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Japan

Country:

[Japan](#)

Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

96

Freedom Rating:

1.0

Overview:

Japan is a multiparty parliamentary democracy. The ruling Liberal Democratic Party (LDP) has governed almost continuously since 1955, in opposition only twice. Political rights and civil liberties are generally well respected. Outstanding challenges include ethnic and gender-based discrimination, and claims of unduly close relations between government and the business sector.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Japan is a parliamentary democracy. The prime minister is the head of government, and is chosen by the freely elected House of Representatives. The prime minister selects the cabinet, which can include a limited number of non-politicians. Japan's emperor serves as head of state in a ceremonial capacity.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The parliament, or Diet, has two chambers. The more powerful lower house, the House of Representatives, has 465 members elected to maximum four-year terms. The upper house, the House of Councillors, has 242 members serving fixed six-year terms, half elected every three years. The prime minister and his cabinet can dissolve the House of Representatives, but not the House of Councillors. The lower house can also pass a no-confidence resolution that forces the cabinet to either resign or dissolve the House of Representatives.

Legislative elections in Japan are free and fair. In September 2017, Prime Minister Abe dissolved the lower house and called for snap elections, citing a need for a fresh mandate in light of an increasing threat posed by North Korea, which had fired ballistic missiles over northern Japan. The LDP decisively won October's snap elections, and together with its coalition partner, Kōmeitō, holds a two-thirds supermajority in the lower house.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Japan's electoral laws are generally fair and well-enforced. However, malapportionment benefitting the rural districts from which the LDP draws significant support has been a persistent problem. In July 2017, a new redistricting law designed to reduce the voting weight disparities between urban and rural districts took effect. Districts will be revised again in 2020 after the census is conducted.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Parties generally do not face undue restrictions on registration or operation. The CDP and the Party of Hope, both of which were formed in 2017, placed second and third respectively in the October 2017 elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

While the LDP has traditionally dominated the political scene, opposition parties have a realistic opportunity to increase their support or gain power through elections. The main opposition party, DP, fractured in September 2017, and was surpassed by the newly formed CDP in the October elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

People's political choices are generally free from domination by powerful interests that are not democratically accountable.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

The ability to vote and run in national elections is limited to citizens, who may participate in elections regardless of gender, ethnicity, religion, sexual orientation, or gender identity. Women remain underrepresented in government.

Around 600,000 ethnic Koreans—mainly the multigenerational descendants of forced laborers brought to Japan before 1945—hold special residential privileges but not Japanese citizenship, and are therefore ineligible to participate in national elections.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are free to govern without interference, though Japanese bureaucrats have some influence over policy.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Corruption in government is relatively low. However, some government officials have close relations with business leaders, and retiring bureaucrats often quickly secure high-paying positions with companies that receive significant government contracts. In March 2017, the Ministry of Education reported more than 60 cases of illicit job placements of recently retired ministry bureaucrats.

Reporting on political corruption scandals is widespread and vigorous. In early 2017, active reporting on two scandals involving Prime Minister Abe weakened his popularity; one involved a dubious land deal, and another revolved around the approval of a university department. Separately, Defense Minister Tomomi Inada resigned in July following media reports that defense officials had concealed information revealing the worsening security situation in South Sudan, where Japanese troops were participating in a UN peacekeeping operation.

C3. Does the government operate with openness and transparency? 4 / 4

The Japanese government generally operates with openness and transparency. Access to information legislation allows individuals to request information from government agencies, but in practice the law has not always been implemented effectively. The Act on the Protection of Specially Designated Secrets went into effect in 2014 and allows for unclassified information to be automatically shared with the public. However, it also empowers state agencies to protect information on a range of security or diplomatic matters, with criminal penalties for those who reveal designated secrets.

CIVIL LIBERTIES: 56 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Press freedom is guaranteed in the constitution, and Japan has a highly competitive media sector. However, press freedom advocates have expressed concern about the Specially Designated Secrets Act, which can allow journalists to be prosecuted for revealing state secrets, even if that information was unknowingly obtained. A May 2017 report by the UN Special Rapporteur on freedom of expression expressed concern about pressure exerted on media by the Japanese government, and recommended the repeal of Article 4 of the Broadcast Act, which gives the government the power to determine what information is “fair” and thus acceptable for public broadcast.

Under the traditional *kisha kurabu* (press club) system, institutions such as government ministries and corporate organizations have restricted the release of news to those journalists and media outlets with membership in their clubs.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed by the constitution, and no substantial barriers exist to religious expression or expression of nonbelief.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is constitutionally guaranteed, but education and textbooks have long been a focus of public and political debate. While there is not a national curriculum or single official history text, the Ministry of Education’s screening process has approved textbooks that downplay Japan’s history of imperialism and war atrocities. In May 2017, the UN Special Rapporteur called upon the Japanese government to reevaluate the government’s influence on the textbook approval process.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The government does not restrict private discussion. Some observers expressed concern that antiterrorism and anticonspiracy legislation that went into effect in July 2017 could permit undue surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is protected under the constitution, and peaceful demonstrations take place frequently. In 2017, protests were held against the new antiterrorism legislation,

which demonstrators said allowed the government to justify unwarranted surveillance and restrict civil liberties as part of counterterrorism efforts.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs), referred to as nonprofit organizations (NPOs) in Japan, are unrestricted and remained diverse and active in 2017.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Labor unions are active and exert political influence through the Japanese Trade Union Confederation and other groupings.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

Japan's judiciary is independent. For serious criminal cases, a judicial panel composed of professional judges and *saiban-in* (lay judges), selected from the general public, rule on defendants.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Constitutional guarantees of due process are generally upheld. However observers have argued that trials often favor the prosecution. There are reports that people are often detained on flimsy evidence, arrested multiple times for the same alleged crime, or subjected to lengthy interrogations leading to forced confessions. Police can detain suspects up to 23 days without charge. Access to those in pretrial detention is sometimes limited.

In July 2017, nearly 300 categories of conspiracy offenses were added to criminal law in order to help identify terror plots and organized crime networks. Critics, including the UN, raised concerns that the changes gave the government too much power to restrict civil liberties.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Japan are generally protected from the illegitimate use of physical force and the threat of war and insurgencies. Violent crime rates are generally low. However, organized crime is fairly prominent, particularly in the construction and nightlife sectors; crime groups also run drug trafficking and loansharking operations.

There are frequent reports of substandard medical care in Japanese prisons. Prisoners facing death sentences or accused of crimes that could carry the death penalty are held in solitary confinement, sometimes for years at a time.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Although declining, societal discrimination affecting Japan's estimated three million *burakumin*—descendants of feudal-era outcasts—and the indigenous Ainu minority can prevent their access to housing and employment. Japan-born descendants of colonial subjects (particularly ethnic Koreans and Chinese) continue to suffer similar disadvantages. A 2016 hate speech law nominally criminalizes discriminatory speech against non-Japanese citizens, but the law is considered weak and difficult to invoke.

LGBT people face social stigma and in some cases harassment. In late 2016, sexual harassment regulations for national government members were modified to prohibit harassment on the basis of sexual orientation or gender identity. Employment discrimination and sexual harassment against women are common.

Very few refugees are granted asylum in Japan, with only 20 refugees accepted out of almost 20,000 asylum applications in 2017.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Citizens enjoy broad personal autonomy in their choices of residence, profession, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Property rights are generally respected. People are free to establish private businesses, although Japan's economy is heavily regulated.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

There are some limitations on social freedoms in Japan. The country's system of family registration, *koseki*, recognizes people as members of a family unit and requires married couples to share a surname, which usually defaults to the husband's last name. This can create legal complications for, among others, women, and children born out of wedlock or to divorced parents. Same-sex marriage is illegal in Japan. Violence against women often goes unreported.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Individuals generally enjoy equality of opportunity. However, long workdays are common and have been criticized as harmful to workers' health. A 2016 government white paper revealed that over 20 percent of companies surveyed had employees working more than

80 hours of overtime a month. Many workers are temporary or contract employees with substantially lower wages and benefits and less job security than regular employees.

Human trafficking is an issue in Japan. Traffickers frequently bring foreign women into the country for forced sex work by arranging fraudulent marriages with Japanese men. Foreign workers enrolled in state-backed technical “internships” sometimes face exploitative conditions and forced labor; in November 2017, legislation was implemented to strengthen oversight of the program and punish violations.

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