

FFWPU Europe and the Middle East: Japan Violates Its International Rights Commitments

Knut Holdhus
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**BITTER
WINTER**

Expert on international human rights describes how Japan for a long time has violated international human rights commitments it has signed and ratified

Patricia Duval, French attorney specialised in international human rights law, sent on 22nd September 2024, a 29-page report titled "Japan: A Witch Hunt to Eradicate the [Unification Church](#)" to several UN offices. [Bitter Winter](#), the leading international magazine on religious freedom and human rights published 3 days later, on 25th September, an [executive summary](#) of the report. The day after, the magazine started publishing a 5-part series where Duval gives a more detailed description of the content.

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Patricia Duval, French attorney and expert on international human rights law. She has defended the rights of minorities of religion or belief in domestic and international fora, and before international institutions such as the European Court of Human Rights, the Council of Europe, the Organization for Security and Co-operation in Europe, the European Union, and the United Nations. She has also published numerous scholarly articles on freedom of religion or belief



International Covenant on Civil and Political Rights

Public welfare and social acceptability

International human rights expert Patricia Duval describes how Japan continues to impose restrictions on religious freedom that conflict with the international agreements it has committed to through its ratification of United Nations covenants. The United Nations

Human Rights Committee has repeatedly reminded the Japanese government of the only permissible limitations on the expression of religion or belief, as outlined in Article 18.3 of the International Covenant on Civil and Political Rights (ICCPR). This article states that religious expression may only be restricted by law if it is necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others.



The Human Rights Committee has emphasized that "public welfare" and "social acceptability" are not valid reasons to limit religious freedom under international law. In its General Comment No. 22, which provides guidance on interpreting Article 18, the Committee makes clear

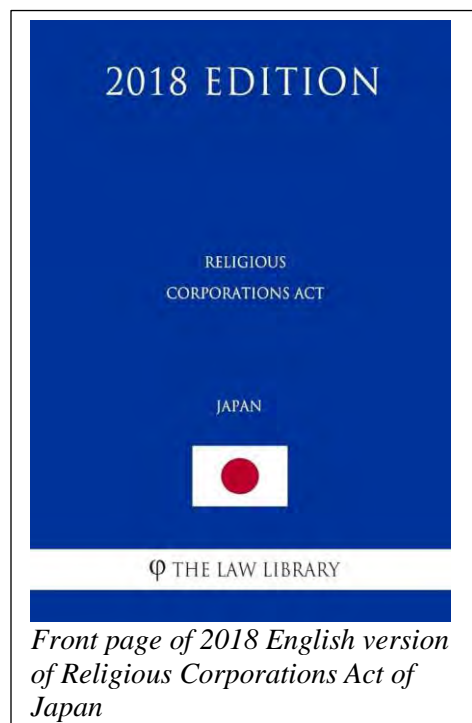
that this article protects a wide range of beliefs, including theistic, non-theistic, and atheistic views. Furthermore, the right not to follow any religion or belief is also safeguarded. The Committee stresses that Article 18 should be interpreted broadly, applying not just to traditional religions, but also to new or minority religious groups that may face hostility from the majority.

The fact that certain religious beliefs or practices might be deemed "socially unacceptable" cannot be used by Japan as a legitimate basis for attempting to eradicate religious movements such as the [Family Federation](#). This is highlighted by the UN's position that discrimination against any religion or belief, including those that are new or represent minority groups, is unacceptable.



Duval points out that in its bid to dissolve the [Family Federation](#), Japan's Ministry of Education (MEXT) has argued that the members in order to make individuals donate, allegedly impaired their judgment and disrupted the peaceful lives of their families. However, this argument is irrelevant under international human rights law, which does not take into account the potential disruption of family life caused by a person's conversion to a new religious movement. Such a disruption cannot be used as a justification for curtailing religious freedom.

Similarly, the concept of "public welfare", which is sometimes invoked to justify restrictions on religious expression in Japan, is not among the permissible grounds for limitation under Article 18.3 of the ICCPR. Japan, having signed and ratified the Covenant, is bound by these limitations. The use of public welfare as a reason to restrict religious freedom is, therefore, inconsistent with Japan's international obligations.



In fact, Japan's Religious Corporations Act, particularly Article 81(i), which allows for the dissolution of religious organizations in cases where they are deemed to cause significant harm to public welfare, should have been repealed long ago. This recommendation has been made repeatedly by the UN to the Japanese government, but it has not yet been acted upon. Japan's continued reliance on "public welfare" as a criterion for restricting religious freedom undermines its commitment to the international human rights standards it has agreed to uphold.

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Courts Using Debunked Concepts Against Minority

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International human right expert points out how Japanese courts of law consistently use debunked concepts to deny justice for religious minority



The logo of *Bitter Winter*

Unification Church” to several UN offices. *Bitter Winter*, the leading international magazine on religious freedom and human rights published 3 days later, on 25th September, an executive summary of the report. The day after, the magazine started publishing a 5-part series where Duval gives a more detailed description of the content.

Part 2 of comments on second article of *Bitter Winter*

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Civil cases lost by religious minority as judges swallow debunked concepts exploited by activist lawyers

As Patricia Duval outlines in *"Terms from Consumer Law Used to Rob Faith"*, Japanese courts have consistently accepted arguments put forth by National Network of Lawyers Against Spiritual Sales taken from consumer law. According to such rationalizing, they disregarded the sincere faith of Family Federation members who engaged in fundraising, instead assuming that the sole objective behind it was profit-making. Despite acknowledging the deep commitment of members of the Family Federation (until 2015 called the Unification Church in Japan), the courts characterized their beliefs as merely a "pretext for deceiving new followers".

Duval writes that the Ministry of Education, Culture, Sports, Science and Technology (MEXT), in its petition to dissolve the Family Federation, asserts,

"From around 1980 to 2023, Unification Church believers caused significant damage to many people by making them donate or buy goods by restricting their free decision and preventing their normal judgment, which resulted in disrupting a peaceful life of many people including the family members of the guests [attendees of seminars or conferences]."



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Symbol of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) of Japan. Photo: [文部科学省 \(MEXT Japan\)](#) / Wikimedia Commons. License: [CC Attr 4.0 Int](#)

international fora, and before international institutions such as the European Court of Human Rights, the Council of Europe, the Organization for Security and Co-operation in Europe, the European Union, and the United Nations. She has also published numerous scholarly articles on freedom of religion or belief. Photo: [FOREF](#)

The primary basis for this accusation is that the Unification Church lost 32 civil cases and was ordered to pay damages. As a result, MEXT concludes that the church broke the law and engaged in actions that may plainly be "found to harm public welfare substantially," as per Article 81(i) of the Religious Corporations Act.

International human rights expert Patricia Duval points out that this interpretation faces several issues. First, this provision of the Religious Corporations Act contradicts United Nations recommendations, as it does not qualify as an acceptable restriction under Article 18.3 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, MEXT's reliance on the 32 civil cases is according to Duval problematic due to several reasons:

1. Faith-breaking



Faithful believer offering donation. Illustration by Microsoft Designer Image Creator, 14th July 2024.

(deprogramming): In many rulings, the courts referred to the "victims" as having been "rescued" or "protected," which is essentially another way of describing faith-breaking (deprogramming). This suggests that individuals were coerced into renouncing their faith and encouraged to file lawsuits against the Unification Church. Since their original donations were made when they still held strong beliefs, the cases may have been constructed against the church, with coercion being necessary for devoted members to abandon their convictions. It is notable

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that in the 32 civil cases, **121 plaintiffs had their faith coercively broken**, according to court findings.

2. **Mental Manipulation Theory:** The courts relied on the **debunked theory of mental manipulation** to dismiss evidence presented by defense attorneys, who claimed that the former believers had willingly made their donations.
3. **Old Cases:** The **incidents in question occurred 20 to 40 years ago**, but the courts used the same theory to **reject the defense's argument that the cases were time-barred under the statute of limitations for civil cases**. The courts ruled that the "victims" were not aware they had been wronged until they encountered the network of activist hostile lawyers, as **while being members they were allegedly under "undue influence"** from the [Unification Church](#). This application of the law is **discriminatory**.
4. **Arbitrary Standards:** The courts **presumed wrongdoing if they deemed the donations excessive compared to what is "socially acceptable"**. This is an **arbitrary and unclear standard** used to declare the solicitation of donations unlawful.
5. **Condemnation of Doctrine:** The courts also condemned the use of religious teachings related to beliefs in the spirit world, karma, hell, and salvation to encourage donations, even though **such teachings are fundamental to religion generally** and the very right to found and keep religious institutions in existence.

The 32 civil cases cited by MEXT and the issue of illegality

The 32 civil cases referenced by Japan's *Ministry of Education, Culture, Sports, Science and Technology* (MEXT) in their argument for dissolving the [Family Federation](#) rely on a shared legal theory of illegality.

According to Patricia Duval, this theory states:

"When believers of a particular religious organization engage in the sale of goods, which is essentially a solicitation of donations, as part of their religious activities, such actions are not considered illegal as long as the methods, manner, and amounts are reasonable by social standards. However, if these actions are carried out under the name of religious activities with the sole purpose of gaining profit, increasing the anxiety or confusion of those solicited, and making them to spend excessively large amounts of money relative to their social status and assets, thereby significantly exceeding the socially acceptable scope, such actions must be deemed illegal."

The concept of "social acceptability", an ambiguous and often discriminatory standard, is employed by the Japanese courts to limit the [Unification Church's](#) right to proselytize, turning its missionary efforts into wrongful conduct. One notable example is the ruling of the *Tokyo High Court* on 13th May 2003, which MEXT cites among the 32 cases supporting its dissolution request. The court found that the plaintiffs were gradually introduced to the doctrines of the [Unification Church](#), particularly the [Divine Principle](#), through a series of seminars and workshops. These teachings slowly influenced their thinking, and as part of practicing the faith, the plaintiffs became involved in specific missionary and economic activities.



Japan: Activist leftwing lawyers aim to make evangelical outreach into "wrongful conduct". Here, a friendly-looking elderly couple handing out leaflets. Image generated by Microsoft Designer Image Creator 11th July 2024.

When doubts arose among the plaintiffs regarding the recruitment process or their involvement in these activities, they were made to believe that abandoning their faith would result in the loss of salvation for both themselves and their families. This belief created a psychological barrier that made it difficult for them to leave the [Unification Church](#) (as stated in the *Tokyo High Court* decision, which upheld the ruling of the *Niigata District Court* on 20th October 2002).

The court concluded that the mere act of spreading the [Unification Church's](#) faith was wrongful, as it allegedly infringed upon the free will of the individuals involved. The court's decision emphasized that while soliciting and proselytizing for religious purposes, as well as engaging believers in religious activities and asking for donations, are **normally protected under freedom of religion, such acts become illegal if they deviate significantly from socially accepted norms**. Even when believers outwardly appear to have joined the organization willingly and acted on their faith, such solicitation and missionary work may still be deemed wrongful if undue pressure or influence was involved.

This ruling was affirmed by the *Supreme Court* on 12th November 2004, thus setting a dangerous precedent.

Ultimately, **under the influence of the hostile leftwing network of lawyers and the media**, Japanese courts have embraced the theory of **"mental manipulation"** to condemn the members of the [Unification Church](#) for proselytizing, thus violating their right to freedom of religion or belief.

The courts hold such a strong presumption of guilt against members of the [religious organization](#) that, **even when the defense provides evidence showing that donations were made voluntarily based on faith, this evidence is dismissed under the theory of "undue influence"**. As a result, the [Unification Church](#) and its members **have been unable to present their case or achieve justice** in the courts of law in Japan.

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Featured image above: *Japanese judges pronouncing verdict.*
Illustration: *Microsoft Designer Image Creator, 6th October 2024.*

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