

JAPAN 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Japan has a parliamentary government with a constitutional monarchy. In November 2021, Kishida Fumio, the leader of the Liberal Democratic Party, was confirmed as prime minister. International observers assessed elections to the Upper House of the Diet on July 10, which the Liberal Democratic Party and its coalition partner, Komeito, won with a majority of seats, as free and fair.

The National Public Safety Commission, a cabinet-level entity, oversees the National Police Agency, and prefectural public safety commissions have responsibility for local police forces. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: significant barriers to accessing reproductive health services; and crimes involving violence or threats of violence targeting persons with disabilities, members of national/racial/ ethnic minority groups, or Indigenous peoples.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

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

The government continued to deny death row inmates advance information about the date of execution until the day the sentence was to be carried out. The government 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. Authorities by law hold prisoners condemned to death in solitary confinement until their execution but allowed visits by family, lawyers, and others. The length of such solitary confinement varied from case to case and may extend for several years.

Prison and Detention Center Conditions

Prison conditions generally met international standards, although some prisons continued to lack adequate medical and mental health care, and sufficient heating in the winter or cooling in the summer. Nongovernmental organizations continued to raise questions about prisons' solitary confinement of death row inmates for long periods with limited opportunities for movement or exercise.

Long-term detention of foreign nationals at immigration centers continued to be a concern. In response to COVID-19, however, the Ministry of Justice granted temporary release to many immigration center detainees. Some immigration facilities did not provide timely access to sufficient medical care.

On August 8, the family of a Sri Lankan woman who died in March 2021 after her detention in a Nagoya immigration center requested that an independent panel of citizens, the Committee for the Inquest of Prosecution in Nagoya, review a decision by the Nagoya District Public Prosecutors Office not to prosecute 13 immigration officials for criminal omission causing her death. The woman, Ratnayake Liyanage Wishma Sandamali, began complaining of stomach pain and other symptoms two months earlier, but her requests for a physical examination or hospital treatment outside the facility were not relayed to management when

needed, and no hospital care was available on the day she died until less than one hour before her death. In November 2021, Wishma's family filed criminal charges with the prosecutorial office against the 13 officials, including the head of the Nagoya Regional Immigration Services Bureau, claiming the officials left her to die with willful negligence by failing to provide adequate medical treatment and continuing to detain her despite their legal obligation to save her life. On June 17, prosecutors dropped the case, announcing they were unable to identify the cause of Wishma's death and were thereby unable to prove the immigration officials' culpability. In December the independent panel of citizens comprising the committee for inquest ruled that the decision not to indict the offenders was wrong and requested the government reinvestigate the case.

Abusive Physical Conditions: Prisoners presented chilblains-affected fingers and toes of varying severity, from long-term exposure to cold in unheated cells in the winter. Meal sizes were often considered insufficient, leading to significant weight loss, according to independent observers. Prisons and detention centers routinely held prisoners and detainees alone in their cells for extended periods.

Authorities routinely held prisoners condemned to death in solitary confinement until their execution but allowed visits by family, lawyers, and others (see section 1.c., above). The length of such solitary confinement varied from case to case and may extend for several years. NGOs continued to raise questions about solitary confinement of death row inmates for long periods with limited opportunities for movement or exercise.

Administration: Authorities generally permitted prisoners and immigration detainees to submit complaints to judicial authorities and to request investigation of alleged problems. Legal experts and human rights NGOs, however, continued to raise concerns that authorities controlled the complaint process at immigration detention centers. Complainants were, for example, required to notify detention officers about complaints. Authorities provided the responses to prisoners and immigration detainees in a letter offering little detail beyond a final determination.

Independent Monitoring: The government generally allowed scheduled visits by elected officials, NGOs, members of the media, and international organizations.

The Ministry of Justice appointed members to inspection committees for government-run prisons and immigration detention centers from outside of the national government. Authorities permitted the committees, which included physicians, lawyers, local municipal officials, local citizens, and experts, to interview detainees without the presence of prison and immigration detention center officers. Prisons and immigration detention centers generally acted upon or gave serious consideration to their recommendations.

Legal experts and human rights NGOs, however, raised concerns about aspects of the inspection process and the teams' makeup. NGOs and the UN Committee Against Torture also cited concerns about the requirement to submit advance notifications to facility authorities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. Police officers may stop and question any person who is suspected of having committed or whom they believe is about to commit a crime or possesses information on a crime. Civil society organizations continued to urge police to end ethnic profiling and unjustified surveillance of foreigners.

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. In urgent cases when there is sufficient basis to suspect specific crimes, including a crime punishable by death, the law allows police to arrest suspects without obtaining warrants beforehand, but requires police to seek to obtain warrants immediately after arrest.

The law allows suspects, their families, or representatives to request that the court release an indicted detainee on bail. Bail is not available prior to indictment. While confession was not a legal requirement for bail, NGOs and legal experts stated bail was very difficult to obtain without a confession. Other elements of arrest and pretrial detention practices (see below) also tended to encourage confessions. The Public Prosecutors Office reported that approximately 67 percent of all criminal suspects who were referred to prosecutors by police did not face

indictment. Prosecutors indicted the remaining approximately 33 percent, of whom nearly all were convicted. In most of these cases, suspects had confessed.

Suspects in pre-indictment detention are legally required to face interrogation. Police guidelines limit interrogations to a maximum of eight hours a day and prohibit overnight interrogations. Pre-indictment detainees have access to counsel, including at least one consultation with an attorney sent by a local bar association on a request basis and, when pre- and post-indictment detainees have limited financial resources, consultations with a counsel appointed by the judge when requested by the detainee. There is no legal right, however, for defense counsel to be present during interrogations.

The law allows a court to prohibit suspects from meeting with persons other than counsel (and a consular officer in the case of foreign detainees) if there is probable cause to believe that the suspect may flee or conceal or destroy evidence (see Pretrial Detention, below). Many suspects, 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 suspect visits by family members or others. Legal experts, however, stated those held for organized crime or on charges involving other criminals tended to be denied such visits because prosecutors believed that communications with family members or others could interfere with investigations.

Police and prosecutors must record the entire interrogation process in criminal cases involving heinous crimes, including murder, death, or injury resulting from rape, arson, and kidnapping for ransom. In such cases, an arrested suspect's statements to police and prosecutors during an interrogation are inadmissible without a recording. Police are also required to make best efforts to record the interrogation process when arrested suspects have a mental disability. The Japan Federation of Bar Associations continued to advocate for expanding the measure to include the video recording of the interrogations of pre-arrest suspects and in all criminal cases. Legal experts continued to express concerns regarding forced confessions, especially in cases involving white-collar crimes.

Arbitrary Arrest: There were credible reports of foreigners being stopped and

searched by police in suspected racial-profiling incidents. A chain-referral sampling survey of individuals of foreign origin released by the Tokyo Bar Association on September 9 found that 63 percent were questioned by police over the past five years, and 77 percent of those questioned believed there was no reason for the intervention other than their ethnicity. More than 74 percent of those stopped said that they had been questioned multiple times during the previous five years.

Pretrial Detention: Authorities routinely held suspects in police-operated detention facilities for an initial 72 hours prior to indictment although, by law, such detention is allowed only when there is probable cause to suspect that a person has committed a crime and is likely to conceal or destroy evidence or flee. 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 such extensions from judges when deemed legally necessary. Individuals facing multiple charges may be held far longer, in some cases for months. The length of pretrial detention rarely equaled or exceeded the maximum sentence for the alleged crime. Prosecutors may also apply for an additional five-day extension in exceptional cases, such as insurrection, foreign aggression, or violent public assembly. The Japan Federation of Bar Associations stated detainees were subject to interrogation without counsel during a period of detention by police and prosecutors. The federation added that the government often denied bail to suspects and pretrial defendants who pleaded not guilty or exercised the right to remain silent. According to the federation, this practice effectively prompted those detainees' confessions because they feared lengthy detention without bail.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants are legally presumed innocent

until proven guilty, but NGOs and lawyers continued to suggest that this was not always the case because of the pressure on suspects to confess prior to trial. Foreign suspects with time-limited visas often confessed in exchange for a suspended sentence to close the case before their visas, which are not extended for trial, expire. The time between the conclusion of the trial and the rendering of the verdict, together with sentencing, can be very long, especially in more complex cases, to allow judges to re-examine evidence.

Although all charged individuals have the right to a trial without undue delay, observers noted that trials could be delayed for mentally ill prisoners.

Legal experts said a prohibition against defense counsel's use of electronic recording devices during interviews with clients undermined counsel effectiveness. The law also does not require full disclosure by prosecutors unless the defending attorney satisfies difficult disclosure procedure conditions, which could lead to the suppression of material favorable to the defense.

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. There are both administrative and judicial remedies for alleged wrongs. Individuals may file lawsuits seeking damages for, or cessation of, a human rights abuse with domestic courts.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution provides for freedom of speech and expression, including for members of the press and other media, and the government generally respected these freedoms. An independent media, an effective judiciary, and a functioning democratic political system combined to sustain freedom of expression, including for members of the media.

Censorship or Content Restrictions for Members of the Press and Media, including Online Media: Domestic and international observers continued to express concerns that the system of *kisha* (reporter) clubs attached to government agencies may encourage self-censorship. These clubs are established in a variety of organizations, including government ministries. While the Prime Minister's Office and most government ministries allowed the participation of nonmembers, including freelance and foreign reporters, in their press conferences, experts reported the *kisha* clubs continued to implement rules on the nonmembers' participation and sometimes blocked them from covering the organization.

Libel/Slander Laws: Defamation (which in the law includes both libel and slander) is a criminal and civil offense. The law does not accept the truthfulness of a statement as a defense. The law does not punish statements of fact about preprosecuted criminal acts (criminal acts that have already been prosecuted in court), deeming them as public interest. The government revised the law in June, increasing the criminal penalty for "insulting a person in public" by adding imprisonment for up to one year or a modest fine to the existing penalty of penal detention for less than 30 days or a small fine. The government's actions were reportedly prompted by public reaction to the 2020 suicide of a professional wrestler and reality television star following her months-long experience of social media abuse. Critics expressed concern that the revisions could stifle legitimate criticism of politicians and public officials. Soon afterward, the law was further revised to deter aggravated smears on social media.

On October 20, the Tokyo High Court ordered ruling Liberal Democratic Party lawmaker Sugita Mio to pay 550,000 yen (\$3,720) for insulting a woman journalist and sexual assault survivor, Ito Shiori, by pressing the "like" button 25 times on tweets smearing Ito. Sugita served as a parliamentary vice-minister of the Ministry

of Internal Affairs and Communications, which regulated policies addressing online smears.

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.

Restrictions on Academic Freedom and Cultural Events

There were no new reported incidents of governmental restriction of academic freedom or cultural events.

Government approval of history textbooks, however, remains a controversial issue. The Ministry of Education, Culture, Sports, Science and Technology guidelines include the principle that textbooks should align with the national government's official stance on issues. Textbooks that the ministry deems as failing to meet these guidelines are not authorized and are not available for local school boards to select for use. As has been the case in the past, the approval process for history textbooks, particularly its treatment of the country's 20th century colonial and military history, continued to be a subject of controversy.

b. Freedoms of Peaceful Assembly and Association

The constitution 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection for and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status. The country's refugee screening process was, however, strict; in 2021 the government granted refugee status to 74 out of 2,400 applicants. NGOs expressed concern regarding the low rates of approval.

NGOs, including legal groups, expressed concern about the restrictive screening procedures that discouraged individuals from applying for refugee status and led applicants to voluntarily withdraw their applications and accept deportation. They specifically claimed that the government's interpretation of "fear of persecution" used when adjudicating refugee claims was overly restrictive and required absolute certainty of immediate danger to an applicant. The government stated that it reviewed each application; recognized refugee status based on the UN Refugee Convention; implemented an appeal process and a judicial review by an outside expert panel appointed by the justice minister and refugee examination counselors (composed of individuals who had knowledge and experience in law and international affairs); and cooperated with UNHCR to ensure it determined refugee status appropriately. The government reported that it took an average of four years to recognize an asylum seeker as a refugee, and some cases, such as those involving multiple applications, the process lasted 10 years.

Immigration authorities administered the first round of hearings on whether to grant refugee status. Asylum seekers were not allowed to have lawyers participate in the first round of hearings, except for vulnerable cases, including minors age 15 or younger without a guardian and applicants with disabilities.

In August, the government announced the granting of refugee status to 133 Afghans. The Japan Lawyers Network for Refugees reported that 98 of the 133 grantees were among the Afghans evacuated by the government in 2021.

Refoulement: By law the government may not deport those who are subject to

deportation orders while their refugee applications are pending; however, they were commonly detained during this process, which can take several years.

On August 23, the Japan Lawyers Network for Refugees declared that during the year, authorities had repatriated some Afghans whom the government had evacuated to Japan after the Taliban's 2021 return to power. The lawyers' network suspected the government had not fully informed the evacuees of their opportunity to apply for refugee status. Earlier the government had declined the June 14 request of a national legislator to confirm whether the evacuees had been advised of this option.

Abuse of Migrants and Refugees: NGOs continued to express concern regarding the indefinite detention of refugees and asylum seekers and conditions in detention facilities. Legal experts and UNHCR noted that lengthy detention led to detainee protests, including by hunger strikes, generally intended to create a health concern that would warrant medical release.

Freedom of Movement: The government required asylum seekers to obtain permits from authorities in advance of any travel outside their prefecture of residence.

Access to Basic Services: Persons with refugee status faced the same discrimination patterns and challenges often seen by other foreigners, such as reduced access to housing, education, and employment.

Durable Solutions: On September 28, the government accepted 29 refugees under a third-country refugee resettlement program for the year.

Temporary Protection: Outside the regular asylum application system, following Russia's full-scale February invasion of Ukraine, as of November, the government had admitted 2,143 Ukrainian evacuees, 74 percent of whom were girls and women. The government allowed these individuals to reside in Japan on a temporary basis, with the ultimate length of stay still undetermined. The government provided them with accommodation, job placement services, and other assistance. The government also provided temporary protection to 580 other individuals in 2021 who may not qualify as refugees. Among them, 498 were Burmese brought in under the government's emergency evacuation measure in

response to the February 2021 military coup in Burma. The government granted permission to stay based on situations in their home countries to another 27 individuals, from Syria, Ethiopia, Sri Lanka, and China. The remaining 55 were married to Japanese citizens or had custody of their children. They may live in the community and work for limited hours.

Most of approximately 380-400 Rohingya were also living in the country under special stay permits on humanitarian visas based on ethnic and religious persecution in Burma, according to Burmese Rohingya Association in Japan President Zaw Min Htut. Htut stated 26 Rohingya have been granted refugee status since 2002, including eight Rohingya who were granted refugee status during the year, and 10 Rohingya asylum seekers were out of detention centers on temporary release but have not been permitted to work and could be detained again.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

The Ministry of Justice announced that 503 individuals were stateless in 2021 based on immigration provisions. Legal experts argued, however, that stateless persons potentially exceeded the official count because the figure was limited to stateless persons with legitimate residence permits.

By law a stateless person age 18 or older is qualified for naturalization when she or he has met certain criteria, including having lived in the country for at least five consecutive years, with good conduct and financial stability.

Japan-born children of ethnic Koreans who had their Japanese citizenship revoked following the end of Japanese colonial rule in Korea at the end of World War II were deemed foreign nationals, as were their parents. They do not have suffrage rights and may not hold positions in government service. Persons who have not pledged allegiance to either South or North Korea following the division of the Korean Peninsula fall under the special category of “citizens of the Korean Peninsula (Korea or *Chosen*).” These Koreans, regarded as de facto stateless by

legal experts, may opt to claim South Korean citizenship or to pursue Japanese citizenship. Although they hold no passports, these ethnic Koreans may travel overseas with temporary travel documents issued by the government and were considered special permanent residents.

Children born to Rohingya living in the country remained effectively stateless.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: An election for the Upper House of the Diet on July 10, which the Liberal Democratic Party (LDP) and its coalition partner Komeito won with a majority, was free and fair according to international observers.

Political Parties and Political Participation: On July 11, lawyers filed lawsuits in 14 high courts and their branches around the country seeking to nullify the results of the Upper House election in all 45 electoral districts, a regular post-election occurrence. The lawyers stated that the disparity in the weight of a single vote between the most and least populated electoral districts was unconstitutionally wide. In November the High Court in Sendai, Miyagi Prefecture, was the first to rule that the vote weight disparity was unconstitutional but it stopped short of nullifying the election results in five northeastern constituencies. As of November, a Supreme Court decision was pending. In a similar lawsuit, the Supreme Court decided in June to take on a 2021 Lower House election challenge and was expected to deliver a ruling by year's end.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized or minority groups in the political process if they are citizens. Women voted at rates equal to or higher than men. The proportion of women in the Diet, however, remained low following the most recent elections, comprising 10 percent of Lower House membership and 26 percent in the Upper House, a slight rise from their previous numbers. According to the Cabinet Office's Gender Equality Bureau, the

proportion of women in local assemblies in 2021 was similarly low, ranging from 12 to 31 percent, with urban areas electing larger numbers of women than provincial regions.

Some ethnic minority group members of mixed heritage served in the Diet, but their numbers were difficult to ascertain because they did not always self-identify.

There was one openly lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) national legislator, a member of the Constitutional Democratic Party of Japan. There were some LGBTQI+ locally elected officials.

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. There were several reports of government corruption.

Independent academic experts stated that ties among politicians, bureaucrats, and businesspersons were close, and corruption remained a concern.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The Ministry of Justice's Human Rights Counseling Office has more than 300 offices across the country. Approximately 14,000 volunteers fielded questions in person, by telephone, or on the internet, and provided confidential consultations. Counseling in 10 foreign languages was available in 50 offices. These consultative offices field queries, but they do not have authority to investigate human rights abuses by individuals or public

organizations without consent from parties concerned. They provided counsel and mediation, and collaborated with other government agencies, including child consultation centers and police. Municipal governments have human rights offices that deal with a range of human rights problems.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes various forms of rape or forcible sexual intercourse as a statutory term, regardless of the gender of the survivor, and defines the crime as vaginal, anal, or oral penile penetration by force or through intimidation. Both men and women can be charged with rape. Forcible penetration with a body part or object other than the penis can be considered forcible indecency, not rape. The law does not deny the possibility of spousal rape, but no court has ever ruled on such a case, except in situations of marital breakdown (such as formal or informal separation). The law mandates a minimum sentence of five years' imprisonment for rape convictions. Prosecutors must prove that violence or intimidation was involved or that the survivor was incapable of resistance. The penalty for forcible indecency is imprisonment for not less than six months nor more than 10 years. Domestic violence is also a crime and survivors may seek restraining orders against their abusers. Convicted assault perpetrators face up to two years' imprisonment or a modest fine. Convicted offenders who caused bodily injury faced up to 15 years' imprisonment or a modest fine. Protective order violators faced up to one year's imprisonment or a moderate fine.

The National Police Agency received more than 83,000 reports of domestic violence in 2021. While the government generally enforced the laws effectively, experts advocated for revising legal requirements to criminalize a range of rape committed through various actions and under varied circumstances.

In October 2021 the Cabinet Office's Gender Equality Bureau announced the government-run spousal violence counseling and support centers received approximately 177,000 domestic violence inquiries in 2021. While slightly lower than in 2020, these numbers were still 1.5 times higher than in 2019. This can be attributed to a new domestic violence hotline introduced in 2020 that provided an

additional way for victims to contact the centers. The government indicated that rape and domestic violence were significantly underreported crimes. According to a March 2021 survey by the Gender Equality Bureau, one in 14 women had been raped or sexually assaulted. More than half did not report the crime. Observers attributed women's reluctance to report rape to a variety of factors, including fear of retaliation, fear of public shaming, and difficulty in proving statutory rape due to its legal definition requiring violence, intimidation, or the survivor's incapability of resistance. The survey found that one in four women experienced domestic violence committed by their spouses in the form of physical assault, psychological attack, economic pressure, or sexual coercion. Almost half of the survivors did not report the violence due to concerns that their situations would not meet the legal requirements to constitute a crime, especially when weighed against the social stigma and potential for blame associated with pursuing a legal case. Survivors of abuse by domestic partners, spouses, and former spouses could receive protection at shelters run by either the government or NGOs.

Sexual Harassment: The law requires employers to make efforts to prevent sexual harassment in the workplace; however, such sexual harassment persisted (see section 7.d.).

Men groping women and girls on public transportation continued to be a problem.

During the July Upper House election campaign, there was reported sexual harassment of female candidates by male politicians and candidates, as well as by voters. Footage of a male Japan Innovation Party candidate, Inose Naoki, touching a female candidate of the same party several times during an Upper House campaign event in June drew public criticism for sexual harassment. While Inose publicly admitted his behavior was "thoughtless," the woman denied his behavior made her uncomfortable, prompting a scholar on gender and politics, Miura Mari, to comment that Inose's assistance with his colleague's campaign likely made it difficult for her to protest his advances.

In August, Gono Rina, a former member of the Self-Defense Forces (SDF), reported that in August 2021, three senior male members of her SDF unit pushed her down on a bed and by turns forced her legs apart and repeatedly pressed their crotches against her at a training site in Koriyama City, Fukushima Prefecture.

After she reported the incident, police referred the three men to the prosecutors' office on charges of indecency, but prosecutors on May 31 dropped the charges, citing lack of evidence. On June 7, Gonoï filed a complaint with an independent panel of citizens, the Committee for the Inquest of Prosecution in Koriyama, to appeal the decision. On June 27, she resigned from the SDF. On August 31, she presented to Vice-Minister of Defense Kimura Jiro a petition signed by more than 100,000 SDF personnel calling for a third-party reinvestigation of her harassment and revealing that 146 other members had reported experiencing sexual harassment in the SDF.

On September 6, Defense Minister Hamada Yasukazu announced that the ministry would conduct an independent investigation of Gonoï's case and issued a separate order to investigate sexual harassment across the SDF. On September 7, the independent panel of citizens comprising the committee for inquest ruled that the decision not to indict the three offenders was wrong and requested prosecutors to reinvestigate the case. By year's end, the reinvestigation was ongoing. On September 29, the Defense Ministry held a press conference to make a public apology to Gonoï. On October 17, Gonoï disclosed that each of the offenders had privately apologized to her.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law requires transgender persons to be without reproductive capacity, effectively requiring surgical sterilization for most persons to have their gender identity legally recognized. (See subsection on Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics, below.)

The law requires spousal consent to terminate a pregnancy. In 2013 the Ministry of Health clarified that the consent requirement does not apply to unmarried couples, and in 2021 the ministry exempted married women who had difficulty obtaining consent because their marriage was essentially over due to domestic violence or other reasons. The policy, however, is not legally binding, and activists noted some health professionals still enforced a requirement for receiving the father's consent on unmarried women, as well as on women who were

survivors of sexual assault and domestic violence, in order to avoid the risk of a lawsuit under their interpretation of the law.

The Japan Medical Association instructed gynecologists to request documentation like a bill of indictment or a court sentence from sexual assault survivors seeking an abortion, but the legal complexities and social stigma associated with prosecuting rape cases served as a barrier to swift remedies.

The government subsidized sexual or reproductive healthcare services for survivors of sexual violence when the survivors sought help from police or government-designated centers supporting sexual violence survivors located in each prefecture. These services included medical examinations and emergency contraception. Contraception methods are taught in schools and contraception is safe, effective, and widely available in the country.

Discrimination: The law prohibits discrimination based on sex and generally provides women the same rights as men.

Despite the law and related policies, government enforcement was limited. 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 elected bodies (see section 3).

The civil code requires married couples to share a single surname. According to the government, 96 percent of married couples adopt the husband's family name. On March 23, the Supreme Court ruled in two cases that the legal provision requiring married couples to use the same surname is constitutional. The ruling upheld 2015 and 2021 decisions and recommended the issue be discussed in the Diet.

Systemic Racial or Ethnic Violence and Discrimination

There is no comprehensive law prohibiting racial, ethnic, or religious discrimination.

Despite legal safeguards against discrimination, foreign permanent residents in the

country and non-ethnic Japanese citizens, 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 and “foreign looking” citizens reported they were prohibited entry – sometimes by signs reading “Japanese Only” – to privately owned facilities serving the public, including hotels and restaurants.

Legal and civil society experts noted that laws of some municipalities contributed to a continued decrease in hate speech at street demonstrations. Hate speech online continued, however, while crimes targeting members of specific ethnicities, such as ethnic Koreans, also continued, according to experts who called on the government to implement more effective deterrent measures and conduct a survey on hate speech incidents.

For example, in August, a man was sentenced to four years in prison for arson in the Utoro district of Kyoto, which has a large ethnic Korean population. The Kyoto District Court ruled that the act was based on prejudice and hatred toward ethnic Koreans. According to media reports, the perpetrator was radicalized by reading anti-Korean comments online. In another example, graffiti in red Japanese characters reading “Kill Koreans Group” was found at a Tokyo train station in September.

There were also incidents directed at other racial and ethnic minority groups. Legal experts pointed out that hate speech against Chinese increased after the COVID-19 outbreak.

The law specifically addresses discrimination against *Buraku* (the descendants of feudal-era outcasts). It obligates national and local governments to study discrimination against Buraku, implement awareness education, and enhance the counseling system.

Buraku advocacy groups continued to report that despite socioeconomic improvements in their communities, widespread discrimination persisted in employment, marriage, housing, and property assessment. Although the Buraku label was no longer officially used to identify individuals, the family registry system can be used to identify them and facilitate discriminatory practices. Buraku

advocates expressed concern that employers who required family registry information from job applicants for background checks, including many government agencies, might use this information to identify and discriminate against Buraku applicants.

Indigenous Peoples

The law recognizes Ainu as Indigenous persons, protects and promotes their culture, and prohibits discrimination against them. The law requires the national and local governments to take measures to support communities and boost local economies and tourism. The law does not provide for self-determination or other tribal rights, nor does it stipulate rights to education for Ainu.

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

Children

Birth Registration: The law grants citizenship at birth to a child of a Japanese father who either is married to the child's mother or recognizes his paternity; a child of a Japanese mother; or a child born in the country to parents who are both unknown or are stateless. The law relieves an individual from some conditions for naturalization if that individual was born in the country with no nationality at the time of birth but has resided in the country for three consecutive years or more since his or her birth, but it does not grant citizenship without further conditions. 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 nominal fine.

The law requires individuals to specify whether a child was born in or out of wedlock on the birth registration form. The law presumes that a child born within 300 days of a divorce is the divorced man's child, resulting in the nonregistration of an unknown number of children.

Child Abuse: The law prohibits child abuse. Reports of child abuse – physical violence, sexual abuse, psychological abuse, and neglect – increased. Experts attributed the rise to increased social isolation during the COVID-19 pandemic. There were concerns that more cases went undetected as COVID-19 reduced the frequency with which children interacted with persons outside the family.

Children were also subject to human rights abuses via the internet. Abuses included publishing photographs and videos of elementary school students in public places without their consent. The government requested site operators to remove such images, and many reportedly complied.

Child, Early, and Forced Marriage: As of April 1, the minimum legal age to marry for both sexes was 18. A person younger than 20 may not marry without at least one parent’s approval.

Sexual Exploitation of Children: The commercial sexual exploitation of children is illegal, with penalties including prison sentences or moderate fines. The age of consent is 13, which makes prosecution for child rape difficult. Statutory rape laws criminalize sexual intercourse with a girl or a boy younger than age 13, notwithstanding her or his “consent,” and notwithstanding the absence of force or intimidation. The law also criminalizes custodial rape of a minor younger than age 18. The penalty for statutory rape is a sentence of not less than five years’ imprisonment with mandatory labor. The law was enforced. Additionally, national law and local ordinances address sexual abuse of minors.

Possession of child pornography is a crime. The commercialization of child pornography is illegal with the penalty of imprisonment with labor for not more than five years, a modest fine, or both. Police noted that instances of sexual exploitation via social networking services continued to rise. NGOs continued to express concern that preventive efforts more frequently targeted victims rather than perpetrators. NGOs reported the low age of consent complicated efforts to formally identify children exploited in commercial sex as trafficking victims.

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 the sex trafficking of children and other

commercial sex industries. NGOs reported that unemployment and stay-at-home orders established because of the COVID-19 crisis fueled online sexual exploitation of children. The government’s interagency taskforce to combat child sex trafficking in *joshi kosei* (or “JK” businesses) – dating services connecting adult men with underage girls – and in forced pornography continued to strengthen its crackdown on such businesses. Ordinances in eight prefectures ban JK businesses, prohibiting girls younger than age 18 from working in “compensated dating services,” or requiring JK business owners to register their employee rosters with local public safety commissions. NGOs helping girls in the JK business reported a link between these activities and the commercial sexual exploitation of children.

The country was a site for the production of child pornography and the exploitation of children by traffickers.

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.

Antisemitism

The total Jewish population is approximately 3,000 to 4,000. There were no known reports of antisemitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: LGBTQI+ advocacy organizations

continued to report violence against LGBTQI+ individuals, and claimed that individual politicians' remarks may have incited, condoned, or tolerated nongovernmental actor violence. According to legal experts, hate speech or hate crimes against transgender individuals were numerous. Stigma surrounding LGBTQI+ persons remained an impediment to reporting abuse and discrimination.

Discrimination: No law prohibits discrimination based on sexual orientation, gender identity or expression, or sex characteristics. No national law recognizes LGBTQI+ individuals, couples, or their families, or protects the LGBTQI+ community from antigay propaganda, hate speech, restrictions on legal registration, or restrictions on the organization of events such as Pride marches. Lawsuits were filed by same-sex couples during the year on the right to same-sex marriage. On June 20, the Osaka District Court ruled that freedom of marriage in the constitution referred only to male-female unions, and that the country's ban on same-sex marriage was constitutional. On November 30, the Tokyo District Court ruled that while the existing law banning same-sex marriages was constitutional, the lack of a legislative framework authorizing marriage for individuals of the same gender runs "counter to the constitution."

Some municipalities, including Tokyo, have issued "same-sex partnership certificates" conferring on same-sex couples some of the rights that heterosexual couples have.

LGBTQI+ advocacy organizations reported instances of discrimination, outing of LGBTQI+ individuals by others, bullying, and harassment.

NGOs reported that remarks by Liberal Democratic Party candidate Inoue Yoshiyuki during the Upper House election campaign in June included discriminatory statements against sexual minorities. The NGOs noted his remarks appeared to attribute the country's low birthrate to homosexuality. Inoue won a seat in the election.

An LGBTQI+ religious leader reported an instance in which members of a Christian group surrounded an LGBTQI+ individual at their place of worship and prayed to change the individual's sexual orientation. The source described this incident as contributing to a chilling environment that caused the LGBTQI+

member to fear continuing to visit his place of worship.

Availability of Legal Gender Recognition: The law requires transgender persons to be without reproductive capacity, effectively requiring surgical sterilization for most persons to have their gender identity legally recognized. They also must meet additional conditions, including undergoing a psychiatric evaluation and receiving a diagnosis of “gender identity disorder,” a disorder not recognized in the International Classification of Diseases; being unmarried and older than age 20; and not having any children younger than age 20. If the conditions are met, pending approval by a family court, their gender may be recognized.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Members of the LGBTQI+ community reported that some psychiatrists were advertising “conversion therapy” and that some groups were exercising talk therapy or religious rituals and exerting pressure on LGBTQI+ individuals to change their sexual orientation, identification, and expression.

In June a cross-party group of Diet members, including several members of the ruling LDP, attended a conference of the Shinto Association of Spiritual Leadership, where a booklet describing sexual minority status as “an acquired psychological disorder or addiction that can be changed through treatment or religious belief,” or “cured” through “conversion therapy,” reportedly circulated. The booklet also declared, “We should not legitimize the sexual lifestyles of sexual minorities as it will become a social problem which will destroy families and society.” In July the NGO Japan Alliance for LGBT Legislation made a statement protesting the booklet as discriminatory, abusive of human rights, and based on unscientific claims. On July 4, LGBTQI+ supporters held a “Stand for LGBTQ+ Life” demonstration outside the LDP headquarters in Tokyo.

In July a group of religious leaders, the Network for Biblical Understanding of Sexuality, established an advocacy organization affirming that LGBTQI+ was “sinful.” The organization released material online in support of its position, including a video arguing that an individual’s sexual orientation can be “corrected” through counseling, especially when the individual is still young. In September a Christian group, the Japanese Christians Against the Nashville Statement, launched

a countervailing online campaign against justification of “conversion therapy” and gained more than 18,000 signatures to support the campaign as of November.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions on those speaking out about LGBTQI+ matters such as so-called antigay propaganda laws, “hate speech” laws, and restrictions on the ability of LGBTQI+ organizations to legally register or convene events such as Pride festivities.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transport on an equal basis with others. The law requires the public sector to provide reasonable accommodations and the private sector to make best efforts in employment, education, access to health care, or the provision of other services; however, there are no penalties for noncompliance. In May the government implemented a new law requiring national and local governments and business operators to make best efforts to ensure the availability of information and communication in accessible formats. The community of persons with disabilities welcomed the new law. Children with disabilities generally attended the same schools with peers without disabilities but in classes designated for children with disabilities, or in segregated schools. A group of parents of children with disabilities reported teachers’ tendency to recommend sending children with disabilities to segregated schools despite the parents’ hope to send the children to mainstream schools with their peers without disabilities.

Persons with disabilities experienced abuse, including sexual abuse of women with disabilities, by family members, care-facility employees, and employers. Some persons with disabilities reported increased verbal abuse of persons with disabilities on the street. In one high-profile case, the Fukuoka District Public Prosecutors Office prosecuted the head of a facility supporting children with disabilities, Shinichi Sakaue, and schoolteacher Hiroshi Matsubara for illegally capturing and confining teenage boys with disabilities using violence. Reportedly, while the suspects claimed they would provide “therapy” to children with behavioral disabilities, charging parents fees for “rescue services,” in one case they secured a boy victim’s hands and feet with zip ties, covered his head with a bag,

and confined him in the facility for two days.

Other Societal Violence or Discrimination

No law prohibits discrimination against persons with HIV or AIDS; nonbinding Ministry of Health 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 their HIV status.

Concerns about discrimination against individuals with HIV or AIDS, as well as the stigma associated with them and fear of dismissal, prevented many persons from disclosing their HIV or 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. Collective bargaining was common in the private sector.

The law restricts the right of public-sector workers and employees of state-owned enterprises to form and join unions of their choice. Public-sector employees may participate in public-service employee unions, which may negotiate collectively with their employers on wages, hours, and other conditions of employment. The International Labor Organization continued to raise concerns that the law restricts some public-sector employees' labor rights. Public-sector employees do not have the right to strike; trade union leaders who incite a strike in the public sector may be dismissed and fined or imprisoned.

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 conducting 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 legal union activities.

The government effectively enforced laws providing for freedom of association, collective bargaining, and legal strikes. Government oversight and penalties were commensurate with those for other laws involving denials of civil rights. Penalties were regularly applied against violators. The Labor Relations Commission conducts investigations and hearings when it receives complaints that an employer has violated the law. It has the authority to issue relief orders based on the facts identified. A total of 814 cases were pending before the Labor Relations Commission in 2021 and 258 of them were closed. Among the closed cases, 122 were settled, 55 were withdrawn, 46 were given relief orders (including partial relief orders), and 35 were dismissed.

In the case of a rights violation, a worker or union may lodge an objection with the Labor Committee, which may issue a relief order requiring action by the employer. If the employer fails to act, a plaintiff may then take the matter to a civil court. If a court upholds a relief order and determines that a violation of that order has occurred, it may impose a fine, imprisonment, or both.

The increasing use of short-term contracts undermined regular employment and frustrated organizing efforts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law, however, does not expressly define what would constitute forced or compulsory labor, allowing for prosecutorial discretion when pursuing such cases.

Although the government generally effectively enforced the law, enforcement was lacking in some sectors, especially those in which foreign workers were commonly employed. Legal penalties for forced labor varied depending on its form, the victim(s), and the law used to prosecute such offenses. NGOs argued that reliance on multiple and overlapping statutes hindered the government's ability to identify and prosecute trafficking crimes, especially for cases involving forced labor with elements of psychological coercion.

Forced labor persisted in the manufacturing, construction, and shipbuilding sectors, primarily in small- and medium-size enterprises employing foreign nationals through the Technical Intern Training Program (TITP). This program allows foreign workers to enter the country and work for up to five years in a de facto guest-worker program that many observers assessed to be rife with vulnerabilities to trafficking and other labor abuses.

Workers in the TITP experienced restrictions on freedom of movement and communication with persons outside the program, nonpayment of wages, excessive working hours, high debt to brokers in countries of origin, and retention of identity documents, despite government prohibitions on these practices. The Organization for Technical Intern Training oversees the TITP, including conducting on-site inspections of TITP workplaces. The organization increased consultations in eight languages as mother tongue of a majority of TITP workers and inspections, but labor NGOs continued to cite concerns that the organization did not address the issue sufficiently. Lawyers and NGOs maintained authorities continued to arrest and deport TITP participants who escaped potential labor trafficking and other abusive conditions in their contracted agencies.

On September 13, the Ministry of Economy, Trade, and Industry released *Guidelines on Respect for Human Rights in Responsible Supply Chains*. Although not legally binding, it was the first set of guidelines to urge companies in the country to check whether there are any human rights violations in their supply chains and to make improvements and disclosures if any are found. The guidelines encourage companies to draft policies pledging their commitment to respect human rights, conduct human rights due diligence, and establish grievance mechanisms.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. Children ages 15 to 18 may perform any job not designated as dangerous or harmful, such as handling heavy objects or cleaning, inspecting, or repairing machinery while in operation. They are also prohibited from working late night shifts. Children ages 13 to 15 may

perform “light labor” only, and children younger than age 13 may work only in the entertainment industry.

The government effectively enforced applicable laws and penalties for child labor violations were regularly applied against violators. These penalties included fines and imprisonment and were commensurate with those for other analogous serious crimes.

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, national origin, color, sex, ethnicity, disability, and age, but it does not explicitly prohibit discrimination with respect to employment and occupation based on religion, sexual orientation or gender identity, HIV or AIDS status, or refugee or stateless status. The government effectively enforced the applicable laws, and penalties for violations were commensurate with those under similar laws related to civil rights, such as the Public Offices Election Act. It was not reported if penalties were regularly applied against violators.

The law does not address mandatory dress codes. The labor standards law prohibits gender-based wage discrimination. It imposes some restrictions on women’s employment; for example, it restricts women from performing certain tasks in underground mining as well as work that requires lifting very heavy objects or spraying any of 26 specified hazardous materials such as polychlorinated biphenyls. Additional restrictions apply to pregnant women and those who gave birth within the prior year.

The law mandates equal pay for men and women; however, the International Labor Organization viewed the law as too limited because it does not capture the concept of “work of equal value.” A private-sector survey of more than 25,000 companies in July showed the proportion of women in corporate managerial posts rose to 9.4 percent. According to the Ministry of Health, Labor, and Welfare (Labor Ministry), women’s average monthly wage was approximately 75 percent that of men in 2021. In July the government began requiring large companies with more

than 301 employees to disclose gender pay gaps.

The equal employment opportunity law includes prohibitions against policies or practices that have a discriminatory effect, even if unintended (called “indirect discrimination” in law), for all workers in recruitment, hiring, promotion, and changes of job type. Women continued to express concern about unequal treatment in the workforce, including sexual and pregnancy harassment. The law does not criminalize sexual harassment, but the equal employment opportunity law requires companies to take measures to prevent it; asks companies to report incidents if they occur; and offers administrative advice, instructions, or guidance.

When a violation of equal employment opportunity law is alleged, the Labor Ministry may request the employer to report the matter, and the ministry may issue advice, instructions, or corrective guidance. If the employer fails to report or files a false report, the employer may be subject to a fine. If the employer does not follow the ministry’s guidance, the employer’s name may be publicly disclosed. Government hotlines in prefectural labor bureau equal employment departments handled consultations concerning sexual harassment and mediated disputes when possible.

In June 2021, a year after a revised law came into effect requiring companies to prevent power harassment and sexual harassment in the workplace, a Japanese Trade Union Confederation survey of 1,000 working men and women ages 20 to 59 (excluding executives, entrepreneurs, or the self-employed) showed limited progress. Approximately one-third of respondents reported they had experienced some type of workplace harassment. Among those who experienced harassment, approximately 40 percent said their employer took no action when harassment occurred, and 43 percent reported they had told no one because they thought it would not help.

In 2020 the Labor Ministry released a fiscal-year 2017-19 survey of 1,000 male and female university and vocational-school graduates on sexual harassment during their job search and internship. Overall, 25 percent of the respondents experienced sexual harassment; 9 percent reported being forced to have sexual relations. When asked what they did after the harassment, 25 percent said they did nothing, and approximately 8 percent said they gave up on the job search process.

The law mandates that both government and private companies hire at or above a designated minimum proportion of persons with disabilities (including mental disabilities). The government hiring rate is 2.6 percent; for private companies it is 2.3 percent. By law, companies with more than 100 employees that do not hire the legal minimum percentage of persons with disabilities must pay a moderate fine per vacant position per month. Disability rights advocates claimed that some companies preferred to pay the mandated fine rather than hire persons with disabilities. There is no penalty for government entities failing to meet the legal minimum hiring ratio for persons with disabilities. According to the National Personnel Authority, the recorded hiring ratio for persons with disabilities is significantly lower than real ratio because many do not report their disability due to the stigma associated with it.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes a minimum wage, which varies by prefecture but in all cases allows for earnings above the official poverty line. The law provides for a 40-hour workweek for most industries and, with exceptions, limits the number of overtime hours permitted in a fixed period. Violators may face penalties including fines and imprisonment commensurate with those for similar crimes.

Workers employed on term-limited contracts, known as “nonregular” workers, continued to receive lower pay, fewer benefits, and less job security than their “regular” colleagues performing the same work. According to the government’s Labor Force Survey (2021 yearly average), 68 percent of nonregular workers were women. The law requires employers to treat regular and nonregular workers equally when the job contents and the scope of expected changes to the job content and work location are the same.

Occupational Safety and Health: The Labor Ministry is responsible for enforcing laws and regulations governing wages, hours, and occupational safety and health (OSH) standards in most industries. The National Personnel Authority covers government officials. The Ministry of Economy, Trade, and Industry covers OSH standards for mining, and the Ministry of Land, Infrastructure, Transport, and Tourism is responsible for OSH standards in the maritime industry.

The government sets OSH standards appropriate for each industry. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. To prevent the spread of COVID-19 infections, the government provided guidance for workplaces through pamphlets that explained "five-point steps" to prevent the spread of COVID-19 in a comprehensible manner, and checklists that included practical examples. Also, labor bureaus in each prefecture set up "consultation counters for measures to prevent the spread of COVID-19 infections in the workplace," to provide consultations, and to respond to questions from workers.

Reports of OSH and wage violations in the TITP continued; they included 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 (also see section 7.b.). In 2021, 7,167 TITP participants disappeared from their jobs, some of whom were believed to have fled because of exploitative or abusive conditions and were unidentified trafficking victims.

There were 149,918 major industrial accidents in 2021 resulting in 867 fatalities, and additional worker injuries requiring absence from work for more than four days. Falls, road traffic accidents, and injuries caused by heavy machinery were the most common causes of workplace fatalities. The Labor Ministry also continued to grant formal recognition to victims of *karoshi* (death by overwork). Their former employers and the government paid compensation to family members when conditions were met.

The Labor Ministry's initiatives to prevent accidents and injuries in the workplace included checklists, educational materials, leaflets, videos on the proper handling of equipment and use of safety gear, and promoting workspaces organized to minimize accidents.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, overtime, and OSH laws. Penalties for violations were commensurate with those for similar crimes and were regularly applied against violators. While inspectors have the authority to suspend unsafe operations immediately in cases of flagrant safety violations, in lesser cases they may provide

nonbinding guidance. Inspectors have the authority to make unannounced inspections and initiate sanctions. Government officials acknowledged their resources were inadequate to oversee more than 4.3 million firms and that the number of labor inspectors was insufficient to enforce compliance.

The Labor Ministry conducted 32,025 on-site inspections of workplaces where it had reason to suspect excessive overtime was taking place during fiscal year 2021 (April 2021 through March 2022). It found violations at 10,986 workplaces, or 34.3 percent of the total. The Labor Ministry provided the violators with guidance for correction and improvement.

Labor unions continued to criticize the government for failing to enforce the law regarding maximum working hours. Workers, including those in government jobs, routinely exceeded the hours outlined in the law.