



U.S. Department of State

Japan: Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor,
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JAPAN

Japan is a parliamentary democracy based on a 1947 Constitution. Sovereignty is vested in the people, and the Emperor is defined as the symbol of state. Executive power is exercised by a cabinet, composed of a prime minister and ministers of state, responsible to the Diet, a two-house Parliament. The Diet, elected by universal suffrage and secret ballot, designates the Prime Minister, who must be a member of that body. The Government, formed in November, is a loose coalition led by the Liberal Democratic Party (LDP), in which the Social Democratic Party and the New Party Sakigake cooperate with the LDP from outside the Cabinet. The judiciary is independent of the Government.

A well-organized and disciplined police force generally respects the human rights of the populace and is firmly under the control of the civil authorities. However, there continued to be credible reports of harsh treatment of some suspects in custody.

The industrialized free market economy is highly efficient and competitive in world markets and provides residents with a high standard of living. In 1996 economic growth picked up from the slow pace of the previous 4 years.

A just and efficient legal system generally assures observance of constitutionally provided human rights. However, there continue to be some reports of physical and psychological abuse of prisoners or detainees. Officials are sometimes dismissed for such abuse but are seldom tried, convicted, and imprisoned. The Burakumin (a group historically treated as outcasts), the Ainu (Japan's indigenous people), women, and alien residents experience varying degrees of societal discrimination, some of it severe and longstanding.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution provides for freedom from torture and cruel, inhuman, or degrading treatment or punishment. However, reports by several Japanese bar associations, human rights groups, and some prisoners indicate that police sometimes use physical violence, including kicking and beating, as well as psychological intimidation, including threats and name calling, to obtain confessions from suspects in custody or to enforce discipline. In Japan confession is regarded as the first step in the rehabilitative process. Although under the Constitution no criminal suspect can be compelled to make a self-incriminating confession, roughly 90 percent of all criminal cases going to trial include confessions, reflecting the priority that the system places on admissions of guilt. The Government points out that the high percentage of confessions, like the high conviction rate, is reflective of a higher standard of evidence needed to bring about indictment in the Japanese system. Since a system of arraignment does not exist in Japan, a suspect, if indicted, will be brought to trial even if that person has confessed to the crime. This results in a higher conviction rate than would otherwise be the case.

Appellate courts have overturned several convictions in recent years on the ground that they were obtained as a result of forced confession. In addition, civil and criminal suits have been brought against some police and prosecution officials, alleging abuse during interrogation and detention. Finally, there were scattered allegations of beatings of detainees in immigration detention facilities.

The Japanese Federation of Bar Associations and human rights groups have criticized the prison system, with its emphasis on strict discipline and obedience to numerous rules. Guards sometimes selectively enforce rules and impose punishment, including "minor solitary confinement," which may be imposed for at least 1 and not more than 60 days and in which the prisoner is made to sit (for

foreigners) or kneel (for Japanese) motionless in the middle of an empty cell.

Some human rights groups allege that physical restraints, such as leather handcuffs, have been used as a form of punishment and that prisoners have been forced to eat and relieve themselves unassisted while wearing these restraints. Ministry of Justice officials state that restraints are used inside the prison only when prisoners have been violent and pose a threat to themselves and others, or when there is concern that a prisoner might attempt to escape.

d. Arbitrary Arrest, Detention, or Exile

Constitutional provisions for freedom from arbitrary arrest or imprisonment are respected in practice. The law provides for judicial determination of the legality of detention. People may not be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists in order to detain the accused. Under the Code of Criminal Procedure, a suspect may be held in police custody for up to 72 hours without judicial proceedings. Preindictment custody may be extended by a judge for up to 20 additional days. If an indictment follows, the suspect is transferred to a criminal detention facility. Bail is available in only about 25 percent of cases.

The bar associations and human rights groups have criticized the practice of "substitute detention." Although the law stipulates that suspects should be held in "houses of detention" between arrest and sentencing, a police detention facility may be substituted at the order of the court. This provision was originally added to cover a shortage of normal detention facilities. According to the most recent Ministry of Justice White Paper on Crime, published in 1995, normal detention facilities were filled to 53 percent of capacity in 1994. Critics charge that allowing suspects to be detained by the same authorities who interrogate them heightens the potential for abuse and coercion. The Government counters that adequate safeguards to prevent abuse, including strong judicial oversight, have been built into the system. Preventive detention does not exist.

The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 3 months from date of arrest; the average is 1 to 2 months. Critics charge that access to counsel is limited both in duration and frequency, although the Government denies that this is the case. The Criminal Procedure Code grants the prosecution and investigating police officials the power to control access to attorneys before indictment when deemed necessary for the sake of the investigation. As a court-appointed attorney is not approved until after indictment, suspects must rely on their own resources to hire an attorney for counseling before indictment. In addition, counsel may not be present during interrogation at any time before or after indictment. Beyond this, the Government affirms that the right of the accused to seek legal counsel is fully respected and that attorneys are almost always able to see clients without obstruction. Local bar associations provide detainees with a free counseling session prior to indictment. Counsel is provided at government expense after indictment if the arrested person cannot afford one.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The judiciary is independent and free from executive branch interference. The Cabinet appoints judges for 10-year terms, which can be renewed until judges have reached age 65. Justices of the Supreme Court can serve until the age of 70 but face periodic review through popular referendum. A defendant who is dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court. There are several levels of courts, with the Supreme Court serving as the highest judicial authority. There is no trial by jury.

The Government respects in practice the constitutional provisions for the right to a speedy and public trial by an impartial tribunal in all criminal cases. The defendant is informed of charges upon arrest and assured a public trial by an independent civilian court with defense counsel and the right of cross-examination. The Constitution provides defendants with the right not to be compelled to testify against themselves as well as to free and private access to counsel, although the right to such access is sometimes abridged in practice. For example, the law allows prosecutors to control access to counsel before indictment, and there are persistent allegations of coerced confessions. Defendants are also protected from the retroactive application of laws and have the right of access to incriminating evidence after a formal indictment has been made. However, the law does not require full disclosure by the prosecutor, and material that the prosecution will not use in court may be suppressed.

There were no reports of political prisoners.

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

Under the Constitution, each search or seizure must be made upon separate warrant issued by a judge. Standards for issuing such warrants exist to guard against arbitrary searches. There were no reports that the Government or any other organization arbitrarily interfered with privacy, family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

These freedoms are provided for in the Constitution and respected in practice.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and is respected in practice. While Buddhism and Shintoism are the two major religions, there are many others, including several Christian denominations. Some temples and shrines receive public support as national historic or cultural sites.

The Government does not require that religious groups be licensed. However, to receive official recognition as a religious organization, which brings tax benefits and other advantages, a group must register with local or national authorities as a "religious corporation." In practice, almost all religious groups register, and until this year the procedure was little more than a formality. In response to a series of crimes committed by the Aum Shinrikyo religious sect, the Diet amended the Religious Corporation Law to give governmental authorities increased oversight of religious groups and to require greater disclosure of financial assets by religious corporations. These amendments entered into force on September 15.

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

Citizens have the right to travel freely both within Japan and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Japanese nationality may be lost by naturalization in a foreign country, or by failure of people born with dual nationality to elect Japanese nationality at the required age.

The Government has granted asylum in only a small number of cases to those claiming fear of persecution if they return to their homeland. It believes that most people seeking asylum in Japan do so for economic reasons. According to the Justice Ministry, from 1982 to August 1996, it was determined that 208 of 1,255 applicants met the required standard for asylum. None of the 93 applications for asylum filed between August 1995 and August 1996 was approved. The Government has shown flexibility in dealing with visa extensions for Chinese student dissidents, although it continues to be reluctant to grant permanent asylum.

Strict administrative procedures contribute to the roughly 20-percent rate of approval of asylum applications. For example, appeals of initial denials are reviewed by a separate authority of the same body, and decisions are rarely overturned. Asylum seekers and some critics claim that the processing of asylum applications is not readily understandable, making it difficult for applicants to comply with government procedures. Also, the Government's "60-day rule" requires applicants to appear at an immigration office within 60 days of arrival or within 60 days of the time they learn they are likely to be persecuted in their home country; most asylum seekers arrive in Japan without knowledge of this requirement and can inadvertently waive their claim by not acting promptly. In an effort to make procedures clearer to applicants, the Government has revised the English-language pamphlet it distributes to those interested in the asylum process.

In September 155 Vietnamese asylum seekers were returned to Vietnam from Japan. The Vietnamese put up minimal resistance to boarding the flight although three individuals had to be carried on board. One immigration official was slightly injured. An additional 14 Vietnamese asylum seekers remain in Japan. They have been determined to be refugees and are being considered for eventual third country resettlement.

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

Citizens have the right peacefully to change their government and are able to exercise this right in practice through frequent, free, and fair elections on the basis of universal suffrage by secret ballot. A parliamentary democracy, Japan is governed by the political party or parties able to form a majority in the lower house of its bicameral Diet. From 1955 until 1993, all prime ministers and almost all

cabinet ministers were members of the Liberal Democratic Party (LDP), which enjoyed a majority in the lower house throughout this period. Since 1993, except for a brief period of non-LDP coalition government from August 1993 to June 1994, the LDP has been part of successive coalition governments. Local and prefectural governments are often controlled by coalitions.

There are no legal impediments to women's participation in government and politics, but cultural attitudes are not favorable to their participation. Women hold 23 seats in the 500-member lower house of the Diet, and 19 seats in the 252-member upper house. As of November, the 21-member Cabinet had 1 female member. Women make up 21.8 percent of all national government workers, but hold less than 0.9 percent of top (director level and higher) government posts. In 1991 the Prime Minister's Office promulgated an action plan to increase the number of women in leadership positions on government advisory panels to 30 percent by the end of fiscal year 1995. However, the target was later cut to 15 percent, a step apparently reflecting slower than anticipated progress. Only 117 of the 205 existing panels have met the 15-percent target.

There is one Ainu member of the Diet (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights organizations function freely, without governmental restrictions or impediments, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views, although the Government restricts access to prisons and detention facilities by human rights groups.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, sex, social status, or family origin, and, in general, the Government respects these provisions.

Women

According to the National Police Agency, 474 incidents of spousal abuse against women were reported to authorities in 1994. However, violence against women, particularly domestic violence, often may go unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or offspring. Typically, victimized women often return to the home of their parents rather than file reports with authorities. Therefore, National Police Agency statistics on violence against women undoubtedly understate the scope of the current situation. Many local governments are responding positively to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices.

There is no specific law on sexual harassment. Although a woman may sue for "unlawful conduct" against an individual, the employing company's responsibility is not at issue in such a suit. Sexual harassment in the workplace is widespread, as evidenced by a May survey by the Japanese Trade Union Confederation, RENGO, which revealed that over 40 percent of working women have experienced sexual harassment. Women in this survey complained about a range of actions including sexually charged jokes, comments about physical features such as breast size, the display of pornographic photos, molestation, and direct requests for sexual favors. The Tokyo Rape Crisis Center stated that office rapes account for a "substantial share" of rape cases. In Japan media attention has focused on sexual harassment following an April equal employment opportunity complaint action against a U.S. subsidiary of Mitsubishi Motors Corporation.

The number of illegal female workers decreased in 1995, paralleling the decrease in illegal male workers that began in 1993. According to the Ministry of Justice, 3.4 percent of illegal female immigrants work in occupations involving prostitution. However, human rights groups estimate that the figure is actually much higher. The Government is working to reduce the foreign prostitution problem by enforcing existing antiprostitution laws as well as provisions in the Immigration Control and Refugee Recognition Act directed against anyone "encouraging a person to engage in illegal work." In recent years, police, especially in Tokyo, have conducted a number of sweeps against both foreign prostitutes and their employers.

The position of women in society, although significantly improved during the last few decades, continues to reflect deep-seated traditional values that assign women a subordinate role in the workplace. Although discrimination by private employers against women is prohibited by the Constitution, it persists. Legislation has been enacted over the past 30 years to accord women the same legal status as men. The Equal Employment Opportunity Law of 1986 was aimed at eliminating sex discrimination in such areas as recruitment, promotion, and vocational training. Yet the law does not expressly forbid discrimination in recruitment, hiring, assignment, and promotion of workers; it merely states that "employers should endeavor" to avoid it. Under this law and other regulations, the Ministry of Labor attempts to encourage corporate compliance with its objectives by positive inducements; it does not enforce compliance through fines or other punitive measures.

Although the Equal Employment Opportunity Law prohibits discrimination against women in wages, female workers on average earned only 62 percent of average male earnings. Much of this disparity results from the "two-track" personnel administration system found in most larger companies. Under this system, newly hired employees are put into one of two categories: managerial track (those engaged in planning and decisionmaking jobs and with the potential to become top executives), or clerical track (those engaged in general office work). According to a 1995 Ministry of Labor survey, 72 percent of companies responding said they hired only male workers for managerial track jobs. Female workers have also suffered disproportionately from the continued sluggishness of the economy: in 1995 only 28 percent of companies hired both male and female managerial track workers, down from the 46 percent that did so in 1992.

Public awareness of discrimination against women and sexual harassment in the workplace has increased. A growing number of government entities are establishing hot lines and designating ombudsmen to handle complaints of discrimination and sexual harassment. Nevertheless, sexual discrimination and stereotyping in the workplace continue to be major problems for women.

In 1993 the Prime Minister publicly acknowledged and apologized for the former Imperial Government's involvement in the army's practice of forcing an estimated 200,000 women (including Koreans, Filipinas, Chinese, Indonesians, Burmese, Dutch, and Japanese) to provide sex to soldiers between 1932 and 1945. Five cases concerning the "comfort women" problem are pending in the Tokyo District Court. In four cases the plaintiffs are seeking monetary compensation; in one case the plaintiff is seeking an official apology from the Government.

The Asian Women's Fund was established in July 1995 as a private, government-sponsored fund to compensate former comfort women. The fund will support three projects. The first will provide direct compensation payments to individual victims and will be financed entirely through private donations. A second project will provide medical and welfare assistance to individual comfort women. A third will fund projects to improve the general status of women and girls in Asia. The second and third projects will be funded by the Government and administered by the fund. The Asian Women's Fund is having trouble reaching its funding goals and finding former comfort women willing to accept compensation payments. In August four former comfort women from the Philippines agreed to accept compensation payments from the fund. Each received a lump-sum payment of \$18,600 (2 million yen) and a letter of apology signed by Prime Minister Hashimoto.

Children

The Government is committed to children's rights and welfare, and in general, the rights of children are adequately protected. Boys and girls have equal access to health care and other public facilities. There is no societal pattern of abuse against children.

In recent years, the problem of severe bullying, or "ijime," received greater public attention. It involves verbal or physical abuse in middle and high schools. In 1995, 56,601 cases of bullying in elementary and secondary schools were reported to the Education Ministry, but many cases go unreported. The Education Ministry also reported five suicides among elementary and secondary school students related to bullying in 1995, but the actual number of cases was probably higher. In August 1994, the Ministry of Justice established the Office of Ombudsman for Children's Rights to cope with bullying and other children's issues. In addition to compiling statistics on bullying and consulting with various groups concerned with children's welfare, the Office of Ombudsman provides counseling services for children 18 years of age and younger who have been victims of bullying.

People with Disabilities

Although not generally subject to overt discrimination in employment, education, or in the provision of other state services, the disabled face limited access to public transportation, "mainstream" public education, and other facilities. Japan has no national law protecting the rights of the disabled, including access and employment, but some prefectures and cities have enacted their own legislation addressing the issue. Despite the disabled's lack of legal protection, there is growing societal awareness of the issue.

Indigenous People

The Ainu, a people descended from the first inhabitants of Japan, now probably number fewer than 100,000; almost all of them live on Hokkaido, the northernmost of Japan's four main islands. Their primary occupations are fishing, small-scale farming, and jobs in the tourism industry. As a result of a law passed in 1899, the Former Aborigines Protection Act, the Ainu today control only approximately 0.15 percent of their original landholdings. Ainu leaders continue to express grievances about this situation. Meanwhile, the Ainu continue to face societal discrimination while engaging in an uphill struggle against complete assimilation.

The Government has done little in response to Ainu grievances. An interagency study group opened hearings in January 1990 with the stated goal of reviewing Ainu history and making recommendations, but it has not been active. In March a special advisory council headed by former Supreme Court Justice Masami Ito, which was appointed during the Murayama administration, issued a report calling for new legislation to address the situation of Japan's Ainu minority. Some Ainu activists are critical of the report because it did not recommend that the Ainu be formally designated as an indigenous people. Other Ainu leaders, however, are satisfied with the report and believe that pushing harder for special recognition will be counterproductive. The Hashimoto Administration has set up an interagency committee to study the Ito report and possible new Ainu legislation. The committee plans to have its proposals ready for Diet consideration in 1997.

In 1994 Shigeru Kayano became the first Ainu member of the Diet when he gained a seat in the upper house. Kayano has drawn attention to Ainu issues.

National/Racial/Ethnic Minorities

The ethnocentric nature of Japanese society, reinforced by a high degree of cultural and ethnic homogeneity and a history of isolation from other cultures, has impeded the integration of minority groups. This primarily affects Burakumin, Koreans, and alien workers.

The Burakumin (descendants of feudal era "outcasts" who practiced "unclean" professions such as butchering and undertaking), although not subject to governmental discrimination, are frequently victims of entrenched societal discrimination including restricted access to housing and employment opportunities. They are estimated to number approximately 3 million, but most prefer to hide their identity. Beginning in 1969, the Government introduced with some success a number of social, economic, and legal programs designed to improve conditions for the Burakumin and hasten their assimilation into mainstream society. In recent years, however, some within the Burakumin community have questioned whether assimilation is an appropriate goal. The Government has extended basic legislation to provide funding for Burakumin programs until 1997, but the Burakumin continue to lobby for a new law that will expand current programs.

Despite improvements in Japan's legal safeguards against discrimination, Korean permanent residents (most of whom were born, raised, and educated in Japan and who are estimated to number approximately 700,000) are still subject to various forms of deeply entrenched societal discrimination.

In 1993 the Government halted the fingerprinting of permanent foreign residents. Instead of fingerprinting, the Government has established a family registry system that uses the resident's picture and signature and contains information on parents and spouses living in Japan, a system similar to that used for Japanese nationals. The current law leaves intact the requirement that all foreign residents carry alien registration certificates at all times.

In recent years, the Government has enacted several laws and regulations providing permanent resident aliens with equal access to public housing and loans, social security pensions for those qualified, and certain public employment rights. Some immigrants reportedly face police harassment and discrimination in obtaining housing, jobs, and health care. In recognition of the difficulties faced by foreigners in these areas, the city of Tokyo has issued a law to prevent housing discrimination against foreigners.

The January 1991 Memorandum Between the Japanese and South Korean Governments extended employment rights to local government positions, giving each locality the authority to decide which jobs may be held by non-Japanese nationals. Local governments are also being urged by the Government to allow Korean residents to take the Teacher Entrance Examination and to employ them on a full-time basis. Private-sector employment and societal discrimination are still common. Antidiscrimination laws affecting Korean residents were initiated as government guidance and are not supported by penalty provisions. In May, in the first court test of the antidiscrimination laws, the Tokyo District Court ruled against a second-generation Korean nurse who sued the Tokyo Metropolitan Government on the grounds that she had been refused consideration for promotion because she is not Japanese. The Court held that constitutional guarantees of freedom to choose one's career do not apply to the employment of foreigners in local civil services. The nurse has appealed to a higher court.

In May the Kawasaki city government and several other local governments agreed to allow resident foreigners, most of whom are Koreans, to take civil service exams for nonsupervisory jobs. In response to this development, the Home Affairs Ministry sent a letter to all prefectural and municipal governments on June 3, citing the Tokyo District Court ruling and urging these governments not to drop a Japanese nationality requirement for their employees. However, the Home Affairs Ministry has no legal authority to interfere in the personnel decisions of local governments, and there is no law stipulating Japanese nationality for jobs with prefectural or local governments. Apparently in response to pressure from the Home Affairs Ministry, the Kochi prefectural government and the Osaka city government dropped plans to allow foreigners to apply for civil service jobs.

By law, aliens with 5 years of continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. In fact, however, most eligible aliens choose not to apply for citizenship, in part due to fears that their cultural identity would thereby be lost. De facto obstacles to naturalization include broad discretion available to adjudicating officers and great emphasis on Japanese language ability. In February 1995, the Supreme Court ruled that the Constitution does not bar permanent foreign residents from voting in local elections. However, the court also ruled that existing laws denying voting rights to foreign residents are not unconstitutional.

The Immigration Bureau of the Justice Ministry estimated that, as of May 1, there were 284,500 foreign nationals residing illegally in Japan, a decrease of 0.8 percent from the previous year. Illegal immigrants come primarily from: South Korea, the Philippines, Thailand, China, Peru, Iran, Malaysia, and Taiwan.

While many illegally resident foreigners came in search of better paying manufacturing and construction jobs, these opportunities decreased during the economic slowdown. Thus, more of the foreign workers are unemployed or marginally employed. Some illegal alien workers have been exploited. Activist groups claim that employers can easily discriminate against foreign workers, who often have little or no knowledge of the Japanese language or their legal rights. The Government attempts to deal with the problem of illegal workers within the bounds of existing law. It has tried to reduce the inflow of illegal foreign workers by prosecuting employers. Recent revisions of the Immigration Law provide for penalties against employers of undocumented foreign workers. Suspected foreign workers may also be denied entry for passport, visa, and entry application irregularities. The Government continues to study the foreign worker issue, and several citizens' groups are working with illegal foreign workers to improve their access to information on worker rights.

Section 6. Worker Rights

a. The Right of Association

The Constitution provides for the right of workers to associate freely in unions. Approximately 24 percent of the active work force belongs to unions. Unions are free of government control and influence. Most unions are involved in political activity as well as labor relations, but they are not controlled by political parties. The Japanese Trade Union Confederation (RENGO), which represents 7.8 million Japanese workers and was formed in 1989 through the merger of several confederations,

is the largest labor organization. There is no requirement for a single trade union structure, and there are no restrictions on who may be a union official. Members of the armed forces, police, and firefighters are not permitted either to form unions or to strike. These restrictions have led to a long-running dispute before the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations over observance of ILO Convention 98 concerning the right to organize and bargain collectively. The Committee has observed that these public employees have a limited capacity to participate in the process of determining their wages and again in June asked the Government to consider any measures it could take to encourage negotiations with public employees.

Unions are active in international bodies, most notably the International Confederation of Free Trade Unions and maintain extensive international contacts. The right to strike, implicit in the Constitution, is exercised. During 1994, 85,000 worker days were lost to strikes. The law prohibits retribution against strikers and is effectively enforced. Public employees do not have the right to strike, although they do have recourse to mediation and arbitration. The Government determines the pay of government employees based on a recommendation by the independent National Personnel Authority.

b. The Right to Organize and Bargain Collectively

The Constitution provides unions with the right to organize, bargain, and act collectively. These rights are exercised freely, and collective bargaining is practiced widely. The annual "Spring Wage Offensive," in which individual unions in each industry conduct negotiations simultaneously with their firms, involves nationwide participation. Management usually consults closely with its enterprise union. However, trade unions are independent of management and aggressively pursue the interests of their workers. Antiunion discrimination is prohibited by law, and adequate mechanisms exist for resolving such cases as do exist. As noted above, the collective bargaining rights of public employees are limited.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Standards Law prohibits the use of forced labor, and there are presently no known cases of forced or compulsory labor.

d. Minimum Age for Employment of Children

Under the revised Labor Standards Law of 1987, minors under 15 years of age may not be employed, and those under the age of 18 years may not be employed in dangerous or harmful work. The Labor Inspection Division of the Ministry of Labor rigorously enforces child labor laws.

e. Acceptable Conditions of Work

Minimum wages are set on a regional (prefectural) and industry basis, with the input of tripartite (workers, employers, public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages is considered widespread. Minimum wage rates, which averaged approximately \$50 (5,388 yen) per day in 1995, are considered sufficient to provide workers and their families with a decent living. The Labor Standards Law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked over 40 in a week, or 8 in a day.

The Ministry of Labor effectively administers various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law of 1972. Standards are set by the Ministry of Labor and issued after consultation with the Standing Committee on Safety and Health of the Tripartite Labor Standards Commission. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.