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# 2024 Country Reports on Human Rights Practices: Japan

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**EXECUTIVE SUMMARY**

## EXECUTIVE SUMMARY

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

There were no credible reports of significant human rights abuses.

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

Section 1.

### Life

#### a. Extrajudicial Killings

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

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## b. Coercion in Population Control

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

On July 3, the Supreme Court ordered the government to pay “suitable compensation” to 11 individuals who were forcibly sterilized under the Eugenics Protection Law, in place from 1948 to 1996. The court also found compensation provided for in a 2019 law was insufficient. As of September, 13 cases involving 28 other litigants were still pending. A June 2023 report from the Diet (parliament) stated approximately 25,000 persons were subjected to forced sterilization under the Eugenics Protection Law, including persons with disabilities, hereditary diseases, physical deformities, and leprosy. On October 8, the Diet enacted a law permitting victims to receive 15 million yen (\$98,800) and spouses of victims to receive five million yen (\$32,900) as payment of compensation without having to file a lawsuit.

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Section 2.

## Liberty

### a. Freedom of the Press

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 media members.

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 or individual schools to select for use.

## Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Domestic and international observers expressed concern the long-standing system of *kisha* (reporter) clubs attached to government agencies encouraged self-censorship. While the Prime Minister's Office and most government ministries allowed nonmembers, including freelance and foreign reporters, to participate in their press conferences, experts reported the *kisha* clubs continued to implement rules on nonmembers' participation and sometimes blocked them from covering the organization.

### b. Worker Rights

#### Freedom of Association and 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 raised concerns 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.

## Forced or Compulsory Labor

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

## Acceptable Work Conditions

### Wage and Hour Laws

The law established a minimum wage that varied by prefecture, but in all cases it 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 (2023)*, the percentage of nonregular workers who were women remained high and stable at approximately 68 percent

since 2005. 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 employees. 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.

As in previous years, there were reports of OSH and wage violations in the Technical Intern Training Program (TITP) for foreign workers; 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 2023, 9,753 TITP participants disappeared from their jobs; some were believed to have fled because of exploitative or abusive conditions and were unidentified trafficking victims. On June 14, the Diet enacted a bill to amend the Immigration Control and Refugee Recognition Act to replace the TITP with a foreign worker program called the Employment for Skill Development (ESD) program, scheduled to come into effect in 2027. Unlike the TITP, which observers criticized for not permitting workers to change employers, the ESD program would allow workers to change employers once certain conditions were met, such as staying in the same job category and completing at least one year in the original place of employment. The ESD would also allow workers to temporarily transfer to other employers during peak agriculture and fishing seasons.

Falls, road traffic accidents, and injuries caused by heavy machinery were the most common causes of workplace fatalities.

The Labor Ministry also granted formal recognition to victims of *karoshi* (death by overwork). Former employers and the government paid compensation to family members when conditions

were met. Unions criticized 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.

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 and the number of labor inspectors was insufficient to enforce compliance.

According to the Statistics Bureau of the Ministry of Internal Affairs and Communications, 34 percent of individuals ages 70-74 and 11.4 percent of individuals over age 75 worked. Persons 65 and older comprised 13.6 percent of the country's workforce in 2022. Companies employing the elderly reported instituting programs to create a safe working environment for those older workers in order to maintain productivity. Older workers, older women in particular, reportedly were subject to workplace discrimination.

## **c. Disappearance and Abduction**

### **Disappearance**

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

### **Prolonged Detention without Charges**

The law prohibited arbitrary arrest and detention. The government generally observed these requirements. Incidents occurred, however, and alleged victims had a legal right to redress, although the process could be prolonged. Police could stop and question any person suspected of having committed, or whom they believed was about to commit, a crime, or who possessed information on a crime.

As of October, an appeal at the Tokyo High Court continued what the Japan Federation of Bar Associations called “an incident of false charge” by police and prosecutors. According to an attorney for the plaintiffs, in 2020, the Tokyo Metropolitan Police Department’s Public Security Bureau, investigating export control charges by the Ministry of Economy, Trade, and Industry against machinery maker Ohkawara Kakohki Co., arrested and detained the company’s president and two other executives on suspicion spray dryers exported by the company to China could be diverted to chemical weapons production and were shipped without authorization. In 2021, the Tokyo District Court dismissed indictments against the three, one of whom died of stomach cancer earlier that year following multiple court denials of requests for bail for medical treatment. In 2021, the company filed suit in Tokyo District Court for damages against the state and the Tokyo metropolitan government for illegal arrest, interrogation, and indictment. In December 2023, the court ruled the arrest, interrogation, and indictment were unlawful and ordered the defendants to pay approximately 160 million yen (\$1.05 million) in compensation to the plaintiffs. On January 10, both defendants and plaintiffs appealed to the Tokyo High Court. On March 25, the company filed criminal charges against two then Tokyo Metropolitan Police Department Public Security Bureau officers for allegedly destroying a record of the court.

Pretrial detention was governed by regulations that allowed 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 based on judicial review. Pretrial detention rarely equaled or exceeded the maximum sentence for the alleged crime.

## d. Violations in Religious Freedom

See the Department of State’s annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## e. Trafficking in Persons

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

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Section 3.

## Security of the Person

### a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

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

### b. Protection of Children

#### Child Labor

The law prohibited all the worst forms of child labor. Children ages 15 to 18 could not perform any job designated as dangerous or harmful; these included 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 with the permission of the relevant government agency, and children younger than 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.

#### Child Marriage



The minimum legal age for marriage was 18, and the government effectively enforced this requirement.

## c. Protection to Refugees

The government generally 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.

### Provision of First Asylum

The law provided for granting asylum or refugee status. The country's refugee screening process was strict; in 2023 the government granted refugee status to 303 of 13,823 applicants. Of the 303 recognized refugees (an increase from 202 in 2022), 78 percent were Afghans. The nongovernmental organizations (NGOs) Japan Lawyers Network for Refugees and Japan Association for Refugees assessed the increase as an exceptional measure in response to the Taliban takeover in 2021 and were 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 it implemented an appeals process that utilized external refugee examination counselors and judicial review, cooperated with UNHCR to determine refugee status appropriately, and granted residence permissions on the grounds of humanitarian protection in some cases where refugee status was denied. Legal experts, researchers, and human rights activists questioned the impartiality of the appeals process, pointing out, for example, government statistics showing a single refugee examination counselor screened 25 percent of appeals in 2022 and 20 percent in 2021, although there were approximately 110 refugee examination counselors. In 2023, the government reported it took an average of 26.6 months to make the initial determination, and an average of 9.9 months for appeals. 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.

The law allowed the government to deport those whose refugee applications were denied twice unless applicants submitted documentation showing reasonable grounds for refugee or complementary protection and allowed for criminal penalties for those who refused deportation. The government stated the law was designed to prevent individuals from continually applying for refugee status to avoid a deportation order, and to provide for deportation of applicants who did not qualify under the UN Refugee Convention and of those who violated the law. Legal experts, academic researchers, and human rights activists maintained that the law could exclude qualified refugees and lead to the refoulement of applicants to home countries where they could face persecution. On January 25, the Nagoya High Court ruled a Rohingya man was qualified as a refugee under the UN Convention and ordered the justice minister to grant him refugee status after his application was rejected four times by the government and a lower court. Experts, including the Japan Federation of Bar Associations, alerted the government that based on the existing law, the government could have expelled the man to Burma and put him in a position to face persecution by Burma’s military regime.

## Resettlement

The government accepted 18 refugees from 11 households for third-country resettlement on September 25. They previously stayed in Malaysia temporarily before arriving in Japan. The government provided them with a resettlement support program, including Japanese language education, social life adaptation guidance, and job placement.

## d. Acts of Antisemitism and Antisemitic Incitement

The total Jewish population was approximately 2,000 to 4,000. There were no known reports of antisemitic incidents.

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