

Child Labour Exists in Japan: Its Forms and Cases

December, 2019

ACE

ACE (Action against Child Exploitation)

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ACE is a civil society organisation established in 1997. We aim to realise a society in which children and youth can create their lives of their own will, by solving social problems that deprive children and youth of their rights. In particular, we are working on the elimination of child labour by 2025, as stated in the SDGs (Sustainable Development Goals).

ACE conducts projects for children who work in the cotton fields in India and in the cocoa production areas in Ghana. We have succeeded in providing a proper education to around thirteen thousand children by improving school environments in the project communities. ACE's efforts in Japan include mobilising citizens to its cause and, through its awareness raising activities, it has reached more than 1.6 million people.



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Executive summary

The ILO announced that in 2017, the number of child labour in high-income countries was two million out of 152 million worldwide. In order to achieve SDG 8, Target 7 — the elimination of all forms of child labour by 2025 —, it is not only developing countries but also developed countries including Japan, that must take action.

ACE (Action against Child Exploitation) has more than twenty years of experience in the fight against child labour. We have conducted projects in India and Ghana and engaged in advocacy and awareness-raising activities. As a leading NGO in this field in Japan, ACE has decided to tackle the issue of child labour in Japan too. Our first step was to conduct a survey to find what forms of child labour exist and what cases are reported. The results of the survey are compiled in this report.

First of all, no official data is available on the number of child labour cases in Japan, unlike many developing countries. The existence of child labour is suggested by the number of enterprises which violated the Labour Standards Act for minors (297 in 2015) and the number of victims by crimes harmful to children's welfare (6,235 in 2015). Moreover, more than 230,000 children aged between fifteen and seventeen are engaged in work, while 63% of them also go to school.

Various forms of work, which are considered as child labour, are identified in construction, night-time entertainment business, service and other industries. Worst forms of child labour, which are defined in the ILO convention, are also found: human trafficking, child pornography, and illicit activities. In particular, commercial sexual exploitation of girls, such as *JK business*, presents a serious problem.

In addition to child labour, groups of children, who are at risk of child labour, are identified: for example, non-Japanese children, school drop-outs, and delinquent children. There are also vulnerable children, such as those under social protection and children with disabilities, to whom special consideration needs to be provided.

Children are considered to live a life mainly in three spheres, namely home, school and community. In order to prevent child labour, these spheres need to function well for children, but they are facing various problems at present. Firstly, one out of seven children live below the poverty line, and the number of victims of abuse is increasing (MHLW, 2016a). Secondly, bullying at school leads to long absence and dropping out of school. Thirdly, close ties to the community is being lost, and a role played by community to watch over children is also decreasing.

Factors behind these issues are inter-connected in a complex way and are related to risks of being involved in child labour, often the worst forms of child labour. Risk of becoming a victim of child labour is higher for children who feel they have no place to stay at home and school and in the community.

In response to the results of this survey, ACE is going to start activities against child labour in Japan. These include (1) awareness-raising (producing and distributing leaflets about worker's rights for children and employers); (2) conducting projects; (3) networking with stakeholders; and (4) advocacy (policy recommendations to the government).

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1. Introduction

The UN General Assembly unanimously adopted the Sustainable Development Goals (SDGs) in 2015, which include Goal 8, Target 7: Elimination of all forms of child labour by 2025. However, 152 million children or one out of ten children in the world, are engaged in child labour, and of these, 73 million are engaged in hazardous work (ILO, 2017). Furthermore, two million out of the total are found in developed countries. In order to achieve SDG 8.7, it is not only developing countries but also developed countries including Japan, that must tackle this issue.

In Japan, however, people tend to think that child labour is a problem in low-income countries, and do not realise its existence in their own country. Child labour is a hidden problem, as child poverty was about ten years ago. As media and other reports on children in poverty were mounting, in 2009 the government decided to announce the percentage of children living below the poverty line for the first time since 1965. The percentage reached 16.3% in 2012, which led the government to formulate the Act to Accelerate Policies for Disadvantaged Children in 2013.

Poverty is an important factor of child labour. Given that one out of seven children are currently living below the poverty line, a supply factor may become prominent: children work for schooling and contributing to their family incomes. Labour shortages due to Japan's aging society may become a demand factor for hiring children.

ACE, as a leading NGO in Japan in the field of the fight against child labour, is determined to eliminate and prevent child labour in Japan and work towards the achievement of SDG 8.7 globally. As a first step, a survey on child labour was conducted to find what forms of child labour exist and what cases are reported. This report includes these findings, analysis of the factors of child labour, and recommendations.

◆SDG Goal 8, Target 7

Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

2. Purpose and methods of the survey

2.1 Purpose of the survey

The purpose of this survey is to raise public awareness of child labour and obtain information necessary for ACE to take actions for the elimination and prevention of child labour in Japan, by presenting its forms, scale, cases, and factors.

2.2. Methods of the survey

- (1) Collecting data on the numbers of child labourers from reports by the government, researchers, and NGOs.
- (2) Collecting case studies of child labour from interviews with government agencies concerned, educational institutions, social welfare institutions, and NGOs, as well as literature and media reports.

3. Definition of child labour

3.1. Definition of children

Children are defined as those being below the age of eighteen years, according to the UN Convention on the Rights of the Child. This report follows the definition unless mentioned otherwise.

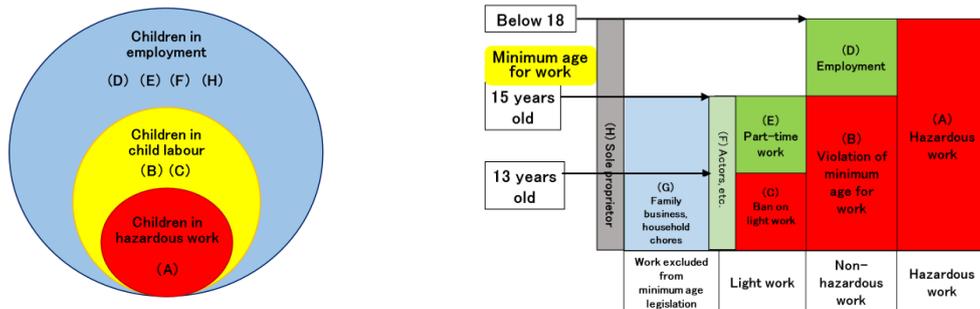
The Convention stipulates the child’s rights to survival, protection, development and participation. Specifically, Article 32 guarantees protection from economic exploitation, and Article 28 acknowledges the right to education. Japan ratified the Convention, as well as the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

3.2. Definition of child labour

ILO Convention No. 138 specifies the minimum age for work, and ILO Convention No. 182 prescribes the worst forms of child labour to be eliminated immediately. Japan ratified both conventions, and the contents of the two conventions are reflected in the Labour Standards Act.

Figure 1 shows that children’s work can be divided in three categories, namely hazardous work, child labour and children in employment, and explains these categories of children’s work, by showing sub-categories depending on the age of the child.

Figure 1: Categories of children’s work depending on the age and the form



Source: created by ACE based on ILO (2004)

Hazardous work

(A) Below eighteen years old, work which harms the health, safety or morals of children is prohibited.

Child labour

(B) The minimum age for work is fifteen years old.

(C) Children below thirteen years old shall not be employed even for light work.

Children in employment

- (D) Children can work after reaching the minimum age of work, i.e. fifteen years old (after completing compulsory education), including full-time work and part-time work while going to high schools and other schools.
- (E) Children aged between thirteen and fifteen (junior high school students) may be employed for light work that is not injurious to the health and welfare of the children outside of school hours, with the permission of the relevant government agency.
- (F) Children below fifteen may be employed in motion picture production and theatrical performance enterprises, with the permission of the relevant government agency.
- (H) Sole proprietors (self-employed)

Household chores

- (G) Children who help with family business and household chores

◆ the Labour Standards Act, Chapter VI Minors (Articles 56 to 64)

Article 56 (Minimum Age):

- (1) An employer shall not employ children until the end of the first 31st of March that occurs on or after the day when they reach the age of 15 years.
- (2) Notwithstanding the provisions of the preceding paragraph, outside of school hours, children 13 years of age and above may be employed in occupations in enterprises other than those stipulated in items (i) through (v) of Annexed Table No. 1, which involve light labor that is not injurious to the health and welfare of the children, with the permission of the relevant government agency. The same shall apply to children under 13 years of age employed in motion picture production and theatrical performance enterprises.

Article 57 (Certificates for Minors)

Article 58 (Labor Contracts of Minors)

Article 59 (Requests for wages)

Article 60 (Working Hours and Days Off)

Article 61 (Night Work)

Article 62 (Restrictions on Dangerous and Harmful Jobs)

Article 63 (Ban on Belowground Labor)

Article 64 (Traveling Expenses for Returning Home)

Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

NB: The Act does not cover three out of four categories of worst forms of child labour defined in ILO Convention No. 182, namely slavery, children used for prostitution and pornography, and children used for illicit activities. These are dealt with by other Acts, such as the Child Welfare Act and the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children.

4. Scale and forms of child labour in Japan

The Japanese government does not officially announce the number of child labourers unlike many developing countries. In this chapter, an attempt is made to present a rough idea of the number by gathering data from various sources.

4.1. The number of child labourers from official data

Table 1 shows the numbers of violations against the Labour Standards Act for minors (below the age of eighteen). In 2015, 297 enterprises are reported, out of which only four were turned over to public prosecutor offices. The number of children affected by the violations is not made public.

Many violations are found in working hours and night work, and most take place in retail shops and restaurants. Violations on minimum age are mostly reported in the production of motion pictures and theatrical performance. The construction industry accounts for 70% of violations on restrictions on hazardous work.

Table 1: Violation of the Labour Standards Act for minors

	2011	2012	2013	2014	2015
Enterprises dealt with by public prosecutor offices	3	2	8	3	4
Enterprises which violated the Labour Standards Act for minors	230	222	277	291	297
Working hours (Article 32)	70	67	87	100	111
Days off (Article 35)	2	6	6	11	7
Minimum age (Article 56)	13	21	16	21	16
Night work (Article 61)	124	97	139	120	138
Restrictions on Dangerous and Harmful Jobs (Article 62)	21	31	29	39	25

Sources: Ministry of Health, Labour and Welfare (various years)

Child labour is regulated not only by the Labour Standards Act but also the Child Welfare Act, the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children, and others. Table 2 shows the data on major welfare crimes mainly related to sexual exploitation, which is considered as one of the worst forms of child labour. In 2015, 6,235 children were victims of these crimes, and the number of victims of human trafficking was 16. While the total number of victims is declining, those of child pornography and human trafficking are increasing year by year.

Table 2: Major crimes harmful to children's welfare

	2011	2012	2013	2014	2015
People dealt with by public prosecutor offices for crimes harmful to children's welfare	7,846	7,622	7,376	7,137	6,919
Labour Standards Act	55	105	101	104	91
Child Welfare Act	417	369	418	398	400
Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children	1,678	1,847	1,893	1,967	2,113
Act on Control and Improvement of Amusement Business, etc.	588	525	510	482	416
Act on Regulation on Soliciting Children by Using Opposite Sex Introducing Service on Internet	443	357	338	275	229
Anti-Prostitution Act	35	36	22	34	36
Juvenile Protection and Development Ordinance	2,805	2,571	2,543	2,454	2,230
Victims of crimes harmful to children's welfare	7,332	6,808	6,412	6,341	6,235
boys	2,226	2,146	1,946	2,006	1,921
girls	5,106	4,662	4,466	4,335	4,314
Victims of human trafficking	6	5	8	14	16

Sources: National Police Agency (2016a, 2016b)

Notes: Numbers of children are below the age of twenty.

4.2. Estimated numbers of child labourers by form

Children's work is categorised into (A) to (H) according to the ILO Conventions and Japan's Labour Standards Act, which was shown in Figure 1. By further sub-dividing each category, Table 3 compiles estimated numbers of children engaged in the worst forms of child labour, child labour and employment from various sources of data. Children's work of each sub-category are explained in the following chapters.

It was, however, difficult to estimate a total number of child labour cases from official data, since the scope of category, age, and unit are different depending on the source, and the numbers of violation cases and crimes reported are considered to be the tip of an iceberg. Actual numbers can be higher than the numbers estimated here.

Table 3. Estimated numbers of child labourers and enterprises by form

Worst forms of child labour			
(A-i)	Human trafficking, bonded labour, and forced labour	A-1 Human trafficking	Victims (below twenty) 16
(A-ii)	Child prostitution and child pornography	A-2 Child pornography	Victims (below twenty) 905
		A-3 <i>Burusera</i>	-----
		A-4 Compensated dating	Victims 1,778
		A-5 <i>JK business</i>	<i>JK business</i> shops 114
(A-iii)	Illicit activities	A-6 Illicit activities	Juvenile crime offenders 55,981
(A-iv)	Hazardous work	A-7 Construction work	Enterprises which violated the Labour Standards Act 18
		A-8 Night-time Entertainment business	Enterprises which violated the Labour Standards Act 4
Child labour			
(B)	Children working below the minimum age for work (fifteen)	Number of children 270	
		Enterprises which violated the Labour Standards Act 16	
(C)	Children working below thirteen years old	-----	
Children in employment			
(D)	Working children over the minimum age for work	Number of children 231,110	
		D-1 Junior-high school leavers	3,440
		D-2 High school students	145,168
(E)	Junior high school children engaged in light work	Children delivering newspaper 435	
(F)	Working children below thirteen	Arts and entertainment business	Enterprises which violated the Labour Standards Act 5
(H)	Sole proprietors	-----	
Household chores			
(G)	Children engaged in household chores	-----	

Sources: See the relevant pages in Chapters 5 to 7.

4.3 Children at risk of child labour

In addition to children engaged in child labour, there exist children at risk of child labour, for example those whose schooling and working statuses are not confirmed, and those who need special consideration. Table 4 shows these children by category, [R-1] to [R-11].

Table 4. Estimated numbers of children at risk of child labour by category

(1) Children whose schooling and working statuses may not be confirmed			
[R-1]	Missing children	Children whose residences are not identified	28
		Missing persons *	17,971
[R-2]	Children without nationalities		112
[R-3]	Non-Japanese children		316,291
[R-4]	Children exempted from compulsory education		3,735
[R-5]	High school drop-outs		49,263
(2) Children who are in school but whose working status may not be confirmed			
[R-6]	Children with long-term absence from school		274,255
[R-7]	Delinquent children	Children taken into protective custody by Police *	641,798
		Children who act violently at school	55,967
[R-8]	Children at night junior high schools		277
[R-9]	Children at night high schools and correspondence high schools		211,089
(3) Children who need special consideration			
[R-10]	Children in social welfare institutions *		28,811
[R-11]	Children with disabilities (including those over eighteen)		506,000

Sources: See the relevant pages in Chapter 8.

Note: * indicates those below twenty years old.

5. Children engaged in hazardous work

The worst forms of child labour are defined and categorised by the ILO Convention No. 182, as below.

- (1) All forms of slavery or practices similar to slavery (e.g. trafficking, debt bondage, and forced labour)
- (2) Child prostitution and child pornography
- (3) Illicit activities
- (4) Hazardous work which is likely to harm the health, safety or morals of children (which is determined by country)

(In Japan, this is detailed in the Labour Standards Act, Articles 62 and 63, and the Regulations on Labor Standards for Minors lists forms of hazardous work, Articles 7, 8 and 9.)

This chapter reports various forms of hazardous work identified in Japan.

A-1 Human trafficking

The number of victims of human trafficking (below twenty)	16 people [NPA, 2017a]
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■ Human trafficking

Human trafficking means the recruitment, transportation, transfer, harbouring or receipt of persons by force or threat for the purpose of exploitation, which includes sexual exploitation, forced labour, bonded labour, and removal of organs (Article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons). 30% of such victims are said to be children (UNODC, 2014).

Japan is described as a destination, source, and transit country for people subjected to forced labour and sex trafficking, according to the Trafficking in Persons Report (U.S. Department of State, 2017). Human trafficking cases includes: forced labour amongst migrants working under the government-run Technical Intern Training Programme; forced prostitution through fake marriage; *enjo-kosai* (compensated dating) and *JK business* (See [A-4](#) and [A-5](#) respectively); and young girls and women being forced to perform sexual acts to produce pornographic videos by coercing them to sign vague contracts as models or actors.

■ The number of victims of human trafficking

The number of arrests for human trafficking peaked in 2005, and decreased from 81 to 19 in 2010, but since then the number has been on the rise. Victims below twenty years old concentrated in Thais, Filipinos and Japanese between 2012 and 2016, and in particular the number of Japanese victims sharply increased in 2016.

It must be noted, however, that these numbers of arrests do not represent the whole

situation. An NGO, which works on the elimination of human trafficking in Japan, said that they were contacted by around 150 children and young people in 2016 only (interviewed, September 2017).

Sentences are not severe enough. In 2015, only 26 out of 42 suspects were indicted, and the heaviest sentence was only a three-year imprisonment suspended for five years and a fine of around US 16,350 US dollars (*Jinshin-torihiki Taisaku Suishin Kaigi*, 2016).

◆ **Forced prostitution**

Six girls, who had run away from home, were confined in an apartment and forced to sign a contract for engaging in prostitution. Four suspects exploited part of the charges earned from prostitution and imposed fines unreasonably. [NPA, 2017a]

■ **Measures taken by the government**

In response to this situation, the Japanese government established a committee on measures against human trafficking in 2004, and since then it has formulated action plans every five years. It ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons in 2017. The government has been making efforts to prevent and eradicate human trafficking domestically and internationally.

However, the present Criminal Law in Japan does not prohibit all forms of human trafficking which are defined in international laws. Moreover, some victims of potential child sex trafficking are treated as delinquents by police, and are not referred to trauma care and physical and psychological rehabilitation. It is necessary, in particular, to address the increasing number of arrests and reported victims of human trafficking in Japan, and take sufficient measures to protect and take care of child victims.

A-2 Child pornography

The number of victims of child pornography (below twenty)	905 people [NPA, 2016a]
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■ **Child pornography**

Child pornography means any representation of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (Article 2 (c) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography). Child pornography is one of the worst forms of child labour, whether children themselves get involved in it or they are forced to do so.

Japan was severely criticised by international community at the first World Congress against Commercial Sexual Exploitation of Children in 1996. Japan was a production and distribution country of child pornography, and Japanese men visited Asian countries for child prostitution. In response to the criticism, the government enacted the

Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children in 1999, and the Act has been revised in 2004 and 2014. However, the Act still needs to be strengthened in order to respond to new types of crimes.

■ The numbers of victims of child pornography

The numbers of victims and arrests regarding child pornography are on the rise for the past several years. Junior high school students and high school students account for around 40% of victims respectively, and the rest is elementary school children and small children. The actual number is, however, assumed to be much higher, given that children, particularly small children, may not recognise themselves as victims of child pornography, or find it difficult to report what happened to them.

■ New types of child pornography

New types of child pornography crimes are emerging, as more and more children have mobile phones and use internet and social networking services.

Selfie pornography ranks first among the arrests related to child pornography (NPA, 2016c). Children are asked or forced to take naked photos of themselves and send the photos to perpetrators. Perpetrators approach children in a friendly manner, and then put children in a situation where they cannot say no. Once photos or videos are uploaded on websites, they cannot easily be deleted. Children will suffer for the rest of their lives.

The second ranking is **surreptitious photographing**. For example, girls wearing short skirts are targeted when going up stairs or escalators. Perpetrators walk or stand behind girls, and take photos of their underwear by using smartphones or small cameras.

“Image video,” is child pornography created by taking advantage of loopholes in the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children. Image videos show elementary or junior high school girls who wear micro bikinis in sexual poses. Since the current Act on child pornography only applies when children are naked, image videos are openly sold in the internet, as well as some shops (Human Rights Now, 2016).

◆ Selfie pornography

◇ A 25-year-old male college student threatened a junior high school girl to take a photo of her in naked and send it to him, by saying that otherwise he would upload a photo of her face and contact address on the website. They came to know each other through a community site. [NPA, 2016a]

◇ A 40-year-old male salaried worker pretended to be a high school girl and got to know a junior high school boy on an internet bulletin board. He forced the boy to send him a photo of him in naked. [NPA, 2016a]

◆ Surreptitious photographing

◇ A 41-year-old man took photos of small girls with their fathers in male changing rooms of hot springs, by using a camera installed on his watch and produced child

pornography. [NPA, 2016a]

◆ **Image video**

◇ A father, together with a photographer, filmed his daughter in a micro bikini when she was eight to thirteen years old, produced image videos, and sold them. The daughter said that she endured the shooting, because her family needed income by selling videos. [Kyoto Shimbun, 28 July, 2017]

■ **Need for more measures taken against child pornography**

People's awareness of child pornography, in general, is low in Japan. One can easily see children depicted in TV commercials, cartoons and photos that can be considered as child pornography in other countries. Efforts are necessary to raise awareness of what is considered child pornography and promote zero-tolerance towards child pornography.

Penalties should be given at the time when perpetrators ask children for selfie pornography, and more severe punishments should be imposed. Rehabilitation should be provided to criminals who tend to repeat offences, and child victims as not all of them are referred to counselling at present.

A-3 **Burusera**

Burusera is a coined term which combines *buruma* (gym shorts) and *sera-fuku* (a school uniform for girls). *Burusera* means a business of buying underwear, socks and other garments worn by high school girls and selling them to male customers at shops or through the internet. This business started in the 1990s and is considered to be the beginning of the commercial sexual exploitation of girls.

Earlier these goods were dealt with at shops, where girls and male customers did not meet each other. Soon afterwards, events were organised in which girls took off these clothes and handed them over to men on the spot, and moreover men videotaped girls' taking off clothes.

Police crackdowns using the existing laws and newly established prefectural ordinances contributed to the decrease in the number of *burusera* shops, but the business continues on the internet.

A-4 **Enjo-kosai (compensated dating)**

Enjo-kosai (compensated dating) means that adult men go on dates with girls and young women mainly for the purpose of sexual exploitation with compensation of meals, clothes, and accommodation. This term was coined in the middle of the 1990s, although dating services via telephone had already started in the 1980s. Girls could use the service, since females could dial free of charge and anonymously from anywhere, while males needed to pay hourly charges for rooms where they were waiting for telephone calls.

The form of communication has shifted from the telephone to the internet and then to social networking services, and ultimately places, where women and men meet up,

which have been established in café, restaurants, and bars since 2000. Junior high school and high school students who have smart phones accounted for only 5% of all students in 2010, yet the percentage increased to around 50% for junior high school students and more than 90% for high school students in 2015 (Cabinet Office, 2016a). Facebook, Twitter, and LINE are widely used by them.

Children have the means to get in touch with unknown people who can disguise themselves as people children would like. These people tactfully approach children who do not get along with their families or friends and entice them to stay in their houses through social media. Recently, incidents of abduction, rape, and even murder have emerged from these interactions.

◆ ***Aiseki-ya***

Aiseki-ya is a restaurant where men pay for meals and drinks, while women can eat and drink free of charge. Initially, it was a place for men and women to find partners. Girls and young women, who had run away from home or have no money, started coming for free food, while men started approaching these women and girls with the intention of having a sexual relationship.

◇ Seeing this as a business opportunity, an *Aiseki-ya* restaurant was established in Tokyo which employed fifty to sixty girls below the age of eighteen and made them wear school uniforms. Male customers dined with and received sexual services from the girls in private rooms. The manager of the restaurant was arrested, charged with violating the Act on Control and Improvement of Amusement Business, etc. [Sankei News, June 20, 2016]

◆ ***Enjo-kosai using community sites***

A 46-year-old male city councillor member came to know an elementary school girl through a community site and asked her to go out with him. He told her that he would buy her a portable music player. They met and he raped her in a hotel. [NPA, 2017b]

◆ ***Started Enjo-kosai after being raped***

A girl left home the second time. A man offered her a room to stay and raped her. She felt she had become “dirty” and wanted to hurt herself. Then, she started *enjo-kosai*. [Suzuki, 2008]

◆ ***Enjo-kosai for family income***

A girl started *enjo-kosai* when she was thirteen. By fifteen, she had had sexual relations with 80 men. The money she earned was used for her younger brother, younger sister and mother to make a living. [Suzuki, 2008]

A-5 JK business

The number of JK business shops	114 shops [NPA, 2017c]
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■ JK business

JK stands for *Joshi-Kosei* which means high school girls. In *JK business*, girls aged between fifteen and eighteen are employed to entertain men by providing various services, such as hugging, simple massaging, going out for *karaoke*, and chatting in private rooms. *JK business* started in the middle of the 2000s, and since then they are said to be a hotbed of child pornography and prostitution.

■ The number of JK business shops

The National Police Agency identified 114 *JK business* shops in 2017, which were concentrated in major cities, i.e. Tokyo (around 70%) and Osaka (around 25%). According to the Tokyo Metropolitan Government, the number of *JK business* shops was 174 in Tokyo in 2016, an increase from 136 in 2014.

In fact, it is not easy to grasp an accurate number, since shops are opened, operate for short spans and closed down. In the mid-2000s, *JK business* started with *JK Café*, followed by the establishment of *JK Kengaku Club* and *JK Satsueikai* in 2009. After four *JK Kengaku Clubs* were raided simultaneously by police in February 2012 and there was a crackdown of *JK Satsueikai* in 2013, *JK business* shifted to the creation of *JK Refre*. But, 17 *JK Refre* shops were shut down all together by police in January 2013. Then, *JK Osampo* shops were established and became subjected to police raids in December 2013.

◆ JK Café and JK Bar

Girls in housemaid costumes cater to customers, treating them as if they were masters.

◇ An owner of *JK Café* was arrested on the charge of forcing girls to wear bikinis and serve customers. He kept a watch over them to prevent them from escaping. [Asahi Shimbun (Digital) May 9, 2017]

◇ Five junior high school girls were employed in a *JK Bar* and made to bring in customers from the streets. Girls were arrested for violating the Osaka Ordinance against Disturbing the Peace, and an 18-year-old manager was also arrested for violating the Labour Standards Act (minimum age for work). [Sankei News, May 30, 2017]

◆ JK Kengaku Club

Kengaku means observation. In a JK Kengaku Club, customers pay around 45 US dollars for 40 minutes to see girls in separate private rooms through a magic mirror. While girls are chatting to each other, or making origami or bead accessories, they

expose underwear.

◇The owner and two staff of a *JK Kengaku Club* were arrested for the violation of the Labour Standards Act (hazardous work). They provided an additional service: when customers pay more, they can choose their favorite girls and meet them in private rooms. [Nihon Keizai Shimbun, May 18, 2011]

◆***JK Satsueikai (photography event)***

JK Satsueikai refers to photography events in which men can take photos of girls in school uniform or swim wear in building rooms or outside. They can take place in one-to-one settings.

◇The manager of a *JK Satsueikai* was arrested for violating the Labour Standards Act (hazardous work), and high school girls were taken into protective custody by police. Customer took photos of these girls wearing swim wear in sexy postures. The girls worked for five to six days a week and received around 900 US dollar per month. [SANSPO.COM, November 29, 2013]

◆***JK Refure***

Refure derives from reflexology, and means that girls provide relaxation services which include simple massaging, laying down beside customers, and cleaning earholes by putting the customers' heads on their laps.

◇About twenty high school girls worked in a *JK Refure* shop. They wore housemaid costumes and provided relaxation services mentioned above. Moreover, customers could touch girls' bodies in private rooms. The shop charged around 27 US dollars for half an hour of these services. The owner and the manager were arrested for violating the Labour Standards Act (hazardous work). [Sankei News, January 21, 2015]

◆***JK Osampo (taking a walk)***

Girls go out with customers for a meal or to a karaoke bar. Customers pay an hourly charge, and girls get a certain percentage of the charges. In addition, hidden services are provided during a walk, which include touching girls' bodies and having sexual relations. Charges for hidden services are all paid to girls directly.

◇A *JK Osampo* shop hired dozens of high school girls, and charged customers around 65 US dollars for a one-hour walk and 140 to 230 US dollars for having sex with girls. The shop staff were arrested for violating the Child Welfare Act and the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children. [Sankei News, December 4, 2017]

■ A cat-and-mouse situation

When Police tighten control on certain types of *JK business*, new types of services are created one after another, by finding loopholes in the laws. Business owners run *JK business*, comparing short-term profits, risks of arrest, and incurred losses. The police are trying hard to apply various laws and newly established prefectural ordinances in order to arrest business owners and managers. They have little legal means to arrest customers.

On the other hand, Police can catch girls on the streets who are involved in *JK business* as delinquents, since prefectural ordinances were enacted to keep girls away from the business. Police contact their parents to pick them up, though most girls keep their involvement in *JK business* a secret from their parents.

It is necessary to formulate a comprehensive law which bans all forms of businesses which involves the commercial sexual exploitation of children. The law should be severe enough to prevent start-ups of *JK business* and include a penalty for customers. It is also important to protect girls involved in *JK business* and provide them with care rather than catching and punishing them.

A-6 Illicit activities

The number of children who committed crimes (below twenty)	55,981 people [NPA, 2016d]
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Using, procuring or offering children for illicit activities, in particular for the production and trafficking of drugs are defined as one of the worst forms of child labour.

The number of children who were arrested by Police has been decreasing from 2011, and it almost halved between 2011 and 2015 (NPA, 2016d). By sex, the proportion of boys increased from 77.4% in 2011 to 81.0% in 2015.

However, the number of children who are being used for a new type of crime has been increasing sharply in recent years. That is fraud, which targets elderly people, has become a very serious social problem. Perpetrators call and entice elderly people to hand over money directly or via bank transfer for various reasons. One example is that a man pretends as though he were a grandson of an elderly person and asks him/her for money, because he caused a traffic accident and needed money for compensation immediately. Children are used for receiving money from victims or withdrawing money from banks. Children, who were attracted by high wages for simple jobs, end up being arrested, without knowing their involvement in crimes.

◆ High school students arrested for their involvement in fraud

Eighteen high school students were arrested by Police charged with involvement in fraud. They found part-time jobs which allowed them to earn a lot of money with short working hours and applied for it. The job was actually helping fraud take place by receiving money or cash cards from fraud victims. [Sankei News, June 29, 2018]

A-7 Construction work

The number of enterprises in construction industry which violated Article 62 (hazardous work) of the Labour Standards Act	18 enterprises (out of a total of 25) [MHLW, 2015]
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Construction work is often attractive for high-school-age boys due to the relatively good daily wage, but it includes work operations which are prohibited by law for children to do. Major construction companies have legal experts, and it is assumed that they are aware of the Labour Standards Act for minors. However, construction work is often subcontracted with first, second, and even third suppliers. Towards the end of the supply chain, company size becomes small and employers may not be aware of the restrictions on minors. Even if employers know the restrictions, it may not always be easy to exempt children from hazardous work in a series of operations conducted by teams at the construction sites.

◆ Hazardous work: being in a high place

A fifteen-year-old girl fell 43 feet to the concrete below and died, when she was checking and cleaning solar panels on a factory rooftop. It was the first day of the part-time job for her. [Mainichi-Shimbun, December 18, 2017]

◆ Hazardous work: being exposed to radioactivity

Boys aged between fifteen and seventeen were hired for operations at nuclear plants and radioactive decontamination work in their surrounding areas after the nuclear plant incident in Fukushima caused by the huge earthquake and tsunami in 2011. [Yomiuri-Shimbun, February 18, 2015].

A-8 Night-time entertainment business

The number of enterprises in the night-time entertainment business which violated Article 62 (hazardous work) of the Labour Standards Act	4 enterprises (out of a total of 25) [MHLW, 2015]
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Employers are prohibited from hiring children to entertain customers (serving alcohol, chatting to them and sitting beside them), although children can bring food and drink including alcoholic beverages to customers' tables in restaurants.

◆ Party escort girls

Around fifty junior high school and high school girls were employed as party escorts to serve alcohol and have conversations with people, mostly men. Girls were paid around 75 US dollars for three hours, which is a much higher wage than that of other part-time jobs, such as fast food shops. Girls were told by the employer to answer: "I

am over twenty years old,” if they were asked their ages. [Sankei News, October 4, 2017]

6. Child labour: violation of the minimum age for work

B Children working below the minimum age for work (fifteen years old)

C Children working below thirteen years old

(a)	The number of enterprises which violated Article 56 (Minimum age for work) of the Labour Standards Act	16 enterprises [MHLW, 2015]
(b)	The number of children (below fifteen) who work below the minimum age for work in the Census survey	270 children (126 boys and 144 girls) [MIC, 2015]
(c)	The percentage of high school students who said that they started part-time jobs when they were at junior high school	3.3% of respondents [MHLW, 2016b]

■ The minimum age for work

The Labour Standards Act, Article 56 stipulates: “Employers shall not employ children until the end of the first 31st of March that occurs on or after the day when they reach the age of fifteen years.” However, children of the age of thirteen and above may be employed in light work which does not harm their health and welfare, with the permission of relevant government agency, outside of school hours. Even light work is not allowed for children below thirteen.

An exception is made for children who are employed in the production of motion pictures and theatrical performance. They can work with the permission of relevant government agency irrespective of the age.

■ The existence of child labour

The existence of child labour (violation of the minimum age for work) was inferred from the following data sources, though it is not clear whether they worked legally or illegally for (b) and (c). The limitations of the data must be noted as below.

- (a) The number of children involved has not been made public.
- (b) These are the results of responses to a question, asking if the respondent was engaged in paid work between 24th and 30th in September in 2015.
- (c) These are the results of a questionnaire survey conducted on 1,854 high school students by the Ministry of Health, Labour and Welfare in 2016.

7. Children in employment and engaged in household chores

Children can be employed, in principle, when they complete compulsory education, i.e. graduating from junior high school (fifteen years old). They can work under eight hours a day and 40 hours a week, between 5:00am and 10:00pm, and cannot be made to work overtime and on holidays in principle. This chapter reports on various categories of children in employment, as well as sole proprietors (self-employed) and those perform household chores.

7.1. Working children over the minimum age for work

The number of working children of high-school age	231,110 children [MIC, 2015]
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The working/schooling status of children is categorised into eight groups in the 2015 Census, which is shown in Table 5. Children, who go to school and do not work, account for 84.8%, while quite a large number of children are engaged in work. Working children include junior high school leavers, high school drop-outs and high school students. The number of working children of high-school age is 231,110 (MIC, 2015). When including those in the categories “workers on leave” and “unemployed,” the total number increases to 253,230.

Table 5: Children’s situation of education and work (15 to 17 years old)

	Boys	Girls	Total
Mainly work	50,912 (2.7%)	29,310 (1.7%)	80,222 (2.2%)
Household chores and paid work	1,767 (0.1%)	3,954 (0.2%)	5,720 (0.2%)
Working while going to school	63,050 (3.4%)	82,118 (4.7%)	145,168 (4.0%)
Workers on leave	1,064 (0.1%)	695 (0%)	1,759 (0%)
Unemployed	12,674 (0.7%)	7,688 (0.4%)	20,361 (0.6%)
Household chores	3,129 (0.2%)	9,005 (0.5%)	12,134 (0.3%)
Schooling	1,574,892 (84.8%)	1,487,023 (84.7%)	3,061,915 (84.8%)
Others	25,555 (1.4%)	20,454 (1.2%)	46,008 (1.3%)
Unknown	123,482 (6.7%)	116,012 (6.6%)	239,494 (6.6%)
Total	1,856,523 (100%)	1,756,256 (100%)	3,612,779 (100%)

Source: Ministry of Public Management, Home Affairs, Posts and Communications (2015)

By industry, 90.1% of girls and 70.1% of boys work in the tertiary industry, such as hotels, restaurants, wholesalers, retail shops (MIC, 2015). Girls who are engaged in hotels/restaurants and wholesalers/retail shops, account for around 30% respectively. Boys who are engaged in hotels/restaurants, wholesalers/retail shops, and manufacturers

account for around 20% respectively, and around 10% of boys work in the construction industry. In these industries, the numbers of violations of the Labour Standards Act are found to be high.

D-1 Junior high school leavers in employment

The number of junior school students who got employment at the time of graduation	3,440 students [MEXT, 2016]
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According to the School Basic Survey (MEXT, 2016), students are divided into three categories depending on what they will do after graduating from junior high school:

- (1) going to high school or other schools;
- (2) being employed; and
- (3) others (household chores, neither going to school nor working, etc.).

The percentage of children who chose employment was 45.2% in 1950 and was declining year by year. The percentage dropped to less than 10.0% in 1973 and decreased even further to below 1.0% in 2000.

In 2016, 99.0% of junior high school students advanced to secondary education, and only 0.3% chose to work. Boys account for around 80.0% of those who started working. Many boys were employed in the secondary industry, while many girls were employed in the tertiary industry. A matter of concern was children who did not decide what to do after graduation. The number of students in category (3), mentioned above, was 8,590 (MEXT, 2016).

D-2 High school students engaged in work

The number of high school students engaged in work	145,168 students [MIC, 2015]
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■ Working high school students

A lot of high school students are engaged in full-time or part-time work, but their working situations are not fully known, since nation-wide surveys are not conducted. One reason for this can be that most full-time high schools, in principle, ban part-time work for students. They can do part-time work when they obtain permissions from schools. In reality, however, many high school students are engaged in part-time work, except for those who aim to enter prestigious universities and concentrate on studying. It is well known that many students work without reporting it to schools, which tends to be overlooked by school.

Alternatively, most night high schools encourage students to find work experience, and some students choose night schools, since they need to work to fund their education

and support their families. However, students of night and correspondence high schools represent only 6.2% of the total number of high school students. This could be another reason why little need is considered for conducting nation-wide surveys.

■ Reasons for working

Reasons for working have been deduced by small-scale surveys. Results vary depending on the area, school, and school course. However, it becomes clear that quite a few students work not only for their education (e.g. school fees, extra-curricular activities, and saving for higher education), but also to make a living. The lower the family income is, the higher the working hours and monthly salaries obtained by students. Long working hours have negative effects on their schooling, which may lead to them dropping out of school.

■ Black part-time jobs

A black part-time job is a term derived from the notion of “black companies,” organisations that make employees work hard in severe conditions often without abiding to the Labour Standards Act. Young workers tend to have little knowledge of labour standards and experience in society and hesitate to raise their voice over wrong doings. Taking advantage of this tendency, employers use young workers in exploitative conditions.

According to the survey conducted by the Ministry of Health, Labour, and Welfare (2016b), 32.6% of high school students engaged in work said that they had experienced some form of trouble with employers. They reported long working hours without breaks, night work, wages below the minimum wage, no payment for overtime work, being forced to work during exam periods, being imposed fines for absences or failing to fulfill a sales quota, fines deducted from their salary, and not being allowed to quit their job.

◆ Unpaid work at a convenience store

An eighteen-year-old high school student worked in a convenience store. He was not paid for time needed to change in and out of uniform. When the amount of cash in the register did not match with the amount of sales, the differences were deducted from his salary. He negotiated with the employer through collective bargaining and reached an agreement: he and his colleagues obtained unpaid salaries and fines for the past two years. [Mainichi-Shimbun, March 16, 2016]

7.2. Working children below the minimum age for work

E Junior high school students engaged in light work

The number of children who deliver newspaper to houses	435 children [Nihon-Shimbun-Kyokai, 2016]
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Junior high school students can be employed in light work which does not harm their health and welfare with the permission of the relevant government agency, outside of school hours.

One typical example is delivering newspaper to houses, which used to be popular light work for children to do. In 1963, the number of child newspaper delivery workers was 322,686, accounting for 72.8% of the total number of workers (Nihon-Shimbun-Kyokai, 2016). The number dropped year by year. Forty years on in 2003, the number was 25,539, and this further decreased to 2,003 in 2016. Out of these, only 435 were junior high school students, a decrease of one tenth since 2006. Now, junior high school students account for a mere 0.1% of the total number of workers.

This change can be explained by a few reasons, according to Nihon-Shimbun-Kyokai. As the number of households which subscribe to newspapers decreases, the area for delivery by one shop increases. Newspapers used to be delivered by foot or by bicycle, but now motorbikes are mostly used. Since junior high school students are below the eligible age to obtain motorbike licenses, it is hard for them to deliver heavy newspapers in wide areas without using motorbikes.

F Children working in the arts and entertainment business

The number of enterprises in the arts and entertainment business which violated Article 56 (minimum age) of the Labour Standards Act	5 enterprises (out of a total of 16) [MHLW, 2015]
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Children below thirteen years old shall not be employed even for light work. An exception is made for those working in the arts and entertainment business, such as in the production of motion pictures and theatrical performance, with the permission of the relevant government agency. Restrictions are imposed on working hours and night work.

However, 5 out of 16 enterprises, which violated the minimum age for work in 2015, are found in the arts and entertainment business. This is mainly because permissions for work were not properly obtained, according to the Labour Standards Inspection Office (interviewed, April 2018). The number of children who work in this business is unknown. Major entertainment agencies do not show numbers of child actors, actresses, singers, etc., as far as we could gather from searching their websites.

Recently, figures in the arts and entertainment business rank high in the occupations

which girls preferred. These include not only acting and singing but also being an “internet idol” and “underground idol.” These idols tend to perform independently, which means that they are often not under the protection of any entertainment agency. Since working conditions of children in the arts and entertainment business are not fully disclosed, it is necessary to investigate if there are any risks of law violations and/or harm of the welfare of children.

◆ **Long hours of work by a child actress**

A six-year-old child actress was forced to stay at the filming location for seventeen hours between noon and five o'clock in the following morning, though she took breaks and naps. The director demanded retakes dozens of times, but the producer did not stop her. This was repeatedly conducted during the filming. [Bunshun Online, March 1, 2017]

◆ **Internet idol**

A third-year junior high school girl performed as an “internet idol.” She only went to school several times. The principle urged her mother to send her to school six times, but the mother did not do so. She was reported to the prosecutor’s office for violating the School Education Act (obligation to enroll children in school). [Asahi Shimbun (Digital), January 18, 2017]

H Sole proprietors (self-employed)

Sole proprietors are outside of the scope of the Labour Standards Act since they are not employed. There are some criterions for deciding whether or not child singers, for example, are sole proprietors but judgement is made on a case by case basis. When children working in the arts and entertainment business are acknowledged as sole proprietors, in theory they can work late at night. In reality, however, entertainment agencies and broadcasting companies voluntarily restrict working hours for children (to 9:00pm for those below fifteen and to 10:00pm for those below eighteen).

There are also children who conduct business and are sole proprietors of other types of business. The situation of these children is mostly unknown.

G Children engaged in household chores

Helping out with household chores (e.g. cleaning rooms and preparing for meals) and helping a family business (e.g. attending a shop and agricultural work), are not considered as forms of child labour. This kind of household chores, rather, is considered to be beneficial to children by enabling children to obtain skills and social experience, unless the activities harm the child’s welfare.

However, when children are overloaded with household chores and their right to

education is infringed, their work is considered to be equivalent to child labour. There are around 54 million children aged between five and fourteen in the world who perform household chores for at least 21 hours per week (ILO, 2017), and about two-thirds are girls. 21 hours per week is thought to be a threshold beyond which household chores start having a negative impact on school life.

■ Young carers

A survey found that 5.2% of high school students take care of family members, such as grandparents, younger brothers and sisters, and those with diseases or disabilities (Kyoto Shimbun, December 5, 2017). Of these, 40% started this household chores when they were elementary school students. In fact, caring for family members is recognised as one of the reasons for long-term absence from school, according to the survey conducted by the Ministry of Education, Culture, Sports, Science and Technology (2017a). As Japanese society is aging, it is necessary to provide support to children who are overburdened by caring for family members.

◆ Girl who did not attend school due to household chores

A girl started doing household chores and accompanying her mother, who had a mental disorder, to hospital when she was in elementary school. She stopped going to junior high school because she felt that her life was so different from other classmates. [Nihon Keizai Shimbun, March 15, 2016]

8. Children at risk of child labour

Previous chapters have reported on children engaged in various forms of child labour, including hazardous work, as well as children in employment. These children, however, are thought to be a part of child labourers who actually exist in Japan. It is necessary to consider child labourers who are invisible and children at risk of child labour.

■ Three channels for children: family, school and community

It is considered that children have three spheres where they spend time. The first one is **family**. The smaller children are, the longer the time they stay with their families. Family plays an important role in the physical and psychological development of children.

The second sphere is **school** (educational institutions). Most children go to pre-primary schools, almost all children complete compulsory education, and 99% of children go to high school and other schools. Children, who attend schools, have limited free time and are watched over by teachers in addition to their parents. Though people take for granted that children go to school and assume that all children are in school, 10,790 children at compulsory-education ages are out of school (MIC, 2015).

The third sphere is **community**. Children, who join children's clubs or sports clubs in their communities, have neighbours and coaches around them.

When all these three spheres function well, children are likely to be protected by various people and have multiple channels to send an SOS. This would make it possible to reduce the risk of child labour. If one sphere does not function well, children still have two channels but the risk of child labour might be higher. If children are not comfortable in all of the three spheres, they become vulnerable. It is necessary to pay utmost attention to children who neither get along with their families, nor go to school, nor have relations with their communities.

This chapter will examine these children who are categorised into nine groups (R-1 to R-9), and two more groups (R-10 and R-11) to whom special consideration needs to be paid.

R-1 Missing children

(a)	The number of children (zero to eighteen) whose residences are not identified:	28 children [Mainichi Shimbun, June 29, 2017]
(b)	The number of children in elementary and junior high school whose residences are not identified	1,491 children [MEXT, 2012a]
(c)	The number of missing persons (below twenty)	17,971 people [NPA, 2016e]

■ Different numbers of missing children reported

Three different number of missing children are found, which appears to be due to different targets and methods adopted by different government bodies. The survey (a) conducted by the Ministry of Health, Labour and Welfare targets children who are registered as residents, while the survey (b) conducted by the Ministry of Education, Culture, Sports, Science and Technology targets children who are registered at schools. The survey (c) conducted by the National Police Agency reports the number of children for whom their families and other related people have asked Police to search. These children account for 21.9% of the total number of missing people.

Reasons for becoming a missing child that are suggested by the survey (b): a parent had to escape from a situation of domestic violence by another parent; children had to escape from violence by their parents; and family fled due to debt. Several fatal incidents were reported: missing children were found to be dead, after authorities lost track of them. It is imperative to ensure that every child's birth is registered and his/her growth is monitored without allowing a child to go missing. Otherwise, missing children might be at risk of abuse, crimes and child labour.

◆ A missing boy committed a crime.

His mother lived with different men one after another after she got divorced. The boy moved around with her, and went to different schools. However, he stopped going to school when he was in the 5th grade. After some time, his name was deleted from the school list and his whereabouts was not investigated by school. When he was eleven, his mother lived with a partner who worked and lived in a male companions club. He stayed with them and sometimes entertained the club's customers at night. His mother made him steal milk bottles in front of houses and bags from bicycles parked at supermarkets. At seventeen, he killed his grandparents and stole their money by his mother's order. [Ishikawa, 2015]

R-2 Children without nationalities

The number of children who have no nationality	112 children [MOJ, 2016]
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■ Background

A child has no nationality, when parents do not register the birth of the child. For example, when a woman gets pregnant through an extra-marital affair, and then gets divorced. By law, if the birth of the child is registered within 300 days after the divorce, then the child is registered as the ex-husband's child. Some women, who do not want their ex-husband to be the child's father, therefore decide not to make a birth registration.

Another case is when parents leave their children at international airports and go back to their home countries. These children are usually brought to a Children's Home.

The Children’s Home try to identify and obtain their nationalities, but it is not always possible. Thus, children end up having no nationalities.

■ Disadvantages of children without nationality

Children without nationalities are unable to have national health insurance, a driving license, passport, and others important documentation. They may not be able to rent houses or may be disadvantaged in getting employment. They are unlikely to be enrolled in school, though they are able to go to school, only when resident cards are issued in municipalities where they live. In fact, there were students in their late teens and twenties at a night junior high school (See **R-9**), since they had no nationality and had never been to school (interviewed, January 2017). Non-school-going children have more free time than school-going children. They are at risk of being engaged in child labour.

◆ Children without nationalities are likely to be out of school.
 A survey conducted in Kani city found that 21 children were not enrolled in school in 2003 and 2004, and 12 of them did not have nationalities. The percentage of unenrolled children is much higher for children without nationalities than that for other children. [Kojima, 2016]

R-3 Non-Japanese children

The number of children with foreign nationalities (compulsory-education-age children)	316,291 children (145,698 children) [MOJ, 2016]
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Around three million foreigners from 196 countries and territories lived in Japan in 2016. People from Asia account for 81.3%, followed by those from Latin America (8.5%). The number is expected to rise, since the government decided to allow more workers to come from overseas in 2019 due to labour shortage.

Many non-Japanese residents in Japan used to be Koreans who have lived here for generations and speak Japanese. In the 1980s, the government decided to accept Brazilians, Peruvians and others of Japanese descents to be included in the workforce in Japan. Many of them did not speak Japanese. Schools needed to teach Japanese to children who came with their parents, but most schools had no or little experience. Reportedly, some of these children are not accepted by schools, since they do not understand Japanese.

According to the School Basic Survey (MEXT, 2016), 72,089 non-Japanese children are registered in elementary and junior high schools. The gap between this figure and 145,698 (mentioned above) is very large. Children, who are not recorded in the School Basic Survey, may go to international schools or schools for Koreans or Brazilians. However, there is no precise record of the schooling of non-Japanese children, probably

because they are not subject to compulsory education. It is necessary to conduct a survey on their schooling status and ensure they are provided educational opportunities.

◆ Non-Japanese children engaged in child labour

Twelve Brazilians aged between thirteen and fifteen worked in factories which produced car parts. The Labour Standards Inspection Office issued recommendations for correction to two employment agencies which introduced the children to the factories. The children said that they were not interested in school because they could not understand Japanese and they wanted to help their families. [Kojima, 2016]

R-4 Children exempted from compulsory education

The number of children who are exempted from compulsory education	3,735 children [MEXT, 2016]
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In Japan, nine years of education (six years for elementary school and three years for junior high school) are compulsory. It is taken for granted that all children of these ages go to school but there are children who are exempt from compulsory education. They include children in hospitals due to illness or injury, as well as children in juvenile reformatory. Alternative opportunities for education may be provided for these children.

There are children who are categorised under ‘other reasons,’ and records are not clear for what these are. Moreover, it must be noted that 3,735 children are those who apply for exemption, and there may be children who do not go to school without following the procedure for exemption.

R-5 High school drop-outs

The number of high school drop-outs	49,263 students [MEXT, 2017a]
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High school drop-outs account for 1.4% of all high school students including night high schools and correspondence high schools. The percentage of drop-outs decreases in the higher grades, and the percentage is higher for night schools than that for full-time schools. The highest percentage is recorded for the 1st grade of night high school (19.1%). The main reasons for dropping-out include: difficulties in studying and relationships with students and teachers; and transferring to different schools.

According to a survey conducted for drop-outs a few years after they left high school, 56.2% of them are employed, 30.8% are in school, 13.6% are searching for jobs, and 11.0% help family businesses or household chores. Of those who are employed, only 17.1% are full-time workers.

By asking if drop-outs regret leaving school, 46.9% say “No” and 23.7% say “Yes.” In response to another question: “Is a high school diploma necessary?” 78.4% say that it is necessary. These results suggest ambivalent feelings. They believe in the importance of a high school diploma, yet they say that they do not regret dropping out. Educational background matters significantly when trying to obtain a job in Japan. Job opportunities are limited for those without a high school diploma. Some employers hire high school students but not drop-outs even for part-time jobs.

It must be noted that those who responded to the above survey account for less than half of those to whom the questionnaires were posted. Their addresses might have changed, or they might not want to respond to the questionnaire for various reasons. The survey results do not reveal the overall situation of drop-outs. When they lose one channel, i.e. school, they may become vulnerable to protect themselves from child labour. It is important to provide the appropriate and sufficient support to them.

R-6 Children with long-term absence from school

The number of children at elementary school, junior high school and high school who are absent for more than 90 days in an academic year	274,255 students [MEXT, 2017a]
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The number of long-term absent children is increasing, representing 1.0% of the student population for elementary school, 3.8% for junior high school, and 2.4% for high school. Once children feel reluctant to go to school, it is not easy for them to go back to school. More than 70.0% of the 3rd grade truant children at junior high schools started being absent from school when they were in the 1st grade.

The main reason for long-term absence is truancy, and factors behind truancy include difficulties in studying, difficult relationships with friends and teachers, and changes in the family environment (e.g. divorce of parents) (MEXT, 2017a). However, reasons for absence differ from child to child, and there may be no specific reasons, i.e. children just feel reluctant to go to school. Detailed case studies are necessary.

Another major problem at school, bullying is often a trigger of long-term absence, and the background of bullying can be low family income which is correlated with abuse and neglect (See Chapter 9). The government, therefore, decided to create a new post of school counsellors who provide counselling to students for various matters but they normally only visit school once a week. It may not be easy for students and school counsellors to build a relationship and for students to talk about their complex situations with counsellors.

Whilst the present school system does not appear to be dealing well with students with difficulties in attending school, it is assumed that long-term absent students are reclusive at home. However, some children are connected with others through on-line gaming and SNS. A risk of child labour may arise from these relationships, as shown in

the following case.

◆ **School absence leading to engagement with JK business**

A high school girl felt reluctant to go to school often, and started shutting herself in her room. While she did not go to school, she thought she had to do something and browsed the internet. She found a part-time job in *JK Kengaku Club* and started working. She made friends there and thought the shop was a place for her. [Ikawa, 2016].

R-7 Delinquent children

(a)	The number of persons who were taken into protective custody by Police (below twenty)	641,798 people [NPA, 2016d]
(b)	The number of children who act violently (beating students and teachers, and breaking desks and windows, etc.) at elementary school, junior high school and high school	55,967 children [MEXT, 2017a]

A large number of children (a) are taken into protective custody by Police, in addition to those who are arrested (See [A-6](#)). Around 60% were taken in by Police for being out late at night (11:00pm to 4:00am), and around 30% for being caught smoking. Boys accounts for around 80% of the total.

In addition, violence at school is also considered delinquency. Boys account for more than 90% of those who act violently at school (b). Schools' responses to these children include giving warnings, suspending them from coming to school, and dismissing them from school (only for high school). Schools also refer them to institutions outside the school, such as Child Consultation Centres, family court, and the Police.

Characteristics of delinquent children are identified by a survey (Aizu Daigaku, 2016). Firstly, delinquent children have a tendency to have difficulties in their personal relationships, low self-esteem, emotional instability, and truancy. Secondly, their family environment is complex and difficult, for example, due to the divorce of parents, single-parenthood, parents with a mental disorder, and abuse by parents. Thirdly, around 40% of their families are exempt from taxation due to low income, although at least one adult is working.

Factors behind delinquency can be bullying, strict school rules, and too much pressure on academic achievements. Delinquency is related to truancy. When problems at school are not well taken care of, they can lose their place at school. They might meet a group of children who are in similar circumstances outside school. There is a possibility that criminal groups approach these children and entice them to join their groups.

◆ Delinquent children are pushed out of school.

A junior high school boy died under a collapsed wall, when he helped demolish a gymnasium during the summer holiday in 2012. He started a part-time job a few months before, though his parents opposed it. The school which he went to tended to exclude students who broke school rules, rather than educating them. When students come to school without abiding the school rules on uniform or hair style, they are forced to go home and come back after correcting their uniforms or hair styles.

This student, and other students who were treated like this in the city, did not go to school often and started gathering outside school. A local employer provided opportunities for work, through which he hoped that students would be disciplined and return to school. The employer hired a total of seventeen students from four junior high schools in the past ten or more years. Schools and the Board of Education condoned this situation, even though they knew that the students had not reached the minimum age for work. [Ashikaga, 2014]

R-8 Children at night junior high schools

The number of night junior high school students	277 students [MEXT, 2014]
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Night junior high school was first established in 1947 to provide educational opportunities to children who stopped schooling due to poverty after completing elementary school. They were mostly fourteen to fifteen years old. They went to night school, while working during daytime. As time goes by, the backgrounds of night school students have diversified: elderly people who could not go to school when they were small; returnees from China and Korea; Indochina refugees; and truant children. The children are, in principle, over fifteen (those who do not complete compulsory education).

At present, the majority of night school students are non-Japanese, accounting for 81.0%, namely China (53.3%), Korea (19.9%), Vietnam (6.7%), Nepal (6.5%), the Philippines (4.6%) and others (MEXT, 2014). According to a night school teacher in Tokyo, about a half of the students are engaged in part-time work (interviewed, June 2016). For example, teenagers who come to Japan with their parents start working in restaurants which are managed by people from the same country because they do not speak Japanese. After they learn some Japanese at night school, they get jobs at fast food restaurants or convenience stores which offer better payment. However, no nation-wide data is available for their employment situation, though night junior high schools were established for working children.

Moreover, the completion rate of night junior high schools in Tokyo is 60% to 70% (interviewed, June 2016), and 25% of graduates leave without having decided what they will do (i.e. they are neither enrolled in high school nor are they employed). Those who drop out from school and those with junior high school certificates have very limited

options for employment. Non-Japanese students, who do not fully understand Japanese language and labour standards, are at risk of being exploited. It is necessary to conduct a survey on the employment situation of night junior high school students and drop-outs.

R-9 Children at night high schools and correspondence high schools

The number of night high school students	93,168 students (55,348 boys and 37,820 girls) [MEXT, 2016]
The number of correspondence high school students (aged between fifteen and seventeen)	117,921 students (62,841 boys and 55,080 girls) [MEXT, 2016]

Night high schools and correspondence high schools were established in 1948, in order to enable children to go to school, while working for their education and livelihoods. Classes are conducted during the evening hours at night high school, though some schools have day-time courses as well. Correspondence schools offers courses through distance learning.

The backgrounds of night high school students are also changing. There used to be working students due to economic reasons and delinquent students who had broken school rules and were dismissed from full-time schools (interviewed, June 2017). Now, an increasing number of students are those who did not go to junior high schools or were long-term absent students due to, for example, bullying. They restart school life at night or correspondence high schools.

No nation-wide survey is conducted for their employment situations, as there are no surveys on night junior high school students. According to a few small-scale surveys, around half of the students are engaged in employment and most of them are part-time workers (Kanagawa-ken, 2006; Hiratsuka, 2009; Nihon Kotogakko Kyoshokuin Kumiai, 2010). They spend money earned for tuition fees (32.6%), school meal fees (20.7%), and their family expenditures (28.8%), as well as for mobile phones (65.3%) and going out with friends (48.8%).

Night and correspondent high school students can work for longer hours and have a greater variety of job options than full-time students. The drop-out rate is higher than that for full-time high schools. These circumstances, similar to those for night junior school students, could increase the risk of being involved in child labour or being subject to black part-time jobs (See [D-2](#)). It is important to understand their employment situation and raise awareness of labour standards amongst these students, as well as teachers and employees.

R-10 Children in social welfare institutions

The number of children in Children's Home (below twenty)	28,811 children [MHLW, 2016c]
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The percentage of children in Children's Home (83%) is much higher than the percentage of children who live with foster parents (17%), out of children who have no guardian to take proper care of them (MHLW, 2011). Children were accommodated in Children's Home, mostly when they lost their parents, as a result of death, going missing and divorce in the 1980s (Zenkoku Jido-yogo-shisetsu Kyogikai, 2015). At present, 53.4% had experienced abuse at home and 23.4% have disabilities. The numbers of these children are increasing.

Children leave Children's Home when they complete their education (junior high school or high school), though some children run away in the middle of schooling. Support is provided to them to obtain jobs and find places to live before leaving. Those who have no guarantors to rent apartments, prefer jobs which provide accommodation.

However, about a quarter of the children quit jobs within one year after having left Children's Home (Tokyo-to, 2011). Those who are victims of child abuse and do not get along with their parents, have few people to rely on. They became very vulnerable when losing their income (and accommodation at the same time). It is said that the sex industry targets girls from Children's Home for recruitment, by offering a good salary and accommodation. It is important to continue support to children after they leave Children's Home.

R-11 Children with disabilities

The number of children with disabilities (physical, mental, and psychological) (including those over eighteen)	506,000 children [an estimate by the Cabinet Office, 2016b]
The number of children who are enrolled in special schools for children with disabilities	429,657 children [MEXT, 2017b]

The numbers of children with disabilities presented here are those who are certified as having disabilities and provided support by the government. Children with disabilities account for 2.6% of the child population. Moreover, there are children who have developmental disorders and other disabilities but have no certification. For example, 6.5% of elementary and junior high school students show difficulties in studying and school life, but about 40% of them do not receive any support from school (MEXT, 2012b). It is said that the number of children, who have some disabilities but have no certification, is increasing in schools, Children's Home, and reformatories. However, these children may not be well taken care of, because their difficulties are not

acknowledged.

Children with disabilities and developmental disorders are vulnerable. They may be treated badly by their parents or bullied at school, if others do not notice their difficulties. People with ill intentions may approach them to exploit them economically and sexually, by taking advantage of their weakness in arithmetic or difficulties in speaking up.

◆ Sisters engaged in prostitution

An elder sister with a mental disability and her younger sister lived with their mother, who started living on welfare while earning money by prostitution, after their father went missing. The two girls were sexually harassed by their mother's customers, and then were accommodated in Children's Home, when they were in junior high school. The elder sister did not get along with people at Children's Home and foster parents with whom they later lived. They finally left their foster parents and lived in hotels for a year by earning through prostitution under the name of *enjo-kosai*, until the hotel reported it to the police. [Suzuki, 2008]

9. Factors of child labour

A lot of research is conducted into child labour in developing countries, including analyses of the factors of child labour. Poverty is identified as an important reason, and other reasons include poor school environment and low awareness of the importance of education. These reasons cannot be straightforwardly applied to developed countries including Japan, since contexts, such as the labour market, enforcement of law, and school environment, are very different. It is, therefore, important to investigate factors of child labour in Japan.

■ Child poverty in Japan

After the end of World War II, many children were working by selling goods and polishing shoes on streets due to poverty. During the rapid economic growth in the 1950s and 1960s, many children got employed after completing compulsory education. As family income increased, more and more children started going to high school. In the 1970s when the enrolment ratio for high school exceeded 90%, there were still working children. That was accepted for such reasons that: poor children needed to work for their families; children could earn pocket money; and children could obtain social experience. At present, many people believe that elementary school and junior high school children do not work and some high school students are engaged in part-time work for pocket money. They find it difficult to believe that child labour exists in Japan.

This situation reminds us of the situation that child poverty was not raised as an issue until very recently. The government had not presented data on poverty for about forty years since the mid-1960s. As media reports on child poverty were mounting in the latter half of the 2000s, the government released the proportion of children living below the poverty line as 14.2%. That surprised Japanese people. At present, one out of seven children live in poverty. Some are in absolute poverty being short of food, while others are in relative poverty lacking opportunities for studies or various experiences outside of school. Since children in poverty are not easily identified, for example in classrooms, it is not easy to tackle child poverty.

Education costs are high in Japan, and families bear most of the costs. Though the Constitution of Japan guarantees free and compulsory education, families have to pay for school lunch, uniform, school trips, and extracurricular activities. High school fees became free or subsidised by the government recently, but families incur the costs for textbooks and other costs mentioned above. Furthermore, for a four-year university education it costs between 4,500 to 9,000 US dollars.

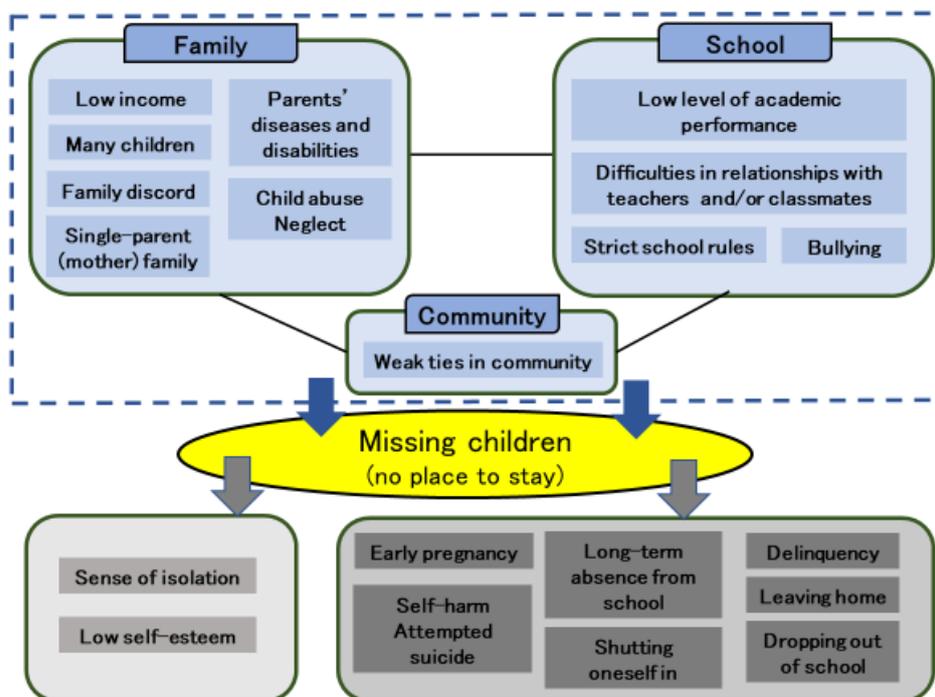
Children's needs are diversifying. Now, many children possess gaming devices and smartphones. They go out to eat, go shopping, and go to the cinema with friends. When they do not have what many others have or do not join in with what many others are doing, they can be left out or a target for bullying. Economic and social pressures may force children, in particular from low-income families, to work and earn, and the number of such children may be on the increase. Some of them may take high-wage jobs despite the

risk of being involved in child labour.

■ Factors of child labour in Japan

It is important for family, school, and community to function well for the prevention of child labour, as mentioned in Chapter 8. When these spheres do not function or are not connected with each other, children are not well protected from the risk of child labour. Reasons for the mal-functioning of the three spheres appear to be related to problems children are facing, according to the cases of child labour presented in the previous chapters (See Figure 2).

Figure 2: Problems children are facing = Factors leading to child labour



Source: created by ACE

◆ Family

Characteristics of low-income families are revealed by surveys on child poverty, which have been conducted by municipal governments and researchers since the existence of child poverty was noticed. Although all child labourers are not from low-income families, the characteristics of these families are very similar to those of children engaged in hazardous work. The characteristics include female-headed household, family with many children, and parents with disease or disability.

It is said that neglect and abuse of children, which is a very serious problem at present, is associated with child poverty. Neglect and abuse (including sexual violence by step-fathers) is found to be caused by complex family relationships as a result of divorce and remarriage. Moreover, excessive meddling by parents may lead to strained parent-child relationships. These difficulties make children feel they have no place at home.

◆ School

Problems that children are facing at school are categorised into three: (1) study (e.g. difficulties); (2) friends (e.g. bullying); and (3) school environment (e.g. strict school rules and corporal punishment). Now, bullying is a very serious problem, and is related to long-term absence. A factor behind these two may be poverty. For example, children who do not have proper clothes or gaming devices, may be left out or bullied by classmates. This may lead to truancy and long absence. Some children end up shutting themselves in their rooms for a long period of time, lasting up to years. Eventually, they lose their place in school. Moreover, children, who do not get along with their families, may feel they neither have a place they belong to at home nor at school.

◆ Community

Community connections have weakened and been lost over the decades. People may neither know their next-door neighbours, nor greet each other in their local community. A role played by community to watch over children has, therefore, decreased over the years.

As society is aging rapidly and the number of children is declining, children's clubs have been closed down, and events for children are not being organised. Opportunities for children to participate in the community are decreasing too. Children are losing their places in the community. Families that do not function well, tends not to be connected with the community. Children end up having no place in the community and at home.

■ Nowhere children

For children who find no place for themselves at home, at school, and in the community, their solutions include running away from home, delinquency, dropping out of school, self-harm, and suicide. When children do not want to stay at home but have no money, children in such similar circumstances may gather and be involved in petty crimes, for example, to get food. When they are asked by their older friends, they may not be able to say "No."

Some children search for someone who offers accommodation through the internet and SNS and move from one person to another. Girls in particular, are at risk of being raped by those who provide rooms. Some girls start *enjo-kosai* from the depth of despair, after they were raped by step-fathers, male friends, or unknown men, and felt they had become "dirty." By experiencing getting a sexually transmitted disease, pregnancy, abortion, or giving birth, their mental health can be damaged.

Nowhere children are likely to have sense of isolation and alienation, and low self-esteem. According to an international survey, self-esteem is lower and the suicide rate is higher for Japanese children than for children of other countries (Cabinet Office, 2016c).

■ Multiplicity of risk factors for child labour

Children, who go to school regularly, are unlikely to engage in child labour including hazardous work for long hours and for a long time, since they are in school for many hours in a day and many days in a year. When family and teachers are aware of what child labour is and risks of child labour, it is possible for them to prevent students from child labour. Moreover, when people in community also keep an eye on children, the risk can be reduced.

The previous chapter presented the actual cases of child labour among various categories of children who are considered as being at risk of child labour. The risk becomes high for children who have multiple risk factors. For example, the junior high school boy, who died in the construction site (See the case in [R-7](#)), concerns two risk factors of long absence from school and delinquency. He had no place in school, being having been rejected by teachers. Two sisters, who engage in *enjo-kosai* (See the case in [R-11](#)), also concerns two risk factors of children with mental disability and those being in a social welfare institution.

The factors of child labour presented in this chapter are inter-connected in complex ways. It is imperative to comprehensively solve problems that each child is now facing and provide children with places to stay and multiple ways to seek SOS. This would lead to the elimination and prevention of child labour.

10. Recommendations

152 million children are engaged in child labour globally, and of these two million are found in developed countries. In Japan, the number of child labour is not officially reported, but 297 enterprises violated the Labour Standards Act for minors in 2015, and the number of victims of crimes harmful to child welfare, that are considered as those engaged in hazardous work, was 6,235 (below twenty years old) in 2015. This survey also found and presented various cases of child labour.

In order to achieve SDG 8.7, “Elimination of child labour by 2025,” immediate action must be taken in Japan as well. The results of this survey suggest the following children be targeted.

(i) Children engaged in hazardous work

The number may be small, but children, who are exposed to harms to their safety, health and moral, must be protected immediately.

(ii) Children aged over the minimum age for work working in exploitative conditions

Around twenty-three thousand children are working, including those who work while going to school. Their rights as workers must be protected properly.

In response to the results of this survey, ACE is planning (and partly started) following activities to eliminate and prevent child labour in Japan.

■ Awareness-raising

It is considered that most child labourers are found among high-school-age children who engage in part-time jobs in exploitative conditions while going to school. Low awareness of child labour among employers, children themselves, parents and teachers can be a factor in this situation. ACE will address this issue as below.

- ✓ Produce a leaflet and organise workshops to explain child labour based on the Labour Standards Act and the international conventions, targeting adults, including employers, teachers, parents and organisations working on children’s issues.
- ✓ Produce a leaflet and widely distribute it to raise awareness of workers’ rights, targeting high school students and working children.
- ✓ Inform companies of a possibility that child labour might exist in supply chains and support them to identify and eliminate child labour.
- ✓ Ask organisations working on children’s issues to understand child labour in the Japanese context.
- ✓ Inform citizens that child labour exists in Japan and ask them to take action to eliminate it together with us.

■ Project on elimination of child labour

ACE will conduct a detailed survey to understand the situation of child labour in a targeted area and, based on the results of the survey, formulate and implement projects.

■ Networking

ACE will expand and strengthen networks with organisations working on children's issues, trade unions and others, and conduct activities (direct and indirect assistance, awareness raising, advocacy, etc.) in cooperation with them.

■ Advocacy

ACE organised a seminar on child labour in Japan in the Diet Member's Office Building in June, 2018, in cooperation with the caucus of Diet members, Promotion of ILO Activities, and made policy recommendations (See below) to Diet members, and officials of the Ministry of Health, Labour and Welfare and the Ministry of Foreign Affairs. We will continue our advocacy activities to make the government take action.

Policy recommendations

1. Formulation of an action plan on the elimination of the worst forms of child labour

ILO Convention No. 182, the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour requires governments to design programmes of action and implement the programme. Since the Labour Standards Act does not cover all the worst forms of child labour, a comprehensive action plan is necessary to eliminate them.

2. Setting up a government office for child labour

It is imperative to address the issue of child labour from various fields, such as labour, education, and child welfare, but at present there is no office in charge of child labour in the Ministry of Health, Labour and Welfare. A coordinating office needs to be established to implement the action plan mentioned above.

3. Conducting a survey on child labour and devising measures for its elimination

It is important to conduct a survey to collect data and information regarding the number, forms, age and sex of child labour and reasons behind child labour. Then, necessary measures need to be devised to address the different forms of child labour.

4. Providing protection and care to child labourers

It is necessary to withdraw children from child labour and provide an environment where they live safely and receive education if necessary. It is also necessary to provide proper care and support to all former child labourers to recover from physical and psychological damage.

5. Imposing more severe penalties for those who employ children

Laws relevant to child labour need to be revised to impose more severe penalties, which are severe enough to discourage the use and exploitation of children.

6. Taking measures to eliminate child labour in supply chains

Companies need to identify existence and risks of child labour in their main and branch offices, suppliers, and contractors, and take measures to withdraw children from child labour and provide rehabilitation.

7. Awareness-raising on child labour

It is necessary to organise seminars on employment of minors for labour standards inspection officers, government officials, employers, and teachers, and raise awareness of child labour among public at large.

11. Conclusions

It was September, 2016 when we started this survey: what forms of child labour exist; what the scale is; and what the actual situation is. The scope of the survey was widened from the original plan, ranging from collection of data on the numbers of child labour in various forms, literature review on the cases of child labour, interviews with organisations and individuals that might know child labourers. Therefore, it took longer than we expected to complete this report. We would like to apologise for not using the latest data in this report and ask your understanding on this matter.

During the survey, we mainly faced two difficulties. Firstly, although we had expected this to be the case, it was not possible to estimate a total number of child labour cases. An attempt was made to compile various sources of data, but category, age, and unit definitions were different. Secondly, we were not able to actually meet child labourers and interview them. Most interviewees whom we met were no more in contact with child labourers they knew.

However, this survey suggests that schooling and working statuses were not made clear for many children and that situations of the worst forms of child labour were very serious. It appears that factors of child labour connect with problems that children are face nowadays, for example, poverty, abuse, neglect, bullying and long-term absence from school. It is important to tackle these problems from the viewpoint of child labour, in order to eliminate and prevent child labour.

This survey also indicated the kind of activities that needed to be conducted and the main points for advocacy. As part of the second phase of surveying, ACE will conduct a detailed survey on real situations and factors of child labour in a targeted area. In this process, we intend to listen to children's voices and seek ways of supporting them. Furthermore, we will make efforts to raise people's awareness of child rights, since understanding of child rights can serve as the basis for solving this problem.

If you could contact us and let us know any information on child labour in Japan, we would be very grateful. We would also like to ask your support for our activities.

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Aiki Segawa	Lighthouse: Center for Human Trafficking Victims
Mitsuko Horiuchi	President, Kitakyushu Forum on Asian Women

NB: The affiliations refer to those effective in December, 2016.

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The following references are available in Japanese only. If you are interested in accessing these references, please see the Japanese version of the report ([http://acejapan.org/wp/wp-content/uploads/2020/04/ACE_Report_Child_Labour_in_Japan\(J\).pdf](http://acejapan.org/wp/wp-content/uploads/2020/04/ACE_Report_Child_Labour_in_Japan(J).pdf)) or contact us (childjpn@acejapan.org).

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