

## **JAPAN 2014 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

Japan has a parliamentary government with a constitutional monarchy. Following national lower-house elections in 2012, Shinzo Abe, leader of the Liberal Democratic Party, became prime minister. Upper house elections in July 2013 gave the ruling coalition a majority in that chamber. On November 21, Prime Minister Abe dissolved parliament, calling a general election for December 14. The election, the second nationwide poll on the current government's watch, was considered free and fair. Authorities maintained effective control over the security forces.

Leading human rights problems included lack of due process for pretrial detainees, poor prison and detention center conditions, and the exploitation of children, although on June 18, the government revised a law to criminalize the possession of child pornography.

Other persistent human rights problems included detention of asylum seekers; domestic violence and sexual harassment against women; trafficking in persons, including the exploitation of foreign trainee workers; societal discrimination against minority group members, lesbian, gay, bisexual, and transgender (LGBT) individuals, and persons with disabilities.

The government enforced laws prohibiting human rights abuses and prosecuted officials who committed them.

#### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

##### **b. Disappearance**

There were no reports of politically motivated disappearances.

##### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and there were no known reports that government officials employed them.

On October 28, an inquest committee upheld a 2012 prosecutor's decision not to prosecute 10 immigration officers allegedly involved in the death of a Ghanaian man during a 2010 deportation attempt. The inquest committee finding ended criminal proceedings, although a civil action seeking damages from the government remained in progress. In November media reported that a Sri Lankan man who was denied entry at Tokyo's Haneda Airport died while awaiting deportation at the Tokyo Regional Immigration Bureau. After the man collapsed in a holding cell, immigration officers tried to revive him and called an ambulance; he was pronounced dead at a hospital. The case was under investigation.

The government continued to deny death-row inmates advance information about the date of execution and notified family members of executions after the fact. The government held that this policy spared prisoners the anguish of knowing when they were going to die. Some respected psychologists supported this reasoning; others demurred.

Hazing, bullying, and sexual harassment continued in the Japanese Self-Defense Forces (JSDF) during the year. On April 23, the Tokyo High Court ordered the state and a former JSDF member to pay approximately 73.3 million yen (\$691,500) in damages for the 2004 suicide of a 21-year-old JSDF member, ruling that assault, extortion, and failure of supervision contributed to the person's death. The court ordered the state to pay an additional 200,000 yen (\$1,890) in damages for concealing evidence. On August 26, the JSDF suspended a male master sergeant from duty for committing indecent acts against 18 female military personnel. The Ministry of Defense imposed disciplinary actions on 42 JSDF members from April 2013 to March 2014.

## **Prison and Detention Center Conditions**

Prison conditions generally met international standards, except that several facilities were overcrowded and lacked sufficient heating in the winter or cooling in the summer.

**Physical Conditions:** As of the end of 2013, there were 62,971 prisoners, a slight decrease from 2012. This figure, which counts detained defendants and suspects as well as sentenced prisoners and convicts, included 5,056 female prisoners and

no minors. Authorities held male and female prisoners in separate facilities in prisons and detention centers. Although the national prison population was significantly less than the facilities' capacity of 90,536 at the end of 2013, four prison facilities were reportedly beyond capacity. Facilities for sentenced female prisoners were at more than 82.9 percent capacity nationwide. Authorities held juveniles under age 20 separately from adults in prisons and regular detention centers, but regulations do not require that minors be held separately in immigration detention centers.

Instances of death in prisons or detention centers were rare. In March media reported the deaths of two detainees held at the same immigration detention center where a Burmese asylum seeker died in 2013. An Iranian man who choked on his meal died the day after being taken to a local hospital for treatment. Two days later, a Cameroonian man was found unconscious in his cell. Detention center workers attempted to resuscitate him and called for an ambulance, but he was pronounced dead after arriving at a hospital an hour later. A detention center spokesperson said the Cameroonian detainee complained of ill health several days before his death and had been moved to a private room and been seen by a doctor. The cause of death in both cases remained unknown. In 2013 a 57-year-old Burmese detainee died from a stroke following seizures at a time when detention officers said that the on-duty doctor was on a lunch break. While authorities summoned a doctor approximately one hour after the collapse, the detainee died in the hospital.

In some institutions clothing and blankets were insufficient to protect inmates against cold weather. Most prisons did not provide heating during nighttime hours in winter despite freezing temperatures, subjecting inmates to a range of preventable cold injuries. Foreign prisoners in the Tokyo area continued to present chilblains-affected fingers and toes of varying severity resulting from long-term exposure to cold.

Reliable nongovernmental organizations (NGOs) and foreign observers also reported that some facilities continued to provide inadequate food and medical care. Foreign observers confirmed cases during the year in which the prison diet was inadequate to prevent weight loss. Prisoners had access to potable water.

Observers documented inadequate medical treatment, including for detainees and prisoners with pre-existing medical conditions. Foreign observers also noted that dental care was minimal and access to palliative care was lacking. Prisoners complained they did not have adequate opportunities to exercise, although the law

allows prisoners at least 30 minutes exercise time each day. Police and prison authorities were particularly slow to treat mental illness and had no protocol for offering psychiatric therapy. Foreign observers noted that trials may be delayed indefinitely for mentally ill prisoners. NGOs, lawyers, and doctors also continued to criticize medical care in police-operated pre-indictment detention centers and immigration detention centers.

Administration: Credible NGOs continued to report that prison management regularly abused solitary confinement rules, which set a maximum of three months, with the possibility of extension every month thereafter if deemed necessary. Prison officials maintained that solitary confinement was important to keep order in prisons at or above capacity.

Authorities reportedly held prisoners condemned to death in solitary confinement for an average of almost eight years until their execution. They kept some prisoners in solitary confinement for decades, although allowing visits by families, lawyers, and others. In March the country released a death-row inmate after 48 years in prison, including 30 years in solitary confinement. A court found that investigators likely fabricated the evidence used to convict him and ordered a retrial.

Recordkeeping on prisoners was thorough and adequate, including information on prisoner location, transfer dates and destinations, disciplinary actions, and visitors as well as the number of packages, books, and letters received. Authorities commonly used alternative and suspended sentences for first-time and nonviolent offenders.

The law allows for broad religious observance within prisons, as long as these activities do not interfere with prison management. Prisons are also required to allow for consultations with a prison chaplain, but they did not always provide routine access to religious observance. Prison officials sometimes rejected requests from foreign prisoners to join religious meetings or receive religious counseling unless the prisoner's embassy was also willing to approve the request or verify the standing of the individual seeking to provide counseling.

While authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of allegations of problematic conditions, they provided the results of such investigations to prisoners in a letter offering little detail beyond a final determination. While there

was no prison ombudsman, independent committees (see below) played the role of an ombudsman.

**Independent Monitoring:** NGOs reported that the government generally allowed visits by nongovernmental and international organizations. As of November the International Committee of the Red Cross had not requested a prison visit, but the Japan Federation of Bar Associations had.

Prison management regulations stipulate that independent committees inspect prisons and detention centers operated by the Ministry of Justice and detention facilities operated by police. Authorities permitted committees including physicians, lawyers, local municipal officials, and local citizens to interview detainees without the presence of prison officers. During the 12-month period to March, these committees conducted 185 visits and 547 interviews with detainees and made 578 recommendations. In response to 381 of these recommendations, officials made the suggested changes or pledged to do so.

By law third-party inspection committees also inspected immigration detention facilities. These committees conducted 16 visits, 66 interviews with detainees, and made 86 recommendations during the 12-month period to June. Detention facilities made changes based on 68 of the recommendations or pledged to do so. Domestic and international NGOs and international organizations continued to note that this process failed to meet international prison inspection standards. They cited the Ministry of Justice's provision of all logistical support for the inspection committees and the use of ministry interpreters during interviews with detainees. Immigration detention facilities managers noted that the interpreters were not employees of the Ministry of Justice, but private citizens.

There was no inspection procedure for observing the country's 52 juvenile reform facilities.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but credible NGOs and journalists continued to allege that police in large cities employed racial profiling to harass and sometimes arrest "foreign-looking" persons, particularly dark-skinned Asians and persons of African descent, without cause.

### **Role of the Police and Security Apparatus**

The National Public Safety Commission, a cabinet-level entity, oversees the National Police Agency (NPA), and prefectural public safety commissions have responsibility for local police forces. The government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. Some NGOs continued to criticize local public safety commissions for lacking independence from or sufficient authority over police agencies.

### **Arrest Procedures and Treatment of Detainees**

Authorities apprehended persons openly with warrants based on evidence and issued by a duly authorized official and brought detainees before an independent judiciary. Foreign observers continued to claim that warrants were granted at high rates, detention sometimes occurred notwithstanding weak evidentiary grounds, and multiple repeat arrests of suspects were used to facilitate police case building.

The use of police-operated detention centers placed suspects in the custody of their interrogators, although the law separates investigation from detention even when the same agency is responsible for both functions. Police sent the vast majority of arrested suspects to police detention facilities, with a much smaller proportion sent to justice ministry-operated pre-indictment detention centers.

The law provides detainees the right to a prompt judicial determination of the legality of their detention and requires authorities to inform detainees immediately of the charges against them.

The law allows authorities to detain persons for up to 23 days without filing charges.

The law allows detainees, their families, or representatives to request that the court release an indicted detainee on bail. Bail is not available during pre-indictment to persons detained in either police or Justice Ministry detention facilities. Reliable NGOs also stated that although the practice is illegal, interrogators sometimes offered shortened or suspended sentences to a detainee in exchange for a confession.

Suspects in pretrial detention are legally required to face interrogation, although NPA guidelines limit interrogations to a maximum of eight hours and prohibit overnight interrogations. Pre-indictment detainees had access to counsel, including

at least one consultation with a court-appointed attorney; however, counsel may not be present during interrogations.

Authorities usually allowed family members to meet with detainees, but only in the presence of a detention officer. The law allows police to prohibit detainees from having interviews with persons other than counsel if there is probable cause that the suspect may flee or may conceal or destroy evidence. Many detainees, including most charged with drug offenses, were held incommunicado until indictment and were allowed only consular and legal access. There is no legal connection between the type of offense and length of time a detainee may be held incommunicado. Those detained on drug charges, however, often were held incommunicado longer than other suspects, since prosecutors worried that communications with family or others could interfere with investigations.

National Public Safety Commission regulations prohibit police from touching suspects (unless unavoidable), exerting force, threatening them, keeping them in fixed postures for long periods, verbally abusing them, or offering them favors in return for a confession. While the Justice Ministry denied such instances took place, credible NGOs asserted that authorities did not adequately enforce the regulations and continued, in extreme cases, to subject detainees to eight- to 12-hour interrogation sessions during which authorities handcuffed them to chairs for the entire period and used aggressive questioning techniques. NGOs also noted that while physical force had become less common, authorities continued to use psychologically coercive methods to extract confessions.

Prosecutors, at their discretion, may partially record suspects' confessions during interrogation. The most common type of recording is the yomi-kikase (read-aloud), in which a police officer is recorded reading back or orally summarizing a detainee's confession. Authorities edit the recordings selectively, and courts therefore may not see any psychologically coercive tactics that reportedly often lead to confessions and related verbal summaries by police. All prefectures have trial programs to record limited sections of some interrogations; some prefectoral governments began pilot programs to record entire interrogations. While internal police supervisors increasingly were present during interrogations, there was no independent oversight, and allegations of confessions under duress continued.

The NPA announced it had received 487 complaints during 2013 about interrogations and confirmed 35 violations of interrogation guidelines. Police inspection offices issued disciplinary actions against some of the violators, although the NPA did not release related statistics. Amnesty International urged

reforms, such as the introduction of electronic recording of entire interrogations and prohibition of interrogation without the presence of legal counsel.

**Pretrial Detention:** Authorities usually held suspects in police-operated detention centers for an initial 72 hours. By law such pre-indictment detention is allowed only where there is probable cause to suspect that a person has committed a crime and is likely to conceal or destroy evidence or flee, but it was used routinely. After interviewing a suspect at the end of the initial 72-hour period, a judge may extend pre-indictment custody for up to two consecutive 10-day periods. Prosecutors routinely sought and received these extensions. Prosecutors may also apply for an additional five-day extension in exceptional cases, such as insurrection, foreign aggression, or violent public assembly.

Because judges customarily granted prosecutorial requests for extensions, pretrial detention, known as daiyou kangoku (substitute prison), usually continued for 23 days. Nearly all persons detained during the year were held in daiyou kangoku. Reliable NGOs and foreign observers continued to report that pretrial detainees were routinely held incommunicado for up to 23 days before being allowed access to persons other than their attorneys or, in the case of foreign arrestees, consular personnel.

**Detention of Rejected Asylum Seekers or Stateless Persons:** Reliable NGOs pointed out that the policy of detaining asylum seekers and other irregular migrants for prolonged periods remained a problem. They noted improvements from the Ministry of Justice's continuing efforts to streamline the asylum petition process and reduce time spent in detention.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence.

#### Trial Procedures

The law provides the right to a fair trial for all citizens. Each charged individual has the right to receive a public trial by an independent civilian court without undue delay; has access to defense counsel, including an attorney provided at public expense if indigent; and has the right to cross-examine witnesses. There is a lay judge (jury) system for serious criminal cases, and defendants cannot be compelled to testify against themselves. Defendants have the right to be informed

promptly and in detail of charges. Authorities provided free interpretation services to foreign defendants in criminal cases. Foreign defendants in civil cases must pay for interpretation, although a judge may order the plaintiff to pay the charges in accordance with a court's final decision.

Defendants are presumed innocent until proven guilty, but respected NGOs and lawyers continued to question whether they were presumed innocent in practice. According to NGOs the majority of indicted detainees confessed while in police custody, although the government continued to assert that convictions were not based primarily on confessions and that interrogation guidelines stipulate that suspects cannot be compelled to confess to a crime.

In 2013 courts heard approximately 400,000 criminal cases and found 122 suspects not guilty, resulting in a conviction rate of more than 99.9 percent. The courts also dismissed 345 cases. Independent legal scholars alleged that the judiciary gives too much weight to confessions, although the government disagreed.

Defendants have the right to appoint their own counsel to prepare a defense, present evidence, and appeal. The court may assist defendants in finding an attorney through a bar association. Defendants may request a court-appointed attorney at state expense if they are unable to afford one.

According to some independent legal scholars, trial procedures favor the prosecution. The law provides for access to counsel; nevertheless, a significant number of defendants reported that this access was insufficient. The law does not require full disclosure by prosecutors unless the defending attorney is able to satisfy difficult disclosure procedure conditions. This sometimes resulted in the suppression of material that the prosecution did not use in court.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. Individuals have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. There are both administrative and judicial remedies for alleged wrongs.

**f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice.

**Section 2. Respect for Civil Liberties, Including:****a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Censorship or Content Restrictions: The media expressed a wide variety of views without restriction. Some NGOs continued to criticize press clubs as encouraging self-censorship and similar news coverage by fostering close relationships among media personnel, officials, and politicians.

**Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The internet was widely accessible and used.

**Academic Freedom and Cultural Events**

The Ministry of Education's approval process for history textbooks, particularly its treatment of the country's 20th century colonial and military history, continued to be a subject of controversy.

The national anthem and flag continued to be controversial symbols. Administrators reprimanded public school teachers for refusing to stand and sing the national anthem in front of the flag.

There were no government restrictions on cultural events.

**b. Freedom of Peaceful Assembly and Association**

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Internally Displaced Persons (IDPs)**

The government generally provided adequate shelter and other protective services in the aftermath of the March 2011 earthquake, tsunami, and nuclear power plant disaster in Fukushima Prefecture and sought to provide permanent relocation or reconstruction options. The press criticized the National Reconstruction Agency, citing administrative disorganization or slow progress in housing reconstruction and decontamination of radiation-affected areas. On July 31, the National Reconstruction Agency announced that 64.7 percent of its fiscal 2013 budget slated to rebuild areas affected by the disasters was unused. According to agency statistics as of June and July, of the approximately 247,000 evacuees, there were no persons in evacuation centers, while approximately 230,000 continued to live in temporary housing.

#### **Protection of Refugees**

Access to Asylum: The law provides for granting of asylum or refugee status, and the government has established a system for providing protection to refugees who were already resident in Japan. In March 2013 the government relaxed the selection criteria for Burmese refugees participating in the UN Third Country Resettlement Program.

There were 3,260 applicants for refugee status in 2013, the largest number since the country began recognizing refugee status. Authorities granted refugee status to six individuals and humanitarian protection to 151, a 21 percent increase in the total number of asylum grantees from 2012. Of those 157 recipients, approximately 52 percent were Burmese who received preferential consideration, according to refugee groups. Of the six individuals who received refugee status in 2013, authorities initially rejected three but approved them on appeal. NGOs noted no Syrian applicants received refugee status, although some received humanitarian protection.

Refugee and asylum applicants may ask lawyers to participate in their hearings before refugee examiners. Although government-funded legal support was not available for most refugee and asylum seekers requesting it, the Japan Federation of Bar Associations continued to fund a program that provided free legal assistance to those applicants who lacked financial means.

Members of the government, the Japan Federation of Bar Associations, and the NGO Forum for Refugees Japan extended a pilot project to provide accommodation, casework, and legal services for individuals who arrived at Narita airport, received temporary landing or provisional stay permission, and sought refugee status.

**Refoulement:** The government does not expel or return refugees to countries where their lives or freedom would be threatened in accordance with the UN Convention and Protocol relating to the Status of Refugees. Refugee groups continued to express concern regarding the government's high threshold for proof in the adjudication of asylum applications. As of November the Burmese Rohingya Association of Japan identified 90 individuals without refugee status who were granted temporary residency.

There were no reported cases of refoulement of asylum seekers during the year.

**Employment:** Applicants for refugee status normally may not work unless they have valid short-term visas and apply for permission to engage in income-earning activities before the visas expire. In the interim before approval, small stipends are provided to some applicants who faced financial difficulties by the Refugee Assistance Headquarters, a section of the government-funded, public-interest, incorporated Foundation for the Welfare and Education of the Asian People.

Access to Basic Services: Refugees continued to face the same discrimination patterns that other foreigners did: reduced access to housing, education, and employment. Except for those who met right-to-work conditions, individuals whose refugee status was pending or on appeal did not have the right to receive social welfare, rendering them completely dependent on overcrowded government shelters, illegal employment not subject to labor law oversight, or NGO assistance. An NGO noted that one immigration detention center had improved medical access by placing a part-time psychiatrist and clinical psychologist in the center and referring detainees more frequently to outside hospitals.

Temporary Protection: In 2013 the government also provided temporary protection to 151 individuals who may not qualify as refugees, 40 more than in 2012.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: On December 14, the country held a nationwide vote for the second time on the current government's watch, following Prime Minister Abe's November 21 dissolution of parliament. The country held free and fair national elections in July 2013 for the House of Councilors, the upper house of the Diet (legislature). A law that prohibited candidates from using websites, blogs, or social media during the formal campaign period was revised in 2012, allowing candidates to engage with voters via the internet for the first time during the July 2013 election.

Participation of Women and Minorities: Women held 45 of 475 seats in parliament's lower house and 39 of 242 seats in the upper house after the December general election. Women held four of the 19 seats in the new cabinet appointed after the election, as well as one of the three senior posts in the ruling Liberal Democratic Party. At year's end there were two female governors out of 47 prefectures.

Because some ethnic minority group members are of mixed heritage and did not self-identify, it was difficult to determine their numbers in the Diet. At least two Diet members acknowledged being naturalized Japanese citizens.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices. Independent academic experts stated that ties among politicians, bureaucrats, and businesspersons were close and corruption remained a concern. NGOs continued to criticize the practice of retired senior public servants taking high-paying jobs with private firms that rely on government contracts. In August the Ministry of Justice reported prosecutions of 76 suspects for bribery in 2013, and the Supreme Court reported convictions of 30 individuals for bribery in 2013. There were regular media reports of investigations into financial and accounting irregularities involving high-profile politicians and government officials. Two members of the government--Justice Minister Midori Matsushima and Trade Minister Yuko Obuchi--resigned from the cabinet on October 20 following allegations that their campaign organizations had violated the Public Offices Election Law by giving gifts to voters in their districts.

Corruption: Several government agencies are involved in combating corruption, including the NPA and the National Tax Administration Agency. In addition the Fair Trade Commission enforces antimonopoly law to prevent unreasonable restraint of trade and unfair business practices, such as bid rigging. The Financial Intelligence Center is responsible for preventing money laundering and terrorist financing. The National Public Services Ethics Board polices public servants suspected of ethics violations. The Board of Audit monitors the accounts of corporations in which the government is a majority shareholder. Anticorruption agencies generally operated independently, effectively, and with adequate resources, although some experienced staffing shortfalls.

In August 2013 police reported the arrest of a veteran Fukuoka Prefecture police officer for accepting bribes of approximately 163,000 yen (\$1,540) in exchange for leaking personal information to a credit research company linked to organized crime. According to police officials, the information included the addresses and parking space certifications of specific individuals. The officer was dismissed, and in December 2013 he was sentenced to three years in prison, which was suspended for four years.

Financial Disclosure: The law requires members of the Diet to disclose their income and assets (except for ordinary savings), including ownership of land, buildings, securities, and transportation means, but it does not require disclosure of the assets, income, or security dealings of spouses and dependent children. There are no penalties for noncompliance. NGOs and the media criticized the law as lax.

Public Access to Information: By law the public has the right to access government information, and the law was effectively implemented.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views.

Government Human Rights Bodies: The Justice Ministry's Human Rights Counseling Office has 315 offices across the nation. Approximately 14,000 volunteers fielded questions in person, by telephone or on the internet, and provided confidential consultations. Counselling in a foreign language was available in several offices. In 2013 the ministry received approximately 256,000 human rights inquiries and provided consultations or mediation in 22,127 cases. Incidents included accusations of unfair housing treatment, harassment, libel, teacher abuse, and student bullying. The ministry also continued to provide counseling on cases related to the 2011 earthquake and related disasters. Human rights groups did not consider these offices independent or effective and reported that they lacked public trust.

There was no independent ombudsman office per se at the national level, although the Administrative Counseling System, a department of the government's Ministry of Internal Affairs and Communications, was well resourced and provided many of the same functions as a national office. Its director general represented the country on international ombudsman bodies. There were 50 consultation desks and approximately 5,000 administrative counselors countrywide as well as counseling centers within department stores in 19 cities to provide free and confidential counseling that was easily available.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, and social status but does not prohibit discrimination based on language, sexual orientation, or gender identity. Although the government enforced these prohibitions to some degree, discrimination against women, minority group members, persons with disabilities, LGBT persons, and foreigners remained problems. Moreover, enforcement was not uniform, with some provisions for persons with disabilities interpreted as applying to the public sector but not the private sector.

## Women

Rape and Domestic Violence: The law criminalizes all forms of rape involving force against women, including spousal rape, and the government generally enforced the law effectively. The law defines a rapist as “a person who, through assault or intimidation, forcibly commits sexual intercourse with a female of not less than 13 years of age or commits sexual intercourse with a female under 13 years of age.” Prosecutors interpreted forcible to mean evidence of force and/or physical resistance by the victim is necessary for a sexual encounter to be considered rape. According to NPA statistics, in 2013 there were 1,409 reported cases of rape against women and girls, and authorities prosecuted 531 individual suspects. There were 1,723 convictions for rape and other indecent acts; 918 of those convicted (53.3 percent) were given suspended sentences.

Although prohibited by law, domestic violence against women remained a serious problem. According to NPA statistics, in 2013 there were 49,533 reported cases of domestic violence, with women constituting more than 93.4 percent of the victims. On January 3, revised legislation allowed victims of abuse by domestic partners, spouses, and former spouses to receive protection at shelters and seek restraining orders from court.

In October 2013 a revised stalker-control law came into effect, which prohibits e-mail harassment. The same month the country prosecuted its first stalker case, sentencing a man to 22 years in prison for stalking and killing his former girlfriend. Police identified 21,089 stalking cases and made 1,889 arrests in 2013.

The government reiterated its apologies to World War II “comfort women” (women trafficked for sexual purposes during the war). South Korean survivors and their supporters continued to call for a formal apology and compensation from the government.

Female Genital Mutilation/Cutting (FGM/C): The law does not ban FGM/C specifically. There were no reports the practice occurred.

Sexual Harassment: The law does not criminalize sexual harassment but includes measures to identify companies that fail to prevent it, and prefectural labor offices and the Ministry of Health, Labor, and Welfare provided these companies with advice, guidance, and recommendations. Companies that fail to comply with government guidance may be publicly identified, but according to officials, this has never been necessary. Sexual harassment in the workplace remained widespread, however, and from April 2013 to March 2014, government hotlines in prefectural labor bureau equal employment departments reported receiving 9,230 consultations, 61.8 percent of which were from female workers. In June the Japanese Trade Union Confederation released survey results indicating that approximately 49 percent of female employees had suffered sexual or power harassment in the workplace, although 31 percent of those women did not file a complaint or seek consultation. Government hotlines in prefectural labor bureau equal employment departments handled consultations concerning sexual harassment and mediated disputes when possible.

In a June incident that sparked national debate, a female Tokyo Metropolitan Assembly member speaking on maternal and pediatric health-care issues was heckled by a male assembly member with taunts such as, “Why don’t you get married?” The assemblyman later apologized and resigned from his political party but kept his seat in the assembly.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health free from discrimination, coercion, and violence. Women had access to contraception and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care.

Discrimination: The law prohibits gender discrimination and generally provides women the same rights as men. The Gender Equality Bureau in the Cabinet Office continued to examine policies and monitor developments.

Inequality in employment remained a society-wide problem (see also section 7.d.). Women constituted 42.8 percent of the labor force in 2013, and their average monthly wage was 231,700 yen (\$2,190) seven-tenths of the monthly wage earned

by men (334,100 yen (\$3,150). Women held 11.2 percent of managerial positions in 2013. Employers often forced pregnant women to leave their position.

From January to March, the government received 2,085 complaints of harassment and discrimination related to pregnancy and childbirth from female workers, up 18 percent from six years ago. The Supreme Court heard its first maternity harassment case on October 23 and ruled in favor of a physical therapist who claimed workplace maternity harassment. Her attorneys and representatives of an NGO dedicated to fighting such harassment described the ruling as landmark decision. They alleged that Japanese employers often pressured pregnant workers to quit despite the country's Equal Employment Opportunity Law, routinely denied such practices, and faced few repercussions when complaints were investigated by the Ministry of Health, Labor, and Welfare. Some Japanese businesses stated the ruling would discourage hiring women of childbearing age.

Prime Minister Abe made women's empowerment a central theme of his growth strategy, an emphasis that analysts dubbed "womeneconomics." Increasing child-care facilities and maternity leave, along with encouraging private companies to report gender statistics in annual financial reports, were key components of his efforts to increase women's participation in the economy and government. The share of women in managerial positions of companies with more than 100 employees increased from 6.9 percent in June 2012 to 7.5 percent in June 2013, and the employment rate of women ages 25-44 increased from 68 percent in 2012 to 69.5 percent in 2013.

Despite Prime Minister Abe's introduction of policies to encourage women's participation in the workplace, NGOs continued to allege that implementation of antidiscrimination measures was insufficient, pointing to discriminatory provisions in the law, unequal treatment of women in the labor market, and low representation of women in high-level elected bodies. NGOs urged the government to abolish a six-month waiting period stipulated in the law for women but not men before remarriage, eliminate different age minimums for marriage depending on sex, and allow married couples a choice of surnames.

## **Children**

Birth Registration: The nationality law grants citizenship at birth to a child of the following: a Japanese father who is either married to the child's mother or recognizes his paternity, a Japanese mother, or a child born in the country to parents who are both unknown or are stateless. The law requires registration

within 14 days after in-country birth or within three months after birth abroad, and these deadlines were generally met. Individuals were allowed to register births after the deadline but were required to pay a fine.

The law requires birth entries in the family registry to specify whether a child is born in or out of wedlock. The Supreme Court voted unanimously in September 2013 to declare unconstitutional a civil code clause that denied full inheritance rights to children born out of wedlock. Another provision of law, that a child born within 300 days of a divorce is presumed to be the divorced father's child, resulted in the nonregistration of an unknown number of children. During the year the Ministry of Justice launched its first survey on unregistered births; the survey continued as of November.

Child Abuse: Reports of child abuse continued to increase. During the first three months of the year, local child guidance centers acted on 73,765 reports of child abuse by parents or guardians, an increase from the previous year. According to the NPA, 317 child abuse cases from January to June resulted in the arrest of 327 persons, up approximately 44 percent for both cases and suspects, while 10 children died as a result of abuse by parents or guardians. As of October 20, the Ministry of Health, Labor, and Welfare identified 141 missing children, including four believed to have been abused.

The law grants child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. The law also bans abuse under the guise of discipline and requires anyone aware of suspicious circumstances to notify a local child-counseling or municipal welfare center. The Ministry of Health, Labor, and Welfare attributed increased numbers of reports of child abuse to growing public awareness of the problem. To ameliorate the situation, municipal governments require that child welfare officials interview suspected abusive parents or guardians and provide them with assistance as needed. Police sent more officers to Child Guidance Centers when necessary.

Early and Forced Marriage: The law stipulates that to marry, the male partner must be 18 or older and the female partner 16 or older. A person under 20 may not marry without at least one parent's approval. According to data compiled in 2012 by the Ministry of Health, Labor, and Welfare, the rates of marriage of men and women at and below age 19 were 1.76 percent and 3.66 percent, respectively.

Female Genital Mutilation/Cutting (FGM/C): The law does not ban FGM/C specifically. There were no reports the practice occurred.

Sexual Exploitation of Children: Child prostitution is illegal, with a penalty of imprisonment with labor for up to five years or a fine of up to three million yen (\$28,300) for adult offenders and penalties of up to seven years' imprisonment and fines of up to 10 million yen (\$94,300) for traffickers. Authorities effectively enforced the law. Nonetheless, the continued practice of enjo kosai (compensated dating) and the existence of websites for online dating, social networking, and "delivery health" (a euphemism for call-girl or escort services) facilitated child prostitution.

There are statutory rape laws: sexual intercourse with a female younger than 13, notwithstanding her consent, is a crime. The penalty for statutory rape is not less than two years' imprisonment with mandatory labor, and the law was enforced. Additionally, national law and local ordinances comprehensively address sexual abuse of minors including boy victims.

The country continued to be an international hub for the production and trafficking of child pornography. On June 18, the country revised a law to criminalize the possession of child pornography, remedying a major gap in existing laws. Although the legislation is in effect, there will be a one-year period before it is enforced on July 15, 2015, to allow individuals to destroy existing video or images. The commercialization of child pornography is illegal; the penalty is imprisonment with labor for not more than three years or a fine not exceeding three million yen (\$28,300), and police continued to crack down on this crime. Police reported a record-high 1,644 child pornography investigations involving approximately 646 child victims in 2013.

No national law addresses the unfettered availability of sexually explicit cartoons, comics, and video games, some of which depicted scenes of violent sexual abuse and the rape of children. While the NPA continued to maintain that no link was established between these animated images and child victimization, other experts suggested children were harmed by a culture that appears to accept child sexual abuse.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

International Child Abductions: On April 1, the Hague Convention on the Civil Aspects of International Parental Child Abduction entered into force in the country. The Japanese Central Authority under the convention, which is situated

in the Ministry of Foreign Affairs, was well staffed and appeared to work effectively with its counterparts in Hague Convention partner countries.

For more information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/english/legal/compliance.html](http://travel.state.gov/content/childabduction/english/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/japan.html](http://travel.state.gov/content/childabduction/english/country/japan.html).

### **Anti-Semitism**

The Jewish population was approximately 2,000. In February the media reported that 31 municipal libraries found that 265 copies of *The Diary of a Young Girl* by Anne Frank had been vandalized. In March authorities arrested a suspect, but prosecutors dropped the charges after the individual was deemed mentally incompetent to stand trial.

In December the *Sankei* newspaper published an advertisement for three anti-Semitic books that deny the Holocaust and link responsibility for the 9/11 terrorist attack and the 2011 earthquake/tsunami/nuclear disaster, among other tragedies, to the Jewish people or the state of Israel. After the Simon Wiesenthal Center lodged a protest with the newspaper's president, *Sankei* issued a letter of apology from him to the center. Two days later the newspaper published an apology to its readers and the Jewish community.

### **Trafficking in Persons**

In December, the government announced a new 2014 trafficking-in-persons action plan (revised from 2009) outlining plans to reform the Technical Intern Training Program (see section 7), expand protective services for trafficking victims, and draft its own report on trafficking.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The Basic Act for Persons with Disabilities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and bars infringement of their rights and interests on the grounds of those disabilities in public and private sector employment, education, access to health care, or the

provision of other services. The law does not stipulate remedies for persons with disabilities who suffer discriminatory acts or penalties for noncompliance.

The law requires the public sector to provide reasonable accommodation and stipulates that the private sector shall “make efforts” to do so. Advocacy groups for individuals with disabilities were broadly supportive of the legislation. Nonetheless, persons with disabilities faced limited access to some public sector services.

The law mandates that the government and private companies hire minimum proportions (2 percent) of persons with disabilities (including mental disabilities). Companies with more than 200 employees that do not comply must pay a fine of 50,000 yen (\$470) per vacant position per month. In March statistics from the Ministry of Health, Labor, and Welfare showed public sector employers had exceeded the minimum proportions at 2.2 to 2.3 percent, while the private sector did not reach its minimum proportions, despite reaching a record- high proportion of 1.76 percent.

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. In addition the government may grant low-interest loans and tax benefits to operators of hospitals, theaters, hotels, and other public-use facilities if they upgrade or install features to accommodate persons with disabilities.

Children with disabilities generally attended specialized schools.

Mental health professionals criticized as insufficient the government’s efforts to reduce the stigma of mental illness and inform the public that depression and other mental illnesses are treatable and biologically based. Police and prison authorities were particularly slow in providing treatment for mental illness and have no protocol for offering psychiatric therapy.

Abuse of persons with disabilities was a serious concern. A total of 1,699 persons with disabilities around the nation suffered abuse by family members, care facility employees, or employers in the first half of 2013, according to the first national survey conducted by the Ministry of Health, Labor, and Welfare.

## National/Racial/Ethnic Minorities

Minorities experienced varying degrees of societal discrimination.

Although not subject to governmental discrimination, Buraku (the descendants of feudal-era outcasts) were frequently victims of entrenched societal discrimination. Buraku advocacy groups continued to report that despite socioeconomic improvements achieved by many Buraku, widespread discrimination persisted in employment, marriage, housing, and property assessment. While the Buraku label was no longer officially used to identify individuals, the family registry system could be used to identify them and facilitate discriminatory practices. Buraku advocates expressed concern that employers, including many government agencies, which require family registry information from job applicants for background checks, may use this information to identify and discriminate against Buraku applicants.

Despite legal safeguards against discrimination, the country's Chinese, Korean, Brazilian, and Filipino permanent residents--many of whom were born, raised, and educated in Japan--were subjected to various forms of entrenched societal discrimination, including restricted access to housing, education, health care, and employment opportunities. Foreign nationals resident as well as "foreign-looking" Japanese citizens reported similar discrimination and stated they were prohibited entry, sometimes by signs reading "Japanese Only" to privately owned facilities serving the public, including hotels and restaurants. Noting that the discrimination was usually open and direct, NGOs persisted in complaining of government inaction to prohibit it.

In general, societal acceptance of ethnic Koreans who were permanent residents or citizens continued to improve. Although authorities approved most naturalization applications, advocacy groups continued to complain about excessive bureaucratic hurdles that complicated the naturalization process and a lack of transparent criteria for approval. Ethnic Koreans who chose not to naturalize faced difficulties in terms of civil and political rights and, according to the country's periodic submissions to the UN Committee on the Elimination of Racial Discrimination, regularly encountered discrimination in access to housing, education, government pensions, and other benefits.

During the year, ultraright-wing groups held a series of anti-Korean demonstrations in different parts of the country, including in predominantly ethnic Korean areas. Group members used racially pejorative terms and were accused of hate speech by the press and politicians. Senior government officials publicly repudiated the harassment of ethnic groups as inciting discrimination and reaffirmed the protection of individual rights for everyone in the country.

According to media and NGO reports, incidents of hate speech on the internet also increased. In July the UN Human Rights Committee, in its response to the country's sixth periodic report, expressed concern about "widespread racial discourse against members of minority groups, such as Koreans, Chinese, or Burakumin, inciting hatred and discrimination against them," and called criminal and civil codes to protect persons from such acts "insufficient." In December the Supreme Court upheld lower court rulings ordering a right-wing group and some of its members to pay compensation for hate speech demonstrations the group conducted against ethnic Koreans, including schoolchildren, in Kyoto.

On July 18, the Supreme Court ruled that by law foreign permanent residents are not entitled to welfare because they are not Japanese citizens. However, in practice municipalities customarily provided needy permanent foreign residents with stipends. On October 6, the minister of health, labor, and welfare stated that benefits would continue to be provided to foreign residents for humanitarian reasons.

A Pension Agency enforcement directive allows employers to forgo pension and insurance contributions on behalf of their foreign employees who teach languages, as compared with Japanese employees in similar positions. The agency also did not penalize employers who failed to enroll foreign teachers in the system. Employers may use different contracts for foreigners than for nationals, and courts generally upheld this distinction as nondiscriminatory.

Zenkoku Ippan Tokyo General Union continued a campaign to encourage public schools to hire foreign assistant English language teachers directly rather than employ outsourcing firms to staff these positions. The union maintained that these firms refused to enroll foreign teachers in required health and pension schemes and violated labor laws by employing foreign national teachers in schools at which they are legally prohibited from taking guidance from other teachers or staff.

In October 2013 the government dropped a ban that prevented approximately 20,000 second-generation Brazilians from returning to Japan for a period of three years after they had been voluntarily repatriated to Brazil during the financial crisis. The ban on returns was decried by advocacy groups who maintained that the government was "throwing out" foreigners during the financial downturn.

## **Indigenous People**

Although the Ainu enjoy the same rights as all other citizens, when clearly identifiable as Ainu they faced discrimination. The law emphasizes preservation of Ainu culture but lacks some provisions that Ainu groups have demanded, such as recognition for land claims, reserved seats in the Diet and local assemblies, and a government apology for previous policies.

In August a Hokkaido politician in the Sapporo City Assembly posted a message on Twitter claiming that there were “no more Ainu people” and criticized government policies that he claimed provide certain groups special privileges and assistance in a nontransparent manner, such as self-identified Ainu. The Ainu Association responded by reminding the public of the history of injustice to the Ainu people. In addition to eliciting a widespread media backlash, other politicians, including the Hokkaido governor, spoke up in support of the law granting Ainu special assistance. The Hokkaido government surveyed Ainu in 2013 and released results in 2014 showing that the income of self-identified Ainu continued to be lower than surrounding Japanese, with a 6 percent increase in Ainu claiming public assistance compared with the previous survey, in 2006.

In 2012 the Ainu Party was formed with the aim of electing Ainu individuals to the Diet, and the party fielded an unsuccessful lower house candidate in a Hokkaido district in the December 2012 general election. The Ainu Party did not field a candidate for the House of Councilors election in 2013 due to lack of financing.

Hearings continued in a 2012 case filed by three Japanese of Ainu descent against Hokkaido University, demanding the return of 15 sets of human remains exhumed for research purposes from the village of Kineusu between 1931 and 1935. Hokkaido University had refused to return the remains to them, claiming that a succession system of property, including the management of family graves by the eldest son, was applicable in the 1930s and that the plaintiffs were unable to prove legal family ties to the remains. In this landmark suit, the three individuals asserted that the government should recognize their collective indigenous rights as outlined in the UN Declaration on the Rights of Indigenous Peoples. The government’s recognition of collective rights would allow return of the remains to any living descendant of the tribe and invalidate the university’s assertion of return via primogeniture. The government recognized the Ainu as an indigenous people in parliamentary proceedings in 2008, although the recognition had no legal ramifications. The plaintiffs also asserted that the civil code should not be applicable to indigenous peoples, since it represents a form of assimilation. This was the first lawsuit in the country in which indigenous peoples asserted indigenous rights in the courts.

Although the government does not recognize the Ryukyu (a term that includes residents of Okinawa and portions of Kagoshima Prefecture) as indigenous people, it officially acknowledged their unique culture and history and made efforts to preserve and show respect for those traditions.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

No law prohibits discrimination based on sexual orientation or gender identity. There are no penalties associated with such discrimination, and no related statistics were available. Laws governing rape, sexual commerce, and other activity involving sexual intercourse do not apply to same-sex sexual activity, since sex is defined in the law as exclusively male-to-female vaginal intercourse. This definition leads to lower penalties for perpetrators of male rape and greater legal ambiguity surrounding same-sex prostitution.

In December 2013 the Supreme Court recognized a paternity claim by a transgender man whose eldest son was born through artificial insemination, after the Osaka Family Court had rejected the man's claim in September. The Osaka court ruled that the child could not have a blood relationship with the father because the father was not biologically capable of reproduction as a male. The Supreme Court decision applied only to the man's oldest son, born in 2010. The Supreme Court has yet to announce a ruling on the man's second son, born in 2012 and the subject of a separate case pending in the Osaka Family Court.

NGOs that advocate on behalf of LGBT persons reported no impediments to organization but some instances of bullying, harassment, and violence. Stigma surrounding LGBT persons remained an impediment to self-reporting of discrimination or abuse, and studies on bullying and violence in schools generally did not take into account the sexual orientation or gender identity of the persons involved. Pervasive societal stigma surrounding LGBT persons also prevented many from being open about their sexual orientation, and attorneys who frequently represent LGBT persons related several cases during the year in which clients were threatened with disclosure of sexual orientation. Self-censorship in the press remained an impediment to bringing LGBT issues into mainstream discourse.

The law allows transgender individuals to change their legal gender, but only after undergoing sex reassignment surgery.

## HIV and AIDS Social Stigma

No law prohibits discrimination against persons with HIV/AIDS, although nonbinding Ministry of Health, Labor, and Welfare guidelines state that firms should not terminate or fail to hire individuals based on their HIV status. Courts have awarded damages to individuals fired from positions due to that status.

Concern about discrimination against individuals with HIV/AIDS and the stigma associated with the disease prevented many persons from disclosing their HIV/AIDS status. According to NGOs fear of dismissal caused many individuals to hide their HIV/AIDS status. In 2013 school employees persuaded an HIV-positive applicant to a medical school in the Tokyo area to withdraw his application, since he was told he would be barred from participating in practical training.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides for private sector workers to form and join unions of their choice without previous authorization or excessive requirements and protects their rights to strike and bargain collectively. These rights also apply to foreign workers, as well as part-time and short-term contract workers.

The law places some limitations on public sector workers and employees of state-owned enterprises. Public sector employees do not have the right to strike but may participate in public service employee unions, which may negotiate collectively with their employers on wages, hours, and other conditions of employment. Public service employees' basic union rights are governed by a separate law that effectively requires employees to obtain authorization prior to forming unions. Workers in sectors providing essential services, including electric power generation and transmission, transportation and railways, telecommunications, medical care and public health, and the postal service must give 10 days' advance notice to authorities prior to organizing a strike. Employees involved in providing essential services do not have the right to collective bargaining. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activities.

The government effectively enforced the law on forming and joining unions. Unions were free of government control and influence. The government protected

the right of unions to conduct activities, but the continued increased use of short-term contracts, at times in violation of the law, undermined regular employment and frustrated organizing efforts.

Collective bargaining was common in the private sector, although some businesses changed their form of incorporation to a holding-company structure, not legally considered employers, to circumvent employee protections under the law. Similarly, employers increasingly hired part-time and short-term contract workers rather than permanent employees.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but there continued to be reports that such practices occurred under the auspices of the Technical Intern Training Program (TITP). This program, modified by law in 2010 to grant residency status and increase protections for first-year participants, allows foreign workers to enter the country and work for up to three years in a de facto guest-worker program.

Inspectors from the Ministry of Health, Labor, and Welfare and local immigration inspectors under the Ministry of Justice inspected workplaces that employ interns under TITP. The ministry does not have legal authority to inspect recruiting organizations. NGOs maintained that oversight was insufficient. The prescribed governmental response to noncompliance is to issue warnings and advisories and ban companies from future participation in the TITP for a period of one to five years.

There were reports of forced labor in the manufacturing, construction, and shipbuilding sectors, largely in small and medium enterprises employing foreign nationals through the TITP. Workers in these jobs experienced restrictions on freedom of movement, nonpayment of wages, high debts to brokers in countries of origin, and retention of identity documents, which when taken together can be key indicators of forced labor. Workers were also sometimes subjected to “forced savings” that they forfeited by leaving early or being forcibly repatriated. Workers who entered the country illegally or who overstayed their visas were particularly vulnerable.

The government investigated allegations of forced labor involving Chinese TITP workers in Kawakami Village, Nagano Prefecture, where NGOs and media reports claimed employers confiscated agricultural workers’ passports, imposed exorbitant

fines, and deducted wages for noncontractual infractions. In September a recruiting organization run by Chinese workers was suspended from accepting interns for five years for falsifying official reports. Shortly after the suspension, the organization disbanded. At year's end the government had not prosecuted any cases of forced labor in the TITP program.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law provides for a minimum age for work. Children between the ages of 15 and 18 may perform any job that is not designated as dangerous or harmful. Children between the ages of 13 and 15 may perform "light labor" only, and children under age 13 may work only in the entertainment industry. These laws were effectively enforced.

Children were subject to commercial sexual exploitation (see section 6, Children).

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **d. Discrimination with Respect to Employment or Occupation**

The law mandates equal pay for men and women and prohibits other forms of gender-based discrimination as well. These provisions generally had few or no enforcement mechanisms, and activists criticized law revisions in 2006 for failing to address indirect discrimination. Women continued to express concern regarding equal treatment in the workforce (see section 6, Women).

### **e. Acceptable Conditions of Work**

As of September 26, minimum wages ranged from 677 yen (\$6.40) to 888 yen (\$8.40) per hour, up from the previous year depending on the prefecture. According to the most recent statistics, compiled in 2012 by the Ministry of Health, Labor, and Welfare, 16.1 percent of the population earned an annual income below the poverty line of 1.22 million yen (\$11,500).

The law provides for a 40-hour workweek for most industries, mandates premium pay of no less than 25 percent and no more than 50 percent for hours worked above

40 in a week or eight in a day, sets limits on the number of overtime hours permitted in a fixed period, and prohibits excessive compulsory overtime. The law mandates paid leave on national holidays as well as at least 10 days of paid leave accrued per year following six months of full-time employment. The government sets Industrial Safety and Health (ISH) standards.

Part-time and short-term workers made up approximately 36 percent of the labor force in 2013. They worked for lower wages and often with less job security and benefits than career workers. Some nonregular workers qualified for various benefits, including insurance, pension, and training.

Reforms to the Labor Contract Act went into effect in April 2013. Observers reported a rise in four- or five-year fixed-term contracts that could prevent workers from reaching the five-year point at which they would become eligible to become a permanent employee. Professors at Waseda University pressed criminal charges during 2013 to protest what they viewed as a unilateral change in work rules that would set a five-year term limit on contracts with part-time faculty. Reforms were extended to academic positions in 2014, which resolved the professors' claims to their satisfaction.

The Ministry of Health, Labor, and Welfare is responsible for the enforcement of laws and regulations governing wages, hours, and safety and health standards in most industries. The National Personnel Authority covers government officials. The Ministry of Economy, Trade, and Industry covers ISH standards for the mining industry, and the Ministry of Land, Infrastructure, Transport, and Tourism is responsible for ISH standards in the maritime industry.

The law imposes a fine of up to 500,000 yen (\$4,720) for employers who fail to pay a minimum wage. Authorities levy that fine when a worker files a complaint; it is not calculated on a per-incident or per-person basis, so a firm that fails to pay the minimum wage to 100 employees for 10 months would be liable only for a one-time fine of that amount after an employee files a complaint. Approximately 4,000 labor standards inspectors employed by more than 300 labor standards offices enforced these laws and regulations. Labor unions continued to criticize the government for failing to enforce the law regarding maximum working hours, and it was widely accepted that workers, including those in government jobs, routinely exceeded the hours outlined in the law.

From April 2013 to March 2014, surviving family members filed 784 applications with the Ministry of Health, Labor, and Welfare seeking recognition of a deceased

individual as a karoshi (death from overwork) victim. The ministry officially recognized 336 such victims during the year, but worker rights NGOs claimed that the number of victims was in reality much higher. Work-related issues were the fourth-largest cause of the 27,283 reported suicides in 2013, according to the government.

Reports of abuses in the TITP were common, including injuries due to unsafe equipment and insufficient training, nonpayment of wages and overtime compensation, excessive and often spurious salary deductions, forced repatriation, and substandard living conditions. In addition observers noted that a conflict of interest existed, since the inspectors who oversee TITP working conditions were employed by two ministries that are members of the interagency group administering the TITP. Some inspectors appeared reluctant to conduct investigations that could cast a negative light on a government program that business owners favored.

In July 2013 a local court ordered the payment of 6.5 million yen (\$61,300) to a Chinese intern who had been employed at a food-processing firm under the auspices of the TITP. The court found that her employer attempted to repatriate her forcibly following her admission of pregnancy. Shortly after she was forcibly confined and taken to the airport, she miscarried. The court also affirmed that she suffered work-related injuries while employed, specifically chemical burns on her knees from cleaning the factory's frying equipment.

In general the government effectively administered applicable ISH law and regulations in all sectors. While inspectors have the authority to suspend unsafe operations immediately in cases of flagrant safety violations, in lesser cases they provide nonbinding shidou (guidance). Nonetheless, officials within the Ministry of Health, Labor, and Welfare frequently stated that these resources were inadequate to oversee more than 4.3 million firms.

Technical interns brought court cases against TITP-participant firms with the help of both pro bono and paid lawyers. Lawyers who did not work pro bono took a share of the damages interns received if they won in court or settled. The majority of cases pending countrywide claimed nonpayment of wages or overtime compensation. Others alleged death from overwork, discrimination in the pricing of accommodations, forced deportation, and work-related injury. During the year courts decided several such cases in favor of technical interns, only some of whom received compensation.

There were 1,030 on-the-job deaths reported during 2013. Falls, road traffic accidents, and injuries caused by heavy machinery were the most common causes of workplace fatalities.