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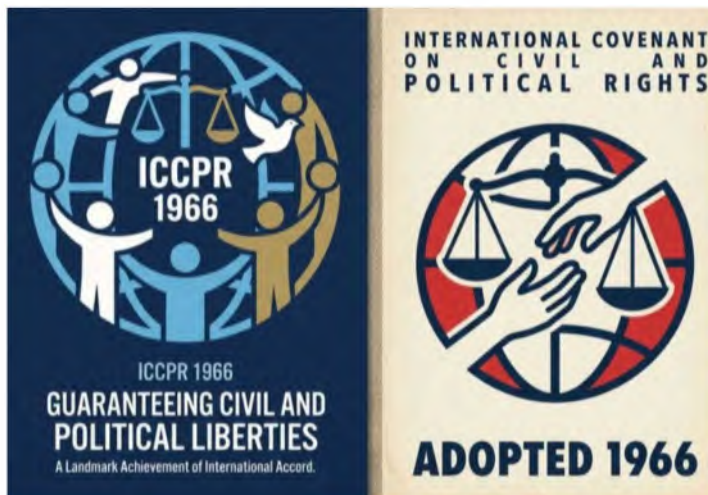
The Tokyo High Court Unification Church Decision. 5. Violating International Law

by Massimo Introvigne | Mar 31, 2026 | [Op-eds Global](#)

Restricting freedom of religion or belief on the grounds of “social acceptability” and “public welfare” is prohibited by the International Covenant on Civil and Political Rights.

by Massimo Introvigne

Article 5 of 6. Read [article 1](#), [article 2](#), [article 3](#) and [article 4](#).



Posters celebrating the adoption of the ICCPR by the UN General Assembly in 1966. It entered into force ten years later, in 1976.

In 1978, Japan signed the United Nations International Covenant on Civil and Political Rights (ICCPR) and ratified it in 1979.

There are several ICCPR issues in the Tokyo High Court decision upholding the dissolution of the Unification Church as a religious corporation. Some concern the right to a fair trial and to public hearings. Under Article 14.1 of the ICCPR, serious reasons should justify the decision to conduct the proceedings without public hearings. The High Court defends its decision not to hold public hearings on constitutional grounds. Academic experts disagree, and doubts remain. The right to a fair trial was also violated by the Ministry's introduction of statements that the Unification Church attorneys believe are false. The High Court offers a rather weak answer to this objection, focusing on a case where an alleged victim's attorney reported that his client had felt “threatened” by the Church into donating. In an audio recording submitted by the Church, the alleged victim stated that the “threat” was a fabrication by the attorney. The High Court answered that in the recording, the supposed victim was having a conversation with “active believers” of the Unification Church. He “may have said something to them that differed from what the claimant had told the attorney.” Even in this case, why only what he supposedly told the attorney should be accepted as true is not explained.

The main violation of the ICCPR concerns Article 18 on freedom of religion or belief, which Japanese authorities and courts are accused of violating.

The UN Human Rights Committee, the body charged with interpreting the ICCPR on behalf of the United Nations, has repeatedly examined Japan's constitutional and statutory limitations on freedom of religion. The ICCPR lists specific grounds for restricting freedom of religion or belief, and this list is definitive rather than merely suggestive. “Public welfare” is not included.

Article 12 of the Japanese Constitution states that human rights, including freedom of religion or belief, are protected insofar as they are used “for public welfare.” Article 81 of the 1951 Religious Corporation Act provides that courts can order the dissolution of a religious corporation when “in violation of laws and regulations, the religious corporation commits an act which is clearly found to harm public welfare substantially.”

As noted by attorney Patricia Duval in her in-depth study of the issue, from its very first report to the Committee in 1980, the Japanese government has defended the Constitution's “public welfare” limitation on rights with a simple assurance: the notion is interpreted narrowly and is not used to impose unreasonable restrictions.

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For more than four decades, the Committee has rejected that explanation. In every review cycle, it has warned that the “public welfare” clause is too vague and too broad, and that it risks allowing limitations on freedoms that go beyond what the Covenant permits. The Committee has repeatedly reminded Japan that any restriction on freedom of thought, conscience, religion, or expression must meet the strict tests set out in articles 18(3) and 19(3) of the ICCPR. This concern appears consistently in its concluding observations, including those issued in 2008, 2014, and most recently in 2022.

[Patricia Duval concludes](#) that Japanese authorities have long been aware—for more than 45 years—that their domestic legal framework does not fully align with the Covenant’s standards. Despite this, they have not undertaken the reforms needed to bring national law into conformity with the obligations they accepted at the international level.

After the first-instance decision against the Unification Church was rendered, in 2025, the United Nations, through [four of its Special Rapporteurs](#), warned Japan that “The civil tort rulings on which the dissolution decision was based rely on the violations of ‘social appropriateness’ which were deemed to constitute a serious harm to ‘public welfare.’ As previously noted by the Human Rights Committee, the concept of ‘public welfare’ is vague and open-ended and may permit restrictions exceeding those permissible under the ICCPR... Any restrictions on the exercise of Article 18 rights must comply strictly with the limitations set out in Article 18.3 of the ICCPR, as interpreted by the UN Human Rights Committee.”



The four UN Special Rapporteurs who signed the 2025 statement criticizing the dissolution: from the left, above, Nazila Ghanea (freedom of religion or belief), and Nicolas Levrat (minority issues), below, Farida Shaheed (right to education), and Gina Romero (rights of children).

The High Court decision repeats more than twenty times that the activities of the Unification Church “exceeded the bounds deemed socially acceptable” in Japanese society and should therefore be considered as harming “public welfare.”

The court is aware of the objection that “social acceptability” and “public welfare” are outside the list of permitted grounds for restricting religious liberty under Article 18.3 ICCPR.

Its answer rests on two arguments. The first is that “social acceptability” is just a criterion among others used to determine whether an act falls outside the sphere of “public welfare.” As for “public welfare” in itself, the court argues that it is implicitly, although not explicitly, included in the list of Article 18.3.

The High Court writes that “conduct that constitutes a tort under Article 709 of the Civil Code and is clearly recognized as significantly harming the public welfare may be understood as conduct that infringes ‘public safety, public order, public health or morals, or the fundamental rights and freedoms of others,’ as referred to in Article 18(3) of the ICCPR.”

However, the High Court of Tokyo is not the proper authority to decide whether Japanese law violates international law. This assessment should come from a supra-national authority, namely the UN Human Rights Committee in the case of the ICCPR. The Committee has already expressed itself more than once. It has told Japan that the interpretation the High Court relies on is wrong. “Public welfare” is not part of the list of permitted restrictions of religious liberty of Article 18.3. It is an abusive addition to it and should be eliminated from Japanese law.

The second argument of the High Court is that the dissolution of a religious corporation is not a limitation of religious liberty. Therefore, it falls outside of the scope of the ICCPR. As a rationale for this strange claim, the High Court offers that “a dissolution order merely deprives a religious corporation of its legal personality and carries no legal effect whatsoever, prohibiting or restricting the religious activities of believers.”

I will address the factual truth of this statement in the next article of this series. Here, I focus on the violation of the ICCPR and the High Court's obvious misconstruction of the meaning of "freedom of religion" in the Covenant. It is a common argument used by totalitarian states such as China (which has signed the ICCPR, although it has not ratified it—but it applies to Hong Kong and Macau) that restricting the public activity of certain religious organizations does not violate freedom of religion or belief since believers remain free to believe privately. This is not what the ICCPR is all about. Article 18.1 protects "freedom, either individually or in community with others and in public or private, to manifest... religion or belief in worship, observance, practice and teaching"

"In community" means that corporate religious liberty of churches and organizations is protected, not only individual freedom of belief. To guarantee such corporate liberty, states should make sure that the preconditions for public worship, practice, and missionary activity are not restricted. In Japan, when a religious corporation is dissolved, its assets, including places of worship and bank accounts, are transferred to a liquidator. Believers are thus deprived of the material preconditions to enjoy the freedom of religion of Article 18.1. I will explore this issue further in the next and final article of this series.

[Japan, Religious Liberty, Unification Church](#)



Massimo Introvigne

Massimo Introvigne (born June 14, 1955 in Rome) is an Italian sociologist of religions. He is the founder and managing director of the Center for Studies on New Religions ([CESNUR](#)), an international network of scholars who study new religious movements. Introvigne is the

author of some 70 books and more than 100 articles in the field of sociology of religion. He was the main author of the [Enciclopedia delle religioni in Italia](#) (Encyclopedia of Religions in Italy). He is a member of the editorial board for the [Interdisciplinary Journal of Research on Religion](#) and of the executive board of University of California Press' [Nova Religio](#). From January 5 to December 31, 2011, he has served as the "Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other religions" of the [Organization for Security and Co-operation in Europe](#) (OSCE). From 2012 to 2015 he served as chairperson of the Observatory of Religious Liberty, instituted by the Italian Ministry of Foreign Affairs in order to monitor problems of religious liberty on a worldwide scale.

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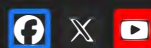
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