and the Local Public Service Law, which provide that public employees who incite strike action be fined or sentenced up to three-year imprisonment, or possibly dismissed, reprimanded with a pay cut or disciplined, are not in line with C.105 as it prohibits penal servitude as a punishment for having participated in strikes.</p>
			<p>2000-2005 ARs: JTUC-RENGO raised the following challenges: (i) Japan should ratify C.105; (ii) the prohibition of strike for administrative employees, manual workers, employees of state and municipal enterprises; (iii) the punishment by forced labour for strike action; (iv) imprisonment and fine for leaders of “illegal” strikes; (v) the prohibition of political activities to white-collar employees of State and municipalities; (vi) the sanctions (dismissal and fines or sentences) imposed on public employees in case of strike action do not comply with C.105 as it prohibits penal servitude as a punishment for having participated in strikes; (vi) amendments to the National Public Service Law and the Local Service Public Law are needed; (vii) during tripartite consultations held in May, June and July 2004, trade unions expressed the need to ensure trade union rights in the public sector, in particular promoting the right to organize for fire fighters and prison staff and abolishing penalties including imprisonment for workers involved in strike.</p>

	<p>According to the Government</p>	<p>2009 AR: In response to the ITUC’s observations reflected under the 2007 AR, the Government indicated the following: Japan established the Inter-Ministerial Liaison Committee (Task Force) at the Cabinet Secretariat in April 2004, and the Task Force adopted the National Action Plan in December 2004, which focuses on preventive measures, law enforcement and support for victims of human trafficking. Based on the Action Plan, the Government of Japan has taken various actions to combat human trafficking. The Diet approved the conclusion of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 8 June 2005. Trafficking in persons will be prohibited and punished by the “Penal Code”, “the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children”, the “Child Welfare Law” and other statutes. The Penal Code was amended to criminalize the conduct of buying and selling of persons, and to raise the statutory penalty for kidnapping of minors. Furthermore, sexual or labour exploitation shall be punished by the “Penal Code”, the “Prostitution Prevention Law”, the “Child Welfare Law”, the “Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children”, the “Employment Security Law”, the “Labour Standards Law”, etc. Because the Government of Japan has detected and prosecuted those crimes, its efforts produce the effect to eliminate those contraventions. The Immigration Control and Refugee Recognition Act was also amended to stipulate the definition of the term “trafficking in persons” and that a special permission for landing or residence can be given to a victim of trafficking in persons even if the person violates the above Act such as illegal entry in perspective of the purpose of protection, as well as a foreign national who is a perpetrator of trafficking in persons is to be refused landing in Japan or deported. With regard to prevention, in order to rigorously deal with the application case of entrance and residence in the purpose of activities as the residence status of “Entertainer” which is included victims of trafficking in persons, a part of the ministerial ordinance relating to “Entertainer” was amended twice in 2005 and 2006 and as a result, the number of foreign nationals entering as “Entertainer” drastically decreased from about 135,000 in 2004 to about 35,000 in 2008. In addition to the revision of the ordinance explained above, Japanese Embassies and Consulates-General overseas have introduced regime of examination of “Entertainer” visa applications. Furthermore, in order to prevent the usage of forged immigration document for trafficking in persons, most of Japanese Embassies and Consulates-General have introduced a system to produce machine-readable visa (MRV) stickers with the bearer’s photograph which possesses high advanced anti-forgery techniques. Regarding the number of victims of trafficking in persons, there is a significant factual error in the figures given by the ITUC as 58 persons were concerned in 2006, as has been released by the National Police Agency of Japan.</p> <p>2007 AR: In response to the JTUC-RENGO’s observations, the Government stated the following: If the JTUC-RENGO is of the view that the prohibition of strikes provided for in section 98, paragraph 2, of the National Public Service Law and section 37, paragraph 1, of the Local Public Service Law is a major barrier to Japan’s ratification of C.105, it has to be made clear that as pointed out in previous ILO Report that this Convention merely prohibits the type of forced labour characterized to be “a punishment for having participated in a strike” and does not deal with the issue of the right of workers to strike per se.</p> <p>The persons who conspire, instigate or incite other public employees to strike or make such an attempt are the main persons concerned with the illegal act, their act to cause other public employees to undertake illegal activity is in itself of high illegality, and therefore penal sanctions, including imprisonment, may be imposed upon them under the National Public Service Law or the Local Public Service Law. These provisions do not refer to forced labour as a punishment for having participated in a strike. Regarding the ratification of C.105, the Government of Japan considers that the interpretation of the precise scope of forced labour prohibited by the Convention is not clear enough and therefore a careful study is still needed with respect to, among other things, consistency between the provisions of the Convention and of the relevant national laws and regulations in force in Japan. In relation to observations made on the Civil Service Reform by the JTUC-RENGO the Government stated that it regarded Civil Service Reform as an important issue that should be worked on promptly, because the public is highly concerned about public service employees these days. The Government of Japan</p>
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		<p>also recognizes that it is necessary to hold sufficient exchanges of views with relevant parties regarding the reform. The Government of Japan held the ministerial-level meetings with the Japanese Trade Union Confederation (JTUC-RENGO) in January, March and May 2006. Based on these meetings, the Government of Japan established the “The Special Examination Committee of the Headquarters for the Promotion of Administrative Reform”. Having held its first meeting on 27 July [2006], the Committee has held five meetings altogether so far, and it has examined the scope of government affairs in a simple and efficient government; the classification of personnel who carry out government affairs; what those government affairs and personnel should be; and based on these examinations, the prospective labour-employer relationship in the public sector, including the fundamental labour rights of public service employees.</p> <p>2006 AR: In response to the JTUC-RENGO’s observations, the Government stated that during the May 2005 meeting, it acknowledged it was necessary to continue to hold meetings with JTUC-RENGO on the Civil Service Reform.</p> <p>In response to the ICFTU’s observations, the Government mentioned that under the National Public Service Law or the Local Public Service Law, penal sanctions, including penalty of imprisonment, might be imposed upon the persons who conspire, instigate or incite other public employees to strike or make such an attempt, and upon the main authors of such illegal act. The Government further indicated that these provisions did not refer to forced labour as a punishment for having participated in a strike.</p> <p>2004 AR: In response to JTUC-RENGO’s comments, the Government raised the following observations: (i) the interpretation of the precise scope of forced labour prohibited by the Convention is not clear and a study is still needed mainly with respect to compliance between the provisions of the Convention and national laws and regulations in Japan; (ii) the prohibition of strikes as provided for in national laws is not an obstacle to the ratification of C.105; (iii) the Public Service Law and the Local Public Service Law provide for punishment for the main conspirators or instigators of highly unlawful acts.</p> <p>2001 AR: In response to the JTUC-RENGO’s comments, the Government raised the following observations: (i) asking governments to make observations on comments presented by workers’ organizations, and reflecting these comments and observations in the compilation of annual reports, are contrary to the overall purpose of the annual follow-up; (ii) the Government would like to know the position of the Office in this respect; (iii) the appropriateness of discussing the aforementioned questions in the Governing Body; (iv) comments submitted by JTUC-RENGO should not be taken into account in the annual follow-up; (v) the follow-up should not lead to the establishment of a new supervisory machinery and should not create the duplication of the reporting system on non-ratified Conventions already established in the Constitution.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2015 – 2017 AR: The Government and JTUC-RENGO expressed the need for ILO’s technical cooperation on providing information of good examples of how countries which have ratified C.105 ensured consistency between their domestic laws and the Convention.</p> <p>2014 AR: According to the JTUC-RENGO: ILO technical cooperation is needed to provide information and good examples to non-ratifying states, including Japan, about how countries that ratified C.105 ensure consistency between their domestic laws and the Convention.</p> <p>2009, 2010 and 2012 ARs: According to the JTUC-RENGO: ILO technical cooperation is needed in order to ensure consistency between C.105 and the national laws. Also, if ILO expert(s) could visit Japan and illustrate the importance of ratification of this instrument to the Members of Diet, the situation toward ratification will be very much improved.</p> <p>2008 AR: According to JTUC-RENGO: The interpretation of the precise scope for forced labour prohibited by the Convention is not clear and ILO technical support would be needed in that regard.</p> <p>2004-2007 ARs: According to JTUC-RENGO: Needs for ILO technical cooperation exist in the following two priority areas: (i) the interpretation of the precise scope of forced labour prohibited by the Convention is not clear and a study is needed mainly with regard to compliance between the provisions of the Convention and relevant</p>

		national laws and regulations.
	Offer	NIL.
<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted that Japanese Trade Union Confederation (JTUC-RENGO) had reported that tripartite consultations held in April 2007 had led to the conclusion that some national labour laws did not comply with the provisions of C.105. However, given that the Government of Japan sent a no change report for the 2008 Annual Review, the IDEAs requested it to provide updated information concerning the JTUC-RENGO's observations (cf. paragraph 44 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs welcomed the significant increase in the reports of action to combat forced labour in several countries, including Japan, and noted that an increasing number of States were recognizing that forced labour does exist in their country [...]. For the IDEAs, such recognition was indispensable to combating forced or compulsory labour, as it was undoubtedly the first step in what is a daunting but essential task (cf. paragraphs 40 and 41 of the 2007 Annual Review Introduction – ILO: GB298/3).</p> <p>2005 AR: The IDEAs reiterated that in cases where countries faced difficulties in identifying the precise scope of forced or compulsory labour, the Government should turn to the ILO for assistance in clarification. They further requested that Japan carry out the study it mentioned in this regard. The IDEAs also considered that the example of regular and constructive contributions by JTUC-RENGO and the AFL-CIO (United States) should be expanded upon, in particular among other national workers' organizations, as well as employers' organizations (cf. paragraph 190 of the 2005 Annual Review Introduction - ILO: GB.292/4).</p> <p>2004 AR: The IDEAs mentioned that in cases where governments were in doubt, they should turn to the ILO, for assistance in clarification. Japan may usefully do so with regard to better clarifying the precise scope of forced labour, and indeed carry out the study it mentions in this respect. The results of such studies would be illuminating (...) (cf. paragraph 112 of the 2004 Annual Review Introduction).</p>	
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on the Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p> <p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_143164.pdf.</p>	

