

Solidarity Network with Migrants Japan (SMJ) would like to contribute the information on 'Human Rights Issue on Technical Intern Training Program', which was created by the Japanese Government and has been causing human rights violations for many years.

The Technical Intern Training Program

1. According to the Japanese government, the purpose of the Technical Intern Training Program is to “transfer skills to Technical Intern Trainees who will form a basis of economic development in their respective countries and play an important role in Japan's international cooperation and contribution.”
2. The Program started in 1993 as the Industrial Training and Technical Internship Program, in which trainees from developing countries would complete a year of “training,” as a learning activity, then, as an intern, engage in activities that would lead to transfer of skills. Labor law protection would be applicable to the latter stage. Because of continuing human rights violations, in 2010, the Program was changed to the current system, in which the labor laws would be applicable from the beginning. However, as this did not improve the situation, the Act on the Proper Implementation of the Technical Intern Training Program and the Protection of Technical Intern Trainees (hereinafter referred to as, Act on Technical Internship) was adopted in 2016, and would enter into force in November 2017. Under the Act, a new Technical Internship Organization that would manage the system would be created, and sanctions would be provided for certain unlawful acts. On the other hand, well-performing receiving organizations can extend the receiving period for a technical intern trainee from the standard 3 to up to 5 years, and the quotas of technical intern trainees would be significantly expanded.
3. There are approximately 230,000 technical intern trainees in Japan as of end 2016. There was a 60% increase in the last 5 years. This is the largest group among the approximately 500,000 foreign residents in Japan with resident status with work permission.

Problems in the Technical Intern Training Program

4. The Program was created for the purpose of contributing to “international contribution,” but in reality, it functions as a measure to secure “extremely low cost labor” for small, very small and mid-sized companies in Japan that suffer from labor shortage. The gap in the supposed purpose of the Program and the actual situation leads to serious conflicts and problems.
5. The technical intern trainees work for low pay on a minimum wage level that is far below the average pay for a newly recruited high school graduate. In many cases, overtime pay is about half of the minimum wage. Many of the technical intern trainees have large amounts for accommodation and utilities costs deducted from their already low pay. Meanwhile, it is not unusual that their work consists of simple work requiring little skill that hardly merits the term human resource development. Some have had their passports and residence cards taken away. Their freedom in their private lives are often restricted, such as by banning possession of mobile phones or staying away overnight.

6. In principle, the technical intern trainees cannot change their receiving organizations, and therefore are subordinated to them. This means that it is extremely difficult for them to seek improvement even when there are problems with the labor conditions or the living environment. In many cases, they would have paid a considerable guarantee to the sending organization and their contract would include provisions for penalty fees in case they return before their training period is completed, therefore, they would be heavily indebted if they return before completing their training period. Because of these circumstances, “forced repatriations,” in which technical intern trainees, who assert their rights are sent back against their will, are a serious threat to technical intern trainees. These circumstances create a structure that places serious constraints on the technical intern trainees and a fertile ground for various human rights violations.
7. Because of this, international bodies, such as the Human Rights Committee (2008, 2014), the Committee on the Elimination of Discrimination against Women (2009, 2016), Special Rapporteur on trafficking in persons, especially women and children (2010), Special Rapporteur on the human rights of migrants (2011) and the Committee on the Elimination of Racial Discrimination (2014) have repeatedly raised their concerns of forced labor and human trafficking.
8. The Japanese government is improving the Program with the implementation of the Act on Technical Internship while expanding it. But there are no penalties for sending organization that demand guarantees or penalty payments, and the bilateral agreements with the sending countries are not legally binding. A large-scale expansion of the reception of technical intern trainees is being planned, but the Technical Internship Organization that would regulate the system is institutionally insufficient. As a result, it is unlikely that the Program would be improved.

Recommendations

9. The Technical Intern Training Program that causes many human rights violations should be abolished, and revised into a program receiving foreign workers with full range of labor rights including the right to change jobs.
10. The following measures should be taken at minimum regarding the Technical Intern Training Program.
 - * The Technical Internship Organization should be allocated with sufficient staff and organizational capacity so that it can effectively regulate the Program.
 - * Penalties should be provided for “forced repatriation” and effective prevention measures should be taken in the departure procedures for technical intern trainees leaving before completion of their training period, in order to prevent forced repatriation during the training period.
 - * The bilateral agreements with the sending countries should be given legally binding force and penalties should be provided for unlawful acts by sending organizations in order to increase effectiveness of the regulations for sending organizations.