Japan

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Japan is a parliamentary democracy with a population of approximately 127.7 million. Sovereignty is vested in the citizenry, and the emperor is defined as the symbol of state. Shinzo Abe, who replaced Junichiro Koizumi as prime minister on September 26, headed a coalition composed of the Liberal Democratic Party and the New Komeito Party. The most recent national elections, held in September 2005, were generally considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the rights of its citizens. However, violence against women and children continued, as did sexual harassment. Despite government efforts to combat human trafficking, it remained a widespread problem. Societal discrimination against women as well as burakumin, Ainu, and other ethnic minorities was prevalent throughout the country.

RESPECT FOR HUMAN RIGHTS

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 any politically motivated 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 the government generally respected these provisions in practice. Unlike in past years, there were no reports of violence against prisoners or detainees. Human rights nongovernmental organizations (NGOs) reported that treatment of prisoners improved after revisions to the law took effect in May.

At year's end a number of prisoner abuse and neglect cases were pending in courts, including the appeal of an assistant police inspector found guilty of raping a female suspect in 2005 and the civil case against three police officers convicted for the 2004 death of a suspect being held in a police detention center.

The government continued its practice of denying death row inmates and their families information about the date of execution. Families of condemned prisoners were not notified of the execution until after the fact. Condemned prisoners were held in solitary confinement for an average of seven years and five months until their execution. They were allowed visits by their families and lawyers, and a new law scheduled to take effect in 2007 would allow access by persons other than family members or lawyers.

Prisoners' rights NGOs reported that prison management officials regularly abused the rules on solitary confinement for prisoners. Although the Prison Law Enforcement Regulation stipulates the maximum time prisoners may be held in solitary confinement, the regulation gives wardens broad leeway. Punitive solitary confinement may be imposed for a maximum of 60 days, but prison operating procedures allow wardens to keep prisoners in "isolation" solitary confinement indefinitely.

Prison and Detention Center Conditions

Prison conditions generally met international standards. However, several facilities were overcrowded and unheated and provided inadequate food and medical care. NGOs reported that inmates in some institutions were given insufficient clothing and blankets to protect themselves against cold weather. A prisoner in Saga City was refused medical attention for almost two years despite severe medical symptoms, according to press reports. When the prisoner was finally able to see a doctor, he was diagnosed with advanced intestinal cancer.

Unlike in past years, there were no reports of rape or brutality against prisoners. The Ministry of Justice reported that 15 prisoners committed suicide in 2005.
Minors were sometimes held in the same correctional facility as adults. NGOs reported that as of December, two 16-year-old Kurdish immigrants had been held in an Ibaraki Prefecture immigration detention center alongside adults for more than three months.

Access to prisoners, while still restricted, continued to become easier. During the year the Ministry of Justice implemented regulations established by the revised law for prison management that set up independent inspection committees. The committees included physicians, lawyers, and NGO representatives. Prisoners’ rights advocates reported that the committees visited many prisons supervised by the Ministry of Justice. However, by year’s end the National Police Agency (NPA) did not have a similar program for police operated detention centers. Access to these facilities was limited and strictly controlled by police officials.

Prison rules on correspondence became less restrictive during the year. Although prison management officials continued to inspect and occasionally censor inmate mail for security reasons, limits were no longer placed on the amount of mail that inmates could receive or on the number of their correspondents.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Police forces are responsible for law enforcement and maintenance of order within the country. The military forces are responsible for external security and have limited domestic security responsibilities. Corruption and impunity were not reported as significant problems within either national or local police forces. The National Public Safety Commission, an independent body under the prime minister’s jurisdiction, oversees the NPA.

The law permits persons to lodge complaints against police with national and local public safety commissions. The commissions have the authority to direct police to conduct internal investigations. NGOs criticized the commissions for lacking independence from or sufficient authority over police agencies.

Arrest and Detention

Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, and detainees were brought before an independent judiciary.

The law provides detainees the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. The law requires authorities to inform detainees immediately of the charges against them. Authorities usually hold suspects in police operated detention centers for an initial 72 hours. A judge must interview a suspect prior to further detention. The judge may extend preindictment custody by up to two consecutive 10 day periods. Prosecutors routinely sought and received these extensions. Prosecutors may also apply for an additional five day extension.

The code of criminal procedure allows detainees, their families, or representatives to request that the court release an indicted detainee on bail. However, bail was not available before indictment to suspects held in police operated detention centers. More than 25 percent of persons arrested were released without being indicted.

Police and prosecutors have the power to limit suspects’ access to their legal counsel. Suspects may be detained for up to 23 days without access to counsel. Counsel may not be present during interrogations at any time. A court appointed attorney is not approved until after indictment; suspects must rely on their own resources to hire an attorney before indictment. Local bar associations provided detainees with limited free assistance. Family members were allowed to meet with detainees, but only in the presence of a detention officer.

In contrast to government claims, critics said that access to counsel was limited both in duration and frequency. Critics also alleged that allowing suspects to be detained by the same authorities who interrogated them heightened the potential for abuse and coercion. The government countered that cases where persons were sent to police detention facilities tended to be those in which the facts were not in dispute. According to government statistics, more than 98 percent of arrested suspects were sent to police detention facilities. The other 2 percent were held in Ministry of Justice-operated preindictment detention centers.

e. Denial of Fair Public Trial

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

There are several levels of courts, including family and summary courts, district courts, high courts, and the Supreme Court, which serves as the court of final appeal. Criminal trials normally begin at the district court level. Verdicts may be appealed to a higher court and ultimately to the Supreme Court.

The law provides for a speedy trial, and the government generally followed this practice. The average length of a criminal trial in 2005 was 3.2 months.

Trial Procedures
The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends this right to all citizens, and it also ensures that each charged individual receives a public trial by an independent civilian court, has access to defense counsel, and has the right to cross examine witnesses. There is no trial by jury. A defendant is presumed innocent until proven guilty in a court of law, and defendants cannot be compelled to testify against themselves.

Most cases are decided before they reach the courts. Safeguards exist to ensure that suspects cannot be compelled to confess to a crime or convicted when a confession is the only evidence, but a manual of police interrogation procedures showed that police investigators are authorized to use heavy pressure to extract confessions from detainees. According to legal advocacy NGOs, the majority of detainees who were indicted confessed while in police custody. The use of police-operated detention centers, which puts suspects in the custody of their interrogators, has been on the rise for more than 30 years, from 82 percent of all arrests in 1970 to 98 percent in 2004. More than 99 percent of cases that appeared in a trial court resulted in conviction.

Although the law provides for access to counsel, a significant number of defendants reported insufficient access to legal counsel. The government contended that the right of defendants to consult with attorneys could be restricted when compatible with the spirit of the constitution.

Trial procedures favor the prosecution. The law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. Critics claimed that the legal representatives of some defendants did not receive access to relevant material in the police record.

The language barrier was a serious problem for foreign defendants. No guidelines exist to ensure effective communication between judges, lawyers, and non-Japanese speaking defendants. No standard licensing or qualification system exists for court interpreters, and trials proceeded even if no translation or interpretation was provided to the accused. Several foreign detainees claimed that police urged them to sign statements in Japanese that they could not read and that were not translated adequately.

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. Cases involving human rights violations have been brought before these courts (see section 1.c.).

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

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Persons regularly used the widely available Internet connections.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. Allegations by the Unification Church that the government was unresponsive to claims that its members were being abducted and deprogrammed decreased.
Societal Abuses and Discrimination

Relations among religious groups were generally amicable. An estimated 200 Jewish families lived in the country. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government generally cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. However, in February two Kurdish men were deported before being able to exercise their legal right to appeal the denial of their application for asylum.

The government granted refugee status or asylum in only a small number of cases. Of 384 claims submitted to the Ministry of Justice in 2005, the government granted refugee status to 46 persons. The country also provided temporary protection to 97 individuals who did not qualify as refugees under either the 1951 convention or the 1967 protocol. During the year the government did not accept any refugees for resettlement.

Refugees faced the same patterns of discrimination that ethnic minorities did: reduced access to housing, education, and employment. Persons whose refugee status was pending or on appeal did not have the legal right to work or receive social welfare, rendering them completely dependent on overcrowded government shelters or the support of NGOs (see section 5).

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The country held its most recent national elections in September 2005. There were few reported irregularities, and the elections were judged to be generally free and fair.

Except for a brief hiatus in the 1990s, the Liberal Democratic Party has been reelected as the dominant party in every government since the mid 1950s. There were no government restrictions on the political opposition. Individuals could freely declare their candidacies and run for election.

There were 34 women elected to the 242 member upper house and 45 women elected to the 480 member lower house, representing the highest number of women elected to the lower house since women first entered the Diet in 1946. In September the prime minister appointed two women to his 18 member cabinet. On a regional level, there were five female governors and five female deputy governors, which represented a greater number of women holding public office at that level than in the past.

NGOs reported that two members of the burakumin minority were elected to the Diet in 2005.

Government Corruption and Transparency

There were isolated reports of government corruption during the year. According to NPA figures for January through June, there were 42 cases involving bribery and 17 cases of bid rigging, compared with 39 for bribery and nine for bid rigging during the same period in 2005.

Corruption scandals led to public calls for reform. One major bid rigging case involved the Defense Facilities Administration Agency and the governors of three prefectures. In August an Osaka prison warden was arrested for taking a bribe from an inmate who was a member of an organized crime family. Investigators also uncovered a 12-year pattern of widespread corruption in the Gifu prefectural government.

On December 8, the law to prevent collusive bid rigging by government officials was revised and enacted. The new law sets penalties for government officials involved in bid rigging to imprisonment for a period not exceeding five years or fines of up to $21,000 (2.5 million yen).
The public has the legal right to access government information. There were no reports that the government denied legal requests for information or required information seekers to pay prohibitive fees to gain access.

Section 4 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 governmental restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, and social status. Although the government generally enforced these provisions, discrimination against women, ethnic minority groups, and foreigners remained a problem.

Women

Although prohibited by law, domestic violence against women persisted. District courts may impose six month restraining orders on perpetrators of domestic violence and impose sentences of up to one year in prison or fines of up to $8,500 (one million yen). The law covers common law marriages and divorced individuals; it also encourages prefectures to expand shelter facilities for domestic abuse victims and stipulates that local governments offer financial assistance to 40 private institutions already operating such shelters.

Because domestic violence often went unreported due to social and cultural pressures, NPA statistics on violence against women most likely understated the magnitude of the problem. In 2005 spousal violence consultation assistance centers received 51,358 consultations. According to NPA statistics, in 2005 there were 16,888 reported cases of domestic violence. Police were quick to respond to calls for assistance; they also trained victims in basic self defense and taught them how to file restraining orders.

The law criminalizes all forms of rape, including spousal rape, and the government generally enforced the law effectively. According to government statistics, 2,076 rapes were reported in 2005, and courts handed out 132 convictions. Out of 104 reported gang rapes, there were five convictions in 2005. Gang rape is punishable by a minimum penalty of four years in prison. Many local governments maintained special, female staffed consultation departments in police stations to provide confidential assistance to female victims.

Sexual harassment in the workplace remained widespread. In 2005 the Ministry of Health, Labor, and Welfare (MHLW) received 7,894 reports of such harassment. The law includes measures to identify companies that fail to prevent sexual harassment, but it does not include punitive measures to enforce compliance other than publicizing the names of offending companies. The government has established hotlines and designated ombudsmen to handle complaints of discrimination and sexual harassment. In December 2005 the MHLW notified labor bureaus nationally that mental illness resulting from sexual harassment could be compensated under the law. The government also supported private companies and public institutions that made voluntary efforts to prevent sexual harassment. Local governments and private rail operators enforced measures to address the widespread problem of groping and molesting female commuters. Several railway companies maintained women only rail cars on various trains, and an antigruping ordinance makes first time offenders subject to imprisonment.

The law prohibits sexual discrimination and provides women the same rights as men. A Council for Gender Equality monitored enforcement; its high level members included the chief cabinet secretary, cabinet ministers, and Diet members. During the year the council regularly met to examine policies and monitor progress on gender equality.

Inequality in employment remained entrenched in society. Although Ministry of Internal Affairs and Communication statistics showed that women composed 41.6 percent of the labor force, the average monthly wage for women was $1,900 (222,500 yen), less than two thirds of the monthly wage that men earned ($2,890, or 337,800 yen). Many private sector companies directed men into higher paying managerial jobs while steering equally qualified women into lower paying clerical work.

The issue of "comfort women," or women forced into sexual slavery for Japanese troops in World War II, continued to draw controversy. In 1993 then chief cabinet secretary Yohei Kono officially acknowledged that the Imperial Japanese Army forced women from the Korean Peninsula and elsewhere into sexual slavery for soldiers. As part of its efforts to atone for the damage, in 1995 the government established the Asian Women's Fund (AWF), which sent a signed apology from the prime minister along with privately raised financial compensation to each victim. Although many victims refused to accept the atonement money, from 1995 to 2002 the AWF successfully distributed compensation to 285 former comfort women.

Critics of the policy towards comfort women maintained that the apology letter from the prime minister took moral but not legal responsibility for the suffering endured by the comfort women. Human rights NGOs also called for the government to pay direct compensation to victims and rejected the government's position that the San Francisco Peace Treaty absolved the government of any obligation to pay direct restitution. During the year some politicians fueled the controversy by calling for a reexamination of the comfort women issue.

Children

The government is committed to the rights and welfare of children, and in general children's rights were protected adequately.
Public school education is provided for up to 12 years. Primary education is free and compulsory through the lower secondary level (age 15 or the ninth grade). Education was widely available through age 18 to students who met minimum academic standards at the upper secondary level. Society placed an extremely high value on education, and enrollment levels for both boys and girls through the upper secondary level exceeded 94.4 percent, according to the government. There were no differences in the treatment of girls and boys at any level of school.

The government provides universal health care for all citizens, including children.

Reports of child abuse continued to increase. In 2005 there were 34,451 reported cases of child abuse, a 45 percent increase over the previous year. A total of 37 children died in 2005 after being abused, according to the NPA. 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 obliges teachers, medical doctors, and welfare officials to report any suspicious circumstances to a local child counseling center or municipal welfare center.

Law enforcement officials were not able to participate in some international child pornography investigations because the access, downloading, and possession of child pornography was legal.

Trafficking of minors, teenage prostitution, and dating for money also continued to be problems (see section 5, Trafficking).

Trafficking in Persons

Human trafficking remained a widespread problem despite significant efforts by the government, including stricter visa requirements and the authorization of a temporary legal immigration status for victims. The country remained a destination and transit country for men, women, and children trafficked for commercial sexual exploitation. Victims came from China, Southeast Asia, Eastern Europe, and to a lesser extent Latin America. Unlike in past years, internal trafficking of Japanese girls for sexual exploitation was not a significant problem.

Brokers in the countries of origin recruited women and sold them to intermediaries or employers, who in turn subjected them to debt bondage and coercion. Agents, brokers, and employers involved in trafficking for sexual exploitation usually had ties to organized crime.

Women trafficked to the country generally were employed as prostitutes under coercive conditions in businesses licensed to provide commercial sex services. Sex entertainment businesses included strip clubs, sex shops, hostess bars, private video rooms, escort services, and mail-order video services.

Most women trafficked into the sex trade had their travel documents taken away and their movements strictly controlled by their employers. Victims were threatened with reprisals to themselves or their families if they tried to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. NGOs reported that in some cases brokers used drugs to subjigate victims.

Debt bondage was another method traffickers used to control their victims. Before arrival in the country, trafficking victims generally did not understand the size of the debts they would owe, the amount of time it would take them to repay the debts, or the conditions of employment to which they would be subjected upon arrival. Women typically faced debts upon commencement of their contracts from $26,000 to $43,000 (three million to five million yen). In addition, they had to pay their employer for their living expenses, medical care (when provided by the employer), and other necessities. "Fines" for misbehavior added to the original debt over time; in general the process that the employers used to calculate these debts was not transparent. Employers also sometimes "resold," or threatened to resell, troublesome women or women found to be HIV positive, thereby increasing the victims’ debts and often leading to even worse working conditions.

In addition to organizing antitrafficking conferences that included NGO participation, the NPA made significant improvements in its handling of trafficking cases and identification of victims. Nevertheless, there continued to be isolated reports that police failed to identify victims adequately or declined to investigate suspected brokers when presented with information obtained from trafficking victims. NGOs reported that police and immigration officers occasionally neglected to classify a woman working in abusive conditions as a victim because she willingly entered into an agreement to work illegally in the country. Government statistics probably understated the scope of the problem because they did not always include persons who agreed to one kind of work but were forced into prostitution by fraud or coercion.

The government expanded efforts to protect victims of trafficking. In addition to allocating funds to subsidize private shelters, the MHLW encouraged police and immigration officers to use its preexisting network of shelters for domestic violence victims as temporary housing for foreign trafficking victims awaiting repatriation. The government paid for victims' medical care and subsidized repatriation through a grant to the International Office of Migration (IOM). The MHLW reported that in 2005 112 women were protected in private and public shelters, and IOM representatives stated that they helped 50 women return home with the government's support.

Originally used only as shelters for victims of domestic violence, the government shelters lacked the resources needed to provide adequate services to trafficking victims. Private NGO shelters that specialized in assisting victims of human trafficking had full time staff able to speak seven or more languages, but the MHLW shelters had to rely on interpretation services from outside providers. Without sufficient counseling in their native language by professionals familiar with the special needs of trafficking victims, foreign women staying at government shelters elected to repatriate as quickly as possible. Although the government reserved funds to subsidize victims' stays in private shelters, very few victims were referred to the specialized NGO facilities.

A suspended sentence remained the most common punishment for those convicted of trafficking related crimes. According to Ministry of Justice statistics, in 2005 only six of 75 convictions resulted in incarceration, with an average two year sentence. All but one of the six
offenders who were imprisoned were foreigners. Police, government officials, and NGO representatives agreed that organized crime syndicates (the yakuza) were the controlling investors in the sex industry, but only one yakuza member was prosecuted. Ministry of Justice officials declared that it was "difficult to tell the level of involvement" of the owners of bars and clubs selling the sexual services of trafficking victims. However, NPA officials claimed it was difficult to build cases without a program to encourage victim testimony, long term undercover work by the police, or the ability to plea bargain. In addition, an entrenched reluctance to move against the sex establishments persisted, according to NGO lawyers, who noted that although buying sexual services is illegal, clients were never arrested and the establishments were permitted to operate relatively unconstrained.

Coercive control of "foreign trainees" in some companies was increasingly reported by the media (see section 6.e.).

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the government effectively enforced these provisions.

Persons with disabilities generally were not subject to overt discrimination in employment, education, or provision of other state services; however, in practice they faced limited access to these services.

During the year the revised law to promote employment of persons with disabilities went into effect, mandating that the government and private companies hire fixed minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 300 employees that do not comply must pay a fine of $425 (50,000 yen) per position per month. As of June public employment of persons with disabilities exceeded the minimum, but the private sector lagged behind despite increases over 2005, according to MHLW statistics.

In December revisions to accessibility laws mandated that new construction projects for public use must include provisions for persons with disabilities. In addition, the government allows operators of hospitals, theaters, hotels, and other public use facilities to receive low interest loans and tax benefits if they upgrade or install features to accommodate persons with disabilities.

The government supported the right of persons with disabilities to participate in civic affairs.

National/Racial/Ethnic Minorities

Burakumin (descendants of feudal era "outcasts") and ethnic minorities experienced varying degrees of societal discrimination, some of it severe and longstanding. The approximately three million burakumin, although not subject to governmental discrimination, frequently were victims of entrenched societal discrimination, including restricted access to housing, education, and employment opportunities.

During the year a banned "black book" cataloguing burakumin lineages for the purpose of discriminating against them was found in a major company office. This discovery dispelled the widely held belief in society that the book was no longer published and that discrimination against the burakumin had ended. NGOs reported that discrimination was still extensive outside major metropolitan areas.

Despite improvements in legal safeguards against discrimination, the country's large populations of Korean, Chinese, Brazilian, and Filipino permanent residents--many of whom were born, raised, and educated in Japan--were subject to various forms of deeply entrenched societal discrimination, including restricted access to housing, education, and employment opportunities. There was a widespread perception among citizens that "foreigners," often members of Japan born ethnic minorities, were responsible for most of the crimes committed in the country. The media fostered this perception despite the fact that the "foreigner" committed crime rate was much lower than the rate of crimes committed by citizens, according to the Ministry of Justice.

Aliens with five years of continuous residence are eligible for naturalization and citizenship rights. However, many immigrants struggled to overcome obstacles to naturalization, including the broad discretion available to adjudicating officers and the great emphasis on Japanese language ability. Naturalization procedures also require an extensive background check, which includes inquiries into the applicant's economic status and assimilation into society. The government defended its naturalization procedures as necessary to ensure the smooth assimilation of foreigners into society.

Indigenous People

Conditions improved for the estimated 27,000 indigenous Ainu that lived in the country. Ending a long history of oppressing the Ainu, in 1997 the parliament passed the Law for the Promotion of the Ainu Culture and Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture (Culture Promotion Law). The law recognized the Ainu as an ethnic minority, required all prefectural governments to develop basic programs for promoting Ainu culture and traditions, canceled previous laws that discriminated against the Ainu, and required the government of Hokkaido to return Ainu communal assets. Although the Ainu enjoyed the same rights as all other citizens, they faced the same patterns of discrimination that all ethnic minorities encountered (see section 5, National/Racial/Ethnic Minorities).

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the government
effectively enforced the law. Unions were free of government control and influence; however, governed by a separate law, public service employees' basic union rights are considerably restricted, which the International Labor Organization described as "tantamount to prior authorization" to form unions. Approximately 18.7 percent of the total workforce was unionized.

b. The Right to Organize and Bargain Collectively

Except for public sector workers and employees of state owned enterprises, the law allows unions to conduct their activities without interference, and the government protected this right. Collective bargaining is protected by law and was freely practiced. Unions have the right to strike, and workers exercised this right in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The law bans the exploitation of children in the workplace, and the government effectively implemented the law. The MHLW is responsible for enforcement. Both societal values and the rigorous enforcement of the law protect children from exploitation in the workplace. By law children under the age of 15 may not be employed, and those under 18 may not be employed in dangerous or harmful jobs. An exception is made for children in the entertainment industry, who may begin work at age 13. Other than victims of human trafficking (see section 5), child labor was not a problem.

e. Acceptable Conditions of Work

Minimum wages are set on a prefectural and industry basis, with the input of tripartite (workers, employers, and public interest) advisory councils. Employers covered by a minimum wage must post the relevant minimum wages, and compliance with minimum wages was considered widespread. Minimum wage rates ranged, according to prefecture, from $5.21 (610 yen) to $6.15 (719 yen) per hour. The minimum daily wage provided a decent standard of living for a worker and family.

The law provides for a 40 hour workweek for most industries and mandates premium pay for hours worked above 40 in a week or above eight in a day. However, it was widely accepted within the population that workers, including those in government jobs, routinely exceeded the hours outlined in the law. Labor unions frequently criticized the government for failing to enforce maximum working hour regulations.

Activist groups claimed that employers exploited illegal foreign workers, who often had little or no knowledge of the Japanese language or their legal rights. The government tried to reduce the inflow of illegal foreign workers by prosecuting employers of such workers. Citizen groups worked with illegal foreign workers to improve their access to information on worker rights.

The "foreign trainee" program came under increasing scrutiny for human rights abuses, and the media reported investigations into abusive company practices. In some companies trainees earned less than the minimum wage, and their wages were automatically deposited in company controlled accounts, despite the fact that such deposits are illegal. In addition, employers sometimes confiscated their travel documents and controlled their movements to "prevent escape."

The government sets occupational health and safety standards, and the Ministry of Labor effectively administered the various laws and regulations governing occupational health and safety. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.