

# Japan 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Japan during the year.

Significant human rights issues included credible reports of: significant barriers to accessing reproductive health services; crimes involving violence or threats of violence targeting members of national/racial/ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and crimes involving violence or the threat of violence targeting persons with disabilities.

The government took credible steps to identify and punish officials who committed human rights abuses.

## 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 the government or its agents committed arbitrary or unlawful killings, including extrajudicial 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 prohibited such practices, and there were no credible reports government officials employed them.

### **Prison and Detention Center Conditions**

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

Long-term detention of foreign nationals at immigration centers continued to be a concern. Some immigration facilities did not provide timely access to sufficient medical care. On September 29, the Nagoya District Prosecutors Office announced it would not indict immigration officials for the 2021 death of Sri Lankan detainee Ratnayake Liyanage Wishma Sandamali because it could not determine the causes leading to her death. The decision closed the case after an independent citizens' panel reopened it in 2022 for further investigation.

**Abusive Physical Conditions:** 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. Nongovernmental organizations (NGOs) continued to raise questions about limited opportunities for movement and exercise for death row prisoners. The length of such solitary confinement varied from case to case and could extend for several years. The government denied death row inmates information about the date of execution and stated this policy spared them the anguish of knowing in advance when they would die. The government notified family members of executions after the fact.

**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 authorities controlled the complaint process at immigration detention centers. Complainants were, for example, required to notify detention officers about complaints. Authorities provided responses in a letter offering what critics said was little detail beyond a final determination.

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

The Ministry of Justice appointed members from outside the national government to inspection committees for government-run prisons and immigration detention centers. 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 gave serious consideration to their recommendations and generally acted upon them.

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.

**Improvements:** In response to the 2021 death of a Sri Lankan woman in a Nagoya immigration detention center, in February the Ministry of Justice reported the Immigration Services Agency increased medical staffing to respond to medical emergencies.

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

The law prohibited arbitrary arrest and detention. The government generally observed these requirements. Police officers could stop and question any person who was suspected of having committed, or whom they believed was about to commit a crime, or who possessed information

on a crime.

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

Authorities apprehended persons with warrants based on evidence and issued by a duly authorized official and brought detainees before an independent judiciary. In urgent cases when there was sufficient basis to suspect specific crimes, including a crime punishable by death, the law allowed police to arrest suspects without obtaining warrants, but it required police to seek warrants immediately after such arrests.

The law allowed suspects, their families, or representatives to request the court release an indicted detainee on bail. Bail was not available prior to indictment. According to the government, bail was generally granted except when there was probable cause to believe the suspect could flee or conceal or destroy evidence. NGOs and legal experts, however, noted bail was very difficult to obtain without a confession, and that other elements of arrest and pretrial detention practices also tended to encourage confessions. The Public Prosecutors Office reported approximately 67 percent of all criminal suspects 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 preindictment detention were legally required to face interrogation. Police guidelines limited interrogations to a maximum of

eight hours a day and prohibited overnight interrogations. Preindictment detainees had access to counsel, including at least one consultation with an attorney sent by a local bar association on a request basis and, when requested by pre- or postindictment detainees, consultations with counsel appointed by the judge. There was no legal right, however, for defense counsel to be present during interrogations.

The law allowed a court to prohibit suspects from meeting with persons other than counsel (and a consular officer in the case of foreign detainees) if there was probable cause to believe the suspect would flee or conceal or destroy evidence. 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 was no legal connection between the type of offense and how long a judge could deny visits by family members or others. Legal experts critical of the process, however, stated those held for organized crime or on charges involving other criminals tended to be denied such visits because of a belief that communications with family members or others could interfere with investigations.

Police and prosecutors had to 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 were inadmissible without a recording. Police were also required to make best efforts to record the interrogation process if arrested suspects had a psychiatric disability. The Japan Federation of Bar Associations advocated for expanding the regulations to require video recording of the interrogations suspects before their arrest and in all criminal cases. Legal experts expressed concerns regarding forced confessions, especially in cases involving white-collar crimes.

**Pretrial Detention:** Pretrial detention was governed by regulations that allow for detention prior to indictment up to 23 days, with judicial authorization. In cases involving multiple possible charges, however, detention could be extended for months. Nonetheless, pretrial detention rarely equaled or exceeded the maximum sentence for the alleged crime.

## **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

The law provided for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants were legally presumed innocent until proven guilty, but NGOs and lawyers suggested 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 were not extended for trial, expired. The time between the conclusion of the trial and the rendering of the verdict, together with sentencing, could be very long, especially in more complex cases, to allow judges to re-examine evidence.

Although all charged individuals had the right to a trial without undue delay, observers noted 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 did not require full disclosure by prosecutors unless the defending attorney satisfied difficult disclosure procedural 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.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.



## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibited such actions, and there were no reports 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 provided 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.

**Freedom of Expression:** Government approval of history textbooks, particularly the treatment of the country's 20th century colonial and military history, remained controversial. Ministry of Education, Culture, Sports, Science and Technology guidelines included the principle that textbooks should align with the national government's official stance. Textbooks the ministry deemed as failing to meet these guidelines were not authorized and were not available for local school boards to select for use.

**Censorship or Content Restrictions for Members of the Press and Media, Including Online Media:** Domestic and international observers continued to express concerns the system of *kisha* (reporter) clubs attached to government agencies encouraged self-censorship. 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 nonmembers' participation and sometimes blocked them from covering the organization.

**Libel/Slander Laws:** Defamation and insults (which included both libel and slander) were criminal offenses. The criminal penalty for defamation was imprisonment for up to three years or a fine while the penalty for insulting a person was imprisonment for up to one year or a modest fine. No government official or public figure used these laws to restrict public discussion or retaliate against journalists or political opponents.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provided for the freedoms of peaceful 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 provided 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 provided for granting asylum or refugee status. The country's refugee screening process was, however, strict; in 2022 the government granted refugee status to 202 of 3,772 applicants. Of the 202 recognized refugees (an increase from 74 in 2021), 72 percent were Afghans. The NGO Japan Association for Refugees assessed the increase as

an exceptional measure in response to the Taliban takeover in 2021 and was concerned about low rates of approval for applicants from other countries.

NGOs, including legal groups, believed restrictive screening procedures discouraged individuals from applying for refugee status and led them to withdraw their applications and accept deportation. They specifically claimed the government interpretation of “fear of persecution” used when adjudicating refugee claims required absolute certainty of immediate danger to an applicant. The government responded that it implemented an appeals process and cooperated with UNHCR to determine refugee status appropriately. Legal experts, researchers, and human rights activists questioned the impartiality of the appeals process, pointing out, for example, government statistics showing a single refugee appeals counselor screened 25 percent of appeals in 2022 and 20 percent in 2021, although there were approximately 110 refugee appeals counselors. The government reported it took an average of 32 months to make the initial determination, and an average of 30 additional months if the case was appealed. In rare cases involving multiple applications, the process lasted up to 10 years.

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

**Refoulement:** The government made significant revisions to the refugee

law on June 9. These revisions provided for the government to deport those whose refugee applications were denied twice unless applicants submitted documentation showing reasonable grounds for refugee or complementary protection. The government stated the revision was designed to provide for deportation of applicants who were unqualified under the UN Refugee Convention and of those who violated the law. The revised law also allowed for criminal penalties for those who refused deportation. Legal experts, academic researchers, and human rights activists opposed the revisions, which they maintained could exclude qualified refugees and lead to the refoulement of applicants to home countries where they could face persecution.

**Abuse of Refugees and Asylum Seekers:** NGOs continued to express concern regarding the indefinite detention of refugees and asylum seekers and conditions in detention facilities. Legal experts and UNHCR noted lengthy detention led to detainee protests, including by hunger strikes generally intended to create a health concern warranting medical release. The June 9 revisions expanded access to alternatives to detention, under which those subject to deportation orders were allowed to stay outside of the detention facilities and under the supervision of family, a relative, or an acquaintance until deportation.

**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 problems other foreigners often encountered, such as reduced access to housing, education, and employment.

**Temporary Protection:** The government provided temporary protection on an ad hoc basis, with benefits and protections differing from group to group. The June 9 revisions to the refugee law introduced a “complementary protection” program to allow evacuees from conflict zones to remain in the country legally. It was unclear whether ad hoc temporary protection could continue for groups already in the country, or whether they could be redesignated as participants in the complementary protection program.

Ad hoc temporary protection groups included: Ukrainians, Burmese (including Rohingya), Afghans, Pakistanis, Cameroonese, Nigerians, and Ethiopians. In August the government announced it would allow Sudanese and foreigners who habitually resided in Sudan to stay and work temporarily.

On August 4, Minister of Justice Saito Ken announced foreign children who were born and raised in the country but did not qualify as residents could be granted special permission to stay with their families. Foreign children without residency status could not be granted special permission if any member of the family was in the country under “unacceptable

circumstances,” such as having illegally entered or serving a prison sentence exceeding one year. According to the Immigration Services Agency, as of the end of 2022, 201 of the 4,233 persons facing deportation were younger than 18. Of the 201, approximately 140 could be expected to receive special permission for residency.

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **g. Stateless Persons**

Media reported, based on government information, 487 stateless individuals in the country in 2022. Legal experts argued, however, that the number of stateless persons potentially exceeded the official count because the figure was limited to stateless persons with residence permits.

By law a stateless person age 18 or older qualified for naturalization when they 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 did not have suffrage rights and could not hold positions in government service. Persons who had not pledged allegiance to either South or North

Korea following the division of the Korean Peninsula fell under the special category of “citizens of the Korean Peninsula (Korea or *Chosen*).” These Koreans, regarded as de facto stateless by legal experts, could opt to claim South Korean citizenship or to pursue Japanese citizenship. Although they held no passports, these ethnic Koreans could travel overseas with temporary travel documents issued by the government and were considered special permanent residents.

## **Section 3. Freedom to Participate in the Political Process**

The law provided 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**

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities.

**Participation of Women and Marginalized or Vulnerable Groups:** No laws limited participation of women or members of historically marginalized or vulnerable groups in the political process if they were citizens. As of July 2022, women voted at rates equal to or slightly higher than men and comprised 51.7 percent of registered voters, according to the Cabinet



Office's Gender Equality Bureau. The proportion of women in the Diet (parliament) remained low (10 percent of the Lower House and 26 percent of the Upper) and the proportion of women in local assemblies in 2021 was similarly low at 15 percent, with urban areas electing larger numbers of women than rural regions. Expectations that women should serve as family caregivers and a broad stereotype that men were more suited to politics than women were among the barriers to women's participation in politics.

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, and the government did not maintain statistics on the ethnicity of citizens. There was one openly lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) national legislator, a member of the Constitutional Democratic Party. There were some LGBTQI+ locally elected officials in government.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption. Independent academic experts stated ties among politicians, bureaucrats, and businesspersons were close, and corruption remained a concern.

**Corruption:** At year's end, the prosecutor's investigation into bribery

allegations against former Liberal Democratic Party member of parliament and former Parliamentary Vice Minister for Foreign Affairs Akimoto Masatoshi continued; in September Akimoto was arrested. Akimoto reportedly received 60 million yen (\$404,000) from Japan Wind Development (a private firm) in exchange for asking questions in the Diet in support of the company's effort to win a government contract.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** The Ministry of Justice's Human Rights Counseling Office had 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 approximately 80 foreign languages was available in 50 offices. These consultative offices fielded queries but did 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 had human rights offices that dealt with a range of human rights problems.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** On July 13, legal amendments came into force defining rape as nonconsensual sexual intercourse, regardless of the gender of the survivor or offender, and expanding the definition of the physical act of rape as nonconsensual vaginal, anal, or oral penetration by any body part or object. The revised law explicitly made spousal rape a crime. The law mandated a minimum sentence of five years' imprisonment for rape convictions.

The amendments also recast and expanded the definition of statutory rape to include nonconsensual sexual intercourse due to force; intimidation, including of an economic or social nature; fear; the survivor's psychiatric or physical disability; the influence of alcohol or drugs; the survivor's state of

consciousness; the lack of time for the survivor to express consent; or the survivor's psychological reaction to past abuse.

The law criminalized domestic violence and allowed survivors to seek restraining orders against their abusers. Convicted perpetrators faced up to two years' imprisonment or a modest fine. Those convicted of causing bodily injury faced up to 15 years' imprisonment or a modest fine. Per May 12 legal revisions (scheduled to come into force April 1, 2024), those convicted of violating protective orders were subject to up to two years' imprisonment or a modest fine.

The government generally enforced rape and domestic violence law effectively, although data were not sufficient to evaluate enforcement effectiveness of the revisions. According to a 2021 survey by the Gender Equality Bureau, one in 14 women had been raped or sexually assaulted. The prevalence of rape and domestic violence, however, was difficult to assess. In its June annual report, for example, the Cabinet Office's Gender Equality Bureau acknowledged rape and domestic violence were significantly underreported. Approximately 60 percent of female and 70 percent of male survivors did not report the crime. Observers attributed survivors' reluctance to report rape to a variety of factors, including fear of retaliation, fear of public shaming, and difficulty in proving statutory rape. The *2021 Gender Equality Bureau Survey* found that one in four women and one in five men experienced domestic violence committed by spouses in the

form of physical assault, psychological attack, economic pressure, or sexual coercion. Almost half of survivors did not report the violence due to concerns 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.

**Other Forms of Gender-based Violence or Harassment:**

“Nonconsensual/forcible indecency” was a crime, distinct from sexual harassment, for which the penalty was imprisonment for six months to 10 years. The law required employers to make efforts to prevent sexual harassment in the workplace; however, workplace harassment was not explicitly criminalized, and it persisted; women continued to report sexual and pregnancy-related harassment during the year. An October Ministry of Health, Labor and Welfare survey reported workers in the art and entertainment industries suffered from sexual coercion. Men groping women and girls on public transportation continued to be a problem.

On December 12, the Fukushima District Court sentenced three former members of the Self-Defense Forces (SDF) to two years’ imprisonment and a four-year suspended sentence for forcible indecency against Gonoji Rina, a former member of the SDF, in the criminal trial. The three defendants had not announced as of December 12 whether they would appeal. Although

the public prosecutor initially declined to issue indictments for lack of evidence, Gonoï filed a complaint with an independent local group, the Committee for the Inquest of Prosecution, which asked the public prosecutor to reopen the case. The prosecutor's office did so and, on March 17, issued indictments of the three and of two others identified during the review. The trial of the first three opened on June 29. In addition, Gonoï's civil suit against the government and the five former SDF members opened in Yokohama and continued as of December.

On July 28, the Ministry of Land, Infrastructure, Transport and Tourism announced the suspension of a male ministry official for 12 months for breaking into women's restrooms and secretly filming the stalls more than 30 times between October 2022 and May 2023. The man resigned the same day. According to media accounts, two women employed at the ministry filed complaints after the man attempted to film them in February and May. On July 21, the Tokyo Metropolitan Police Department submitted the case to the public prosecutor's office.

**Discrimination:** The law prohibited discrimination based on sex and generally provided women the same rights as men; enforcement of the law was, however, limited. NGOs alleged that implementation of antidiscrimination measures was insufficient, pointing to discriminatory provisions in the law, unequal treatment of women in the labor market, and low representation of women in elected bodies.

The labor standards law prohibited gender-based wage discrimination and mandated equal pay for equal work, but also imposed some restrictions on women's employment; for example, it restricted women from performing certain tasks in underground mining and from work that required lifting very heavy objects or spraying certain hazardous materials. Additional restrictions applied to pregnant women and those who gave birth within the prior year.

The International Labor Organization viewed the equal pay law as too limited because it did not capture the concept of "work of equal value." In 2022, the Ministry of Health, Labor, and Welfare (Labor Ministry) reported women's average monthly wages were 75.7 percent of men's. In July 2022, the government began requiring large companies with more than 301 employees to disclose gender pay gaps. A survey of 6,000 private companies (of which approximately half responded) released on July 31 by the Labor Ministry showed the proportion of women in corporate management positions (including board members) as of October 2022 was 12.7 percent, an increase by 0.4 points from the previous year.

The civil code required married couples to share a single surname.

According to the government, 96 percent of married couples adopted the husband's family name. In March the Supreme Court ruled in two cases that the legal provision requiring married couples to use the same surname was constitutional, sustaining previous rulings in 2015 and 2021.

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

The law required spousal consent to terminate a pregnancy. As a matter of policy, the Labor Ministry did not apply the consent requirement to unmarried couples or married women who had difficulty obtaining consent because their marriage had essentially ended due to domestic violence or for other reasons. The policy, however, was 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.

There were serious obstacles for sexual assault survivors seeking an abortion: the Japan Medical Association instructed gynecologists to request documentation, such as a bill of indictment or a court ruling justifying an abortion; legal complexities; and the social stigma suffered by survivors of rape.

The government provided sexual or reproductive health-care services for survivors of sexual violence when the survivors sought help from police or government-designated centers supporting sexual violence survivors. These services included psychological and legal services, emergency contraception, tests for sexually transmitted diseases, counseling, and gathering evidence of sexual violence. Staff could accompany survivors to police stations to



report sexual violence and refer survivors to lawyers or other experts.

Contraception methods were taught in schools and contraception was safe, effective, and widely available.

## **Systemic Racial or Ethnic Violence and Discrimination**

There was no comprehensive law prohibiting racial or ethnic discrimination.

Despite some legal safeguards against discrimination, foreign permanent residents in the country and nonethnic Japanese citizens and residents, 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 laws in some municipalities contributed to a continued decrease in hate speech at street demonstrations. Hate speech online and crimes targeting members of specific ethnicities, such as Koreans, also continued, according to experts who called on the government to implement more effective deterrent measures and survey hate speech incidents systematically.

A group of legal experts, researchers, and human rights NGOs continued to report foreigners being stopped and searched by police in suspected racial-profiling incidents. In November 2022, the National Police Agency acknowledged six instances of inappropriate remarks when police questioned foreigners, and instructed police not to make discriminatory or biased remarks. A survey of foreign-origin persons released by the Tokyo Bar Association in 2022 found 63 percent were questioned by police during the prior five years; 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 they had been questioned multiple times during the previous five years.

The law specifically addressed discrimination against Buraku (the descendants of feudal-era outcasts). It obligated 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 could be used to identify them and facilitate discriminatory practices. Buraku advocates expressed concern employers who required family registry information from job applicants for background checks,

including many government agencies, could use this information to identify and discriminate against Buraku.

## Indigenous Peoples

The law recognized Ainu as Indigenous persons, protected and promoted their culture, and prohibited discrimination against them. The law required the national and local governments to take measures to support communities and boost local economies and tourism. The law did not provide for self-determination or other tribal rights, nor did it stipulate rights to use the Ainu language for official or legal purposes.

Although the government did not recognize the Ryukyu (a term that included 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.

In September the Ministry of Justice's Sapporo Legal Affairs Bureau determined that ruling Liberal Democratic Party lawmaker Sugita Mio violated human rights by posting messages that disparaged Ainu and Korean women on social media in 2016. At a meeting of the UN Committee on the Elimination of Discrimination against Women that year, Sugita posted photographs of indigenous women in attendance and messaged that she "feels sick to even breathe the same air... as middle-aged women [costume players] in shabby Chima *jeogori* (traditional Korean clothing), and ethnic

Ainu costumes.” Both ruling and opposition party lawmakers stated Sugita should publicly apologize and explain her conduct; Sugita made no public comment.

## Children

**Birth Registration:** The law required 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. An unregistered child was unable to obtain a passport or, when of working age, be employed; a child would lose Japanese citizenship if they had citizenship of another country at birth.

The law required individuals to specify whether a child was born in or out of wedlock on the birth registration form.

**Child Abuse:** The law prohibited child abuse, including child sexual abuse. As reports of child abuse by custodians – physical violence, sexual abuse, psychological abuse, and neglect – increased, the government increased enforcement efforts, according to government statistics. 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, and the government effectively enforced this requirement.

**Sexual Exploitation of Children:** Grooming children for commercial sexual exploitation and their commercial sexual exploitation were illegal, with penalties including prison sentences or moderate fines. Amendments to the law implemented in July raised the age of consent to 16 from 13. It was also illegal to have a child engage in an obscene act, with a penalty of imprisonment for not more than three years, moderate fines, or both if convicted.

The law added grooming as a form of statutory rape, defined as deluding the survivor into believing the act was not indecent or mistaking the offender for someone else. The amendments extended the statute of limitations for nonconsensual sexual intercourse from 10 to 15 years. If a survivor was younger than age 18, the statute of limitations would not commence until the survivor turned 18. The statutory rape law criminalized sexual intercourse with a person younger than 16, notwithstanding their “consent” or the absence of force or intimidation. If a person had sexual intercourse with or performed other acts of a sexual nature with a child ages 13 to 15, the law criminalized the act only if the person was five or more years older than the child. The law also criminalized custodial rape of a child younger than age 18. The penalty for statutory rape was a sentence of not less than

five years' imprisonment with mandatory labor. The law was enforced.

Possession of child pornography was a crime. The commercialization of child pornography was illegal with a penalty of not more than five years' imprisonment, 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 survivors rather than perpetrators.

In April, Johnny & Associates Inc., a leading talent agency specializing in male entertainers, appointed a private-expert team to investigate sexual abuse allegations against the company's founder, Kitagawa Hiromu, who died in 2019. Despite the 2004 Supreme Court ruling that reports of Kitagawa's sexual abuse were credible, the government, major media outlets, and the business community did not publicly acknowledge Kitagawa's behavior until the BBC released a documentary of the case in March.

On September 7, President Higashiyama Noriyuki of Johnny & Associates publicly admitted Kitagawa's sexual abuse of hundreds of boys during more than six decades. As of September 30, 478 of Kitagawa's survivors had come forward, with 325 seeking compensation.

Some survivors alleged government, police, and prosecutorial inaction allowed Kitagawa to abuse many survivors for decades. Members of the

group also reported extensive online harassment and threats from “extreme fans and supporters” of Kitagawa, and many feared for their safety. They said additional victims were afraid to come forward due to shame and fear of threats and other abuse.

The continued practice of *enjo kosai* (compensated dating) and the existence of websites for escort services including underage persons facilitated the sex trafficking of children. A government taskforce to combat child sex trafficking in dating services connecting adult men with underage girls continued its crackdown. Ordinances in eight prefectures banned so-called JK businesses, prohibited girls younger than age 18 from working in “compensated dating services,” or required JK business owners to register their employee rosters with local public safety commissions.

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

No law addressed 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 was approximately 2,000 to 4,000. There were no known reports of antisemitic incidents.

## 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 criminalized consensual same-sex sexual conduct between adults.

**Violence and Harassment:** LGBTQI+ advocacy organizations continued to report violence against LGBTQI+ individuals. They claimed remarks by individual politicians, government officials, and lobbying groups incited, condoned, or conveyed tolerance for nongovernmental actor violence, harassment, and bullying. According to legal experts, hate speech or hate crimes against transgender individuals occurred; transgender women were more often the target of hate speech and hate crimes, relative to other LGBTQI+ persons. Stigma surrounding LGBTQI+ persons remained an impediment to reporting by victims of abuse and discrimination.

Between June 3 and 5, transgender woman lawyer Nakaoka Shun reported receiving 15 hostile messages, including death threats. She called the threats a hate crime and filed a complaint, based on a statute on criminal



intimidation, with the Osaka Prefectural Police Department. Police arrested a male suspect in Tokyo on October 10. According to police, the suspect sent her nine messages that included “I will stab you repeatedly to death” and “You are pretending to be a woman despite being a man.”

**Discrimination:** On June 23, a law came into force recognizing sexual orientation and gender and designating the Cabinet Office as the government agency responsible for planning and advancing measures to promote public awareness of diverse sexual orientation and gender identity. The law, however, did not prohibit discrimination based on sexual orientation and gender identity. Many members of the LGBTQI+ community and legal experts, citing persistent discrimination, called for meaningful antidiscrimination legislation.

In June, Diet members who had made negative statements on LGBTQI+ rights created a caucus ostensibly to protect women, but critics said they were focused on hindering the law’s implementation and the extension of legal antidiscrimination protections.

While executive secretary to Prime Minister Kishida Fumio, Arai Masayoshi reportedly made discriminatory remarks concerning same-sex couples. He stated during a February 3 off-the-record press engagement that he “did not even want to live next door” to a same-sex couple and claimed all the executive secretaries to the prime minister would oppose legalization of same-sex marriage. On February 4, Kishida dismissed Arai, stating his

remarks were inconsistent with the cabinet's goal of seeking an inclusive society with respect for diversity.

Of the six lawsuits filed in 2022 by same-sex couples, five remained open as of December. In November the Tokyo High Court upheld a lower court ruling to not grant a long-term resident visa to a foreign national living in the country and married to a Japanese partner. The couple argued the government's refusal to issue a long-term visa violated the national's equal protection under the constitution because such visas were granted to foreign partners in opposite-sex marriages and the couple had established a family relationship equivalent to that of an opposite-sex married couple. The High Court denied the couple's claim on the basis that same-sex marriage was not legalized and that the LGBTQI+ awareness-raising law demonstrated a lack of public recognition of same-sex marriage. The lawyer for the couple acknowledged the ruling was a rare recognition of a constitutional equality problem in a visa lawsuit.

**Availability of Legal Gender Recognition:** The law required transgender persons to be without reproductive capacity, effectively requiring surgical sterilization for most persons to have their gender identity legally recognized. They also had to meet additional conditions, including a psychiatric evaluation and receipt of a diagnosis of "gender identity disorder," a disorder not recognized in the 2022 International Classification of Diseases; being unmarried and older than 18; and not having any children

younger than 18. If the conditions were met, pending approval by a family court, transgender persons could obtain legal gender recognition. On October 25, the Supreme Court ruled the sterilization surgery requirement was unconstitutional. Lawmakers had yet to decide how to revise the law based on this ruling by year's end.

On July 11, the Supreme Court ruled in favor of a transgender woman legally identified as male and working at the Ministry of Economy, Trade and Industry, a first for transgender workers' rights. The court unanimously ruled that restricting the employee's use of women's restrooms to those two floors above or below her office was illegal. The court found the government focused too heavily on the views of other employees at the expense of the transgender employee. The chief judge clarified the ruling was specific to this case and did not have broader implications for the use of public restrooms.

**Involuntary or Coercive Medical or Psychological Practices:** Members of the LGBTQI+ community reported some psychiatrists advertised “conversion therapy” and some groups exercised talk therapy or religious rituals and exerted pressure on LGBTQI+ individuals to attempt to change their sexual orientation, identification, and expression. There were no reported official reactions by the government and medical associations or awareness of the abuse.

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

There were no restrictions on those speaking out regarding LGBTQI+ matters such as so-called antigay propaganda laws or hate speech laws, or on the ability of LGBTQI+ organizations to legally register or convene public 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 required 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.

By law, companies with more than 100 employees that did not hire the legal minimum percentage of persons with disabilities (2.3 percent) could be required to pay a moderate fine per vacant position per month. Disability rights advocates claimed some companies preferred to pay the fine rather than hire persons with disabilities. There was 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 was significantly lower than the real ratio because many did not report their disability due to the stigma associated with it.

The law required national and local governments and business operators to

make best efforts to make information and communication available in accessible formats.

Children with disabilities generally attended the same schools with peers without disabilities but in classes designated for children with disabilities; some attended segregated schools. A group of parents of children with disabilities reported teachers tended 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, health-care-facility employees, and employers. Some persons with disabilities reported verbal abuse on the street.

## **Other Societal Violence or Discrimination**

No law prohibited discrimination against persons with HIV or AIDS; nonbinding Labor Ministry guidelines stated firms should not terminate or fail to hire individuals based on their HIV status. Courts awarded damages to individuals fired from positions due to their HIV status.

Concerns regarding 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 provided for the right of private-sector workers to form and join unions of their choice without previous authorization or excessive requirements and protected their rights to strike and bargain collectively.

The law restricted the right of public-sector workers and employees of state-owned enterprises to form and join unions of their choice. Public-sector employees could participate in public-service employee unions, which could negotiate collectively with their employers on wages, hours, and other conditions of employment. The International Labor Organization continued to raise concerns that the law restricted some public-sector employees' labor rights. Public-sector employees did not have the right to strike; trade union leaders who incited a strike in the public sector could 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, had to give 10-days' advance notice to authorities before conducting a strike. Employees involved in providing essential services did not have the

right to collective bargaining.

The law prohibited antiunion discrimination and provided 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 conducted investigations and hearings when it received complaints an employer violated the law. It had the authority to issue relief orders based on the facts identified.

In the case of a rights violation, a worker or union could file an objection with the Labor Committee, which could issue a relief order requiring action by the employer. If the employer failed to act, a plaintiff could then take the matter to a civil court. If a court upheld a relief order and determined a violation of that order occurred, it could impose a fine, imprisonment, or both.

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

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

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 prohibited all the worst forms of child labor. Children ages 15 to 18 could perform any job not designated as dangerous or harmful; these included handling heavy objects or cleaning, inspecting, or repairing machinery while in operation. They were prohibited from working late night shifts. Children ages 13 to 15 could perform “light labor” only, and children younger than age 13 could work only in the entertainment industry.

The government effectively enforced applicable laws and penalties for child labor abuses 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.

### **d. Discrimination (see section 6)**

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

**Wage and Hour Laws:** The law established a minimum wage that varied by prefecture, but in all cases was above the official poverty line. The law provided for a 40-hour workweek for most industries and, with exceptions,



limited the number of overtime hours permitted in a fixed period to 100 hours per month or 720 hours per year. Violators could 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* (2022), 68 percent of nonregular workers were women. The law required 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 were the same.

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

The government set OSH standards appropriate for each industry. Workers could remove themselves from situations that endanger health or safety without jeopardy to their employment. Reports of OSH and wage violations

in the Technical Intern Training Program for foreign workers 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. In 2022, 9,006 Technical Intern Training Program participants disappeared from their jobs, some of whom were believed to have fled because of exploitative or abusive conditions and were unidentified trafficking victims.

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. 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.

On August 19, the newspaper *Mainichi* reported the story of a medical doctor, age 26, who committed suicide after working for 100 days straight and clocking more than 200 hours of overtime a month. The doctor worked for Konan Medical Center in Kobe's Higashinda Ward. The local Labor Standards Inspection Office ruled the death a workplace accident eligible for compensation. The family of the deceased stated Konan Medical Center,

however, had not taken any concrete measures to prevent a recurrence. Hospital spokespersons were quoted as saying, “We have no awareness that he was made to work excessively. We also never forced conference presentations on him.”

Labor Ministry 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 had the authority to suspend unsafe operations immediately in cases of flagrant safety violations, in lesser cases they could provide nonbinding guidance. Inspectors could 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.

Media reported that due to acute labor shortages, nearly 40 percent of companies were hiring persons older than age 70 to fill those jobs.

According to the Labor Ministry, that was more than double the rate from a decade ago. According to the Organization for Economic Cooperation and

Development, those ages 65 and older made up 10.6 percent of the country's workforce. Companies employing the elderly reported instituting programs to create a safe working environment for those older workers as a measure to maintain productivity.