

JAPAN 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Japan has a parliamentary government with a constitutional monarchy. Shinzo Abe, leader of the Liberal Democratic Party, became prime minister in 2012. Lower house elections in December 2014 were considered free and fair. Civilian authorities maintained effective control over the security forces.

Leading human rights problems included lack of due process for pretrial detainees and poor prison and detention center conditions.

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

Investigation continued into the November 2014 death of a Sri Lankan man who 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 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, corporal punishment, and sexual harassment continued in the Japanese Self-Defense Forces (JSDF). The Ministry of Defense reported it imposed disciplinary actions for arbitrarily punishing subordinates on 47 JSDF members between April 2014 and March 2015. In March the Yokohama Summary Court fined three National Defense Academy students for assaulting a fellow student. In June the same court fined a Maritime Self-Defense Forces member for assaulting his subordinate and damaging property. In August an 18-year-old former student of the Ground Self-Defense Force High Technical School filed a lawsuit to seek compensation for damage from the government and his former classmates for bullying. Following these events the Defense Ministry issued guidelines in September to address such bullying and hazing.

Prison and Detention Center Conditions

Prison conditions generally met international standards, although some lacked adequate medical care and sufficient heating in the winter or cooling in the summer.

Physical Conditions: Although the national prison population of 60,486 was significantly less than the facilities' capacity of 90,536 at the end of 2014, four of 77 prison facilities were beyond capacity, as the Ministry of Justice (MOJ) reported. 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.

A male detainee died of heat stroke on July 31 in a penal detention facility in Wakayama City, press widely reported, citing inadequate air conditioning as the suspected cause of death. According to press reports, in August MOJ sent a notice to correctional facilities nationwide to minimize detention of elderly or sick

detainees in high-temperature environments and to provide medical treatment immediately for ill detainees.

In most institutions, extra clothing and blankets provided instead of heating were insufficient to protect inmates against cold weather, according to local NGOs. Foreign prisoners in the Tokyo area continued to present chilblains-affected fingers and toes of varying severity resulting from long-term exposure to cold.

Observers documented inadequate medical treatment, including for detainees and prisoners with pre-existing medical conditions. According to the Ministry of Justice, the number of doctors working for correctional institutions was more than 20 percent short of the quota as of April. Police and prison authorities were particularly slow in providing treatment for mental illness and have no protocol for offering psychiatric therapy. Foreign observers also noted that dental care was minimal and access to palliative care was lacking. 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: A credible NGO reported that prison management reduced the use of solitary confinement, and set a maximum of three months, with the possibility of extension every month thereafter if deemed necessary.

Prisoners condemned to death are regularly held in solitary confinement until their execution. Authorities allow condemned prisoners visits by families, lawyers, and others. The length of solitary confinement varies from case to case. One execution took place six years and two months after sentencing. Prisoners accused of crimes that could lead to the death penalty were also held in solitary confinement before trial, according to an NGO source. In March 2014 authorities released a death-row inmate after 48 years in prison, including 30 years in solitary confinement. The court found that investigators likely fabricated the evidence used to convict him.

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. According to an NGO, there was one case where the justice minister determined that a decision made by a prison not to allow a prisoner to file a complaint by mail was

inappropriate. While there was no prison ombudsman, independent committees (see “Monitoring”) played the role of an ombudsman.

Independent Monitoring: The government generally allowed visits by NGOs and international organizations.

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 the committees, which include 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 191 visits and 526 interviews with detainees and made 575 recommendations. In response to 396 of these recommendations, officials took measures based on the suggestions or pledged to do so.

By law third-party inspection committees also inspected immigration detention facilities. These committees conducted 13 visits, 92 interviews with detainees, and made 47 recommendations from July 2014, to March 2015. Detention facilities took measures in response to 29 recommendations and were considering measures in response to another 12. The committees presented five positive recommendations.

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, the use of ministry interpreters during interviews with detainees, and a lack of transparency about the composition of the committees. They also asserted that the committees did not interview detainees during every visit. Immigration detention facilities managers noted that the interpreters were not employees of the Ministry of Justice, but private citizens, and affirmed that the inspection committees have complete independence and liberty to conduct the inspections.

Improvements: The government enacted a law on August 27 in an effort to resolve the shortage of medical doctors working for correctional institutions, including prisons and detention centers. The government implemented two laws on June 1 that established inspection committees for governmental training schools and classification homes for juvenile offenders or delinquents below age 20. After the inspection committees present their opinions on the administration of those facilities, by law the justice minister is required to publish his or her findings and the actions taken by the facility administrators in response.

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. Police sent arrested suspects to police detention facilities in most cases.

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 prior to indictment. Reliable NGOs 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. NPA guidelines limit interrogations to a maximum of eight hours and prohibit overnight interrogations. Preindictment detainees had access to counsel, including at least one consultation with a court-appointed attorney; counsel, however, may not be present during interrogations.

The law allows police to prohibit detainees from meeting with persons other than counsel if there is probable cause to believe that the suspect may flee or may conceal or destroy evidence (see “Pretrial Detention”). Many detainees, including most charged with drug offenses, were subject to this restriction before indictment, although some were permitted visits from family members in the presence of a detention officer. There is no legal connection between the type of offense and the length of time authorities may deny a detainee visits by family or others. Those detained on drug charges, however, were often denied such visits 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. Prosecutors’ offices and police increasingly recorded entire interrogations of some interrogations, but recording is not mandatory. 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 459 complaints during 2014 about interrogations and confirmed 31 violations of interrogation guidelines. Police inspection offices imposed 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 for up to 23 days before being allowed access to persons other than their attorneys or, in the case of foreign arrestees, consular personnel.

Protracted 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 may not 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 fact. 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 may not be compelled to confess to a crime.

In 2014 courts heard approximately 337,000 defendants in criminal cases and found 116 suspects not guilty, resulting in a conviction rate of more than 99.9 percent. The courts also dismissed 319 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.

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. 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, was a subject of controversy.

The national anthem and flag were 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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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. 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

The government generally provided adequate shelter and other protective services in the aftermath of the 2011 earthquake, tsunami, and nuclear power plant disaster in Fukushima Prefecture and sought to provide permanent relocation or reconstruction options. According to Reconstruction Agency statistics, as of August 1, there were approximately 230,000 total evacuees, 40,000 fewer than in 2014.

Protection of Refugees

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees who were already resident in the country. In March 2013, the government relaxed the

selection criteria for Burmese refugees participating in the UN Third-Country Resettlement Program.

There were 5,000 applicants for refugee status in 2014, the largest number since the country began recognizing refugee status. Authorities granted refugee status to 11 individuals.

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 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. Responding to criticism of the government's high threshold for proof in the adjudication of asylum applications, in September the Ministry of Justice announced new operational guidelines for refugee and asylum adjudication that stipulates that foreigners fleeing conflict in their country of origin may be granted "shelter from conflict," if not refugee status. Some activists continue to criticize the government's criteria as outside of the international norm.

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. They must 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 as other foreigners: reduced access to housing, education, and

employment. Except for those who met right-to-work conditions, individuals whose refugee application 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.

Temporary Protection: In 2014 the government also provided temporary protection to 110 individuals who may not qualify as refugees, 41 fewer than in 2013. As of November 2014, the Burmese Rohingya Association of Japan identified 90 individuals without refugee status who were granted temporary residency.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In December 2014, the country held a nationwide vote, generally regarded as free and fair, for the second time on the sitting government's watch, following Prime Minister Abe's November 2014 dissolution of parliament.

Participation of Women and Minorities: The constitution stipulates women's right to participate in political processes, and authorities protected these rights. Women held 45 of 475 seats in parliament's lower house and 38 of 242 seats in the upper house after the December 2014 general election. Women held three of the 19 seats in the cabinet following the October 7 cabinet shuffle and one of the three senior posts in the ruling Liberal Democratic Party. As of October 5, 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 (parliament). At least two Diet members were 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. The Ministry of Justice reported prosecutions of 73 suspects for bribery in 2014, and the Supreme Court reported convictions of 42 individuals for bribery in 2014. There were regular media reports of investigations into financial and accounting irregularities involving high-profile politicians and government officials. Agriculture, Forestry, and Fisheries Minister Koya Nishikawa resigned in February following allegations that a party chapter he chaired accepted a donation in violation of the Political Funds Control Law.

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 anti-monopoly 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.

Financial Disclosure: The law requires members of the Diet to disclose publicly their income and assets (except for ordinary savings), including ownership of real estate, 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 non-compliance. 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. Counseling in a foreign language was available in several offices. 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 Ministry of Internal Affairs and Communications, was well resourced and provided many of the same functions as an ombudsman's 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 in 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, LGBTI 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 to consider a sexual encounter to be rape.

Although prohibited by law, domestic violence against women remained a serious problem. 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.

A stalker-control law prohibits e-mail harassment.

On December 28, the foreign ministers of Japan and the Republic of Korea jointly announced they had reached an agreement that they said “finally and irreversibly” addressed the treatment of World War II “comfort women” (women trafficked for sexual purposes). The announcement, which met some civil society criticism, noted the Japanese prime minister’s “most sincere apologies and remorse,” and a commitment by the Japanese government to provide 1 billion yen (\$8.3 million) for a foundation to be established by the Republic of Korea to provide support for the former “comfort women.”

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 (MHLW) 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 (see section 7.d.).

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, 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.

Despite these policies, 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 (see Section 7.d.), 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 re-marriage; eliminate different age minimums for marriage depending on sex; and allow married couples a choice of surnames. In December,

Japan's Supreme Court ruled the six-month waiting period was unconstitutional, but upheld the practice of one surname per household.

Children

Birth Registration: The law grants citizenship at birth to a child of the following: a Japanese father who either is 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 was born in or out of wedlock, but in 2013 the Supreme Court unanimously declared 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.

Child Abuse: Reports of child abuse increased due to increased public awareness, according to MHLW. During the period from April 2014 through March of 2015, local child guidance centers acted on a record-high 88,931 reports of child abuse by parents or guardians. According to the NPA, 698 child abuse cases from January to December led to 719 arrests and the death of 53 children, including parent-child suicides, parental abandonment, and abuse by parents or guardians.

The law allows child welfare officials 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. 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 age 18 or older and the female partner, 16 or older. A person under 20 may not marry without at least one parent's approval.

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. 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 and other commercial sex industries. A trend known as "JK Business" continued to grow; these businesses include cafes that feature underage female servers and massage parlors staffed by high-school-age girls. NGOs helping girls in "JK Business" reported a link between these activities and child prostitution.

Statutory rape laws criminalize sexual intercourse with a girl younger than 13, notwithstanding her consent. The penalty for statutory rape is not less than three 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 was a site for the production of child pornography and the exploitation of children by traffickers. In 2014 the country criminalized the possession of child pornography, remedying a major gap in the law. Enforcement began on July 15. 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 1,828 child pornography investigations involving 746 child victims in 2014.

No 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. Experts suggested a culture that appears to accept the depiction of child sexual abuse harmed children.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For more information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-

specific information at travel.state.gov/content/childabduction/en/country/japan.html.

Anti-Semitism

The Jewish population was approximately 2,000. There were no reports of anti-Semitic acts in 2015.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at 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 disability 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). Disability rights advocates claimed that some companies preferred to pay the fine rather than hire persons with disabilities (see section 7.d.).

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. 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.

Officials in tsunami-affected areas have alleged that they were not permitted to apply new standards to reconstruction projects, a claim that has not, however, been verified.

While there were some schools that provided inclusive education, 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.

Abuse of persons with disabilities was a serious concern. Persons with disabilities around the country suffered abuse by family members, care facility employees, or employers.

National/Racial/Ethnic Minorities

Minorities experienced varying degrees of societal discrimination.

Although not subjected 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 who require family registry information from job applicants for background checks, including many government agencies, may use this information to identify and discriminate against Buraku applicants.

Despite legal safeguards against discrimination, foreign nationals with permanent residency in the country, including many who were born, raised, and educated in the country, were subjected to various forms of entrenched societal discrimination, including restricted access to housing, education, health care, and employment opportunities. Foreign nationals as well as "foreign-looking" Japanese citizens reported they were prohibited entry, sometimes by signs reading "Japanese Only," to privately owned facilities serving the public, including hotels and restaurants. Although such discrimination was usually open and direct, NGOs complained of government failure to enforce laws prohibiting such restrictions.

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, and other benefits. In December 2014 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.

Ultra-right-wing groups 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 continued. In 2014, 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 laws to protect persons from such acts "insufficient."

In 2014 the Supreme Court ruled that foreign permanent residents are not entitled to welfare because they are not Japanese citizens. Nevertheless, municipalities customarily provided needy permanent foreign residents with stipends. Following the court decision, the minister of health, labor, and welfare reaffirmed 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. Employers may use different contracts for foreigners than for nationals, and courts generally upheld this distinction as nondiscriminatory.

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. The government recognizes the Ainu as an indigenous people in parliamentary proceedings, although the recognition had no legal ramifications.

In the April election, a Sapporo City assemblyman, who had claimed that there were “no more Ainu people” and criticized government policies for privileging self-identified Ainu, lost his seat. The income of self-identified Ainu continued to be lower than surrounding Japanese.

The Ainu Party, formed in 2012, has not fielded a candidate in any election since 2012.

To address concerns about treatment of Ainu remains used in academic research, the government announced it would build a memorial facility where the unidentifiable remains of Ainu would be interred. The Ainu Association welcomed the government plan, but continued to request assistance in identifying and returning the remains to descendants or to hometowns.

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 the system of property control in the 1930s, which prescribed the management of family graves by the eldest son, was applicable. The plaintiffs asserted that the government should recognize their collective indigenous rights as outlined in the UN Declaration on the Rights of Indigenous Peoples, which would allow return of the remains to any living descendant. 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 persons 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 the law defines sex 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.

NGOs that advocate on behalf of LGBTI persons reported no impediments to organization but some instances of bullying, harassment, and violence. Stigma surrounding LGBTI 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 LGBTI persons also prevented many from being open about their sexual orientation, and attorneys who frequently represent LGBTI 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 LGBTI issues into mainstream discourse.

The law allows transgender individuals to change their legal gender, but only after receiving a diagnosis of sexual identity disorder.

HIV and AIDS Social Stigma

No law prohibits discrimination against persons with HIV/AIDS, although nonbinding MHLW 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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of 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.

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. Firefighting personnel and prison officers are prohibited from organizing collectively and do not possess the right to conclude a collective bargaining agreement.

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 before 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. Penalties for violations and oversight were generally sufficient to deter violations. The government protected the right of unions to conduct activities, but increasing 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

In 2014, the latest year for which such data were available, labor standards officials referred five cases of forced labor to prosecutors who began criminal proceedings. Penalties under law for forced labor varied depending on the form of forced labor,

the victim(s), and the law that prosecutors used to prosecute such offenses; some NGOs argued that the legal definition for forced labor cases was too narrow.

Authorities applied labor-related laws to punish legal violations detected in the Technical Intern Training Program (TITP). This program 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 (MHLW) and local immigration inspectors under the Ministry of Justice inspected TITP workplaces that employ interns under the program. NGOs maintained that oversight was insufficient. The prescribed governmental response to non-compliance in the TITP program, for instance, was to issue warnings and advisories and ban companies from future participation in the TITP for a period of one to five years. MHLW does not have legal authority to inspect Japanese recruiting organizations. Of the more than 30,000 workplaces employing TITP workers in 2014, MHLW investigated 3,918 workplaces of concern and found violations of working hours, safety standards, payment of overtime wages, and other regulations at 2,977 of them. MHLW instructed the TITP employers to take corrective action, and in 26 cases where they failed to act, the ministry referred the cases to public prosecutors.

There continued to be 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 and communication with persons outside the program, non-payment of wages, high debts to brokers in countries of origin, and retention of identity documents. Workers were also sometimes subjected to “forced savings” that they forfeited by leaving early or being forcibly repatriated. For example, some technical interns reportedly paid up to one million yen (\$9,430) in their home countries for jobs, and they were reportedly employed under contracts that mandate forfeiture in their home countries of the equivalent of thousands of dollars if workers try to leave, both of which are illegal under the TITP and law. Workers who entered the country illegally or who overstayed their visas were particularly vulnerable.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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

These laws were effectively enforced. Penalties for child labor violations included fines and imprisonment and were sufficient to deter violations.

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, sex, personal or political beliefs, national origin or citizenship, social status or origin, disability, age, and some communicable diseases, such as leprosy. The law does not explicitly prohibit discrimination with respect to employment and occupation based on sexual orientation and/or gender identity, HIV-positive status, or language. The law also mandates equal pay for men and women. The law mandates that the government and private companies hire minimum proportions (2 percent) of persons with disabilities (including mental disabilities).

In 2014 the enforcement regulation of the equal employment opportunity law was revised to cover “indirect discrimination” for all types of workers related to recruitment, hiring, promotion, and changes of job type, but the enforcement mechanism of these provisions was generally weak. In cases of violations, the minister of health, labor, and welfare may request the employers to report the matter, and the minister may issue advice, instructions, or corrective guidance. If the employer does not follow the minister’s guidance, the employer’s name may be disclosed. If the employer fails to report or files a false report, the employer may be subject to a fine of less than 200,000 yen (\$1,890).

Government hotlines in prefectural labor bureau equal employment departments handled consultations concerning sexual harassment and mediated disputes when possible. By law, companies with more than 200 employees that do not comply with requirements to hire minimum proportions of persons with disabilities must pay a fine of 50,000 yen (\$472) per vacant position per month.

Women continued to express concern regarding unequal treatment in the workforce. Women’s average monthly wage was approximately 70 percent of that

of men. Sexual harassment in the workplace remained widespread. In June 2014 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 and 31 percent of those women did not file a complaint or seek consultation.

There also continued to be cases of employers forcing pregnant women to leave their jobs. On September 4, MHLW announced the name of an employer who unfairly dismissed a female employee due to pregnancy and had repeatedly refused to follow the ministry's corrective guidance. The ministry stated this was the first time it disclosed the name of an employer pursuant to the law. In a separate case, on November 17, the Hiroshima High Court ordered a Hiroshima hospital to pay 1.75 million yen (\$16,500) in damages to a physical therapist who was demoted after seeking a lighter workload due to pregnancy.

The government increased child-care facilities and maternity leave, along with encouraging private companies to report gender statistics in annual financial reports. On August 28, the Diet passed a law that requires national and local governments, as well as private sector companies that employ at least 301 people, to analyze women's employment in their organizations and release action plans to promote women's participation and advancement.

In 2014 the latest year for which such data were available, statistics from MHLW showed that while persons with disabilities comprised approximately 2.2 to 2.3 percent of public sector employees, the private sector did not reach minimum proportions required by law; persons with disabilities comprised approximately 1.8 percent of employees. Disability rights advocates claimed that some companies preferred to pay the fine rather than hire persons with disabilities.

e. Acceptable Conditions of Work

The revised minimum wage ranged from 693 yen (\$6.53) to 907 yen (\$8.55) per hour (depending on the prefecture), up by an average of 18 yen (\$0.17) from 2014. The poverty line was 1.22 million yen (\$11,500) per year.

The law provides for a 40-hour workweek for most industries, limits the number of overtime hours permitted in a fixed period, and prohibits excessive compulsory overtime. It mandates premium pay of no less than 25 percent for more than eight hours of work in a day, up to 45 overtime hours per month. For overtime between 45 and 60 hours per month, labor and management are required to conclude special

agreements on the conditions for overtime work, and the law requires companies to “make efforts” to furnish premium pay greater than 25 percent. It mandates premium pay of at least 50 percent for overtime that exceeds 60 hours a month. The law also mandates paid leave on national holidays as well as at least 10 days of paid leave per year following six months of full-time employment. Five of those 10 days may be taken hourly, if agreed by labor and management. The government sets Industrial Safety and Health (ISH) standards.

MHLW is responsible for enforcing 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 mining, 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, regardless of the number of employees involved or the duration of the violation. Authorities levy that fine when a worker 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.

In general the government effectively enforced applicable ISH law and regulations in all sectors. Penalties for ISH violations included fines and imprisonment. 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 MHLW frequently stated that these resources were inadequate to oversee more than 4.3 million firms. Falls, road traffic accidents, and injuries caused by heavy machinery were the most common causes of workplace fatalities.

MHLW continued to receive applications from family members seeking the ministry’s recognition of a deceased individual as a karoshi (death from overwork) victim. Work-related problems were the fourth-largest cause of the 25,427 reported suicides in 2014, the latest date for which government data was available.

Part-time and short-term workers made up approximately 37 percent of the labor force in 2014. 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. Observers reported a rise in four- or five-year contracts or the termination of contracts shortly before five years--measures that could prevent workers from reaching the five-year point at which they may ask their employer to make them permanent employees. Workers in academic positions, such as researchers, technical workers, and teachers in universities, were eligible for 10-year contracts.

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.

Technical interns brought court cases in the past against TITP-participant firms with the help of both pro bono and paid lawyers. Courts decided several such cases in favor of technical interns, although interns often did not receive payment of back wages or compensation in several cases after their employers declared bankruptcy. Cases pending during the year included claims for nonpayment of wages or overtime compensation.