

Japan - Human Rights Scorecard ¹

Japan is an archipelago nation situated in the North Pacific Ocean, comprised of 6,852 islands.² The country was a feudal shōgunate until the end of the 19th century, whereupon it expanded into a multinational empire. The modern Japanese government was established in 1947 after the empire was defeated in World War II. Throughout the past century, Japan has been one of the world's fastest-growing economies, with one of the most educated populations in the world. Japan's rigorous work culture has created a demographic problem which is resulting in an increasingly older and smaller population.

Official language: Japanese

Ethnic groups: 98.5% Japanese; 0.5% Korean, 1% Other

Government: Unitary parliamentary constitutional monarchy

- Emperor: Akihito
- Crown Prince: Naruhito
- Prime Minister: Shinzō Abe

Population: 126,672,000

Life expectancy: 83.7 years

Under-5 mortality: 6 per 1000

Adult literacy: 99%

Death penalty: Retained



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ³



0.903 – Very High Human Development ⁴

According to the UNDP, Japan enjoyed a gross national income per capita of \$37,268. Japanese students could expect to have on average 12.5 years of schooling. Compared to other countries with comparable gross national income per capita, this is a high HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁵

There were no reports of arbitrary or unlawful killings by the government.

Freedom from disappearance



Respected ⁶

There are no reports of disappearances on behalf of the government in Japan.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Respected ⁷

Japanese law prohibits torture and cruel punishments, and there were no reports of government officials or law enforcement employing them.

Freedom from arbitrary arrest or detention



Respected⁸

This is largely respected, though allegations of racial profiling by police officers have been reported in the past.

Freedom from denial of fair public trial



Respected⁹

Japanese law provides for a fair and public trial by independent judiciary, and this right is respected.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected¹⁰

There were no reports of such actions in 2017.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹¹



Score: 28.64, Rank: 67 / 180 – Partially free, diverse, and independent¹²

The Japanese government generally respects media pluralism, but journalists critical of the government and big business face criticism because of the influence of tradition and capitalistic interests. Journalists who report on problems in Japan, even natural disasters, are seen as unpatriotic.

Freedom from academic censorship



Partially respected¹³

The Ministry of Education has faced criticism for its framing of 20th century Japanese colonialism and war crimes in Japanese textbooks and curriculum.

Freedom of peaceful assembly and association



Respected¹⁴

The government generally respects the right to assembly and association.

Freedom of religion



Respected¹⁵

The Japanese government guarantees freedom of religion. Religious rights are generally respected, including those of foreign migrants and workers, who are largely non-Buddhist and non-Shinto.

Freedom of movement



Respected¹⁶

Japan respects freedom of movement for its citizens and cooperates with the UNHCR to provide protection for asylum seekers.

Protection of refugees and stateless persons



Partially respected¹⁷

Internally displaced persons affected by the 2011 earthquake, tsunami, and nuclear disaster continue to be provided adequate shelter and services. Japanese law provides for the granting of refugee status, though in practice refugee status is granted exceedingly rarely.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{18 19}



1 / 7 – Free²⁰

Civil rights are generally well-respected in Japan.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²¹



1 / 7 – Free²²

Political rights are generally well-respected in Japan. Japan has healthy electoral participation and pluralism.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²³



Score: 73%, Rank: 20 / 180 – Limited corruption²⁴

The law prohibits corrupt practices, but some corruption does occur amongst powerful Japanese politicians. Some examples include accepting bribes and influencing government decisions.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁵

Human rights groups operate in Japan without government restriction, and the government is usually cooperative and responsive to their views.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁶



No threat listed – Limited dangers to minorities²⁷

According to Minorities Rights Group International, Japan does not have any minorities which face an immediate threat of violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁸



Score: 65.8%, Rank: 104 / 142 – Very unequal rights²⁹

Women in Japan face high rates of domestic abuse and sexual harassment. The justice system is not adequately trained to deal with these crimes. Women face discrimination in the labour market, and there is a very low representation of women in high-level elected bodies.

Rights of Children (*KidsRights Index Overall Score*)³⁰



Score: 83.5%, Rank: 30 / 165 – Protected³¹

Children's rights are generally protected, though the production of child pornography in Japan remains an issue.

Rights of persons with disabilities



Partially respected³²

Although there are strong legal protections and employment quotas for persons with disabilities, there is still a huge stigma against people with mental illnesses and people with disabilities are at risk of abuse.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partially respected³³

Societal discrimination against ethnic minorities such as Koreans and Buraku, including those who were born and raised in Japan, persists. Ethnic minorities describe instances of being denied services and access to housing and education.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Partially respected^{34 35}

Same-sex activity is not illegal in Japan, and transgender persons are permitted to change their legal gender. However, stigma against LGBTQ+ people remains an impediment to self-reporting abuse. Harassment and violence against LGBTQ+ people can occur.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³⁶

Unionizing and collective bargaining remains greatly protected in the private sector and has been an effective tool for workers. The law prohibits antiunion discrimination and the government effectively enforces laws providing for freedom of association.

Freedom from forced or compulsory labour



Partially respected³⁷

Japan has effectively enforced prohibitions on forced labour, though there were some reports of violations mainly involving migrant and foreign workers in the manufacturing and construction sectors.

Freedom from forced labour for children, and a minimum age of employment



Respected³⁸

Minimum age of employment in Japan is 15 for non-dangerous jobs. The government effectively enforced laws and penalties surrounding child labour practices.

Right to acceptable conditions of work



Largely disrespected³⁹

There were frequent reports of abuses in conditions for foreign workers, particularly in the construction sector. "Death from overwork" is also a commonly cited issue, with employees allowed to book hundreds of hours of overtime leading to severe health problems.

Right to employment



4.1% - Reasonable unemployment⁴⁰

The unemployment rate in Japan has dropped somewhat over the last three years, and is projected to stagnate. With an increasingly young population, jobs remain plentiful.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed May 15, 2015. <https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

⁴ "Table 1: Human Development Index and its components, Japan" UNDP, based on 2014 or the most recent year available. Accessed Jan. 8, 2017.

<http://hdr.undp.org/en/composite/HDI>.

⁵ "Country Reports on Human Rights Practices for 2013 Japan." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁶ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ Ibid. U.S Department of State.

¹¹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹² "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed November 23, 2014.

<http://rsf.org/index2014/en-index2014.php>.

¹³ "Country Reports on Human Rights Practices for 2013 Japan." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁴ "Japan." World Report 2014: Japan. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Japan>.

¹⁵ "Japan." International Religious Freedom Report for 2013. January 1, 2013. Accessed November 25, 2014.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁶ "Japan." World Report 2014: Japan. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Japan>.

¹⁷ "Japan." World Report 2014: Japan. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Japan>.

¹⁸ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁹ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²⁰ "Japan." Freedom in the World 2014: Japan. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Japan-0#.VIIIHzGG9e8>.

²¹ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²² "Japan." Freedom in the World 2014: Japan. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Japan-0#.VIIIHzGG9e8>.

²³ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²⁴ "Japan." Corruption by Country. January 1, 2014. Accessed November 25, 2014. <http://www.transparency.org/country#BHR>.

²⁵ "Country Reports on Human Rights Practices for 2013 Japan." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁶ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.

²⁷ "Japan." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.

²⁸ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁹ "Japan." World Economic Forum. January 1, 2014. Accessed November 25, 2014. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.

³⁰ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³¹ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed November 25, 2014. <http://www.kidsrightsindex.org/>

³² "Country Reports on Human Rights Practices for 2013 Japan." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³³ Ibid. U.S Department of State.

³⁴ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed November 25, 2014. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁵ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁶ "Country Reports on Human Rights Practices for 2013 Japan." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State.

³⁹ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

⁴⁰ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed December 7, 2014. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.