

JAPAN 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Japan has a parliamentary government with a constitutional monarchy. National lower-house elections on December 16 resulted in the swearing-in of Shinzo Abe, leader of the Liberal Democratic Party, as prime minister on December 26. The elections were considered free and fair. Security forces reported to civilian authorities.

The leading human rights problems included lack of due process for pretrial detainees; exploitation of children; and societal discrimination against women in employment, children born out of wedlock, ethnic minority group members, persons with disabilities, and foreigners, including permanent residents.

Other human rights problems included some prison and detention center substandard conditions, prosecutorial misconduct, journalistic self-censorship, corruption, domestic violence and sexual harassment against women, trafficking in persons, and the exploitation of foreign trainee workers.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such treatment, and the government generally respected these provisions in practice.

In July the Chiba Prefectural Prosecutors Office dropped the case against 10 immigration officers, who were allegedly involved in the death of a Ghanaian man during a 2010 deportation attempt, after determining that coercion was not the cause of death. An August 2010 lawsuit seeking state compensation remained pending at year's end.

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

Hazing, bullying, and sexual harassment continued to be reported as problems in the Japanese Self-Defense Forces (JSDF) during the year; the JSDF leadership penalized offenders, according to information received.

Prison and Detention Center Conditions

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

Physical Conditions: As of the end of August, there were 68,285 prisoners, a slight decrease from 2011. This figure, which counts detained defendants and suspects as well as sentenced prisoners and convicts, included 5,332 female prisoners and no minors. Male and female prisoners were held in separate facilities in prisons and detention centers. Although the national prison population was significantly less than the country's facility capacity of 90,547 at the end of 2011, six prison facilities experienced overcrowding. Sentenced female prisoners were at more than 108 percent of capacity nationwide (see subsection on improvements below). Juveniles under age 20 were held separately from adults in prisons and regular detention centers, but regulations do not require that minors be held separately in immigration detention centers.

Instances of death in prisons or detention centers were rare.

In some institutions clothing and blankets were insufficient to protect inmates against cold weather. Most prisons did not provide heating during nighttime hours in winter despite freezing temperatures, subjecting inmates to a range of preventable cold injuries. Foreign prisoners in the Tokyo area continued to present

to visiting diplomats during the year chilblains-affected fingers and toes of varying severity, the direct result of long-term exposure to cold.

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

Cases of slow and inadequate medical treatment were documented, including for detainees and prisoners with preexisting medical conditions. Foreign diplomats also noted that dental care was minimal and access to palliative care was lacking. Police and prison authorities were particularly slow in providing treatment of mental illness and continued to have no protocol for offering psychiatric therapy. NGOs, lawyers, and doctors also continued to criticize medical care in police-operated preindictment detention centers and immigration detention centers.

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

Authorities reportedly held prisoners condemned to death in solitary for an average of almost eight years until their execution--and kept some of these prisoners in solitary for decades--although authorities allowed them to receive visits by their families, lawyers, and others.

Recordkeeping on prisoners was thorough and adequate, including information on prisoner location, transfer dates and destinations, disciplinary actions, and visitors as well as the number of packages, books, and letters received. Alternative and suspended sentences were commonly used for first-time and nonviolent offenders. There were no ombudsmen serving on behalf of prisoners and detainees.

Authorities often limited prisoners' access to visitors to immediate family members or allowed one immediate family member, such as the detainee's mother, to the exclusion of others. The law allows for broad religious observance within prisons, as long as these activities do not interfere with prison management. Prisons are also required to allow for consultations with a prison chaplain, but they did not always provide routine access to religious observance. According to foreign diplomats, prison officials sometimes rejected prisoner requests to join

religious meetings or receive religious counseling, citing a desire for foreign embassies to approve the visit or an inability to ascertain the accreditation of the individual seeking to provide counseling.

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

Monitoring: NGOs reported that the government generally allows visits by nongovernmental and international organizations. During the year the International Committee of the Red Cross did not request a prison visit, but the Japan Federation of Bar Associations did.

Prison management regulations stipulate that independent committees inspect prisons and detention centers operated by the Ministry of Justice and detention facilities operated by police. Committees included physicians, lawyers, local municipal officials, and representatives of local citizens and were permitted to interview detainees without the presence of prison officers. From April 2011 to March 2012, these committees conducted 184 visits and 645 interviews with detainees and made 562 recommendations. In response to 384 of these recommendations, prisons rectified shortcomings or pledged to do so.

By law there is also an inspection process for immigration detention facilities, but it was not completely independent. Domestic and international NGOs and international organizations continued to note that this process failed to meet international prison inspection standards. They cited the Ministry of Justice's provision of all logistical support for the inspection committee, the use of ministry interpreters during interviews with detainees, the lack of repeat visits to the same facilities, the ability of prison officials to screen lists of detainees to be interviewed, and the ability of ministry officials to access a locked mailbox where detainees may submit complaints to the committee.

There continued to be no inspection procedure for observing the country's 52 juvenile reform facilities.

Improvements: The Ministry of Justice extended facilities for female convicts, which eased overcrowding to some extent.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

Arrest Procedures and Treatment While in Detention

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

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

The law provides detainees the right to a prompt judicial determination of the legality of their detention and requires authorities to inform detainees immediately of the charges against them. However, authorities often held detained persons for up to 23 days with no charges filed.

The law allows detainees, their families, or representatives to request that the court release an indicted detainee on bail. Bail is not available during preindictment to persons detained in either police or Justice Ministry detention facilities. Reliable NGOs also stated that, although the practice is illegal, interrogators sometimes

offered shortened or suspended sentences to a detainee in exchange for a confession.

Suspects in pretrial detention are legally required to face interrogation, although NPA guidelines limit interrogations to a maximum of eight hours and prohibit overnight interrogations. Preindictment detainees had access to counsel, including at least one consultation with a court-appointed attorney. Prisoner advocates stated that this access continued to improve during the year in terms of duration and frequency. However, counsel may not be present during interrogations.

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

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

Prosecutors at their discretion may partially record suspects' confessions during interrogation. The most common type of recording is the yomi-kikase (read-aloud), in which a police officer is videotaped reading back or orally summarizing a detainee's confession. Authorities edit the recordings selectively, and courts therefore may not see any psychologically coercive tactics that reportedly often lead to confessions and related verbal summaries by police. All prefectures have trial programs to record limited sections of some interrogations; some prefectural governments began pilot programs to record entire interrogations.

While internal police supervisors increasingly were present during interrogations, there was no independent oversight, and allegations of confessions under duress continued during the year.

For example, police used Internet protocol addresses to locate and arrest four citizens between July and September on suspicion of making terrorist threats, including threatening attacks on schools and places of worship and indiscriminate killings in public places. Two suspects confessed to the crimes during interrogation. After further research police discovered that an unknown perpetrator had hacked the accounts of the four suspects and used their computers to send the threatening messages to third-party destinations. The media reported widely on the case and the resultant false confessions that appeared to be made under duress, which led to public focus on police interrogation methods, including the practices of leading, threatening, and intimidating the suspect.

In March the NPA announced it received 552 complaints during 2011 regarding interrogations and confirmed 27 cases of violations of interrogation guidelines. Police inspection offices issued disciplinary actions against some of the violators, although the NPA did not release related statistics, as a matter of policy.

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

Because judges customarily granted prosecutorial requests for extensions, the system of pretrial detention, known as daiyou kangoku (substitute prison), usually continued for 23 days. Nearly all persons detained during the year were held in daiyou kangoku. Reliable NGOs and foreign diplomats continued to report that pretrial detainees routinely were held incommunicado for up to 23 days before being allowed access to persons other than their attorneys or, in the case of foreign arrestees, consular personnel. Amnesty International alleged torture and mistreatment of detainees in its April 1 submission for the October-November UN Universal Periodic Review and urged reforms, such as the introduction of

electronic recording of entire interrogations and the forbidding of interrogation without the presence of legal counsel.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides the right to a fair trial for all citizens. Each charged individual has the right to receive a public trial by an independent civilian court without undue delay; has access to defense counsel, including an attorney provided at public expense if indigent; and has the right to cross-examine witnesses. There is a lay judge (jury) system for serious criminal cases, and defendants cannot be compelled to testify against themselves. Defendants have the right to be informed promptly and in detail of the charges. Authorities provided free interpretation services in practice to foreigners who are defendants in criminal cases. Foreigners who are defendants in civil cases must pay for interpretation, although a judge may order the plaintiff to pay the charges in accordance with a court's final decision.

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

In 2011 more than 99 percent of cases that reached trial resulted in conviction. Independent legal scholars alleged that the judiciary gives too much weight to confessions, although the government disagreed.

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

According to some independent legal scholars, trial procedures favor the prosecution, although the government demurred. The law provides for access to counsel; nevertheless, a significant number of defendants reported that this access

was insufficient. The law does not require full disclosure by prosecutors unless the defending attorney is able to satisfy difficult disclosure procedure conditions. In practice this sometimes resulted in the suppression of material that the prosecution did not use in court. On June 7, following a Tokyo High Court decision, authorities released migrant worker Govinda Prasad Mainali after he served 15 years in prison for killing Yasuko Watanabe, because exculpatory DNA evidence emerged linking the victim to an unidentified third person in the immediate hours before her death. On November 9, following his deportation, the Tokyo High Court acquitted Mainali.

In March the Osaka District Court convicted Chief Prosecutor Hiromichi Otsubo and Deputy Chief Prosecutor Motoaki Saga of knowingly concealing a crime, during their oversight of an investigation in which a senior prosecutor falsified evidence against a public servant on trial in 2011 for alleged postal fraud, and sentenced them to 18-month prison terms, suspended for three years. (If an individual receiving such a suspended sentence is convicted of no other offense in Japan during the suspension, the original sentence is remitted. If, however, the person commits another offense in the country during the suspension, the individual must serve both the initial sentence and the new sentence.)

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Violence and Harassment: On August 14, authorities arrested and detained two Hong Kong-based journalists, who were covering protesters on disputed territory, and deported the journalists and protesters shortly thereafter.

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

Libel Laws/National Security: In May a nuclear power safety company president sued freelance journalist Minoru Tanaka in the Tokyo District Court for damages of 67 million yen (approximately \$778,000) for allegedly libelous claims in his December 2011 coverage of the country's nuclear industrial complex. Court consideration continued at year's end. This was the first case in which a court accepted such a libel suit against a journalist rather than against the publisher. The mainstream media did not widely cover the story, possibly out of concern about reprisal.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. The Internet was widely accessible and used.

The law prohibits candidates from using Web sites, blogs, or social media during a formal campaign period before the nation votes. Therefore, for example, more than 1,200 candidates in the December 16 national lower-house elections suspended all engagement with voters via Internet during a 12-day campaign period.

Academic Freedom and Cultural Events

The Ministry of Education's approval process for history textbooks continued to be a subject of controversy, particularly regarding its treatment of certain 20th-century topics, such as military history.

The national anthem and flag continued to be controversial symbols. Public school teachers were disciplined for refusing to stand and sing the national anthem in front of the flag. A May 2011 Supreme Court ruling found the requirement constitutional but also decided that the punishment for such a refusal could not be harsher than a reprimand. The Japan Federation of Bar Associations continued to protest obligating teachers to carry out these actions.

There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

Internally Displaced Persons

The government generally provided adequate shelter and other protective services in the aftermath of the March 2011 earthquake, tsunami, and nuclear power plant disaster in Fukushima Prefecture and sought to provide permanent relocation or reconstruction options. However, employment and other measures to rebuild the lives of the hundreds of thousands of affected individuals remained significant challenges during the year. There were complaints from affected areas regarding the National Reconstruction Agency (launched on February 10) for its alleged failure to unify reconstruction projects among various national-level ministries.

According to agency statistics, out of the approximately 343,000 evacuees as of February 9, there were 584 persons in evacuation centers while approximately 325,000 continued to live in nonpermanent housing.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. On March 29, the government extended its pilot resettlement program under UN auspices for Burmese refugees, launched in 2010 with a quota of 30 individuals per year, for three additional years.

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

Reliable NGOs pointed out that the policy of detaining asylum seekers and other irregular migrants for prolonged periods remained a problem and also noted improvements from the Ministry of Justice's continuing efforts to streamline the asylum petition process and reduce time spent in detention.

There were 1,867 applicants for refugee status in 2011, the largest number since the country began recognizing refugee status. However, authorities granted refugee status to only 21 individuals plus humanitarian protection to 248, positive determinations that in total constituted a 67 percent decrease compared with 2010. Of those 269 recipients, approximately 86 percent were Burmese and received preferential consideration, according to refugee groups. NGOs believed that the lower rate of granting refugee and humanitarian status may be attributed to a change in the perception of immigration officers toward Burma, i.e., that the country was transitioning to a more free and democratic state and the need for asylum was therefore diminished. Of the 21 individuals who received refugee status in 2011, authorities initially rejected 14 but approved them on appeal. Nine families consisting of 45 Burmese refugees resettled in the country since the program's establishment in 2010. The government announced on September 25 that three families of 16 Burmese were scheduled to arrive in the country from refugee camps in Thailand under the resettlement program, but they all eventually decided not to travel--citing concerns over working conditions and their inability to bring elderly parents with them due to the country's refugee selection criteria.

On February 10, the Ministry of Justice's Immigration Bureau, the Japan Federation of Bar Associations, and a network of reliable NGOs that assist refugees in the country--known as the Forum for Refugees Japan (FRJ)--finalized a memorandum aimed at improving procedures for recognizing refugee status. The FRJ group thereafter launched a pilot project to run through March 2013 to provide accommodation, casework, and legal services for individuals who arrived at Narita airport, received temporary landing or provisional stay permission, and sought refugee status. It also reported processing six cases under the memorandum's purview during the remainder of the year.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Refugee groups continued to express concern during the year regarding the government's high threshold for proof in the adjudication of asylum applications. On September 12, the Tokyo High Court rejected 16 of 17 appeals for refugee status from Rohingya Muslims by labeling them as Burmese nationals and ruling that they would not face a threat of persecution in Burma. The plaintiff's lawyers criticized the decision for ignoring that both the Burmese government and the main opposition party, the National League for Democracy, refused to recognize Rohingya as citizens of Burma. At year's end the Rohingya appealed the rejections to the Supreme Court and prepared reapplications to the Ministry of Justice for refugee status.

Refugee Abuse: In its April 1 submission for the UN Universal Periodic Review, Amnesty International alleged abuses of asylum seekers and refugees held in detention centers.

Employment: An applicant for refugee status normally may not work unless s/he has a valid short-term visa and applies for permission to engage in income-earning activities before the visa expires. In the interim before approval, small stipends are provided to these individuals by the Refugee Assistance Headquarters, a section of the government-funded, public-interest, incorporated Foundation for the Welfare and Education of the Asian People. However, budget limitations and the increasing number of applicants continued to prevent many of them from accessing such aid during the year.

Access to Basic Services: Refugees continued to face the same discrimination patterns that other foreigners did: reduced access to housing, education, and employment. Except for those who met right-to-work conditions, individuals

whose refugee status was pending or on appeal did not have the right to receive social welfare, rendering them completely dependent on overcrowded government shelters, illegal employment not subject to labor-law oversight, or NGO assistance.

According to a July 17 media report, notwithstanding a six-month language and survival course, Burmese families faced a number of resettlement and adaptation problems related to crosscultural communications, work, child education, and isolation difficulties.

Temporary Protection: The government also provided temporary protection to 248 individuals in 2011 who may not qualify as refugees, an approximately one-third decrease compared with 2010.

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

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

Elections and Political Participation

Recent Elections: The country held free and fair national elections on December 16 for the House of Representatives, the lower house of the Diet (legislature).

Participation of Women and Minorities: Women held 38 of 480 seats in the lower house and 43 of 242 seats in the upper house. At year's end there were two women in the 19-member cabinet and three female governors out of 47 prefectures.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Independent academic experts stated that ties among politicians, bureaucrats, and businessmen were close and corruption remained a concern. NGOs continued to criticize the practice of retired senior public servants taking high-paying jobs with private firms that rely on

government contracts. In 2011 the Ministry of Justice reported prosecutions of 98 suspects for bribery during that year, and the Supreme Court reported convictions of 45 individuals for bribery. There were regular media reports of investigations into financial and accounting irregularities involving high-profile politicians and government officials. On November 19, the trial of a former senior party leader concluded with prosecutors deciding not to appeal a high court ruling that found him not guilty.

On October 22, citing health reasons, then minister of justice Keishu Tanaka resigned from office after allegations of ties to organized crime and receiving campaign contributions from non-Japanese entities in 2006-09, which he reportedly returned. (The law prohibits campaign contributions from non-Japanese entities.) Tanaka lost his lower-house seat in the December 16 election, and as of year's end no charges were brought.

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

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

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials usually were cooperative and responsive to their views.

Government Human Rights Bodies: The Justice Ministry's Human Rights Counseling Offices fielded questions and provided consultation in a confidential manner. Human rights groups did not believe these offices were independent or effective and reported that they lacked public trust.

There was no independent ombudsman office per se at the national level, although the Administrative Counseling System, a department of the government's Ministry of Internal Affairs and Communications, was well resourced and provided many of the same functions as a national office. Its director general represented Japan on international ombudsman bodies. There were 50 consultation desks and approximately 5,000 administrative counselors countrywide as well as counseling centers within department stores in 19 cities to provide free and confidential counseling that was easily available. During the year beginning April 2011, the ministry effectively processed approximately 185,000 cases on medical insurance and pension questions, the major issue, and also provided counseling on approximately 24,000 cases regarding the 2011 earthquake and related disasters.

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

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

Women

Rape and Domestic Violence: The law criminalizes all forms of rape involving force against women, including spousal rape, and the government generally enforced the law effectively. Evidence of force and physical resistance by the victim is necessary, however, for a sexual encounter to be considered rape. According to NPA statistics, there were 1,185 reported cases of rape against women and girls in 2011, and authorities prosecuted 561 individual suspects during that year. According to records maintained by the Supreme Court, courts

convicted 222 persons of rape during 2011, with punishments ranging from suspended sentences to 20 years in prison. Many police stations had female officers to provide confidential assistance to female victims, although in one reported instance in July, local police released a wife's confidential written accusation against her husband to that husband, leading to concern about retaliation.

Although prohibited by law, domestic violence against women remained a problem. According to NPA statistics, in 2011 there were 34,329 reported cases of domestic violence, with women constituting more than 96.7 percent of the victims. Courts convicted 15 persons during 2011, and punishments ranged from suspended prison sentences to two years' imprisonment.

Faced with continued calls for dealing with the issue of the "comfort women" (women who were trafficked for sexual purposes during World War II), the government continued to stand by its previously extended apologies and financial assistance.

Sexual Harassment: The law does not criminalize sexual harassment but includes measures to identify companies that fail to prevent it, and prefectural labor offices and the Ministry of Health, Labor, and Welfare provide these companies with advice, guidance, and recommendations. The ministry reported 53 such cases identified and addressed from April 2011 to March 2012. Companies that fail to comply with government guidance may be publicly identified, but according to officials, this has never been necessary. Sexual harassment in the workplace remained widespread, however, and from April 2011 to March 2012, the ministry reported receiving 12,228 consultations, 61.5 percent of which were from female workers. The ministry received consultations from employees in more than 10 percent of all the companies in Japan, with complaints per sector registered as high as 30 percent of the companies in the financial sector. On May 29, the Japanese Trade Union Confederation released survey results indicating that approximately 17 percent of female employees had suffered sexual harassment in the workplace, although most did not file a complaint or seek consultation. Government hotlines in prefectural labor bureau equal employment departments handle consultations concerning sexual harassment and mediate disputes when possible.

Reproductive Rights: Couples and individuals could decide freely and responsibly the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination, coercion, and violence. Women had

access to contraception and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care.

Discrimination: The law prohibits gender discrimination and generally provides women the same rights as men. The Gender Equality Bureau in the Cabinet Office continued to examine policies and monitor developments. Its *White Paper on Gender Equality 2011* concluded that the participation of women in society remained inadequate and called for a quota system to boost the number of women in senior positions in business, government, and elected office. There was no governmental response to that call during the year.

Inequality in employment remained a society-wide problem. Women constituted 42 percent of the labor force in 2011, and their average monthly wage was 231,900 yen (approximately \$2,700), seven-tenths of the monthly wage earned by men (328,300 yen (\$3,800)). Women held 12.4 percent of managerial positions.

NGOs continued to allege that the country's efforts to implement antidiscrimination measures were insufficient, pointing to discriminatory provisions in the law, unequal treatment of women in the labor market, and low representation of women in high-level elected bodies. NGOs urged the country to abolish a six-month waiting period stipulated in the law for women but not men before remarriage, eliminate different age minimums for marriage depending on sex, adopt a system allowing for the choice of surnames for married couples, and repeal legal provisions that discriminate against children born out of wedlock.

Children

Birth Registration: The nationality law grants citizenship at birth to a child of the following: a Japanese father who is either married to the child's mother or recognizes his paternity, a Japanese mother, or a child born in the country to parents who are both unknown or do not have nationality. The law requires registration within 14 days after in-country birth or within three months after birth abroad, and these deadlines were generally met.

The law requires birth entries in the family registry to specify whether a child is born in or out of wedlock. On December 21, the Nagoya High Court ruled unconstitutional a provision of law that an illegitimate child may inherit only one-half the inheritance of a legitimate child. Another provision of law, that a child born within 300 days of a divorce is presumed to be the divorced father's child,

resulted in the nonregistration of an unknown number of children who therefore have limited access to public services.

Education: Elementary and lower-secondary education is free and compulsory. Children of foreign residents have the opportunity to receive this free education, although it is not compulsory that non-Japanese nationals send their children to school. NGOs noted differing government treatment of these two groups of children. For example, Japanese-national children receive shuugaku-tsuchi (government orders to school), while foreign-national children receive shuugaku-annai (government invitations to school). According to research released in May by the NGOs Japan Fellowship of Reconciliation and Research Institute of International Human Rights Law Policies, a significantly smaller percentage of foreign-resident students received elementary and lower-secondary education than Japanese-national students did.

Child Abuse: Reports of child abuse continued to increase. From April 2011 through March 2012, local Child Guidance Centers acted on 59,862 reports of child abuse by parents or guardians, an increase from the previous year. According to the NPA, 398 child abuse cases in 2011 resulted in the arrest of 409 persons, while 39 children died as a result of abuse by parents or guardians.

The law grants child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. The law also bans abuse under the guise of discipline and mandates that anyone aware of suspicious circumstances notify a local child-counseling or municipal welfare center. The Ministry of Health, Labor, and Welfare attributed increased numbers of reports of child abuse to growing public awareness of the problem. To ameliorate the situation, municipal governments require that child welfare officials interview suspected abusive parents or guardians and provide them with assistance as needed. Police sent more incumbent or former police officers to Child Guidance Centers when necessary, and the centers acted on 59,862 reports of suspected child abuse through interviews and inspections during the reporting year.

Child Marriage: The law stipulates that to marry, the male partner must be age 18 or older and the female partner, age 16 or older. A person under age 20 may not marry without at least one parent's approval. According to data compiled in 2010 by the Ministry of Health, Labor, and Welfare, the rates of marriage of men and women at and below age 19 were 1.7 percent and 3.9 percent, respectively.

Sexual Exploitation of Children: Child prostitution is illegal, with a penalty of imprisonment with labor for up to five years or a fine of up to three million yen (approximately \$39,000) for adult offenders and penalties of up to seven years' imprisonment and fines of up to 10 million yen (approximately \$116,000) for intermediaries. Authorities effectively enforced the law. Nonetheless, the continued practice of enjo kosai (compensated dating) and the existence of Web sites for online dating, social networking, and "delivery health" (euphemism for call-girl or escort services) facilitated child prostitution.

There are statutory rape laws; a law criminalizes sexual intercourse with a female younger than age 13, notwithstanding her consent. Additionally, national law and local ordinances prohibit acts of obscenity with children under age 18. The penalty for statutory rape is not less than two years' imprisonment with mandatory labor, and the law was enforced.

The country continued to be an international hub for the production and trafficking of child pornography. The commercialization of child pornography is illegal, and the penalty is imprisonment with labor for not more than three years or a fine not exceeding three million yen (approximately \$34,800); police continued to crack down on this crime during the year. Although the distribution of child pornography, which often depicted the brutal sexual abuse of small children, is also illegal, the law does not criminalize its simple possession--a situation that continued to hamper police efforts to enforce the law effectively and participate fully in international law enforcement. Police reported 1,455 child pornography investigations involving 638 child victims in 2011, an 8.4 percent increase in cases and a 3.9 percent increase in victims, compared with 2010.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_5899.html.

Anti-Semitism

The Jewish population is approximately 2,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and bars infringement of their rights and interests on the grounds of those disabilities. The law also bans discrimination in public sector employment, education, access to health care, or the provision of other state services, but not in air travel and other transportation means, and it does not stipulate remedies for persons with disabilities who suffer discriminatory acts. The government generally enforced these provisions.

In practice, however, persons with disabilities faced limited access to the above public sector services, and the Japan Federation of Bar Associations continued to complain that discrimination in this context was undefined and thus not enforceable through judicial remedies. Moreover, the law regarding discrimination in work places extends only to public sector employment and does not specify penalties for noncompliance. Many lawyers, experts, and persons with disabilities called during the year for a comprehensive antidiscrimination law.

The law also mandates that the government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 200 employees that do not comply must pay a fine of 50,000 yen (approximately \$580) per vacant position per month. Public employment of persons with disabilities exceeded minimum proportions, but according to Ministry of Health, Labor, and Welfare statistics, the private sector lagged despite increases over previous years.

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

and other public-use facilities if they upgrade or install features to accommodate persons with disabilities.

Children with disabilities generally attended specialized schools.

Civic groups reported in March that, based on a survey conducted from May to November 2011, women with disabilities were vulnerable to sexual harassment.

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

National/Racial/Ethnic Minorities

Ethnic minorities experienced varying degrees of societal discrimination.

Although not subject to governmental discrimination, Buraku (the descendants of feudal-era outcasts) frequently were victims of entrenched societal discrimination. Buraku advocacy groups continued to report that, despite the socioeconomic improvements achieved by many Buraku, widespread discrimination persisted in employment, marriage, housing, and property assessment. While the Buraku label is 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, including many government agencies, which require family registry information from job applicants for background checks, may use this information to identify and discriminate against Buraku applicants.

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

In general, societal acceptance of ethnic Koreans who were permanent residents or citizens continued to improve steadily; authorities naturalized 5,656 ethnic Koreans as Japanese citizens in 2011. Although authorities approved most naturalization applications, advocacy groups continued to complain about excessive bureaucratic loopholes that complicated the naturalization process and a lack of transparent criteria for approval. Ethnic Koreans who chose not to naturalize faced difficulties in terms of civil and political rights, and according to Japan's periodic submissions to the UN Committee on the Elimination of Racial Discrimination, regularly encountered discrimination in access to housing, education, government pensions, and other benefits.

A Pension Agency enforcement directive continues to make it explicitly easier for employers to avoid paying pension and insurance contributions on behalf of their foreign employees who teach languages as compared with Japanese employees in similar positions. It also does not establish penalties for employers who illegally fail to enroll foreign teachers in the system. A Canadian language teacher sued a major national language school in January after the school reduced his work schedule to fewer than 30 hours per week and thereby took away his pension and health insurance benefits. The suit alleged that the Pension Agency directive had no legal basis.

Universities hired many foreign professors, especially women, on short-term contracts without the possibility of tenure.

Indigenous People

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

On January 21, the Ainu Party was formed with the aim of electing Ainu individuals to the Diet, and the party fielded an unsuccessful lower-house candidate in a district in Hokkaido during the December election. In addition, on July 14, Ainu descendants filed a lawsuit charging Hokkaido University with violating their religious freedom right to honor ancestors when the university took possession of Ainu remains for research without the community's consent between 1931 and 1955. The trial continued at year's end.

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

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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

On October 31, Tokyo Family Court Judge Yoshiaki Matsutani rejected a lawsuit filed by a married transgender man seeking to overturn the refusal by Shinjuku Ward authorities to list in the family registry the couple's two-year-old son, who was conceived by artificial insemination, as a legitimate child. The couple, resident in the Osaka area and married in 2008, received the ward's rejection of their January request in March with the father's name left blank. The court proceeding marked the first challenge by a transgender parent of such a ward-level family-registry decision and the first known verdict denying such an appeal. The distinguishing characteristics of the case were the transgender parent and artificial insemination with third-party sperm. The court ruling stated that the family registry made it clear that the husband was unable to produce sperm and therefore was not the father.

NGOs that advocate on behalf of LGBT persons reported no impediments to organization during the year but some instances of bullying, harassment, and violence. Stigma surrounding LGBT persons remained an impediment to self-reporting of such instances, and studies on bullying and violence in schools generally did not take into account the sexual orientation or gender identity of the persons involved. Pervasive societal stigma surrounding LGBT persons also prevented many from being open about their sexual orientation, and attorneys who frequently represent LGBT persons related 10 cases during the year in which clients were threatened with disclosure of sexual orientation.

Other Societal Violence or Discrimination

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

Concern about discrimination against individuals with HIV/AIDS and the stigma associated with the disease prevented many persons from disclosing their HIV/AIDS status. Research funded by the Ministry of Health, Labor, and Welfare in 2009 found that only 7.5 percent of individuals with HIV/AIDS disclosed that information to their employer. According to the NGO PLACE Tokyo, fear of dismissal caused many individuals to hide their HIV/AIDS status.

In January a male nurse in Fukuoka Prefecture sued both the hospital that employed him and another hospital that administered his HIV test following the unauthorized release of his HIV-positive status to his employer. The employer, citing a risk of infecting patients, forced the nurse to resign. The nurse's suit alleged violation of patient confidentiality and wrongful termination and sought damages of 11,000,000 yen (approximately \$128,000). According to the plaintiff's representatives, this was the country's first case of the firing of a health-care professional for HIV-positive status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, allows private sector workers to form and join unions of their choice without previous authorization or excessive requirements and protects their rights to strike and bargain collectively.

The law places some limitations on public sector workers and employees of state-owned enterprises. Workers in sectors providing essential services, including electric power generation and transmission, transportation and railways, telecommunications, medical care and public health, and the postal service must give 10 days' advance notice to authorities prior to organizing a strike. Public sector employees do not have the right to strike but may participate in public employee organizations, which may negotiate collectively with their employers on wages, hours, and other conditions of employment. Employees involved in

providing essential services do not have the right to collective bargaining. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activities.

The government effectively enforced the law on forming and joining unions. Unions were free of government control and influence, although public service employees' basic union rights are governed by a separate law and restricted in ways that effectively require prior authorization to form unions. Public service employee's unions existed. The government protected the right of unions to conduct activities. However, the continued increased use of short-term contracts, at times in violation of the law, undermined regular employment and frustrated organizing efforts.

Collective bargaining was freely practiced, although some businesses changed their form of incorporation to a holding-company structure, not legally considered employers, to circumvent employee protections under the law. Similarly, employers increasingly hired part-time, short-term contract, or nonregular workers rather than permanent employees. Such workers made up more than one-third of the labor force. They worked for lower wages and often with less job security and benefits or in more precarious working conditions than career workers did. To qualify for parity in wages and training with full-time workers, part-time workers must have parity with full-time workers in terms of tasks, overtime, and transfers. In practice only 4-5 percent of part-time workers qualified as full-time employees.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but there continued to be reports that such practices occurred. Workers who entered the country illegally or who overstayed their visas risked nonpayment or underpayment of wages. Some companies illegally restricted the movement, communications, and travel documents of foreign laborers in the Industrial Trainee and Technical Internship Program (TITP) and compelled them to deposit paychecks into company-controlled accounts. This program, modified by law in 2010 to grant residency status and increase protections for first-year participants, allows foreign workers to enter the country and work for up to three years in a de facto guest-worker program. The number of interns employed in the TITP varied with the country's demand for labor; in 2011 enterprises countrywide employed approximately 140,000 interns.

Reports of abuses in the TITP were common, including injuries due to unsafe equipment and insufficient training, nonpayment of wages and overtime compensation, excessive and often spurious salary deductions, forced repatriation, and substandard living conditions. In addition, workers were sometimes charged illegal fees in their country of origin and/or burdened with debt. Workers were also sometimes subjected to “forced savings” that they forfeited by leaving early or being forcibly repatriated. Technical interns died in previous years from overwork, leading to a 2008 lawsuit in Ibaraki Prefecture that ended in settlement in November for an undisclosed amount. The intern’s death was officially listed as *karoshi* (death from overwork) by the Ministry of Health, Labor, and Welfare’s inspection division in 2010. On October 2, an intern reportedly committed suicide in Nagano; an investigation by the Justice Ministry’s Immigration Bureau continued at year’s end.

A complex web of rules continued to regulate the TITP, including Japanese employment and immigration law, Ministry of Justice ordinances, and Ministry of Health, Labor, and Welfare guidelines. These regulations prohibit unfair or exploitative labor practices. Inspectors from the Ministry of Health, Labor, and Welfare and local immigration inspectors under the Ministry of Justice ostensibly inspect both so-called receiving organizations and the factories and farms that employ interns. NGOs maintained that oversight was insufficient. They cited overlapping and often conflicting standards between Ministry of Justice immigration inspectors and Ministry of Health, Labor, and Welfare inspectors, which introduced uncertainty into the judging of firms that employ technical interns. The prescribed governmental response to noncompliance is to issue warnings and advisories and ban companies from future participation in the TITP for a period of one to five years, although the government rarely levied an outright ban, even when a court found a company in violation of the law or there was an out-of-court settlement. In addition, a conflict of interest existed since the inspectors who oversee TITP working conditions are employed by two ministries that are members of the interagency group administering the TITP. Some inspectors appeared reluctant to conduct investigations that could cast a negative light on a government program that business owners favored.

While there were no government-led prosecutions, technical interns brought court cases against TITP-participant firms with the help of both pro bono and paid lawyers. Lawyers that did not work pro bono took a share of the damages interns received if they won in court or settled. As of October there were 25 such cases pending countrywide, the majority of which claimed the nonpayment of wages or overtime compensation. Others alleged death from overwork, discrimination in the

pricing of accommodations, forced deportation, and work-related injury. During the year courts decided several such cases in favor of technical interns. Some received compensation, but others did not, due to company bankruptcy or a legally structured shield of company assets. In December a garment manufacturer in Saitama Prefecture settled out of court for an undisclosed sum after two Chinese interns brought suit alleging forced savings, unpaid wages, and the threat of forced repatriation.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

Child labor was concentrated in the areas of trafficking in persons and child pornography (see section 6, Children).

d. Acceptable Conditions of Work

Minimum wages ranged from 652 yen (approximately \$7.60) to 850 yen (\$9.90) per hour, depending on the industry and prefecture. The law imposes a fine of up to 500,000 yen (\$5,800) for employers who fail to pay a minimum wage. Authorities levy that fine when a worker files a complaint; it is not calculated on a per-incident or per-person basis, so a firm that fails to pay the minimum wage to 100 employees for 10 months will therefore be liable only for a one-time fine of that amount at the time one employee files a complaint. According to the most recent statistics, compiled in 2009 by the Ministry of Health, Labor, and Welfare, 16 percent of the population earned an annual income below the poverty line of 1.12 million yen (\$13,000).

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

The law provides for a 40-hour workweek for most industries, mandates premium pay of no less than 25 percent and no more than 50 percent for hours worked above 40 in a week or eight in a day, sets limits on the number of overtime hours permitted in a fixed period, and prohibits excessive compulsory overtime. The law mandates paid leave on national holidays as well as at least 10 days of paid leave accrued per year following six months of full-time employment. The government sets Industrial Safety and Health (ISH) standards.

The Ministry of Health, Labor, and Welfare is responsible for the enforcement of laws and regulations governing wages, hours, and ISH standards in most industries. The National Personnel Authority covers government officials. The Ministry of Economy, Trade, and Industry covers ISH standards for the mining industry, and the Ministry of Land, Infrastructure, Transport, and Tourism is responsible for ISH standards in the maritime industry. Approximately 4,000 labor standards inspectors employed by more than 300 labor standards offices enforced these laws and regulations. Labor unions continued to criticize the government for failing to enforce the law regarding maximum working hours, and it was widely accepted that workers, including those in government jobs, routinely exceeded the hours outlined in the law. From April 2011 to March 2012, surviving family members filed 898 applications with the Ministry of Health, Labor, and Welfare seeking recognition of a deceased individual as a *karoshi* victim. The ministry officially recognized 248 such victims during the year, but worker-rights NGOs claimed that the number of victims was in reality much higher and overwork and other work conditions contributed to many of the 30,651 suicides during 2011.

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

The number of workplace fatalities decreased during the year, compared with statistics that included the March 2011 earthquake and tsunami. There were 829 on-the-job deaths reported from January to September, including 169 related to the disaster and subsequent recovery/reconstruction efforts. Falls, automotive accidents, and injuries caused by heavy machinery were the most common causes of workplace fatalities.