



FREEDOM IN THE WORLD 2020

# Japan

# 96

FREE

/100

<u>Political Rights</u>	40 /40
<u>Civil Liberties</u>	56 /60

LAST YEAR'S SCORE & STATUS

96 /100    **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Japan is a multiparty parliamentary democracy. The ruling Liberal Democratic Party (LDP) has governed almost continuously since 1955, with stints in opposition from 1993 to 1994 and 2009 to 2012. Political rights and civil liberties are generally well respected. Outstanding challenges include ethnic and gender-based discrimination and claims of improperly close relations between government and the business sector.

## Key Developments in 2019

- The LDP-led coalition retained 71 seats out of the 124 contested in July's elections to the upper house. The coalition now controls a comfortable majority of 141 seats, though it fell short of winning the two-thirds supermajority required to revise the constitution.
- Two candidates from the new Reiwa Shinsengumi party, both people with disabilities, were elected to the upper house. One became reportedly the world's first national legislator to have been diagnosed with amyotrophic lateral sclerosis (ALS) prior to their election.
- In February, the cabinet sent a memo to the press accusing a journalist of asking questions with "factual errors," while also denying any intent to restrict investigative journalism.
- Protracted legal proceedings against Nissan chief executive Carlos Ghosn, and his subsequent escape from prison and from Japan in December, prompted domestic and international scrutiny of the country's prisons and justice system.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

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**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 parliament. The prime minister selects the cabinet, which can include a limited number of ministers who are not members of the parliament. Japan's emperor serves as head of state in a ceremonial capacity.

Shinzō Abe has been prime minister since 2012, having previously served for a year in 2006–2007. In November 2019, he became Japan's longest-serving prime minister, having been in office for a total of 2,887 days.

**A2** 0-4 pts

**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 through a mixture of single-member districts and proportional representation. The upper house, the House of Councillors, has 245 members serving fixed six-year terms, with half elected every three years using a mixture of nationwide proportional representation and prefecture-based voting. 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 July 2019, elections for upper-house seats were held, in which the LDP-led coalition retained 71 seats out of the 124 contested. In addition to the 70 uncontested seats it already held, the ruling coalition now controls a comfortable majority of 141 seats, although it is short of the two-thirds supermajority required to revise the constitution. The opposition Constitutional Democratic Party (CDP) won 17 seats, and smaller parties and independents captured the remainder.

**A3** 0-4 pts

**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. Campaigning is heavily regulated, which typically benefits incumbents, although the rules are applied equally to all candidates. Malapportionment in favor of the rural districts from which the LDP draws significant support has been a persistent problem. In 2018, a new redistricting law was passed to increase the number of upper house seats allocated to an urban prefecture. Districts will be revised again in 2020 after the census is conducted.

## **B. Political Pluralism and Participation**

**B1** 0-4 pts

**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. In 2017, liberal and left-leaning lawmakers who broke away from the opposition Democratic Party (DP) formed the CDP, which became the leading opposition party after that year's lower house elections. Some new parties gained seats in the 2019 upper-house elections, including the populist Party to Protect the People from the NHK, and the Reiwa Shinsengumi.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**4/4**

While the LDP has governed for most of Japan’s postwar history, there have been democratic transfers of power to and from alternative parties. Opposition parties are represented in the parliament and govern at the subnational level.

**B3** 0-4 pts

<p><b>Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b></p>	<p><b>4/4</b></p>
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People’s political choices are generally free from improper interference by powerful interests that are not democratically accountable.

**B4** 0-4 pts

<p><b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b></p>	<p><b>4/4</b></p>
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Citizens enjoy equal rights to vote and run in elections regardless of gender, ethnicity, religion, sexual orientation, or gender identity. Women remain underrepresented in government. In the latest upper house election in 2019, 28.1 percent of all candidates and 22.6 of winning candidates were women, both record highs in Japan. In May 2018, the Diet passed a nonbinding measure to promote gender-balanced assemblies, urging parties to nominate equal numbers of male and female candidates.

Two candidates from the new Reiwa Shinsengumi party, both people with disabilities, won seats in the 2019 upper house election. One of them became reportedly the world’s first national legislator who had been diagnosed with Amyotrophic Lateral Sclerosis (ALS) prior to taking office.

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

elections. Most but not all are South Korean nationals, and they have the option of applying for Japanese citizenship.

## C. Functioning of Government

**C1** 0-4 pts

<b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b>	<b>4/4</b>
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Elected officials are free to govern without interference, though senior civil servants have some influence over policy.

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>4/4</b>
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The prevalence of corruption in government is relatively low, and media coverage of political corruption scandals is widespread and vigorous. For instance, in August 2019, a junior minister for labor resigned after media reports linked him to a bribery scheme. The media also reported in December that Tokyo prosecutors arrested a lower-house member from the LDP, who was suspected of receiving bribes from a Chinese company hoping to invest in the casino business in Japan. Prosecutors' search included some other LDP members.

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.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>4/4</b>
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The 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. In January 2019, it was revealed that the Ministry of Health, Labor, and Welfare had used improper methods to collect wage and other data in the Monthly Labor Survey for nearly 15 years, resulting in the underpayment of benefits and compensation for millions of people. In November, it emerged that the Abe administration had invited mostly supporters to a state-funded cherry-blossom-viewing festival; an initial guest list for the party was allegedly shredded.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?	3/4
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Freedom of the press is guaranteed in the constitution, and Japan has a highly competitive media sector. However, press freedom advocates have expressed concern about the Act on the Protection of Specially Designated Secrets, which took effect in 2014 and allows journalists to be prosecuted for revealing state secrets, even if that information was unknowingly obtained. A 2017 report by the UN special rapporteur on freedom of expression noted concern about pressure on the media from the 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. In February 2019, the cabinet sent a memo to the press accusing a journalist of asking questions with “factual errors,” while denying there was any intent to restrict investigative journalism.

Under the traditional *kisha kurabu* (press club) system, institutions such as government ministries and corporate organizations have restricted the release of news to journalists and media outlets with membership in their clubs. In recent years, however, online media and weekly newsmagazines have challenged the daily papers' dominance of political news with more aggressive reporting.

In 2019, officials closed part of an art exhibition in Nagoya that addressed the sexual slavery of Asian women by the imperial Japanese army during World War II, saying the work had prompted threats of terrorism. It reopened on a limited basis in October.

**D2** 0-4 pts

<b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b>	<b>4/4</b>
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Freedom of religion is guaranteed by the constitution, and there are no substantial barriers to religious expression or the expression of nonbelief.

**D3** 0-4 pts

<b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b>	<b>4/4</b>
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Academic freedom is constitutionally guaranteed and mostly respected in practice, 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.

**D4** 0-4 pts

<b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b>	<b>4/4</b>
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The government does not restrict private discussion. Some observers have expressed concern that antiterrorism and anticonspiracy legislation that went into effect in 2017 could permit undue surveillance.

## E. Associational and Organizational Rights

**E1** 0-4 pts

Is there freedom of assembly?	4/4
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Freedom of assembly is protected under the constitution, and peaceful demonstrations take place frequently. In 2019, protests were held on topics including the proposed relocation of the US base on Okinawa, climate change, sexual violence against women, and the government's pension policy.

**E2** 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?	4/4
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Nongovernmental organizations (NGOs) are generally free from undue restrictions and remained diverse and active in 2019.

**E3** 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	4/4
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Most workers have the legal right to organize, bargain collectively, and strike. However, public sector workers are barred from striking, and some, such as firefighters and prison staff, cannot form unions. Labor unions are active and exert

political influence through the Japanese Trade Union Confederation and other groupings.

## F. Rule of Law

**F1** 0-4 pts

Is there an independent judiciary?	4/4
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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, render verdicts.

**F2** 0-4 pts

Does due process prevail in civil and criminal matters?	4/4
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Constitutional guarantees of due process are generally upheld. However, observers have argued that trials often favor the prosecution. There are reports that suspects have been detained on flimsy evidence, arrested multiple times for the same alleged crime, or subjected to lengthy interrogations that yield what amount to forced confessions. Police can detain suspects for up to 23 days without charge. Access to those in pretrial detention is sometimes limited.

New legislation adopted in 2017 added nearly 300 categories of conspiracy offenses to the criminal code in order to help unravel terrorist plots and organized crime networks. Critics of the changes raised concerns that they gave the government too much authority to restrict civil liberties.

Carlos Ghosn, the former chief executive of Nissan, was arrested four times between November 2018 and April 2019 on charges of financial wrongdoing, and spent several months in jail. In December 2019, he escaped house arrest and fled to Lebanon. The events prompted domestic and international criticism of Japan's legal and judicial

system, with observers questioning the country’s high conviction rates and prosecutors’ dependence on confessions allegedly obtained by placing heavy pressure on defendants.

**F3** 0-4 pts

<p><b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b></p>	<p><b>4/4</b></p>
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People in Japan are generally protected from the illegitimate use of physical force and the threat of war and insurgencies. Violent crime rates are 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 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. In 2019, the Ghosn case and Ghosn’s escape from detention and from Japan prompted renewed attention to conditions within Japanese detention facilities, and their overall security.

**F4** 0-4 pts

<p><b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b></p>	<p><b>3/4</b></p>
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Societal discrimination against Japan’s estimated three million *burakumin*—descendants of feudal-era outcasts—and the indigenous Ainu minority is declining, but it can affect their access to housing and employment. Meant to promote people’s understanding of the Ainu culture and reduce discrimination against the Ainu, new legislation in April 2019 for the first time officially recognized the Ainu as an “indigenous” people of Japan, though it was also criticized some for lacking an apology to the Ainu people. Japan-born descendants of colonial subjects (particularly ethnic Koreans and Chinese) also experience discrimination. A 2016 hate speech law

calls on the government to take steps to eliminate discriminatory speech against ethnic minorities, but it does not carry any penalties for perpetrators.

LGBT+ people face social stigma and in some cases harassment. There is no national law barring discrimination based on sexual orientation or gender identity. In 2016, sexual harassment regulations for national public officials 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 asylum seekers are granted asylum in Japan. Japan also accepts a small number of refugees for third-country resettlement.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

<b>Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?</b>	<b>4/4</b>
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There are few significant restrictions on internal or international travel, or on individuals' ability to change their place of residence, employment, and education.

**G2** 0-4 pts

<b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b>	<b>4/4</b>
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Property rights are generally respected. People are free to establish private businesses, although Japan's economy is heavily regulated.

**G3** 0-4 pts

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**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**

While personal social freedoms are mostly protected, there are some limitations. 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 women as well as children born out of wedlock or to divorced parents, among others. There is no legal recognition of same-sex marriage in Japan, though municipal and prefectural governments, such as Ibaraki Prefecture and Toshima Ward, passed local legislation allowing the registration of same-sex partnerships in 2019. Domestic violence is punishable by law, and protective orders and other services are available for victims, but such abuse often goes unreported.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**3/4**

Individuals generally enjoy equality of opportunity, and the legal framework provides safeguards against exploitative working conditions. However, long workdays are common in practice and have been criticized as harmful to workers' health.

Many workers are temporary or contract employees with substantially lower wages, fewer benefits, and less job security than regular employees.

Commercial sexual exploitation also remains a problem. Traffickers frequently bring foreign women into the country for forced sex work by arranging fraudulent marriages with Japanese men.





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Global Freedom Score

**96/100** Free

Internet Freedom Score

**75/100** Free

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