

## Japan

**Country:**

[Japan](#)

**Year:**

2016

**Freedom Status:**

Free

**Political Rights:**

1

**Civil Liberties:**

1

**Aggregate Score:**

96

**Freedom Rating:**

1.0

**Overview:**

In September 2015, Prime Minister Shinzō Abe’s governing Liberal Democratic Party (LDP) passed security legislation that permits the country’s self-defense forces to aid allies that come under attack. The legislation, to take effect in 2016, ushered in a fundamental reinterpretation of Japan’s constitution, which previously had been viewed as permitting the use of force only in cases of self-defense. The measure prompted significant opposition in the parliament and inspired mass protests. The parliamentary and public confrontation over the legislation unleashed an unexpected vibrancy in Japanese politics and civil society.

In December, Japan and South Korea agreed to resolve a highly sensitive dispute over “comfort women”: the Korean and other women made to work in Japanese brothels during World War II. Japan apologized and pledged \$8.3 million to pay for the care of surviving victims.

**Political Rights and Civil Liberties:**

**Political Rights: 40 / 40 (+1) [Key]**

**A. Electoral Process: 12 / 12**

Japan is a parliamentary democracy, with representative assemblies at the municipal, prefectural, and national levels. The national assembly, or Diet, has two chambers. The more powerful lower house, or House of Representatives (HOR), is made up of 475 members, each elected to a four-year term, with half of its members up for reelection every two years. The upper house, the House of Councillors (HOC), has 242 members who serve six-year terms, half of whom are up for election every three years. The electoral systems are a mixture of single-seat constituencies and proportional representation for each house.

The HOR elects the prime minister, passes the budget and treaties, and holds the power to veto legislation passed by the HOC with a two-thirds majority. The HOR can be dissolved by the prime minister and his cabinet. Postelection, the cabinet is also dissolved, and the HOR is charged with reappointing the prime minister, who, in turn, creates a new cabinet. The HOR can also pass a no-confidence resolution forcing the resignation of the cabinet. Japan's emperor serves in a ceremonial capacity, exercising diplomatic duties.

Elections in Japan are free and fair. In 2013 elections for half of the HOC, the LDP captured control of the upper house, taking 65 of the 121 seats at stake for a new total of 135. Its coalition partner, New Kōmeitō (now Kōmeitō), won 11 seats for a total of 20. The leading opposition party, the Democratic Party of Japan (DPJ), took only 17 seats, leaving it with 59 of its previous 86 total. Five smaller parties and two independents also won seats.

Prime Minister Abe called a controversial snap election of the HOR in December 2014. The LDP lost 3 seats but retained its two-thirds majority with a total of 291 seats. Abe was reelected. The DJP won 73 seats, the newly formed Japan Innovation Party took 41 seats, LDP ally Kōmeitō won 35, the Japanese Communist Party secured 21, and the remaining seats were divided among smaller parties. Political observers largely considered the elections an effort by Abe to renew the mandate for his increasingly unpopular economic reform policies, as well as to secure the next four years of power for the LDP.

There is a notable degree of malapportionment in both houses, to the benefit of the rural districts from which the LDP draws significant support. A handful of Supreme Court rulings in recent years seem intended to encourage the Diet to address the issue, but reforms so far have been minor.

## **B. Political Pluralism and Participation: 16 / 16 (+1)**

The LDP is a broad party whose members share a commitment to economic growth and free trade, but whose other political beliefs span from the center to the far right. It has dominated Japanese politics since its creation in 1955, with the exception of two brief periods in 1993–94 and 2009–12. The second strongest party has been the centrist DPJ, which is largely defined by its opposition to the status quo and the entrenched LDP.

Several other political parties hold seats in parliament, including the Japan Innovation Party, a 2014 merger of the Japan Restoration Party and the Unity Party; Kōmeitō or the Clean Government Party, which began as the political extension of a lay Buddhist movement and has been in coalition with the LDP since 1999; the Japanese Communist Party; the far-right Party for Future Generations, formed in 2014; the Social Democratic Party of Japan; and the environmental grassroots People's Life Party & Tarō Yamamoto and Friends.

People's political choices are free from domination by political interest or other groups. There are no legal barriers preventing ethnic and religious minorities from freely participating in the political process.

## **C. Functioning of Government: 12 / 12**

Japanese bureaucrats have a strong degree of control over policy. Japan has a low level of corruption in government as a whole, though observers have expressed concerns about cozy relationships between some government officials and business leaders. Retiring bureaucrats often quickly secure high-paying positions with companies that receive significant government contracts.

Petty bribery is very rare. Japan was ranked 18 out of 168 countries and territories in Transparency International's 2015 Corruption Perceptions Index.

The 2013 Act on the Protection of Specially Designated Secrets allows for nonclassified information to be automatically shared with the public. An October 2015 report by the free expression advocacy group Article 19 found that Japan's access to information legislation was not always implemented effectively, with requesters encountering high fees and lengthy waits.

## **Civil Liberties: 56 / 60 (+1)**

### **D. Freedom of Expression and Belief: 15 / 16**

Japan has a free and highly competitive media landscape. Under the traditional *kisha* (reporters') club system, institutions such as government ministries and corporate organizations restricted the release of news to those journalists and media outlets with membership in their club, thus diluting coverage. In recent years, online media and weekly news magazines have begun challenging the daily papers' dominance of political reporting to reveal inside information.

Several incidents in 2015 were indicative of increased pressure on Japanese media by the LDP. In April, an LDP communications panel summoned executives from the public broadcaster and the private network TV Asahi over news it deemed unfounded; commentators said the move exceeded the administration's responsibility under the Broadcast Act to maintain impartiality in the news. In June and July, several LDP lawmakers as well as a popular novelist associated with Abe remarked that media outlets critical of the LDP should lose advertising contracts or be closed. Abe disavowed the comments, and the LDP issued a series of reprimands and one suspension in connection with them. Separately, in June, Britain's *Financial Times* reported that prominent Japanese media outlets including the state broadcaster had ignored an unusual incident in which a heckler had disrupted a speech Abe gave in Okinawa; critics viewed their silence as a reflection of Abe's influence over the country's media.

The 2013 passage of the Act on the Protection of Specially Designated Secrets enacted strict punishments for leaking classified information. Although it was highly unpopular with the media, it does not seem to have had a general chilling effect. The government does not restrict access to the internet.

Freedom of religion is mandated in Japan's constitution, and there are no substantial barriers to religious expression. Aside from the traditional religions of Buddhism and Shintoism, Japan is home to small Christian and Muslim populations. There have been reports of significant state surveillance of Japan's Muslim community; officials have tacitly acknowledged some such programs, and defended them as within legal limits.

There are no restrictions on academic freedom in Japan, but education has long been a politically contested area and the focus of public debate. Japan has no national curriculum or single official textbook, but the Ministry of Education's screening process has approved textbooks that downplay Japan's history of imperialism and war atrocities, leading to controversy at home and abroad. The educational conservatism of the LDP and the Ministry of Education often clashes with the more left-leaning teachers' union. At the university level, there is wide diversity of views among faculty and active academic debate on a broad range of issues. The government does not restrict private discussion.

### **E. Associational and Organizational Rights: 12 / 12 (+1)**

Freedom of assembly is protected under the constitution. Protests, large and small, take place often. A number of demonstrations against Abe's security legislation took place ahead of its eventual passage; the protest movement included a large contingent of young people and students, who are ordinarily viewed as being less engaged in politics. Protests against the U.S. military presence in Okinawa continue, with one May 2015 demonstration against the relocation of a U.S. military base drawing as many as 35,000 participants.

Nongovernmental organizations (NGOs) are legally recognized and protected under the 1999 Law to Promote Specified Nonprofit Activities, and they continue to thrive. Labor unions have a long history in Japan, and the movement remains active. However, as most private sector unions are small and company-specific, the labor movement has never achieved the full political weight of its nationwide membership. While labor laws are generally adhered to, there are some restrictions on the ability to strike and bargain for those employed in certain essential sectors, including health care and transportation.

## **F. Rule of Law: 15 / 16**

Japan's judiciary is independent. There are several levels of courts, and suspects generally receive fair public trials by an impartial tribunal within three months of being detained. For serious criminal cases, a judicial panel composed of professional judges and *saiban-in* (lay-judges), selected from the general public, rule on defendants. Police may detain suspects for up to 23 days without charge in order to extract confessions. Foreign analysts have questioned the high rate at which they say warrants are issued, and have claimed that people are often detained on flimsy evidence, arrested multiple times for the same alleged crime, or interrogated for lengthy periods while subjected to abuse by officers. Observers have also claimed that trials often favor the prosecution.

There are frequent reports of substandard medical care in Japanese prisons. The government in August 2015 passed legislation aimed at addressing the problem. Prisoners facing death sentences or accused of crimes that could carry the death sentence are held in solitary confinement, sometimes for years at a time.

Organized crime is regarded as fairly prominent, particularly in the construction and nightlife industries. Japan's largest and most prominent criminal organization, the Yamaguchi-gumi, fractured in 2015, raising concerns about an increase in gang-related violence. Some observers attributed the split to the effective enforcement of measures designed to disrupt protection rackets and other sources of revenue.

The constitution prohibits discrimination based on race, creed, sex, or social status. Entrenched societal discrimination prevents Japan's estimated three million *burakumin*—descendants of feudal-era outcasts—and the indigenous Ainu minority from gaining equal access to housing and employment, though such forms of discrimination are slowly waning as traditional social distinctions weaken. Japan-born descendants of colonial subjects (particularly Korean and Chinese people) continue to suffer similar disadvantages.

Antidiscrimination laws do not cover sexual orientation or gender identity, and laws on rape and prostitution do not address same-sex activity. LGBT (lesbian, gay, bisexual, and transgender) people reportedly face social stigma and in some cases harassment.

## **G. Personal Autonomy and Individual Rights: 14 / 16**

Japanese citizens enjoy broad personal autonomy in their choices of residence, profession, and education. Property rights are generally respected. People are free to establish private businesses, but can face financial and other obstacles in Japan's heavily regulated economy. The government reserves the right to screen foreign investment in certain economic sectors, including telecommunications and agriculture.

Although women enjoy legal equality, discrimination in employment and sexual harassment on the job are common. Violence against women often goes unreported due to concerns about family reputation and other social mores. Traffickers frequently bring foreign women into the country for forced sex work in brothels and clubs by arranging fraudulent marriages with Japanese men.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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